

ABSTRACT

Title of Dissertation: The Smoking Gun: Toward Understanding the Decision Calculus Behind Repressive Outcomes

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Why do states repress? Why are civil liberties curtailed? Explorations of these questions have departed from the assumption that security concerns motivate decisions that lead to repressive outcomes. If the state is challenged, it will repress. A state, it is assumed, must “strike a balance” between security and liberty. But what if those assumptions are flawed? If the decisions behind politically repressive outcomes are not always motivated by security challenges to the state, then we must ask a different set of questions about what can motivate state behavior and repression. This study examines the validity of these assumptions. A survey of cases of repressive episodes in the United States, using both primary and secondary sources, reveals that the decisions behind enacting repressive measures is not as straightforward as these assumptions would have it seem. A unique case, situated both contextually and historically by the preceding survey, is then explored in depth using data that is rarely available to shed a new degree of light on a decision making process. This data is overwhelming primary source information and

includes declassified material from a variety of archives, material obtained from Freedom of Information Act Requests, as well as uniquely revelatory audio evidence that has only recently been made publicly available. After reviewing the case I argue that enough evidence exists to suggest the main assumptions of the repression and civil liberties literature fails to encompass all motivating factors behind repressive outcomes and a deeper understanding of how other factors can lead to repressive outcomes is needed.

THE SMOKING GUN: TOWARD UNDERSTANDING THE DECISIONS BEHIND
REPRESSIVE OUTCOMES

by

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Preface

What is the proper balance between liberty and security? This is a ubiquitous question in political discourse, particularly during and after times of war. But what if the concept of balance that this question thrusts upon the relationship between liberty and security is flawed? Are liberty and security truly on opposite ends of a spectrum across which government behavior adjusts as a function of threat or could other factors also tip this balance?

The genesis of this study was a graduate seminar in political repression. It was during this seminar that I first began to look into something called the Cabinet Committee to Combat Terrorism, “Operation Boulder” and the repression of Arab-American activists in the early 1970s. Very little had been written about this subject except a few personal accounts of some of the activists who had been interrogated, or writings by scholars affiliated with Arab-American organizations.

The debate around trading off liberty for security, particularly as it relates to dealing with threats from terrorism is not merely a matter of history but very much a part of the post-9/11 present we live in and likely to be a feature of our future as well. The Bush Administration’s 2004 “Operation Frontline,” which the government claimed was “intended to detect, deter, and disrupt terrorist operations leading up to the Presidential Election” for example, was a broad inter-agency effort that disproportionately targeted residents of the United States from Muslim majority countries. Indeed, through a legal settlement, the government agreed to release statistically representative data on “Operation Frontline” which revealed that residents from Muslim majority countries were

1,200 more likely than others to be targets of the Operation. Despite this overt profiling, zero national security related arrests were made. More recently, the headlines have been filled with stories about the overreach of the surveillance state after the revelations brought forward by former NSA contractor Edward Snowden. In the wake of these revelations, public opinion on the question of security and liberty has shifted in the civil libertarian direction for the first time since September 11th, 2001.

The Cabinet Committee to Combat Terrorism was initiated over 40 years ago and was thought to be the Nixon Administration's response to the murder of Israeli hostages at the 1972 Olympic Games in Germany. I had many questions about this. How did the government administer this program? How, why and when did they *decide* to initiate it? What did this tell us about how the government perceived threats? What can we learn about the nexus of counter-terrorism and political repression? Interestingly, the case proves to be truly unique not only because it is likely the first such program of its kind in the era of international terrorism but also because an array of data are available that help us answer these questions to an extent we would not be able to do in other cases. A significant amount of primary source data from this time period has recently been declassified and is available in several government archives. What stands out, however, is the availability of data on private, high level discussions on national security, thanks to a concealed tape recorder, that gives us insight into ostensibly private oval office conversations between President Nixon, vital cabinet members and aides during this time period. Along with this data, I have also obtained previously unavailable data on this program through two Freedom of Information Act requests to the Department of Justice's Federal Bureau of Investigation.

All of this data allows for tremendous insight into the initiation of this program, what motivated it, how it was administered, what role different levels of government and agencies played, and how it translated into the political repression of individuals and groups.

In the following, I seek to explain how the decision to enact post-Munich counter-terror policies came to be and thus I will explore the historical context, in which the decision was made, the immediate events which preceded and caused the decision to be made, the interests that were in play and the rationale of the decision makers.

The first chapter reviews the literature on political repression/civil liberties curtailment and points out voids in the theories, assumptions and understandings of the phenomenon and introduces the case study approach in the following chapters. Chapter two is a survey of four different repressive episodes in modern U.S. history that situates the main case of this study historically and contextually. Chapter three is the first of five focused on the main case and it outlines how US policymakers perceived their interests as it relates to key foreign policy matters tied to the case. The next chapter, four, explores the challenge Congress presented to the Nixon administration before the decision to create the CCCT. Chapter five discusses terrorism, how it was understood at the time, and the degree to which the security apparatus perceived a threat from terrorist elements. Chapter six reviews how interest groups, backed by a foreign state, developed and executed pressure in Congress that would play a key role in the decision calculus. The seventh chapter then details the decision to establish the Cabinet Committee to Combat Terrorism in 1972 and how all previously mentioned factors coalesced to effect decision

making. Chapter eight discusses the measures enacted and the repressive effect they had on the Arab-American community. The ninth and final chapter analyzes the case and attempts to draw out lessons it offers for our understanding of political repression, the decision calculus and assumptions in the repression literature.

Dedication

To Deana, with love

and

To Kareem, never stop asking questions

Acknowledgments

There are many people without whom I would not be submitting this doctoral dissertation for defense today. My committee has been very supportive. Professor Shibley Telhami has been a guide throughout this process and helped me shape the product you are reading today into what it is. His insights on a wide range of topics proved helpful throughout the research and writing of this study and he was kind enough to take on the role of chair and dedicate time in this capacity. I know I will continue to seek out his advice on a range of matters beyond this manuscript and will always find his experienced perspective helpful as I move forward in my career.

Professor Christian Davenport helped plant the initial seed which grew into this dissertation in a seminar on political repression. He has graciously continued to act as a mentor and source of encouragement for my work after leaving the University of Maryland several years ago and I look forward to that continuing for many years to come. I am deeply indebted to him in particular for honing my suspicion of state activity.

I thank Professors Frances Lee and Kathleen Cunningham for their willingness to serve on my committee and providing helpful insights throughout this process. I deeply appreciate as well the willingness of Professor Sally Simpson to serve as the Dean's Representative during my defense.

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stage. The many staff members with whom I interacted at the National Archives, the Nixon Library and elsewhere who were all incredibly knowledgeable and helpful made this project easier than it could have been. I'd be remiss if I did not also thank the late President Nixon whose decision to secretly tape private conversations made this work possible.

Special thanks go to my family. My parents, my first and longest standing supporters, along with my brother as well, always encouraged me to pursue education and excellence. For this I am deeply grateful.

Most importantly, I would not be writing this today if not for my wife Deana whose incredible support made it possible for me to get this done. For many days and nights she tended to our infant son alone, despite having her own very challenging career obligations to deal with, as I tended to this baby. My son Kareem provided the occasional and much needed playful distraction. I greatly look forward to having more time to spend with them both.

To all those above and all those I could not name in this space, thank you for all the good you contributed to this work. Any errors are my responsibility alone.

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Chapter 1- Getting Started

“One explanation for state repression is that authorities use it to stay in power, but the literature contains not one systematic investigation of this proposition.”

-Christian Davenport

This chapter introduces the question that this dissertation attempts to shed light on; are the assumptions about why states repress, which are prevalent in the repression literature, flawed? I begin by reviewing the literature on repression and explain how such assumptions exist in the literature across divides in both methodology and scope. It is likely that given what we know about state behavior and a state's interests, security threats may not be the only motivators that lead to repressive outcomes. While the quantitative repression literature has been most unable to test this assumption, one study which I highlight did find error terms suggesting there was more to explaining state repressive behavior than threats from challengers. To explore the reasons behind this, that study and this study as well, follows a case study approach to trace the processes through which decisions that lead to repressive outcomes are made.

Problem Statement

The study of repression (i.e., human rights or civil liberties violations) has been focused on what causes repressive outcomes by attempting to understand what accounts for variation. While this approach is important, it has largely been based on limited assumptions about the decision calculus behind repression. Most of the literature assumes the state is both a unitary actor and reacting to a threat when it chooses to enact repressive behavior. Little or no work has been done to investigate *the precise decision making process* behind state repression and work in this area will either reinforce or, more likely, challenge the assumptions which much of the literature has been based on. The problem is the processes through which these decisions are made are still unclear. Two main assumptions in the theory from which these hypotheses are derived warrant further investigation. The first is the assumption that the modern state, a complex entity made of various authorities, is a unitary actor capable of making decisions weighing costs vs. benefits in a way similar to an individual. The second is that the costs of the decision to repress are based entirely on the direct repercussions of the repressive action and the benefits are based on the potential pacifying affect of repression on dissent. In other words, repression is a function of threats to the state's security.

A recent paper appropriately characterizes the aforementioned problem in literature: "The theoretical literature on government repression has mostly taken a choice theoretic perspective wherein either the protest group optimally chooses a protest tactic in response to government behavior or the government optimally chooses a repression strategy"¹

The literature

The literature on repression forms a vast subfield of comparative politics. The major focus of this literature has been on the dynamics of the relationship between repression and dissent² and the relationship between regime type and repressive behavior.³ Underlying both areas of research is a straightforward theoretical explanation for why repression happens: When faced with a behavioral threat, real or imagined⁴ the state employs some form of repressive action. But the decision calculus has been limited.

Early literature dealt mostly with repression in autocratic regimes⁵ but the empirical reality of repressive action varying over time and space in different regime types fueled research within diverse political contexts. The assumption of earlier literature was that more democratic regimes had various avenues for the expression of dissent, which would in turn; mitigate threats to the state posed by challengers. Various studies testing the relationship between democracy and repression yielded conflicting results. While many of the earlier studies of this relationship found that democracy had a significant and negative relationship with repression⁶ later studies revealed interesting results indicating that repression is largely unaffected by democracy until democracy, as measured, crosses a fairly high threshold⁷.

The next and logical extension of this literature was the investigation of the relationship of disaggregated components of democracy and repression. The hypotheses are derived from a rational choice like theory about decision-making. If the costs of repressive actions outweigh the benefits, the state is less likely to repress. Elements of

democratic regimes thought to effect repressive behavior include elections and executive constraints⁸. The operationalization and testing of these variables as they relate to repression in the most recent literature concludes that executive constraints have a more significant negative effect on repression than participatory elections.⁹ Interestingly, one study of note finds an opposite effect when specifically looking at the use of torture¹⁰.

Knowing what we know about the complex nature of states and the frequency of overlapping interests in developed political systems, it is likely that both of these theoretical assumptions are flawed. For example, states have interests which transcend the domestic realm and involve other states. While a great deal of attention has been paid to linkages between domestic and international issues as it relates to state behavior in the international arena¹¹, little focus has been placed on how this issue-linkage dynamic could affect domestic state behavior vis-à-vis repression. Interests on the international level can be tied to or effect interests and decisions at the state level. Perhaps the availability of certain types of data has allowed the hypotheses which rely on these theoretical assumptions to dominate the literature. Using data coded from human rights reports, often written by organizations like Amnesty International or federal agencies like the US State Department, researchers have assembled a number of cross-national time-series data sets that code levels of repression for each nation-state on an annual basis¹². These data sets are then analyzed for correlation with a variety of other measures that operationalize such complex notions like democracy,¹³ treaties,¹⁴ trade relations,¹⁵ foreign aid¹⁶, international conflict and so on. Using these models, scholars have been able to cast a wide net and analyze general relationships between big concepts, but an

understanding of the processes through which state repressive behavior is initiated or how the decision calculus behind repression is linked to larger international issues is lacking.

The assumptions made in a literature heavy in cross-national time-series analysis remain impossible to challenge in any rigorous empirical fashion without *a start-to-finish process tracing* of a decision to enact repressive measures or without examining the interests which weighed into that decision making process. In moving away from the broader approach to analysis that is inherent in large-N studies in comparative politics, studying repressive behavior in depth at the campaign level allows for a much better understanding of the mechanisms that create repressive outcomes.

The qualitative work on repression has also been rich but largely assumes the same choice theoretic approach. Robert Goldstein's exhaustive study of repression¹⁷ in the United States contains this assumption within the very definition he uses when he writes that the state uses repression to target those who are "viewed as presenting a fundamental challenge to existing power relationships or key governmental policies". Similarly, Alan Wolfe, who also looks at repression in the United States, views repression as motivated by the perception or reality of a threat to state authority by "organizations and ideologies that threaten their power."¹⁸

More recent qualitative literature has advanced in methodology but the core assumption in question remains static in the theory. Vincent Boudreau's comparative study of repression in Southeast Asia anticipates that "state survival...drives repression" and that repression is "a response to specific social challenges to specific authorities"¹⁹. Mohammed Hafez's work on the dynamic relationship between repression and rebellion in the 'Islamic World' differentiates between 'preemptive' and 'reactive' repression.

Hafez still assumes both are initiated by the state because of a threat to the regime with the difference being that the threat is imagined or perceived in the case of the former while the threat was actually experienced in the case of the latter²⁰. For Jillian Schwedler, who tests the inclusion-moderation hypothesis in Jordan and Yemen, liberalization is a method of political control which can have democratic and repressive outcomes that allow the regime to better monitor and control the activities of opposition groups. Ultimately, however, the decision to liberalize, as the decision to repress, is still motivated by “some real or perceived challenge” to the power of the regime²¹. All of these undertakings make important contributions to our understanding of repression but they also maintain the longstanding assumption about the decision calculus in the vast majority of the repression literature.

Further, a small group of scholars have begun to move toward studies of deeper scope by focusing on single countries²². This more recent approach to the field, which is a return to the earliest attempts in the literature, is an important step toward refining theoretical assumptions and aids the effort to generate new testable hypotheses. Still, perhaps studies that focus on repression at the campaign level will be the deepest in scope and offer the most potential for an accurate tracing of causal mechanisms.

There is also a significant amount of literature specifically focused on repressive episodes in U.S. history. Political repression in the United States is as old as the United States itself. In the formative years of the republic, before the Supreme Court’s powers of judicial review had been established in *Marbury v. Madison*, the Alien and Sedition acts were passed by Congress in 1798. These acts were opposed by the anti-Federalist advocate for the Bill of Rights, Thomas Jefferson as well as James Madison. Together

Madison and Jefferson secretly wrote what became known as the Virginia and Kentucky resolutions, political statements made by each state's legislature, holding the Alien and Sedition acts unconstitutional. The resolutions argued for states' rights and this argument would tragically culminate in a civil war almost a century later which would leave over 600,000 Americans dead. It was not until after this argument was settled, in the wake of the American civil war that three new constitutional amendments would be passed and in particular the 14th amendment which guaranteed due process and equal protection. It is at this point, in 1870, where many chose to begin their studies of political repression and civil liberties in modern America.

Some works have focused on extended time periods²³. Others have focused on specific time periods like during World War I²⁴, the Great Red Scare of 1919-20²⁵, The Great Depression era²⁶, the Second World War²⁷, the McCarthy era of 1946-1959²⁸ and so on.

A recent review covering the state of the field of repression concludes by identifying topics for future research:

The first topic that requires more detailed attention is why repression takes place. A standard cost-benefit analysis motivates much of the work in this area, but very little attention has been given to the appropriateness of this framework. For example, what are the "benefits" of repression? Why do authorities believe that repressive action will lead them to their objectives, and does repression actually produce intended benefits? The answers are not clear. One explanation for state repression is that authorities use it to stay in power, but the literature contains not one systematic investigation

of this proposition. Similarly, although authorities are supposed to use repression in order to extract resources and protect specific exploitative as well as profitable relationships, neither of these motives has been examined rigorously. Other components of the theoretical model require similar treatment. For example, it is often claimed that governments use repressive action as long as there are limited costs involved. But what is a cost that is unacceptable to a political leader predisposed to repressive behavior? The degree of wealth generated by society is frequently viewed as a cost because repression drains available resources, but this presumes an understanding of how expensive state coercion is, as well as an understanding of how much individuals and organizations will be willing to sacrifice to the government. Neither of these has been assessed in any rigorous manner²⁹.

Stop, hey, what's that sound?

One important study that critiques some assumptions of the large-N scholarship suggests that there is a great need to look at cases precisely because data used by scholars studying repression maybe capturing more than what is expected³⁰. Overwhelmingly, large-N repression studies use quantitative data created through the coding of repressive events reported via human rights organizations or news articles. Duvall and Shamir create models of repressive disposition which they then use to project expected repression scores given the number of challenges to the regime and test for correlation with the

observed repression scores. What they find is that in a number of cases there are significant error terms suggesting that there is more than meets the eye. The error terms should not be ignored, as they often are, because, as the 1970s protest-era song states “there’s something happening here”. Duvall and Shamir proceed by analyzing cases to explain what accounts for the error terms and show that deeper analysis reveals explanations for various points of divergence in the different states and different moments in time.

Most of the literature on repression has conceived of state repressive behavior using a straightforward model. The model below is an estimation of these conceptions:

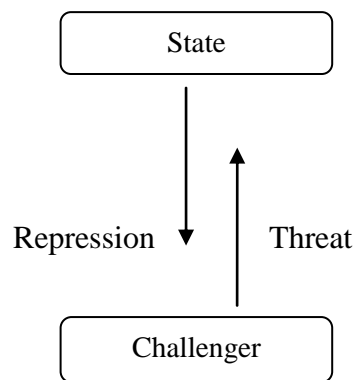


Figure 1. Basic Repression/Threat Model

Similarly a common notion advanced in the literature on civil liberties in America is that there is a balance that must be struck between national security and civil liberties. Debates often rage over where this balance should be. To an extent, this debate is framed in American discourse by the very Constitution itself which, in Article 1, Section 9 states “The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” This sets up a spectrum where ultimate security and ultimate liberty are on opposite ends. Where the balance on the

spectrum is at any given time is based on the *extent of the threat to security*. The greater the threat to security, the further away from liberty the balance must be and vice-versa.

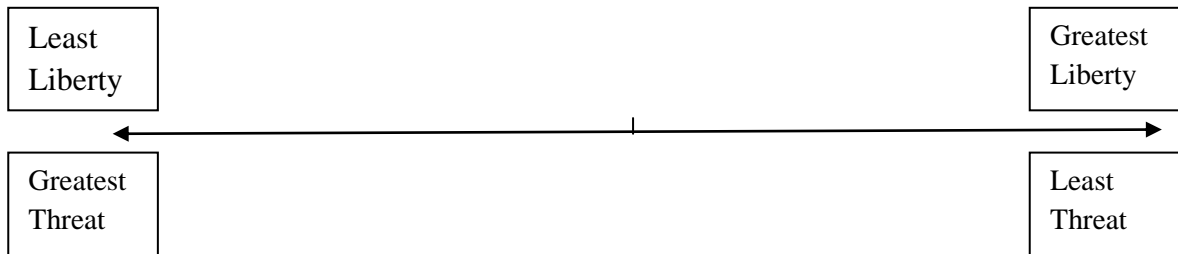


Figure 2. Basic Liberty Security Model

The underlying assumption in both the repression literature and in the discourse on civil liberties is that threats to state security are the prime, if not only, motivators of state behavior as it relates to limiting liberties. The validity of this assumption remains largely unquestioned and untested.

Aims and Arguments

It is important to be clear about what this work is not, as well as what it actually aims to do. This work is not an attempt to put forward a grand theory of repression or a broadly generalizable explanation for why repression occurs. Likewise, while adopting an in-depth case study approach, this work is not a criticism of quantitative methodology in general but rather seeks to enhance our understanding of the usefulness of assumptions the quantitative approach cannot challenge due to the scope at which it engages data.

In the following pages I investigate whether common assumptions in the literature about the decision calculus behind repressive outcomes are sound or flawed. Through

surveying several cases of some of the most well know repressive moments in 20th century American history I will demonstrate that the decision calculus behind repressive outcomes is often far more complex than has been assumed. Then I will explore one particular case in great detail, closely tracing the interests that weighed into a decision that led to repressive outcomes and exactly how that decision was made. After presenting this case in great detail, I argue that enough evidence exists to suggest that 1) It is analytically useful and often necessary to separate repressive *intents* from repressive *outcomes* to fully understand the process through which decisions result in repressive behavior 2) that threats from challenger groups are not the sole motivators of repressive behavior and that in fact motivating factors can come from elsewhere both inside *and* outside of the domestic political system wherein repressive outcomes result and 3) that only through thick description and careful, detailed analysis of decision making can this be fully understood.

Cases for Analysis

Surveying Repressive Episodes in US History

The following chapter will survey several episodes of political repression/civil liberties curtailment in the United States including the repression of anti-War activists during World War One, the internment of Japanese during World War Two, the repression of communists and others during the second red scare and the repressive activities of the FBI during the COINTELPRO era. This survey serves two purposes; the

first is to provide insight into the reasons why these repressive campaigns took place and the second is to situate the main case of this study contextually and historically.

The Main Case

In the fall of 1972, President Richard Nixon established the Cabinet Committee to Combat Terrorism (CCCT) and immediately thereafter Arab-American activists throughout the United States began to be investigated by federal law enforcement, questioned, harassed, arrested and/or deported. Due to the scale and scope of targeting the community quickly understood a government initiated operation that placed undue scrutiny upon them was underway.

Why this case?

It will be shown in the following chapter that the decision making process behind repressive campaigns is complex. Despite the availability of a great deal of information on the decision making process, particularly for historical episodes which have far more declassified information available, questions may remain about motivations that are not captured by the available historical data. In many cases, memos between and by decision makers offer an important view into the decision making process. In addition to primary resources such as these, we can supplement our understanding of the motivations of the actors by looking at their public statements as well as their published or unpublished memoirs and correspondence. Beyond that, however, rarely can we glean greater insight into the decision making process. There is often great documentation of decision making at the highest levels of government where such decisions are made, but there may also be

some information omitted from the written record and available only in private conversation. Such conversations, which may shed additional light on to motivations, are rarely, if ever available. Usually, those pursuing historical research are left with the same sentiments of the old adage “Oh, to be a fly on that wall.”

But what if we really could be a fly on the wall as such decisions are made in candid conversations that are not reflected in the written and declassified record? This case provides us with precisely that opportunity.

While one can always speculate about the decision making process at the highest level of government, there are few instances where verbatim records of that process, its genesis, evolution and execution are readily available to researchers. This case also allows us to look further and deeper than any other repressive campaigns for which classified information has become declassified because of the very rare *live secret tape recordings* of decisions between the highest ranking officials in government in the White House.

This documentation, extracted from a variety of archives, will allow for a comprehensive and near complete tracing of the decision making process and allow us to question whether the theoretical assumptions that much of the repression literature is based on applies in a way we would not be able to do without such data. Ultimately, a thorough examination of this case will help generate more nuanced thinking about the decision to use repression and yield new questions for research.

Methodology & Data

I will be conducting a historical analysis of the decision behind repressive measures against the Arab-American community which began in September of 1972. Issues linked to this decision which took place prior to September of 1972 will be investigated to provide the necessary context. I will seek to understand which actors made the decisions to initiate, what interests influenced those actors and their decisions, how this came to pass and why. The primary focus of this study is understanding *what weighed into the decision calculus* and I aim to highlight the costs and benefits as understood *by the actors making the decisions* in an attempt to understand how this relates to the theoretical assumptions in the literature. Further, I will also seek to understand how different actors within the state, including individuals and agencies, were involved in the decision making process.

To conduct a historical analysis of this case, I will rely on primary source documents or recordings that have been recently declassified in an array of archives including the Digital National Security Archives, the National Archives and the Nixon Library. I will also rely on material released in response to requests under the Freedom of Information Act from relevant departments or agencies like the Department of Justice and the Federal Bureau of Investigation.

In sum, further investigation of the decision calculus behind repressive outcomes is needed and the reasons behind such decisions are often taken for granted in the literature on repression and civil liberties. This study seeks to shed light on this question through a detailed, process tracing approach. The main case of this study, which occupied chapters three through eight, will focus on the reasons behind the Nixon Administration's decision to enact the Cabinet Committee to Combat Terrorism. First, however, this case will be situated historically and contextually by the next chapter which surveys four of the most significant repressive episodes in modern US history.

Chapter 2-A Survey of Repressive Episodes and Civil Liberties Curtailment in the United States

When we have these fits of hysteria, we are like the person who has a fit of nerves in public – when he recovers, he is very much ashamed – and so are we as a nation when sanity returns.

-President Harry S. Truman

The last chapter introduced the question and explained how the repression literature largely assumes that the state represses due to challenges perceived or experienced by the state. In this chapter, I survey several significant repressive episodes in modern U.S. history including the repression of anti-war activists and enemy aliens during World War One, the internment of Japanese during World War Two, the second red scare and the COINTELPRO program. In each case survey, I provide historical and contextual background to the moment around the decision, I ask why (what was intended) the decision was made and I then explain what the impact was (what was the outcome).

This chapter serves to provide some historical context for the main case that follows but also allows us to ask whether the assumptions in the repression literature fit the historical evidence around the decisions that led to these particular repressive episodes. If the assumption that the state represses because it faces a security threat from the challenger is true, than in each of these cases, the historical evidence should show that the decision makers decided to enact repressive measures due to the perception or experience of that threat. What I find however, is that in each of these cases, the historical evidence does not support this assumption. In each case, motivators other than pure

security threats were the main factors that weighed into the decisions which ultimately lead to repressive outcomes. While these four cases do not represent the universe of cases, they are among the most prominent and significant repressive episodes in modern US history. At minimum, the evidence suggests that a deeper, detailed exploration of a decision that leads to a repressive episode is needed.

Anti-War Movement During WWI

Background

As Europe descended into war in 1914, the United States, an ocean away, had recently elected Woodrow Wilson President. Opposition to the war in the US was strong and Wilson had effectively campaigned and won his second term in 1916 based on the slogan “he kept us out of the war”. During this time, US trade with the allies had increased significantly and shortly after his second term began in 1917, Wilson would lead the US into the war in Europe to fight alongside the allies against the Germans and the Central powers.

The American public was not entirely supportive of the war effort. Despite the wide publication of the Zimmerman telegram which did stir outrage, many still objected to the war and debate in Congress over the formal declaration of war was fierce. Unlike WWII, where only one member of the House of Representatives voted against declaring war, the WWI declaration was opposed by 50 votes in the House of Representatives.

American public opposition to the War was concerning to Wilson and led him to issue Executive Order 2594 establishing the Committee on Public Information (CPI). The Committee, comprised of the Secretary of War, the Secretary of the Navy and journalist George Creel would be a propaganda outfit aimed at shifting public opinion in favor of the war. The committee did this through widely disseminated images, planting stories in the press and setting up a division of “four minute men” which would give short, four minute public speeches prepared by the CPI.

It was during 1917 that the ranks of several organizations that were either openly against the war or non-committal began to swell. These included the Industrial Workers of the World (IWW), the Non-Partisan League (NPL) and the Socialist Party of America (SPA). The IWW, which did not take a formal position on the war, saw its membership increase by 30,000 in the months after the declaration of war. The SPA, which was very clear about its opposition to the war, demonstrated significant electoral gains in at various levels of government across the country³¹.

Why it happened?

While anti-war parties and movements did not pose a threat to the state in the sense that they could viably carry out a rebellion or overthrow of the government, they did pose a threat to American public support for the war which would complicate the war effort. The US's entry into the war was motivated by several factors. These included strong cultural and economic ties with the allies who were already engaged in the war, provocative German behavior including the intercepted Zimmerman telegram and the sinking of American ships that were supposed to be understood as neutral, and Wilson's own personal desire to reshape the global political order in the wake of the war.

In his address to Congress in April of 1917, when he sought a congressional declaration of war, Wilson began to lay the groundwork for associating dissent with disloyalty. From the outset of the war, he stated the Germans had "filled our unsuspecting communities and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without our

industries and our commerce.” Should there be disloyalty, he went on to say, “it will be dealt with a firm hand of stern repression³².”

For Wilson, there seemed no difference between dissent and disloyalty. His Manichean outlook on this matter was reflected in a hyper-nationalist speech he gave on Flag Day, June 14th, at the Washington Monument in 1917. His focus was on the intentions of “the masters of Germany” who he described as a “sinister power that has stretched its ugly talons out and drawn blood from us.” He went on:

The sinister intrigue is being no less actively conducted in this country than in Russia and in every country of Europe into which the agents and dupes of the Imperial German Government can get access. That Government has many spokesmen here, in places both high and low. They have learned discretion; they keep within the law. It is opinion they utter now, not sedition. They proclaim the liberal purposes of their masters, and they declare that this is a foreign war, which can touch America with no danger either to her lands or institutions. They set England at the center of the stage, and talk of her ambition to assert her economic dominion throughout the world. They appeal to our ancient tradition of isolation, and seek to undermine the Government with false professions of loyalty to its principles.

But they will make no headway. For us there was but one choice. We have made it, and woe be to that man, or that group of men, that seeks to stand in our way in this day of high resolution, when every principle we hold dearest is to be vindicated and made secure for the salvation of the nation³³.

Wilson believed that the war was an American national interest of the highest order and whatever challenged or complicated the war effort, including domestic dissent, was opposed to it. For this reason, repressing domestic dissent was as reasonable and as calculated to Wilson as sinking a German U-Boat.

What happened?

The Federal Government, led by Wilson, established several laws and proclamations that were effectively used to silence dissent against the war and repress the anti-war movement. These included the Espionage Act of 1917 which Wilson signed into law the day after his Flag Day speech as well as the Sedition Act of 1918. Other federal laws used for repressive purposes included Proclamation 1364 of 1917, Executive Order 2587A of 1917, the Trading with the Enemy Act of 1917, and the Immigration Act of 1918.

The Espionage act was composed of several bills prepared by the executive branch and in particular the Attorney General's office. Up to 20 years in prison and a \$10,000 fine (equivalent to \$185,000 in 2015 USD adjusted for inflation) for making false statements with the intent to "interfere with the operation or success of the military or naval forces" or attempt to cause "insubordination, disloyalty, mutiny or refusal of duty." Additionally, the Espionage Act permitted the Post Office to exclude from the mails anything that violated the act or advocated "treason, insurrection or resistance to any law." Wilson had heavily lobbied Congress to include provisions in this act as well that would grant the President the power to directly censor the press. While Congress granted the President sweeping powers under this act, the ability to censor the press proved too contentious and Wilson ultimately signed the bill into law without those provisions.

The Sedition Act of 1918, as it is commonly know, was actually an extension of the Espionage Act of 1917 and expanded its powers to cover a much greater scale of "offenses". These included anyone who would:

...willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution narrative of the United States, or the military or naval forces of the United States ...or shall willfully display the flag of any foreign enemy, or shall willfully ...urge, incite, or advocate any curtailment of production ...or advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein...

Altogether, as Robert Goldstein notes, “over twenty-one hundred were indicted under” the Espionage and Sedition Acts, “invariably for statements of opposition to the war.” Over 1000 were convicted and over 100 were sentenced to jail terms of 10 or more years. Not one was convicted of actual spy “activities”. Goldstein emphasizes the extent to which prosecution under these acts silenced dissent:

Men were prosecuted for making statements such as the following: “We must make the world safe for democracy, even if we have to bean the goddess of liberty to do it;” “Men conscripted to Europe are virtually condemned to death and everyone knows it;” “I am for the people and the government is for the profiteers.” One man was sentenced to twenty years in prison for stating in a private conversation that atrocity stories were lies and that the war was a “rich man’s war and the U.S. is simply fighting for the money” and that he hoped the “government goes to hell so it will be of no value.” Another man got twenty years for circulating a pamphlet urging the re-election of a Congressman who had voted against conscription.... The producer of a movie called “The Spirit of ‘76” was given ten years in jail after it was alleged that by showing British atrocities during the American Revolution he tended to raise questions about the good faith of America’s war-time ally. Probably the most incredible case was that of Walter Matthey of Iowa, who was sentenced to a year in jail, for, according to Attorney General Gregory, “attending a meeting, listening to an address in which disloyal utterances were made, applauding some of the statements made by the speaker claimed to be disloyal, their exact nature not being known and contributing 25 cents.”³⁴

Executive Order 2587A, which was issued by Wilson on April 7th, 1917 paved the way for a purge of government employees who “would be inimical to the public welfare

by reason of his conduct, sympathies, or utterances, or because of other reasons growing out of the war.” This led to the monitoring and firing of public servants and as the New York Times reported in July of 1917, just three months after Wilson’s executive order, “suspected individuals have been subjected to strict surveillance and discharges from public service among this class have been frequent.³⁵” The order also empowered the Civil Service Commission (CSC) to deny the opportunity of entrance exams to anyone deemed suspicious under the criteria above. Approximately 900 people were denied such opportunities by the CSC in the four years after the order.

There was also a growing effort to eliminate all things German. Sauerkraut was being called “Liberty Cabbage” and campaigns to rid schools of teaching German grew. In fact, at one point in 1918, legislation was introduced into Congress to compel the changing of names of U.S. towns or cities which included the word “German” or “Berlin” to strike “a blow at German sentiment”. The bill submitted by Representative J.M.C. Smith of Michigan would ensure that “the names of all cities, villages, countries...in the United States...named Berlin or Germany, be changed from the name Berlin or Germany to the name of Liberty, Victory or other patriotic designation³⁶”.

Provisions of the Trading with the Enemy Act required all foreign language newspapers to submit for approval translated versions of their publications that included anything on the US government or the war in Europe. This forced most German newspapers to either adopt a pro-Government slant on the War or not write about it at all. Many publications simply could not afford to comply with the regulations and shut down all together. The number of German language dailies halved within two years after 1917 and circulation dropped by nearly two-thirds³⁷.

Of course the German language press was not the only publications subject to Post Office oversight. Numerous publications were banned from the mails, some for questioning US war policy and others for critical views on US allies in the War. These included “Lenin’s *Soviets at Work*; an issue of *The Public*, for urging that more of the wartime budget be raised by taxation and less by loan; the *Freeman’s Journal and Catholic Register*, for reprinting Jefferson’s opinion that Ireland should be free; the *Irish World*, for stating that Palestine would be retained by Great Britain on the same footing as Egypt, and that the trend of French lives and ideals for a century had been toward materialism; and NCLB pamphlets deploring mob violence and explaining the beliefs of conscientious objectors³⁸.”

The Immigration Act of 1918 gave the Department of Immigration sweeping powers and permitted the exclusion and deportation of all alien persons who were members of seditious organizations. It also reversed a previous provision that allowed that aliens who had been residents for more than 5 years could not be deported and vastly expanded the definition of an anarchist alien who could be anyone who would “write, publish, or cause to be written or published, or who knowingly circulate, distribute, print or display” anarchist views or even be in possession of such material. In some cases, even naturalized citizens were stripped of citizenship³⁹.

This law was aimed at the IWW, who along with the SPA bore the brunt of repressive state action during this period among organizations. Strikes among labor groups like the IWW were often deemed seditious activity and were regularly broken up by federal troops. The Post Office had banned almost all IWW mail and the Department of Justice undertook massive federal raids on IWW offices and their headquarters in

Chicago before indicting over 160 members through a federal grand jury. Charges alleged that IWW organized strikes were a conspiracy to hinder the war effort. Raids of IWW sites and arrests and indictments of members across the country followed⁴⁰.

Likewise, prosecution under the Sedition Act led to numerous arrests of SPA leaders. Indictments “were returned against virtually every major SPA leader.” These include Milwaukee SPA head and Senate candidate Victor Berger, party secretary Adolph Germer, SPA newspaper editor Louis Engdahl and Irwin Tucker, a major SPA pamphleteer who were sentenced to 20 years each. Most infamously, SPA leader and candidate for President on multiple occasions Eugene Debs was arrested and sentenced to 10 years in prison in 1918 for giving an anti-war speech. He would run for President for the 5th time in 1920 from his prison cell⁴¹.

In addition to the Espionage and Sedition Acts, Wilson’s Proclamation 1364⁴² established regulations for the conduct and control of enemy aliens making all enemy aliens subject to summary arrest. All males aged 14 or older could not at any time be in the possession of weapons, aircraft or wireless devices or documents written in code and any such property found in enemy alien possession was subject to government seizure. Further, enemy aliens could not be within half a mile of any military installation or manufacturer of munitions for the war effort. Nor could enemy aliens write, print or publish any attack or threat against the Government of the United States or any of its branches or against its measures or policies. The President would have the authority to designate certain localities off limits to enemy aliens. In the fall of 1917, Wilson expanded this order to include mandatory registration of enemy aliens with the

Government, expulsion from Washington DC, the requirement permission to travel within the US or change residency and barred access to all ships other than public ferries.

Hundreds of summarily arrested German-Americans ended up in internment camps. Among the internees were a number of German classical musicians including Karl Muck, the conductor of the Boston Symphony Orchestra, whose crime was apparently refusing to play the American national anthem. At the War Prison Barracks, No. 2, in Fort Oglethorpe, Georgia, Muck conducted a concert in captivity. Years later and in the midst of the Second World War, another man who was also in the Barracks then, Erich Posselt, wrote a letter to the Music Editor of the New York Times⁴³. “Your readers might be interested in hearing about the last concert Karl Muck conducted on American soil, more than a year after he had been interned as a “potentially dangerous” enemy alien (so official phraseology had it at that time)” He continued:

Karl Muck held out for a long time; he felt he had been treated rather shabbily by the American authorities, and had sworn he would never conduct in the United States again. Eventually, however, we succeeded in convincing him that “Orglesdorf”, as the interned German merchant sailors called Fort Oglethorpe, was really a German town and he agreed to conduct one more concert.

None of us who attended will ever forget the occasion. The mess-hall was packed with two thousand listeners. The orchestra numbered more than a hundred men, picked musicians and all. The front benches were reserved for the army offices, the censors, a few doctors in uniform. Behind, wave upon wave, was the sea of the nameless eager faces of the prisoners. . . . In that moment of breathless silence preceding the first note it was as if an electric current had run through the entire unkempt audience in overalls and shirtsleeves, in heavy camp boots that seemed frozen to the floor. Muck waved his magic wand and jubilantly the “Eroica” rushed at us, lifted us on wings and carried us far away above war and worry and barbed wire.

In total, the regulations put forward in Wilson's proclamations affected some 600,000 German Americans of which 6,300 were arrested and 2,300 interned in concentration camps. The management of these policies would fall under the purview of the Justice Department's War Emergency Division which created an Alien Enemy Bureau. The task of heading this Bureau would be given to a 22 year old who had just completed his LL.M. from George Washington University named John Edgar Hoover.

Japanese Internment

Background

As was the case with the First World War, the United States had managed to stay out of the fighting in Europe in the early years of the Second World War. That would change on an infamous December day in 1941 when Imperial Japan attacked the American island of Hawaii. War planners however had long anticipated the likelihood of militarily engaging Japan. So too did leaders in the Japanese-American community which as early as August, 1941, several months before the attack on Pearl Harbor, began to ask Department of Justice officials about the possibility of being deported or sent to concentration camps if war broke out⁴⁴.

By the 1940s, Japanese-Americans had been in the United States for decades. The population was concentrated in Hawaii and the West Coast of the continental United States. Unlike their Chinese counterparts who were banned from immigrating to the US after the 1882 Chinese Exclusion Act, Japanese were able to immigrate to the United States and did so in growing numbers, particularly after the sweeping changes the Meiji Restoration brought to Japan. By 1907, a Gentlemen's Agreement between the US and Japan limited immigration and with the restrictive 1924 Immigration Act, the flow of Japanese immigrants to the US was brought to a halt. Perhaps the most significant reason why the 1924 Immigration act was passed was due to pressure from agricultural interest groups and xenophobia in California which saw the Japanese population as an economic and even cultural threat. A report by the California State Control Board to the Federal Government was highlighted in the Sunday LA Times in 1920. Under the headline "The

Jap Menace in California” the article presented “the chief points made in an exhaustive report” in “condensed form” which it claimed in a bold subheading, amounted to “startling proof of the coming domination of state by yellow hordes from Far East.” The points of emphasis in the State Board’s report show just how central economic competition and agricultural interests were:

California has 3,893,500 acres of land under irrigation. The Japanese control 458,056 acres of this, and are reaching for more. In San Joaquin county 95,829 of its 130,000 irrigable acres are controlled by Japanese farmer. The agriculture of twenty-nine counties is dominated by Japanese. Americans cannot buy or lease farm lands in Japan, and can only take short leases on residential property. Japanese own outright 1036 city lots in this State. Since they cannot buy land now the Japanese men become guardians of their American-born children and by large acreage in their names. The little brown men monopolize the Pacific Coast Fisheries. Of these fishermen, 28 per cent are Japanese. Their boats are worth \$1,397,000. The boats of all other fishermen are worth \$2,055,000. The Japanese farm hand won’t work for a white man. He helps his own race, takes more out of the soil than he puts back into it, and when the land is run down he moves to a better farm. The value of their farm crops in this State for a single year is \$67,000,000. . . . Dispatches from Tokio say there is no scarcity of land in Japan. . . . Balanced against the fact that the little brown men as yet own but a small percentage of the tillable land in this State is the fact that they are sidestepping the alien land law by establishing guardianship for infant Japanese and securing control of vast areas by heavily capitalizing such children⁴⁵.

In 1907, just as the Gentleman’s Agreement was taking effect, some 30,000 Japanese came to the United States. After the restrictions in the Immigration Act of 1924 however, only 3,500 came in the 19 year span from 1931-1950.

These legal restrictions created specific patterns in Japanese immigration that resulted in fairly well-defined generational groups within the community. The *Issei* were first generation immigrants born in Japan. This group came primarily before 1924 due to the Immigration Act. Japanese-Americans born after 1924 were born in the United States

to *Issei* parents. This second generation was called the *Nisei*. The *Nisei* were better equipped with English and to American cultural norms than their parents and it was thought that loyalty to the United States in the case of war with Japan might follow these generational divisions.

On February 19th, 1942, President Franklin D. Roosevelt issued Executive Order 9066 “Authorizing the Secretary of War to Prescribe Military Areas”. It stated that “the successful prosecution of the war requires every possible protection against espionage and against sabotage.” The order gave the Secretary of War the authority to round up, at his “or the appropriate military commander’s” discretion “any person” including US citizens.

Why it happened?

The factors that lead FDR to make this decision were varied. Even before the Japanese attack on Pearl Harbor, many questions existed about the potential loyalty of Japanese-Americans in Hawaii. There was, at this time, a general military miscalculation regarding the disposition of naval forces at the base. The assessment was that the Japanese did not have the capability to launch a large and sustained attack thousands of miles from Japanese shores and it would likely be Japanese attacks on US territories like the Philippines that would spark war. The fear in Hawaii was suspicion of sabotage from the local Japanese-American population whose sympathies may lie with Imperial Japan. For this reason, aircraft were kept in close proximity in Pearl Harbor to mitigate the chance of sabotage. Ironically this only made it easier for the Japanese to eliminate

aircraft in one fell swoop once the attack began. No sabotage took place, however the suspicion of the Japanese-American community was deep.

In 1940, a small and secret intelligence agency approved by President Roosevelt and headed by a former State Department diplomat named John Franklin Carter⁴⁶, undertook several information gathering operations. One of these would be spearheaded by Curtis B. Munson who was dispatched to assess the loyalty of the Japanese on the West Coast. Munson had the help of “the Naval and Army intelligences and the F.B.I.” as well as “from time to time” the “British Intelligence”. He also had assistance on British Columbia from the Royal Canadian Mounted Police and in Tijuana, Mexico through the U.S. Consul⁴⁷.

Munson spent time in the 11th, 12th and 13th naval districts collecting information⁴⁸. His report would break down loyalty of Japanese-Americans by generation. The Nisei, the second generation, was the “weakest from a Japanese standpoint.” They are, Munson wrote, “universally estimated from 90 to 98% loyal” to the United States. He adds “the Neisei are pathetically eager to show this loyalty.” This second generation “was not oriental or mysterious” rather they were “very American and are of a proud, self-respecting race.” In fact they suffer, in Munson’s estimation, “from a little inferiority complex and a lack of contact with the white boys they went to school with.”

Even the Issei, Munson wrote of the first generation which was born in Japan, is “considerably weakened in their loyalty to Japan.” They live and expect to die in the United States and many “are fearful of being put in a concentration camp” and “would take American citizenship if allowed to do so.”

Munson was categorical in his analysis. “There is no Japanese ‘problem’ on the Coast,” he wrote. And while he did leave room for the possibility of sabotage “financed by Japan and executed largely by imported agents” he stressed there would be “no armed uprising of Japanese.” Eerily foreshadowing the future, Munson even mitigated the likelihood of espionage among Japanese-Americans unless there would be “a terrific American Naval disaster.”

In concluding, Munson wrote:

For the most part the local Japanese are loyal to the United States or, at worst, hope that by remaining quiet they can avoid concentration camps or irresponsible mobs. We do not believe that they would be at least any more disloyal than any other racial group in the United States with whom we went to war. Those being here are on a spot and they know it⁴⁹.

Carter sent the Munson report to President Roosevelt on November 7th, 1941, precisely one month before the Japanese attack on Pearl Harbor. Not every perspective the President received was in agreement with Munson on this matter however. The Secretary of the Navy, Frank Knox, had warned as early as 1933 of the danger of Japanese-Americans in Hawaii⁵⁰. After the attack on Pearl Harbor, Knox personally inspected Hawaii and after 36 hours there returned to Washington to declare at a mid-December cabinet meeting that “there was a great deal of very active fifth column work” going on in Hawaii and he recommended that “the Secretary of War take all the aliens out of Hawaii and send them off to another Island.⁵¹” These assertions were rejected by the Attorney General Francis Biddle and J. Edgar Hoover’s FBI whose vast intelligence collection on domestic constituencies did not point to any disloyalty among the Japanese.

This created a division between the military and domestic law enforcement on the issue of what to do with Japanese-Americans.

Munson and Carter, having learned the Secretary of the Navy was pushing for internment, hurried to oppose this action by reasserting their findings and putting together an alternative plan. The idea was to promote Nisei into position of control over Japanese-American property and organizations. This would allay the albeit remote concern about the capacity of the Issei to act on any disloyal intentions the pro-internment camp believed they had. The plan was received warmly by Roosevelt who urged Carter to discuss it with Biddle and Hoover, both of which concurred. Carter had also begged Roosevelt to make a public statement to reassure loyal Japanese that they had nothing to fear⁵².

During this time members of the War Department were lobbying Roosevelt to move in the opposite direction, toward internment. Little progress was made on Munson's plan, in part because the interagency effort did not move quick enough and in particular because the Army had forwarded the plan to its West Coast commander, General John DeWitt, who refused to implement it. DeWitt had other plans and was part of the effort lobbying the President for internment. Roosevelt himself was consumed with war planning, celebrating Christmas to convey a sense of normalcy to the American public in a time of crisis, and hosting British Prime Minister Winston Churchill for the first Washington war conference from December 22nd to January 14th.

By the time Roosevelt was done making more pressing decisions with his ally about invading Africa and sending US bombers to British bases, the Munson plan had all but fallen apart and pressure to move toward internment was now not only coming from

the War Department but also from the general public. Anti-Japanese hysteria was sweeping the West Coast⁵³.

Racial tension between Asian immigrants and Whites on the West Coast has a long and disturbing history which surely played into this moment. Along with a general nativist and xenophobic atmosphere, economic competition factored into the animosity. Most Japanese in California were involved in agriculture and White farmers' groups in southern California saw this as an opportunity to get rid of their Japanese competition. The same motivations that factored into the Immigration act of 1924 were still very much present and while the act worked to cut off the influx of Japanese immigrants, those who had already come had established themselves in the farming industry with a great degree of success. Groups like the Western Growers Protective Association, the Grower-Shipper Vegetable Association and the White American Nurserymen of Los Angeles were organized interest groups of White Farmers lobbying for the removal of the Japanese-American population. When you look into the numbers, it was easy to see why White farmers were so frustrated by the Japanese. The Japanese worked harder and more efficiently than their White counterparts and had brought farming skills from Japan where efficiency was paramount due to limited land resources. Despite operating only 3.9% of all farms in California, they produced "90 percent or more of the snap beans, celery, peppers and strawberries for the market; 50 to 90 percent of all the artichokes, snap beans for canning, cauliflower, celery, cucumbers, fall peas, spinach and tomatoes; 25 to 50 percent of the asparagus, cabbage, cantaloupes, carrots, lettuce, onions and watermelons⁵⁴. It should come as no surprise then that as early as December 22nd, the Los Angeles Chamber of Commerce called for the removal of Japanese from the county⁵⁵.

A column⁵⁶ from the LA Times sums up the hysteria. Japanese-Americans, writes W.H. Anderson, are “citizens by the accident of birth, but who are Japanese nevertheless.” He goes on:

A viper is a nonetheless a viper wherever the egg is hatched....So a Japanese-American, born of Japanese parents...grows up to be Japanese, not an American, in his thoughts, in his ideas and in his ideals, and himself is a potential and menacing, if not an actual danger to our country unless properly supervised, controlled and as it were hamstrung...I cannot escape the conclusion that such treatment, as a matter of national and even personal defense, should be accorded to each and all of them while we are at war with their race.

Anderson’s opinion was one of a columnist, but his views were rationalized by the editorial board of the same paper, the largest print opinion shaper in Los Angeles at the time. “The military power exists,” read a January, 1942 LA Times Editorial⁵⁷, to cope with “Japanese-menaced sections.” It concludes, “The time has come to realize that the rigors of war demand the proper detention of Japanese and their immediate removal from the most acute danger spots. It is not a pleasant task. But it must be done and done now. There is no safe alternative.”

Popular opinions and the opinions of interest groups were being amplified by the largest papers on the West Coast and letter writing campaigns began to swamp Roosevelt and elected officials from California- from the Mayor of Los Angeles to the Governor – would come out in favor of internment. Members of Congress from the West Coast also began to lobby the White House to take federal action to remove the Japanese. A committee of congressional members representing west coast states met with representatives of the War and Justice departments and presented a set of policy recommendations drafted with the assistance of lobbyists working for the LA Chamber of

Commerce. They had sympathetic ears in the War Department but skeptical ones in the Justice Department; the latter happened to be the ones in charge of the Alien Enemy Program.

Attorney General Biddle remained opposed to mass evacuation but hysteria on the West Coast had reached boiling point by early February 1942. He met with the War Department and hoped to issue a joint press release stating that the FBI found no evidence of attempted sabotage and that both Departments did not believe evacuation was necessary⁵⁸. General Allen Gullion, the Army Provost Marshall who was present at the meeting, relayed the tension in a phone conversation that was transcribed and documented in the report of the congressionally appointed commission⁵⁹ of investigation into internment years later:

[The Justice officials] said there is too much hysteria about this thing; said these Western Congressmen are just nuts about it and the people getting hysterical and there is no evidence whatsoever of any reason for disturbing citizens, and the Department of Justice, [James] Rowe started it and Biddle finished it-The Department of Justice will having [sic] nothing whatsoever to do with any interference with citizens, whether they are Japanese or not. They made me a little sore and I said, well listen Mr. Biddle, do you mean to tell me that if the Army, the men on the ground, determine it is a military necessity to move citizens, Jap citizens, that you won't help me. He didn't give a direct answer, he said the Department of Justice would be through if we interfered with citizens and write [sic] of habeas corpus, etc.

The War Department objected to the press release at the meeting on the grounds that they didn't want to foreclose on the possibility of internment and thus the release never came to fruition. Roosevelt also failed to make any public statement of reassurance as Carter had begged for. The hysteria continued.

Biddle realized he was losing the battle and attempted to lobby the President on the matter directly, but while he found some sympathy with the President, he could not convince Secretary of War Henry Stimson who had initially been opposed to internment but was persuaded by the pro-internment camp in the War Department. Stimson believed internment was a military necessity but would reach out to the President for approval, hesitating to make the decision on his own. Stimson also understood the constitutional implications of this decision. He wrote in his diary that the “racial characteristics” of the Japanese are such that “we cannot understand or trust even the citizen Japanese.” This, he believed, was a “fact” but it would “make a tremendous hole in our constitutional system to apply it.”

Roosevelt, overwhelmed with matters relating to the conduct of the war and in particular Japanese advances in the Pacific, gave Stimson the green light over the phone on February 11th, 1942. In the immediate days that followed, public pressure for action continued to grow and Biddle, still unaware of the President’s decision, attempted to lobby him again on February 17th only to find out that the debate had been ended. Biddle called a joint meeting between the War and Defense departments where Executive Order 9066 was drafted. Two days later it was signed by Roosevelt authorizing the Department of War to oversee Alien Enemy matters in the designated areas.

What happened?

DeWitt recommended to the War Department on February 14th, 1942, that specific steps be taken for military security on the West Coast including the removal of the Japanese. He was unaware that Roosevelt had already made the decision to approve

such measures and would be issuing the executive order days later. The day after that order was given by Roosevelt, Stimson put Dewitt in charge of implementing his recommendations and “exercise[ing] all powers which the executive order conferred upon him and upon any military commander designated by him.”

Dewitt rationalizes the “evacuation” as he calls it in his final report to the Chief of Staff:

The evacuation was impelled by military necessity. The security of the Pacific Coast continues to require the exclusion of Japanese from the area now prohibited to them and will so continue as long as that military necessity exists. The surprise attack at Pearl Harbor by the enemy crippled a major portion of the Pacific Fleet and exposed the West Coast to an attack which could not have been substantially impeded by defensive fleet operations. More than 115,000 persons of Japanese ancestry resided along the coast and were significantly concentrated near many highly sensitive installations essential to the war effort. Intelligence services records reflected the existence of hundreds of Japanese organizations in California, Washington, Oregon and Arizona which, prior to December 7, 1941, were actively engaged in advancing Japanese war aims. These records also disclosed that thousands of American-born Japanese had gone to Japan to receive their education and indoctrination there and had become rabidly pro-Japanese and then had returned to the United States. Emperor-worshipping ceremonies were commonly held and millions of dollars had flowed into the Japanese imperial war chest from the contributions freely made by Japanese here. The continued presence of a large, unassimilated, tightly knit and racial group, bound to an enemy nation by strong ties of race, culture, custom and religion along a frontier vulnerable to attack constituted a menace which had to be dealt with. Their loyalties were unknown and time was of the essence. The evident aspirations of the enemy emboldened by his recent successes made it worse than folly to have left any stone unturned in the building up of our defenses. It is better to have had this protection and not to have needed it than to have needed it and not to have had it – as we have learned to our sorrow.

DeWitt’s narrative is in stark contrast to the Munson report and the information collected by the FBI on the activities of Japanese-Americans and he displays an inability

to distinguish between loyal and disloyal Japanese. While Munson believed that previous Japanese-American behavior and sentiments indicated that sabotage was very unlikely and that cases would be limited an “odd case of fanatical sabotage by some Japanese ‘crackpot’”⁶⁰, DeWitt believed that “the very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken”⁶¹. For DeWitt, the man in charge of removing Japanese from the West Coast, all Japanese were part of a race “bound to an enemy nation” and constituted a menace. DeWitt reasoned along the same lines as the columnist W.H. Anderson had written, “A viper is a nonetheless a viper wherever the egg is hatched” but when speaking to reporters at a press conference the day after testifying before a 1943 congressional committee he put it even more succinctly; “A Jap is a Jap.”

In a period “of less than ninety operating days” 110,442 people of Japanese ancestry were forcibly relocated. The areas they were removed from included “western Washington and Oregon, California and southern Arizona”. The “compulsory organized mass migration”, to use DeWitt’s terminology, was conducted under “complete military supervision.”

DeWitt also made sure to note that “emphasis was placed upon making of due provision against social and economic dislocation” and that “agricultural production was not reduced by the evacuation.” He claims in his report that 99% of “all agricultural acreage” that the Japanese worked on or owned continued to be productive. They found “purchasers, lessees, or substitute operators” to take over. The LA Times reported in February, 1942 that the Board of Supervisors for the county appointed an “agricultural coordinator” who would coordinate the efforts of American farmers to ensure “full

production of Southland vegetable acreage from which alien Japanese tenants have been removed.⁶²”

The new “agricultural coordinator” was one W.S. Rosecrans, a former head of the Los Angeles Chamber of Commerce, one of the first groups to call for the removal of the Japanese with business interests in mind. There was about 20,000 acres of Japanese-operated farms in the county, according to the news report, and Rosecrans would “serve primarily as a clearinghouse for the allocation of American management and labor to the lands threatened with idleness”. A headline in the following day’s paper read “Scores of Farmers Seek Land Evacuated by Jap Aliens” and reported how eager American farmers arrived at the office of the county agricultural commissioner to “take over” land left idle by the Japanese even before Rosecrans had set up his office⁶³.

DeWitt’s final report concluded by noting that “everything essential was provided to minimize the impact of evacuation upon evacuees.” The costs of the evacuation, he stressed, was low considering what was involved and by the date of his report, June 5th, 1943, the evacuation had been completed and Japanese internees were now under the control of the Wartime Relocation Authority (WRA). The WRA was a civilian authority responsible for the management of the Japanese internee population and maintained 10 “relocation centers” across the country. These camps were slated to be closed in 1945 and by 1946 all 10 had closed and the WRA’s mission was terminated by then President Harry Truman. Of course this did not occur before the lives and liberty of well over 100,000 American citizens and residents had been irrevocably altered.

The Second Red Scare and the Communist Party

Background

As far as political repression is concerned, there weren't many periods in modern American history when it was good to be a communist. If any period seemed to be an exception to this, it was during the Second World War and specifically after the U.S. joined in an alliance with the Soviet Union to defeat the Nazi threat in Europe. Prior to the war, the USSR had become the central prism through which Americans saw Communism and once Germany broke the Molotov-Ribbentrop pact by invading Russia and the German-allied Japanese attacked Pearl Harbor, Americans found themselves on the same side of an existential battle as the Soviet Union.

In 1942, a series of Communist Party leaders and activists which had been jailed for a variety of charges in years prior were pardoned. In one of his famous fireside chats, President Roosevelt spoke warmly about Soviet leader Joseph Stalin and US Soviet cooperation in December of 1943⁶⁴:

To use an American and somewhat ungrammatical colloquialism, I may say that I "got along fine" with Marshal Stalin. He is a man who combines a tremendous, relentless determination with a stalwart good humor. I believe he is truly representative of the heart and soul of Russia; and I believe that we are going to get along very well with him and the Russian people -- very well indeed.

Communist Party membership in the US, which had plummeted before the alliance, doubled in this favorable climate reaching about 80,000 members in May of 1945. Communist Party success was most prevalent in unions and they had come to dominate over 20% of unions in the Congress of Industrial Organizations (CIO) which had backed Roosevelt⁶⁵. This was of course at a time in American politics where the role

of unions was very significant. In 1945 union strength reached its peak with 35% of Americans being members of non-agricultural unions.

The political consequences of this were unsurprising yet significant. Republicans began to attack Democrats for leaning too far left and for associations with communists. In the run up to the 1944 Presidential Election, the Republicans attacked the Democrats consistently on this point and the Republican candidate for the Presidency even declared that communists were “seizing the New Deal” and “aim to control the government of the United States.”

The effects of these attacks were somewhat tempered by the fact that Roosevelt was still popular, the nation was still engaged in a massive war effort that demanded unity and the Soviet Union was still a key ally. But the attacks didn't leave all Democrats unscathed. In large part due to the challenge such attacks created for Democrats nationally, a movement within the party sought to sideline Vice-President Henry Wallace whose positions were thought to be far to the left and too close to the communists. Wallace, the Vice-Presidential incumbent and Roosevelt's preferred candidate, came in second in the voting at the 1944 Democratic National Convention to a Senator from the state of Missouri named Harry S. Truman.

Roosevelt triumphed in the election with Truman on the ticket as his new Vice-President. While the allegations by Republicans that the Democrats were too soft on communists did not cost the Democrats the White House, it did cause the party to make a change. This exposed vulnerability, happening in what was still a relatively Soviet friendly American atmosphere, would pale in comparison to what was to come when the war ended.

For his part, Wallace took the turn of events fairly well early on. He was loyal to Roosevelt and loyal to his New Deal agenda. The President kept him in his cabinet as Secretary of Commerce. When Roosevelt died while in office, it became clear that Wallace missed his chance to be President by a matter of months and he would now serve in the cabinet of President Harry Truman, the man who replaced him. In the earliest days of Truman's presidency, Wallace received many letters from supporters who felt he was the legitimate heir to Roosevelt's agenda but Wallace's reply was to praise "Truman's good start" and "solicit support for the new President" while "urging supporters not to work on his behalf for the 1948 nomination."⁶⁶

While the relationship between Wallace and Truman was somewhat tense from the start, it took a serious turn for the worse in 1946. By this point the war was over and so too was the Grand Alliance. The hopes of an era of US-Soviet cooperation that Roosevelt alluded to in his radio address were quickly dissipating. A nation focused on war for years began to turn inward and saw many challenges. Also, and perhaps most importantly, 1946 was a mid-term election year and would serve as a referendum on Truman's performance in his first term.

Wallace continued to hold views about the need for US-Soviet cooperation and opposed confrontation just as the American honeymoon with Communist Russia was ending. As a Secretary of Commerce who once was Vice-President, Wallace was in an awkward position in Truman's cabinet. He had a significant degree of prestige but his left-leaning foreign policy views in particular created tension between him and Truman's Secretary of State James F. Byrnes, who held more conservative views and had played a role in Wallace's marginalization at the 1944 convention.

This tension reached breaking point when Wallace delivered a speech before 20,000 people in Madison Square Garden in the fall of 1946. He called for cooperation between the two great powers and criticized what he called the “Get tough with Russia” approach. The problem was that that approach was precisely the direction Truman’s administration was moving in and yet Wallace stated plainly that when President Truman reviewed the positions in his speech “he said they represented the policy of his Administration.” Compounding the problem was a Presidential press conference the same day. Journalists who had received advanced copies of the speech asked whether it did in fact represent Truman’s policy and he replied that it did and that he “approved the whole speech” and that it was “exactly in line” with the position of Secretary of State Byrnes⁶⁷.

Pandemonium ensued. Byrnes, who was outraged, offered to resign on the spot. Truman knew if the more conservative Byrnes left and Wallace, the last holdover from the New Deal cabinet remained, the perception would be cemented that the administration’s policy was shifting toward cooperation not confrontation. Instead, he demanded Wallace’s resignation in an effort at damage control.

Wallace, who was put into Truman’s cabinet by Roosevelt, resigned after the speech less than two months before the election. From when he first became President, Truman noted in his memoirs, he knew Wallace “was not an opponent to be discounted” and that Wallace “cherished the idealistic notion the he would be able to stir up a following in the country that could elect him President”⁶⁸. With Wallace now out of the administration, he could only present this challenge from the outside.

The 'too soft on communists' attacks from the Republicans that caused Wallace to be sidelined in 1944 were given new rounds of ammunition after the speech debacle. The notion that communist party influence had reached the highest levels of the government, or at least the influence of those with sympathy for communists did, was advanced by Wallace's abrupt departure. Then again, the thinking was, if a cabinet member and former Vice-President was this soft on communism; imagine how pervasive this thinking must be through all levels of government.

Hoover's FBI had been watching Wallace. Wallace's FBI file begins with newspaper clippings about a speech he gave in 1942 while still vice-president, about the need for cooperation with the Soviets in a post-war world. Material after this relates to possible threats to Wallace's security while he was travelling that was passed on to the Secret Service. But the FBI's interest in Wallace's political leanings and affiliations was clear. In 1943 the FBI watched Wallace closely during a trip to Central and South America. Included in his file was information about "homage paid" to Wallace by a Mexican labor leader, a letter to Wallace from the leader of the Chilean Communist party, and a report that noted he "completely won over" leftists in Bolivia. The report on his trip to Peru included a section highlighted with a pen that quoted Wallace responding to a reporter about whether the US saw pan-Americanism and communism on the same basis. Wallace was quoted saying "Communism is necessary to effect world peace." By April, an FBI report noted that a source "had information which indicated strongly that Vice President Wallace was being influenced by Bolivian communists." Shortly thereafter, Hoover relayed this information to the Attorney General. By early 1944, the

Special Agent in Charge in Los Angeles reported to Hoover that an FBI informant which attended a speech given by Wallace to a labor group stated:

...that the influence of the Communist Party in this affair was evident on all sides. The general makeup of the audience was of that type which are seen at all Communist gatherings, and the applause groups were definitely of that type. Many well-known Communists were in the audience and all Communist publics were most enthusiastic about the meeting, both before and after the meeting.

By 1945, after Wallace was sidelined at the 1944 convention, the FBI's focus on his activities seemed to deepen. In April a ten page report on his activities was included in the file and it focused on his "Association with Communist Controlled Organizations", "Contacts with Negro Communist Controlled Organization and Individuals," "Public Appearances and Speeches Before Pro-Communist or Pro-Soviet Groups."⁶⁹ Despite all this information on Wallace and the particular focus given to his connections with Communists, Hoover wrote to the Attorney General in April of 1946 after the SAC in San Francisco received calls from a journalist asking if the FBI will be snooping on a scheduled Wallace speech there. "I wanted to advise you of this situation" Hoover wrote, "and the fact that this Bureau is not conducting any investigation of Henry Wallace, of his meeting in San Francisco, or of any of the persons sponsoring this meeting." Hoover was writing to Attorney General Biddle, who was suspicious of Hoover's activities, "Because of Mr. Wallace's propensity for believing such stories about the FBI, [he] wanted [Biddle] to know of this situation in order that if Mr. Wallace speaks to you, you will know that there is no truth in these stories"⁷⁰.

Once Wallace was forced to resign from the Administration, FBI coverage of his activities continued. They followed his work and writings as editor of the New Republic and when he indicated his intention to run on a third party ticket, well before the Progressive Party ticket was officially announced, Hoover passed this information on to Truman. Once loyalty programs were put in place by Truman in 1947, empowering the FBI and bringing them into close coordination with the HUAC, Wallace slammed the effort and took a strong position against FBI activities. The FBI tracked this as well, noting Wallace had said the country had been in a “rapid drift” toward a “police state” and that “Communism is no threat whatsoever to American. It is being used merely as a weapon for political purposes.⁷¹”

By 1948, with a presidential election campaign underway, Attorney General Francis Biddle who was skeptical of Hoover had been replaced by Tom C. Clark, who would give Hoover more space to operate. By May of 1948, Attorney General Clark, a political appointee, directed Hoover to look into specific campaign activities by Wallace who was then running on the Progressive Party ticket. Wallace’s campaign had distributed 20,000 copies in New York City of a flyer with an “open letter” to the leader of the Soviet Union calling for cooperation and bringing an end to the Cold War. Clark saw an opportunity to possibly charge Wallace under an “old statute passed around 1795 which prohibits a citizen in the United States from communicating with a foreign country concerning a matter bearing on diplomatic relations.⁷²” The charge would rest on being able to prove Wallace had made contact with the Soviets prior to his open letter, which was a theory advanced by a New York columnist in touch with the FBI who said that changes in the open letter and the short turnaround time from one draft to the next

indicated that Wallace having advance information from the Soviets. The FBI, Hoover told Clark, was of the opinion that an average print shop could turn around 20,000 copies in the short period of time but that did not stop Clark from sending the FBI on a goose chase that involved finding out exactly which print shop made the copies in an effort to establish a more concrete timeline of events. The FBI was able to establish which print shop made the flyers and passed the information on the Clark who used a State Department employee to ask questions. This was because, as Hoover pointed out to Clark, “it would be extremely difficult to make any discreet inquiries at the Parish Press, Inc. for the purpose of ascertaining when the order was placed for the preparation of these flyers without having such information brought to the attention of Mr. Wallace or sources very close to him.”⁷³

Anti-communism became a major issue in many campaigns across the country in the 1946 and the election resulted in a significant Republican victory, giving the party control of Congress for the first time in 14 years. The FBI’s involvement in political targeting was about to grow significantly and the 1946 election set the tone for the Presidential election of 1948 where Truman would face an uphill battle. Among those who campaigned successfully in the 1946 election by using anti-communism against their opponents were two young Republican newcomers who would play a significant role in U.S. history; Richard Nixon and Joseph McCarthy.

Why it happened?

By the end of 1946, Truman was facing three central domestic political challenges. The first, a threat from his right, was an emboldened Republican opposition

wielding the anti-communist weapon with increasing efficiency two years before Truman would face re-election. Second, the spilt with Wallace meant a split in his own party and the progressive wing of the party would present a domestic political challenge from Truman's left. Third, and perhaps most significantly, Truman faced a challenge from the American public. At a time when the United States had opportunities and even responsibilities in the wake of a destructive war that left the American homeland largely unharmed and Europe devastated, the American public was reluctant to invest in foreign adventures.

The British were economically destroyed because of the war and spending priorities had to focus on reconstructing the homeland. The British Empire began to quickly recede, leaving vacuums of power in areas across the globe. In 1946, British diplomats had informed American counterparts that they would be pulling out of Greece. This could leave Greece vulnerable to a possible communist takeover and put the Soviet Union in a position where it was closing in on the vital oil resources of the Middle East. Truman believed that this would be a severe blow to American national interests and that Greece and neighboring Turkey had to be kept under western influence to prevent the Soviets from having a perch on the Mediterranean.

But securing an economic bailout for Greece and Turkey in 1947 would put Truman up against his three big domestic challenges. The American public, which had just witnessed a multi-billion dollar Anglo-American loan agreement in the summer of 1946, had no appetite for further spending abroad. Congress, which would be required to authorize the spending, was now controlled by his Republican opponents. Truman's own

party, which was undergoing a schism after Wallace's departure, would be limited in its support for a more confrontational approach to the Soviet Union.

British Diplomats informed Washington on February 21st that their aid to Greece would end on March 31st and they encouraged the United States to assume control. While the State Department had been aware of the British intention to end aid, they did not expect it to dry up this quickly. The British decision was apparently prompted by a particularly harsh winter that had made life in the homeland more difficult. Now, the Truman administration would have to move quickly to take over but they would have to go through Congress to do it.

A memorandum⁷⁴ for the Secretary formulated by State Department diplomats immediately after the British decision suggested he:

1. Convince the President of the importance of extending aid and of proposing that Congress pass the necessary legislation.
2. Suggest that the President be armed with documents that could convince key members of Congress whom he would call into a conference of the necessity for such legislation.
3. That in order to gain popular support the President make a speech to the country in which for the first time since the war he would tell the people of the United States of the dangers to the free world arising from the aggressiveness and expansionism of international communism.

In late February of 1947, President Truman along with Secretary of State George Marshall⁷⁵ and his assistant Secretary Dean Acheson met with Congressional leaders to attempt to sell them the agenda of aiding Greece and Turkey. This group included Republicans in powerful positions whose help would be required to authorize the necessary spending. During the meeting, the congressional members and in particular the Republicans who they needed to convince, were most persuaded when the request was

framed in dramatic language about the Soviet threat but they also knew the American public would be very reluctant.

In a memorandum from March 5th, Undersecretary of State for Economic Affairs William Clayton wrote that the “United States will not take world leadership effectively unless the people of the United States are shocked into doing so.” This sentiment was echoed by Senator Arthur Vandenberg, Republican chair of the Senate Foreign Relations Committee, who told the President that to sway the U.S. public in favor aid for Greece and Turkey, he couldn’t make an economic case, and instead he would have to “scare the hell out of the country⁷⁶.”

For Truman this represented a triple opportunity in one crisis. By taking a strong, high-profile stance against the threat of communist expansion, he could simultaneously disarm his main political opponents, the Republicans, from their preferred anti-communist weapon, marginalize as radicals those to his left in his party, and “shock” the people of the United States into a frenzy of fear that would create the necessary conditions to pass aid legislation for Greece and Turkey.

The process of drafting the speech that would become known as the Truman Doctrine sheds light on just how calculated the shock value of the speech was. The State Department’s initial drafts “reflected a desire to keep the issue of economic reconstruction at the center of attention.” It opened with a long “statement defining the Greek situation” by stressing the “traditional poverty” in the country and the economic toll of war. Mention of “communist-led guerrillas in Greece” was rare and buried in a longer section on various problems Greece was dealing with. The objective of this draft

was to “place the general declaration of policy entirely in the framework of the economic requirements of postwar reconstruction”⁷⁷.

Truman was not pleased with the State Department’s early draft and thought it sounded like an “investment prospectus”, along with his advisor Clark Clifford, President Truman edited the speech significantly. Much of the economic text was cut and the scant mention of communist guerillas in Greece was expanded and brought to the front to “increase attention given to the emergency and military elements of the policy”.

He delivered the speech on March 12th, 1947 and in its final form it had several elements that made it compelling:

..highly structured arguments-infused with crisis terminology-that employed anticipatory rebuttals, fear appeals, and periodic use of strategic ambiguity; embedded metaphors of disease, violation and chaos that operated on a less conscious level to induce fear and an unadorned style and delivery that lent a sense of realism to the president’s claims⁷⁸

In the delivered text Truman argued that the United States had to assist “free peoples” in struggles against “totalitarian regimes,” or else it would “undermine the foundations of international peace and hence the security of the United States.”

In general the shift from the State Department’s approach to the final text was a shift to “representing American policies” based on “philosophical scruples” rather than “considerations of practical self-interest”. The Truman Administration’s insistence and reliance on this tactic makes clear that they did not believe the American public would get behind it based on an honest statement of their government’s aims⁷⁹.

Truman opened with two attention grabbing sentences:

The gravity of the situation which confronts the world today necessitates my appearance before a joint session of the Congress.

The foreign policy and the national security of this country are involved⁸⁰.

If the success of Truman's speech is to be measured by its effect on American public opinion, it should receive more than satisfactory marks. Prior to the war, Americans were far less concerned about foreign issues. As the chart below⁸¹ shows, it was not until the eve of the attack on Pearl Harbor, two years after the start of the war, that the vast majority of Americans believed foreign issues were most vital. Polling on this question was not done during wartime, but immediately after the war the inward turn was remarkable.

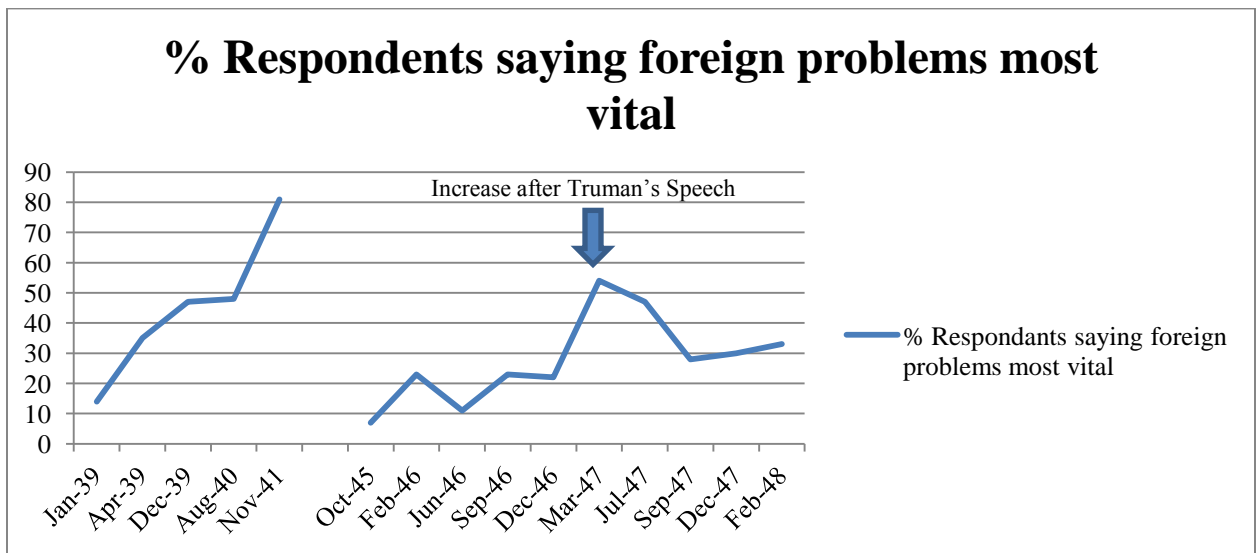


Chart 1. Respondents saying foreign problems most vital

It was not until Truman delivered his speech that American public opinion on the importance of foreign affairs had quickly jumped back to levels that had not been seen

since the war years. Truman succeeded in using his prestige and power as President over shaping American public opinion to secure an environment where Congress could approve the needed aid for Greece and Turkey. The President's speech had "scared the hell" out of the American people to open the door to Congressional action. It also opened the door to much, much more.

While the delivery of the Truman Doctrine served its intended purpose, to rile up public sentiment against the international communist threat, an executive order issued by Truman less than a week later rode this wave of fear and directed it inwards as well. Executive Order 9835, which became known as the "Loyalty Order" set up a program to review the loyalty of government employees.

Loyalty boards had a history in US government including an immediate history preceding this decision. Prior to the war, as concern over Nazi intentions grew, Congress established a committee to investigate potential subversives in 1938. This was chaired by a Republican congressman from Texas named Martin Dies who was outspoken about enemy alien propaganda and it became popularly known as the Dies Committee. But while the Nazi threat would be represented among enemy aliens in right-wing fascist organizations, the Republican chaired committee targeted left-wing communists and ultimately the Roosevelt Administration itself as it alleged the New Deal programs were a front for communist subversives.

During the war years, the Dies committee remained active but generally declined. Its appropriations went from \$150,000 in 1941 down to only \$50,000 in 1943 during the relatively positive atmosphere towards communists due to the Grand Alliance⁸². With the war over however and the prospect of post-war cooperation diminishing in 1946 and

gone by the time of Truman's speech, it became clear that the work of loyalty boards and the issue of internal security would once again come to the fore of American public life. The Democrats felt the sting of soft-on-communism allegations in the 1944 general election when they still had control of the White House and Congress. After the Wallace speech debacle and losing control of Congress to the Republicans in 1946, Democrats were primed to be the targets of renewed Congressional hearings on loyalty. Truman sought to avoid that by owning the internal security issue as his own.

Two weeks after the 1946 election resulted in a defeat for Democrats, President Truman established a Temporary Commission on Employee Loyalty. Its mandate was to determine if the government had the necessary safeguards in place against the hiring or continued employment of subversives and it only had two months to conclude its work and make recommendations. During this time the Commission sought information from the Attorney General in relation to the FBI's efforts in this area and requested to know how many files they had on potential subversives, what evidence was required to open a file on such a suspect, and what percent of government employees they believed this represented. The FBI and Attorney General Clark were not forthcoming and instead Clark simply said the problem "should not be weighed in light of numbers" but rather from the perspective that "even one disloyal person" constitutes a "serious threat" to the "security of the United States."

Truman received the rushed Commission's report on February 20th, 1947 which stated that the problem "presents more than a speculative threat" but "based on the facts presented" to them, the Commission was unable "to state with any degree of certainty how far reaching that threat is."

A month later and just days after announcing a Truman Doctrine in foreign affairs, Executive Order 9835 was given marking the domestic Truman Doctrine in internal security. This one-two punch ushered in a decisive shift, marking the beginning of the Cold War at home and abroad and served Truman's political calculations. It is fair to ask, as many may, to what extent Truman took the internal security steps he did because of politics or because of a genuine fear of the threat of subversion.

The answer to this question was largely given by Truman himself. On February 28th, 1947, just over a week after receiving the Temporary Commission's report and the day after meeting with members of Congress to advance formulation of the Truman Doctrine, Truman responded to a letter from the former Governor of Pennsylvania and fellow Democrat George Earle, who had informed him he was stepping down as the head of the American Anti-Communist Association:

I appreciated very much your note of Feb. 26 and I am very happy to be informed of your decision with regard to the American Anti-Communist Association. People are very much wrought up about the communist 'bugaboo' but I am of the opinion that the country is perfectly safe as far as communism is concerned – we have too many sane people. Our government is made for the welfare of people and I don't believe there will ever come a time when anyone will really want to overturn it.

The White House confirmed the existence of the letter but did not comment on its contents. Earle, a staunch anti-Communist who had once advocated for dropping the atom bomb on Russia to stop communism, leaked the letter to the press. Doubt about the President's thinking in this letter is mitigated when Truman himself penned the following in his memoirs which reflects the same thoughts he conveyed to Earle:

During other periods of hysteria, attacks on the rights of individuals were made on other pretexts in total disregard of guarantees under the Bill of Rights. But we recovered from all of them. And we will continue to return to sanity after each attack because we have freedom of the press, freedom of religion, a free educational system, and our people vote in free elections giving them control and the right to change their government. When we have these fits of hysteria, we are like the person who has a fit of nerves in public – when he recovers, he is very much ashamed – and so are we as a nation when sanity returns. This is why I never believed that this government could be subverted or overturned from within by Communists. The security agencies of the government are well able to deal quietly and effectively with any Communists who sneak into the government, without invoking Gestapo methods.

Despite decrying hysteria in his memoirs, it was Truman's politically calculated rhetoric and actions in both foreign and domestic politics which laid the foundation for the period known as the second red scare.

What happened?

The Executive Order⁸³ given by Truman establishing the loyalty program enumerated six types of activities by employees or applicants that would render them disloyal. These included 1) sabotage or espionage 2) treason and or sedition 3) advocating the illegal overthrow of government 4) intended or unauthorized disclosure of classified information 5) serving a foreign government and 6):

Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

The sixth criterion for determining disloyalty among government employees is worth highlighting because it is the only new criterion the Executive Order puts forward on its own. The first five criteria were already illegal and could quickly lead to termination of government employees. The sixth, however, was now introducing as disloyal the mere membership, affiliation or sympathetic association with anyone or any group the Attorney General determines.

In addition to criteria that would consider employees disloyal for their thoughts or affiliations, the procedural set up of the program was deeply problematic. Often, vague allegations were made against those deemed disloyal with specific evidence withheld due to security considerations. Informants who made allegations of disloyalty were often allowed to remain anonymous, denying the accused of the right to face their accuser. No time limit was placed on the acts, thoughts or affiliations that determined disloyalty meaning someone could be considered disloyal for an affiliation they had 30 years prior. Further, since each agency had their own procedures and loyalty boards, employees would have to prove loyalty multiple times if they transferred from one agency to another. Hearing boards were often privy to confidential information about allegations against the accused long before the actual hearing when the accused is not present. The hearing board also had no power to subpoena anyone who could testify on behalf of the accused⁸⁴. The overall effect of these procedures, which differed greatly from those guaranteed by the sixth amendment in criminal proceedings, was to put the burden of proof on the accused.

Turning thoughts into disloyalty led to many formal charges in loyalty hearings that certainly wouldn't exist in criminal proceedings. These included charges such as

“You have associated for a considerable time with persons who are known communists” or “Communist literature was observed in the book shelves and Communist art was seen on the walls of your residence.” Questions asked at loyalty hearings were also based on thought policing. These included “what do you think of the third party formed by Henry Wallace?” and “have you ever had Negroes in your homes?” and “There is suspicion in the record that you are in sympathy with the underprivileged. Is that true?”⁸⁵

The inquisition-like acts of the loyalty boards initiated by Truman’s executive order, which coincided with his international Truman doctrine, created an aura of anti-communism around the White House that would serve to shield it from Republican attacks. At the same time, Wallace and his newly established Progressive Party were making gains in local elections and managed to get on the ballot in many states including California which required nearly 500,000 signatures. Wallace and the Progressives emerged as the most vocal opponents of Truman’s international doctrine and would soon fall victim to his domestic one.

Truman’s strong move toward anti-communism both domestically and internationally, and the hysteria it created, did not end the Congressional inquisition into “subversive activities” but in fact increased it to unprecedented levels while focusing it away from the White House and toward Truman’s left-wing opponents. In March of 1947, the Truman Administration, whose predecessor had often been a target, began to cooperate significantly with the House Un-American Activities Committee (HUAC) chaired by J. Parnell Thomas. Attorney General Clark, in early 1947, reversed a policy established by Attorney General Biddle in 1940 which forbade the FBI Director from testifying before the committee. Biddle believed that FBI Director Hoover was “a ‘good

cheerful soldier' but flawed by a 'bias against the reds'". For his part, Hoover objected to Clark overturning Biddle's policy believing that his speaking against communism would only weaken the Bureau's effort against it but Clark's reversal stood and Hoover testified before the committee. Hoover told the committee, in a widely publicized testimony, that communists were a "fifth column if there ever was one", their goal was the "overthrow of our government" and their "allegiance is to Russia." He also stated that since the President's speech on aid to Greece and Turkey, Communists "opposing the plan had been mobilizing, promoting mass meetings, sending telegrams and letters to exert pressure on Congress."⁸⁶ This was the first expression of a stance the Administration would repeat frequently moving forward, that opposition to the President's foreign policy was Communist inspired and due to subversive intentions.

The hysteria created by Truman and the support the Justice Department was now openly lending to the HUAC led to its reinvigoration and effectiveness as a politically repressive instrument. After the Dies committee's budget dwindled in the war years, the post-war HUAC became markedly more active after 1947. It had 3 hearing days and a budget of \$75,000 in 1946 but jumped to 27 hearing days and a budget of \$100,000 in 1947. Hearing days would reach a high of 77 in 1950 and its budget reached \$200,000 in 1949⁸⁷. The Justice Department's behavior also changed in relation to its delivery of indictments for contempt of Congress which increased significantly after this point.

It was also in this climate that the passage of the Taft-Hartley act came. The act was aimed at limiting the strength of labor movements across the country after a strike filled year in 1946. One provision of the act was designed to curb Communist Party influence in the Unions and it denied any of the privileges of the Wagner act⁸⁸ to any

labor organization whose officers do not file an affidavit swearing they are not Communists or affiliated with any Communists. This put officers who were Communist Party members in a position where they would either have to perjure themselves, resign their labor union posts, or leave the Communist Party. The National Labor Review Board's strict compliance with the Taft-Hartley act had a devastating impact on communist influence in Labor Unions which had grown during the war years.

Perhaps the most influential consequence of Truman's shift for communists and other political activists even loosely affiliated with them was the publication of the Attorney General's List of Subversive Organizations. This list, which was effectively required by the sixth criterion of Truman's Executive Order on loyalty, functioned as a black list. Robert Goldstein writes that the "effect of being listed was clearly to seriously hinder or destroy the organizations involved." He continues:

Membership and contributions usually dried up, the Treasury Department revoked tax exempt status of at least sixteen organizations that were listed, meeting places suddenly became difficult to find, and the list was soon incorporated into state and local loyalty programs and became the basis for private blacklisting. In 1952, Congress banned members of listed organizations from eligibility for public housing (a law quickly declared unconstitutional) and barred veterans from using veteran's benefits to enroll in listed educational institutions.

Publishing this list served little or no purpose other than to marginalize and repress those on it or affiliated with them. Organizations listed were often listed for legally protected activity. In fact, the Attorney General told a Senate committee this much when he said that some of the organizations on the list were there for "fostering American policy favorable to the current policy" of another state or promoting "the

defense of specific individuals” or to provide legal defense or “legal aid groups for Communists” or teaching “Communist dogma and tactics.”

Organizations that were listed did not have a hearing nor could they appeal such a listing. Determinations were based on classified information that could not be challenged. The Attorney General’s list, as Richard Freedland notes, “had a profoundly suppressive effect upon political dissent in the United States.” The impact of publishing the list, he goes on to say, “was to enroll the whole country in a vast loyalty program⁸⁹.”

COINTELPRO 1956-1971

Background

As a consequence of the second red scare and the activities of the House Un-American Activities Committee, a number of important things happened that laid the groundwork for the COINTELPRO era. First, J. Edgar Hoover and his FBI had become empowered to a point never before seen. The number of people working for the FBI went from about 2,600 in 1940 to about 13,000 in 1960⁹⁰. This of course corresponded with significant budgetary increases as well. One outcome of the Temporary Commission on Loyalty that Truman established was the finding that the low percentage of loyalty checks some agencies had been doing were a result of budgetary constraints. With the FBI taking center stage as the clearing house for all loyalty checks during the massive expansion of the loyalty program, its resources naturally had to be increased and its capacity as a repository for such data grew immensely.

Second, when Senator Joseph McCarthy took the step of expanding his investigations of communist infiltration into the Army, it gave Republican President and

war hero Dwight Eisenhower the opportunity he needed to push for McCarthy's censure in the Senate. Previously, Eisenhower had been reluctant to challenge McCarthy although he had privately disagreed with his tactics. During his 1952 campaign for President, he held back criticism of McCarthy for fear of jeopardizing McCarthy's home state of Wisconsin in the election. After the election, once McCarthy's attacks on the Army began in 1953, McCarthy's popularity plummeted and Eisenhower could move against him.

The decline of McCarthy and his approach, which many were beginning to see as a witch-hunt, meant that Congress's capacity to act as a blunt instrument of repression against the Communist Party would be limited. For the most part, that era was drawing to a close. Recognizing this, the Justice Department continued its efforts against the Communist Party and its affiliates through aggressive use of the Smith Act⁹¹. From 1953-1956 alone, the Justice Department brought the indictments of 42 communist party leaders under the Smith Act.

For a decade since the war had ended, the tide had been turning against communists in the United States. With Truman's foreign and domestic doctrine, the growth of the FBI, its fervent cooperation with the HUAC and loyalty programs, and the fear-spreading zeal of Joseph McCarthy, the Communist Party's membership dropped to about 22,000 members in 1955, down from a peak of about 80,000 a decade earlier. With a rapidly dwindling membership, a leadership constantly facing indictment or already in prison, and with the admission and denunciation by Soviet Premier Khrushchev of Joseph Stalin's abuses, the Communist Party in the United States was in a state of disarray and filled with internal strife.

Why it happened

In 1955, the Supreme Court agreed to review a case based on the violation of the Smith Act. The Court would review whether prosecution of “advocacy” under the Smith Act could include mere expression or education or rather would it have to involve real actions or calls to actions. The expectation was that the Court would take the civil libertarian position and it would ultimately do so in *Yates vs. The United States*. What this meant was that the legal instrument the FBI turned to to crack down on Communist Party political activity as the HUAC committee was weakened would no longer be available to them.

Hoover was also eager to flex the muscle of the much larger and more powerful organization he now led. Previously, some of his ambitions were met with great skepticism from President Truman. In 1950, for example, as the Korean War was beginning, Hoover sent a memo to Truman’s office outlining a plan for the suspension of *habeas corpus* and the detention of approximately 12,000 individuals which Hoover had compiled into a master index of individuals “found to be potentially dangerous to the internal security.” The index, Hoover wrote:

... now contains approximately twelve thousand individuals, of which approximately ninety-seven per cent are citizens of the United States. Immediately upon receipt of instructions and the master warrant from the Attorney General the various FBI Field Divisions will be instructed by expeditious means to cause the apprehension of the individuals within their various territories. Each FBI Field Division maintains an index of the individuals within its territory, which index is so arranged that it may be used for ready apprehension purposes. Upon apprehension the individuals will be delivered to the nearest jail for temporary detention and action by the Attorney General.⁹²

While the Constitution is clear that suspension of the writ of *habeas corpus* could only happen in times of rebellion or insurrection, Hoover was suggesting doing so in the event of an “attack upon the United States; (2) threatened invasion; (3) attack upon United States troops in legally occupied territory; and (4) rebellion.”

Truman ultimately rejected Hoover’s plan and had been skeptical of Hoover from the start of his Presidency. He wrote shortly after taking office in 1945 that he was concerned about the expansion of the FBI and that “we don’t want no Gestapo or secret police. The FBI is trending in that direction.”⁹³ Thus when President Truman established the Central Intelligence Agency, which was responsible for foreign intelligence collection, he knew he had to keep it separate from the FBI because it could not be under the control of one person. Hoover, was irate over this decision and lobbied hard to have foreign intelligence under his control but he ultimately lost that battle. His forthcoming cooperation with the HUAC was also done over Truman’s objection. Hoover’s relationship with the White House would remain tense for as long as Truman was the resident, but when Eisenhower was elected this changed.

President Eisenhower sought to develop strong ties with Hoover and made it one of his top priorities. He wrote in his memoirs that “such was my respect” for Hoover, that “I invited him to a meeting, my only purpose being to assure him that I wanted him in government as long as I might be there and that in the performance of his duties he would have the complete support of my office.” Eisenhower also opened the doors of the State Department to an FBI purge of communist leaning “security risks” and by 1953 he proclaimed that 1,456 “subversives” had been removed. In May of 1955, Eisenhower awarded Hoover the National Security Medal for “exercising exceptional tact,

perceptiveness, judgment, and brilliant leadership in a position of great responsibility” and because Hoover represented “the highest ideals of federal law enforcement and has directed them to realization.⁹⁴”

Under Eisenhower’s leadership, Hoover was operating in a far more comfortable and welcoming environment than in Truman’s presidency and he had the opportunity to act on some of his ambitions. When he briefed Eisenhower’s cabinet about the COINTELPRO program in 1958, about two years after it was initiated, he described the infiltration, disinformation, instigation and preemptive political targeting of the Communist Party⁹⁵. While this program was not initiated by the President, it certainly proceeded, at minimum, with his tacit approval

Along with Hoover’s ambitions, the growing strength of the FBI, the Supreme Court’s decision on the Smith Act and the protection of a more welcoming administration, another reason for the initiation of the COINTELPRO program was cited in the memo initiating the program itself; the weakness and internal divisions of the Communist Party:

During its investigation of the Communist Party, USA, the Bureau has sought to capitalize on incidents involving the party and its leaders in order to foster factionalism, bring the Communist Party (CP) and its leaders into disrepute before the American public and cause confusion and dissatisfaction among rank-and-file members of the CP. Generally the above action has constituted harassment rather than disruptions since, for the most part, the Bureau has set up particular incidents, and the attacks have been from the outside, at the present time, however, there is existing within the CP a situation...which is made to order for an all-out disruptive attack against the CP from within. In other words, the Bureau is in a position to initiate, on a broader scale than heretofore attempted, a counterintelligence program against the CP, not by harassment from the outside, which might only serve to bring various factions together, but by feeding and fostering from within the internal fight currently raging⁹⁶.

After 10 years since the start of the Cold War and in the immediate wake of the second red scare, the Communist Party in the United States was very weak. Hoover and his FBI could smell the blood of an organization that they had worked to marginalize and with COINTELPRO they were going in for the kill. By the end of 1956, after the program was established, the Communist Party had only about 4-6,000 members.

What happened

The counterintelligence program started by the FBI in 1956, simply referred to as COINTELPRO, continued until its existence was brought to light amid great controversy in 1971. This would be just one year before J. Edgar Hoover, a man whose very name was synonymous with the FBI, died. Though it began as an effort to disrupt and destroy the Communist Party from within, over the course of its 15 year span the program targeted many different groups.

After the efforts of the program against the Communist Party were judged a success, COINTELPRO tactics would be applied to other organizations and movements. Each group would be classified under a different sub-program. Initially, the COINTELPRO file subjects read “CP USA – Counterintelligence” but soon after files would be created with subjects on the Socialist Workers Party (SWP), White Hate Groups, Black Nationalists, the New Left, Cuba, Hoodwink⁹⁷ and more. Individual groups that were targeted included a wide range from the Black Panther Party, to the American Nazi Party, to the Students for a Democratic Society, to Antioch College, to the Student Nonviolent Coordinating Committee, to the White Panther Party to individual newspaper columnists and faculty members at universities.

While groups targeted for disruption by the FBI's COINTELPRO program included those on the right and left of the American political spectrum, there was far greater emphasis on targeting groups on the left. The number of groups targeted on the left was greater and they were targeted more frequently than those on the right. FBI activity against groups on the left became most pronounced in the late 1960s, particularly around 1968, when opposition to the Vietnam War was reaching a climax.

Creating infighting between groups was often the chosen strategy of COINTELPRO efforts. In one sub-program, "Hoodwink", the FBI sought to foster conflict between the Communist Party and organized crime elements. A memo⁹⁸ from the FBI director to the Special Agent in Charge (SAC) in New York stated:

New York is authorized to mail the anonymous letter and leaflet set out in relet as the beginning of a long-range program to cause a dispute between La Cosa Nostra (LCN) and the Communist Party, USA (CPUSA). To strengthen this alleged attack, add a last sentence to the leaflet: "let's show the hoodlums and the bosses that the workers are united against the sweatshops."

Take the usual precautions to insure this mailing cannot be associated with the Bureau and advise of tangible results. New York should also submit follow-up recommendations to continue this program.

The party has been the subject of recent bombings, a typical hoodlum technique. Consider a spurious part statement blaming the LCN for the bombs because of Party efforts on behalf of workers. This statement could be aimed at specific LCN members is appropriate.

In developing this program, thought should also be given to initiating spurious LCN attacks on CPUSA, so that each group would think the other was mounting a campaign against it.

Along with seeking to create conflict between groups or movements, COINTELPRO also featured suspicion by association. Associations between activists

across groups or movements led to widening the scope of COINTELPRO. For example, Communist Party members, or former members, who affiliated with activists in other movements, like the civil rights movement for example, led the FBI to focus on new activists and groups. A prominent example of how this transfer of suspicion worked was the focus on Martin Luther King, Jr. for his affiliation with Stanley Levison.

Levinson was a leader in the Communist Party in the early 1950s. On June 21, 1952, a secret security investigation was launched into Levinson by the FBI and they began tracking him closely. An April 22nd, 1959 memo in Stanley Levison's massive 109 part FBI file seems to be the one of the first mentions of King in Levison's file. The memo is a report on a "Youth March on Washington" in support of desegregating schools three days earlier during which a FBI informant noted that Levison was "partially responsible for the initiation of the mechanics" of the march and had also been involved in a similar march a few months prior. The memo further states:

We may assume that Levison's connection with captioned activity was at the behest of King who was one of the motivating forces behind this demonstration. Levison's activities in the last Saturday's demonstration may also have been at the direction of the [Communist Party] as we do know that the CP was extremely interested in the demonstration, giving it widespread coverage in "The Worker" as well as issuing instructions to the CP throughout the eastern United States, particularly that this activity should be supported and individual CP members and their families should participate in it.

Hoover had long been convinced that the communists were seeking influence in "negro organizations" and wanted to expand the effort against King but his conviction had consistently been undercut by the facts collected by the FBI and initially there was disagreement in the ranks about the prudence of this move. William Sullivan, Assistant

Director of the Domestic Intelligence Division presented Hoover with an extensive document on the “Communist Party and the Negro” in August 1963 which found the CP had failed spectacularly in this regard, quite contrary to Hoover’s contention. Hoover dismissed it by hand writing on the memo, “This memo reminds me vividly of those I received when Castro took over Cuba. You contended then that Castro and his cohorts were not Communists and not influenced by Communists. Time alone proved you wrong. I for one can’t ignore the memos as having only an infinitesimal effect on the efforts to exploit the American Negro by Communists”

Sullivan’s response was a complete reversal:

The director is correct. We were completely wrong about believing the evidence was not sufficient to determine some years ago that Fidel Castro was not a communist or under communist influence. In investigating and writing about communist and the American Negro, we had better remember this and profit by the lesson it should teach us... Therefore, it may be unrealistic to limit ourselves as we have been doing to legalistic proof or definitively conclusive evidence that would stand up in testimony in court or before Congressional committees that the Communist Party, USA, does wield substantial influence over Negroes which one day could become decisive.

Sullivan then prepared a new memorandum on September 16th, 1963 which recommended “increased coverage of communist influence on the Negro” the very same coverage his report a month early said was not warranted. Hoover, however, was not impressed, writing on the memo:

No, I can’t understand how you can so agilely switch your thinking and evaluation. Just a few weeks ago you contended that the Communist influence in the racial movement was ineffective and infinitesimal. This

notwithstanding many memos of specific instances of infiltration. Now you want to load the field down with more coverage in spite of your recent memo depreciating CP influence in racial movement. I don't intend to waste time and money until you can make up your minds what the situation really is.

Sullivan went back to the drawing board and returned with yet another memo on September 25th noting Hoover's "continued dissatisfaction with the manner in which" FBI personnel had prepared previous briefs on this matter and that "we certainly want to do everything possible to correct our shortcomings" and "clarify a most regrettable situation." What follows is an awkward attempt to square the facts that the FBI collected with what Hoover wished them to be. The fact that the CP has failed to control or dominate the Negroes has been the "historical position in the Bureau" going back "ten to twenty years" is "no reason to assume it is the correct position at this time." The "interpretation" Sullivan offered was:

Facts by themselves are not too meaningful for they are somewhat like stones tossed in a heap as contrasted to the same stones put in the form of a sound edifice. It is obvious for us now that we did not put the proper interpretation upon the facts which we gave to the Director.

Sullivan added "we are in complete agreement with the Director that communist influence is being exerted on Martin Luther King, Jr., and that King is the strongest of the Negro leaders...the most dangerous and effective negro leader in the country...we know the [Communist] party ...plans to intensify its efforts to exploit the racial situation for the purpose of gaining influence among the Negroes."

In closing, under a subheading "Subject of Deep Concern", Sullivan repeated that the "failure to measure up" to the Director's expectations is a "very deep concern" which

the Domestic Intelligence Division is “deeply disturbed by” and “ought to be”. Hoover, after underlining the profuse apology in this section, approved the memo on the next page authorizing the enhanced scrutiny of King⁹⁹.

This episode illustrates not only how scrutiny of some groups led to the scrutiny of others but also the extent to which one individual, J. Edgar Hoover, had influence over making those connections even in the absence of conclusive facts. It seemed that to Hoover, if you didn't find a communist threat in the facts, it was because you simply weren't looking at the facts right. So long as communist influence on a given group was possible, it didn't matter if it was plausible, likely, or supported by a preponderance of previous behavior. As in his remark on Cuba and Castro to Sullivan, just because a certain cohort is not communist today, doesn't mean they won't be tomorrow. This pretext, however flimsy, was used to expand FBI operations against Martin Luther King and would be used as well to expand and create several COINTELPRO programs against a different set of groups, the New Left.

With the passage of the Gulf of Tonkin resolution in 1964, the United States was moving deeper into war in Vietnam and likewise the anti-war movement was growing as well. A number of new organizations on the left became dominant voices in the anti-war movement. In recent history, as witnessed in the Truman era, left-wing opposition to American foreign policy was coming from the Communist Party or movements affiliated with them. The new anti-war organizations were still on the left but were far more detached from the old left. This *new* left nonetheless came under FBI scrutiny in its COINTELPRO programs often through conceptions that exaggerated communist influence.

The Students for a Democratic Society (SDS), perhaps the single largest group within the New Left that fell under COINTELPRO scrutiny, was defined in the FBI program's files as having affiliations with the Communist Party. A quote from the Communist Party General Secretary was featured along with information about the removal of an anti-communist proviso from the SDS constitution in 1965 and the comments by an SDS spokesman about communists being welcome.

Similarly, the Southern Student Organizing Committee (SSOC) was described in the files as an organization formed in 1966 to "stimulate activity of Southern student groups in areas of civil rights, peace, academic freedom, civil liberties, capital punishment and unemployment." The organization published the "New South Student" which according to an FBI source "has increasingly espoused and defended the pro-Communist and anti-United States position on domestic and foreign policy." The description continues with focus on students who attended CPUSA conferences or camps.

This was a prevalent pattern throughout many of the COINTELPRO files on the New Left organizations. These groups were considered potentially subversive not because of any illegal actions they took or real threats they presented to the state but rather because they had often over exaggerated connections, to one degree or another, to the Communist Party.

It is impossible to measure exactly what kind of effect COINTELPRO had on the various groups that were targeted though there are a number of known results from the efforts to create factionalism and disputes. There are numbers available on the extent of COINTELPRO which are depicted in the chart below. These numbers come from a report issued by the Ford administration Attorney General William B. Saxbe. Saxbe had been

briefed on COINTELPRO when he first took over the Department of Justice and directed his assistant to prepare a report on the program. A few weeks after raising the matter with President Ford, the report¹⁰⁰ was made public.

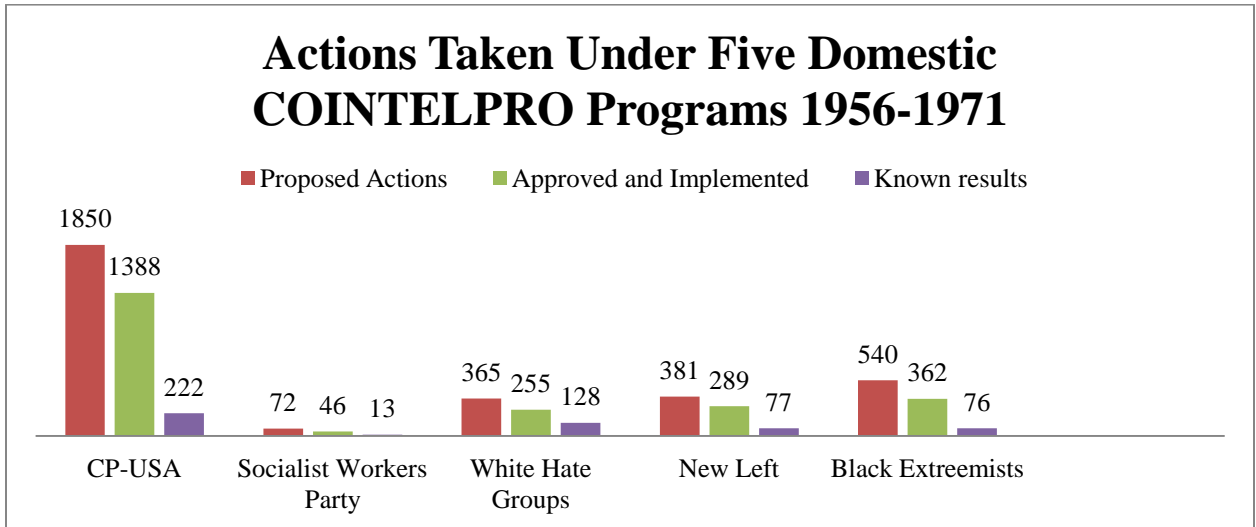


Chart 2. Actions Taken Under COINTELPRO

According to the report there were twelve types of activities which made up the majority of actions taken under the program. The most prevalent was “sending anonymous of fictitious materials to members or groups” which amount to almost 40% of all activities. Next was “dissemination of public record information to media sources” which made up some 20% of COINTELPRO efforts. The rest included leaking informant based information to media, advising local law enforcement about civil and criminal violations of groups, using informants to disrupt a group, informing employers and creditors of members’ activities, informing businesses with whom members have dealings, interviewing or contacting members, attempting to use religious and civil leaders in disruptive acts, activity related to political or judicial processes, establishing

sham organizations for disruptive purposes and informing family or others of radical or immoral activity.

COINTELPRO was exposed when activists broke into an FBI office in 1971, stole a series of files including many COINTELPRO files, and reported them to the press. Shortly thereafter the program was discontinued. The following year Hoover, who had personally approved almost all COINTELPRO actions and who had started as a 22-year old managing the Alien Enemy Bureau during Wilson's First World War repressive wave, finally died. The passing of both Hoover and the COINTELPRO program marked the end of a long, repressive era in American history.

Key Factors Influencing Decision Making

Domestic Politics and Electoral Concerns

In the cases surveyed above, domestic politics and electoral concerns played important roles the decision making on repression and civil liberties curtailment. This was most pronounced in the Truman administration and the Second Red Scare. The shift in government behavior was in large part motivated by the administration's need to deal with political attacks from both the left and the right. The decision to announce the Truman doctrine both internally and externally, and in the particular tone in which it was announced was based in part on domestic political calculations. The domestic political threat to Truman's presidency was perceived to be serious and this perception was heightened by the Wallace debacle, its fall out, the victory of Truman's political opponents in 1946 midterm elections and poor polling numbers for Truman's reelection prospects in 1948.

Public Opinion and Interest Groups

During the World War One era, public opinion was a key factor in the decision making process around repression. President Wilson perceived public opinion against the war to be a threat to the war effort and took several steps to limit the ability of dissenting voices to affect public opinion. This took the form of the Committee for Public Information, which served as a propaganda arm that aimed to move public opinion in favor of the War and Wilson's policies. It also took the forms of several repressive measures aimed at eliminating critical pamphlets and publications from the mails,

censoring foreign language press, arresting dissidents and disrupting organizations like the IWW and parties like the SPA.

Public Opinion and interest groups also played a decisive role during the decision making process around the internment of Japanese-Americans during World War Two. Interest groups, particularly groups representing the interests of white farmers, worked to lobby officials to remove their Japanese competitors. This helped ignite a hysteria among public opinion that was reflected in the press and would come to influence elected officials in western states that in turn lobbied the Roosevelt Administration. Roosevelt himself was consumed with matters of far greater consequence as public opinion grew increasingly in favor of removing the Japanese. With his Justice Department and War Department at odds over the prudence of such a move, there is little doubt that the upsurge in anti-Japanese attitudes and the efforts of representatives helped decisively push Roosevelt in the direction of internment.

During the Second Red Scare, public opinion also played a major role. Unlike the situation with Japanese internment where public opinion pushed Roosevelt to take repressive action, in Truman's case, *he* pushed public opinion to create certain conditions from which repressive action followed. Truman's speech significantly shifted public opinion, creating a frenzy that enabled legislative action. The executive order on loyalty boards, which soon followed, help shaped this frenzy into a more serious fear. These conditions led to the growth of the FBI, the reinvigoration of the HUAC, and paved the way for the passage of the Taft-Hartley act. Truman himself may have regretted the chain of events he set off but it is unlikely that they could have happened without his instigation.

Role of Key Individuals and Agencies

In several instances in the surveyed cases, certain individuals and agencies played critical roles in the decision processes that led to repressive outcomes. During World War One, Wilson himself played a major role, not only in directly issuing executive orders but also by lobbying congress. Wilson paid more attention than most of his peers to Congress. In fact, Wilson enrolled in Johns Hopkins University to study history and politics and, perhaps ironically, German. His doctoral dissertation focused on the unique role of Congress in American government and he wrote in the preface of his dissertation that “It is our legislative and administrative machinery which makes our government essentially different from all other great governmental systems.” Wilson, more than any other President, directly spoke to Congress and used his prestige and the prestige of his office to address joint sessions of Congress on multiple occasions to argue for congressional support of his agenda. He often made symbolic speeches at key moments to support his aims like the speech he gave on Flag Day in 1917 where he warned about domestic opposition to the war being a function of “agents and dupes of the Imperial German Government” just a day before signing the Espionage Act of 1917 into law.

Similarly during Japanese internment, individuals like Stimson and especially Dewitt played major roles in enabling the ultimate decision to intern. Dewitt, with the backing of the War Department, failed to implement the Munson plan and push instead for evacuation. The division that arose between the War and Justice departments over this issue also highlighted how important the agencies are in the decision making process and how differences in opinion may be significant. The Justice Department was opposed,

while the War department was advocating for internment. Ultimately, Roosevelt sided with the War Department after getting a final and decisive push from public opinion.

Attorney General Thomas Clark in the Truman Administration also played an important role in creating the conditions necessary for repressive outcomes. He was charged with implementing certain elements of Truman's loyal order and produced a list of subversive organizations. Clark's Justice Department cooperated with Congress' HUAC and strengthened its repressive hand. Perhaps Clark's most significant personal contribution in this area was his opening of the door to Hoover's direct cooperation with Congress's anti-communist efforts. In contrast with his predecessor, Francis Biddle who was wary of Hoover's anti-communist bias and prevented him from appearing before Congress, Clark reversed this policy and pushed Hoover to the fore.

Hoover as well played a central role, most directly in the case of COINTELPRO where his direct personal decision dictated the majority of the programs. Hoover's personal views, as evidenced by the remarkable correspondence with Sullivan, was sufficient on its own to dictate bureau policy even when the facts dictated otherwise. Presidents were wary of Hoover, particularly Truman who had watched Hoover's power grow to previously unseen levels, and many politicians were afraid of him precisely because of the vast data collection efforts he directed on the lives of a wide range of Americans. While Hoover's personal actions were most influential in the COINTELPRO episode and to a lesser extent the Second Red Scare, Hoover was in fact the only actor of any significance who had been involved in the repressive apparatus, in one way or another, from the time of Wilson through the time of his death in 1972.

Threat Exaggeration

One element common in all of these cases was threat exaggeration. Key actors at various levels and in multiple instances characterized the threat facing the nation in a greatly exaggerated manner. During World War I, Wilson used his speeches to declare that the “sinister intrigue” of the “Imperial German Government” involved “agents and dupes” and was being conducted “no less actively” in the United States, an ocean away from the European continent, than “in Russia and in every country in Europe.” These “agents” were “in places high and low” and have “learned discretion.” Such characterizations were propelled with the help of the Committee for Public Information which, among other things, prepared widely disseminated posters with the heading “Destroy this Mad Brute”. The poster showed a massive ape-like monster standing in America wearing a picklehaube labeled “militarism” holding an anguished half-naked white maiden in one hand and a huge club in the other hand. The club was labeled “Kultur”, the German word for culture. The implication was clear, the threat was in America, it was monstrous, it wielded German culture as a weapon and would prey on the vulnerable.

Similarly during World War Two, DeWitt and others exaggerated the threat from Japanese-Americans to justify interning them. Despite reports, both from Munson and the FBI, which were supported by the Attorney General and made clear that there was no threat from Japanese-Americans at large that would warrant such drastic action, DeWitt consistently made the opposite case even when the facts were not on his side. He even used the absence of facts supporting the existence of a threat to argue that a threat must exist.

Likewise, Truman deliberately exaggerated the communist threat and set a tone of fear through his international and domestic Truman doctrine. This was done precisely to create the hysteria he later decried in his memoirs. Truman's loyalty commission, whose hurried report the loyalty order was based on, based their recommendations in part on information from an obdurate Attorney General that refused to provide actual numbers on the suspected number of subversives but rather said "even one disloyal person" constitutes a "serious threat" to the "security of the United States."

When Hoover initiated the COINTELPRO program, he did so not because the communist party's influence had grown, but rather because the party was weak. Nonetheless, the specter of the communist threat was used throughout COINTELPRO to open investigation after investigation and launch disruptive operations against dissenting groups. When Sullivan, who would go on to be the architect of the COINTELPRO programs targeting the New Left, told Hoover the facts didn't show communists were taking over the negro movement, Hoover simply told him he was looking at the facts wrong.

What is suggested by the cases above is that the decisions that lead to repressive outcomes are complex and can involve a variety of factors. Some of the key factors that motivated decisions in the cases surveyed are stated above. In all of the cases, however, there is great doubt that the groups targeted with repression were targeted because they represented a serious threat to the state. Nor does the historical evidence suggest that the degree of repression or curtailment of civil liberties was a function of the extent of the threat presented.

In the WWI case, anti-war activists presented a threat to Wilson's campaign for public opinion which was needed to maintain support for the war. But the activities of the anti-war activists themselves, negligible in number in comparison to the security apparatus and the size of the state, presented no credible threat to state security. When it came to Japanese internment, there were multiple intelligence agencies along with the Attorney General making the fact-based case to the President that no credible threat existed from the Japanese-American population. During the Second Red Scare, we know that Truman did not perceive a serious threat from communists in the United States which he referred to as a "bugaboo" and later reiterated the same sentiment in his memoirs. In the COINTELPRO case, perhaps the most counterintuitive of all, the FBI launched an intensified effort to debilitate the Communist Party, not because the Party was strong and presented a credible threat to the state but rather precisely because the Party was weak and in a state of disarray.

All of this evidence suggests that the widely held assumptions about why states repress or why civil liberties are curtailed are flawed. This can only come to light, however, through a case-study approach which carefully traces causal mechanisms and seeks to understand what exactly weighed into the decision making processes which begins in the next chapter.

Chapter 3 - Nixon & the Middle East: Viewed through a Cold War Lens

The Soviets are prepared to move forward on a whole range of topics: Middle East, Central Europe, Vietnam, Arms control (strategic arms talks), cultural exchange. In other words, we have the 'linkage'.

-- Henry Kissinger in Memorandum to President Nixon

If I was to tell you that the following pages reveal how a Nixon White House conspiracy came to be and that a clandestine oval office tape recorder provided the smoking gun, you might think you have already heard this story. But this is not about the infamous Watergate scandal. Rather, this is the story about how in late September of 1972 the Nixon White House cut a secret deal with the Israeli Ambassador, Yitzhak Rabin, which very few people ever knew about. In return for Rabin's help with quelling pro-Israel interest groups that were lobbying congress to challenge a US-Soviet Trade Bill which would hurt the White House just before the election, Nixon agreed to form a Cabinet level counter-terrorism committee and support an longstanding Israeli arms request. The formation of this committee resulted in the repression of Arab-Americans and others thought to be supportive of Palestinian aspirations. From what my research yields, it seems only three people knew about this undisclosed pact; Nixon, Rabin and Nixon's top aide, Henry Kissinger. Two of the three have taken this secret with them to the grave and the third, Kissinger, has never acknowledged it.

So how did this come about? What made conditions ripe for such a deal? Why were pro-Israel interest groups attacking a US trade deal with the Soviet Union? Why did Nixon have to go to the Israeli Ambassador for help with his own Congress? Why was Nixon desperate enough to cut such a deal? To answer these questions and understand how this deal was made in the fall of 1972, we must first go back a few years prior and trace the development of Nixonian foreign policy in the Middle East, with the Soviet Union and the White House's relationship with Congress and interest groups throughout this period.

In the following five chapters, I engage in a deeper exploration of a case where the decision that led to a repressive outcome is traced using primary documents and recently declassified information. On September 21st, 1972, President Richard Nixon decided to establish a Cabinet Committee to Combat Terrorism (CCCT). This committee, and most importantly its working group, engaged in a series of efforts that would have repressive effects on the Arab-American community. The factors that weighed into Nixon's decision had been developing for years prior and finally came to a head on that late September day. These included foreign policy matters, domestic constraints, special interest groups and an impending election. As in the cases surveyed in the previous chapter, but in far greater detail, I will provide contextual background information around the decision in this main case, answer why it happened as well as what happened as a result.

In the moment of history to where we now draw our focus, Nixon was engaged in a foreign policy of *détente* during the Cold War. America was stuck in Vietnam where the war had escalated in a very costly way under Nixon's predecessor. The Middle East, a Cold War battle ground, had just seen a transformational war the year before Nixon was elected between American and Soviet client states and it remained turbulent throughout his Presidency. There was a variety of issues that connected the United States, the Soviet Union, Israel and the Arabs during this time including ongoing clashes in the Middle East, the activities of militant groups, *détente* related treaties and a sometimes uncooperative Congress that was needed to ratify them, multi-party talks for Middle East peace, a crisis in Jordan, violent attacks on Soviet diplomatic targets in America and concerns about Soviet Jewish émigrés.

The decision to establish the CCCT, as we will see in the following pages, was not the response to a terrorist attack but rather the outcome of a bargain with a foreign actor that very few people knew about at the time and, it is likely, very few people know about to this day before this writing. The conditions for a trade off became ripe when the key elements of the foreign policy agenda of a President facing election were challenged by domestic interests groups tied to a foreign actor. Nixon agreed to concede to requests made by the Israeli ambassador in return for his cooperation in corralling interest groups and their influence in Congress.

I trace this decision making process using primary source evidence including verbatim conversations in the candid voices of the participants themselves captured on audio tape. What this evidence reveals is precisely why and how the decision to establish the CCCT was made and what factored into the trade off. The evidence about what motivated the decision in this case, not unlike the cases surveyed above, seems completely at odds with the assumptions prevalent in the literature about what leads to repressive outcomes.

It is impossible, however, to understand how and why the bargain that resulted in the CCCT was made without understanding the foreign and domestic political contexts in which it took place. The bargain itself was the product of a nexus between American, Soviet and Israeli foreign policy, the interests and objectives of these actors, and how those interests and objectives interacted with each other *within* domestic American political institutions. Before we can effectively grasp how this nexus produced the CCCT, we must first understand what those policies and interests were.

The following chapters will explore these contexts to situate the immediate time around which the decision to establish the CCCT was made. This chapter, chapter three, begins this by exploring the foreign policy context relative to President Nixon's decision; US interests vis-à-vis the Soviet Union, each Great Power's objectives and positions in the Middle East, Israeli Foreign Policy objectives and a crisis in a Cold War flashpoint that would have significant implications for the decision Nixon made in September of 1972.

The US and the World in 1969

As Richard Nixon came into the White House in January of 1969, over 36,000 US military personnel had already been killed in Vietnam, most during a period of escalation under his predecessor Lyndon Johnson. The US found itself mired deeply in a conflict that it had been engaged in for fifteen years with no end in sight. The War was draining resources and increasingly unpopular at home to the point of causing significant unrest. It became clear that the policy of large scale intervention to contain the spread of communism had failed and should not be repeated.

Still, Nixon felt he had to find a way out of Vietnam with as much US military credibility in tact as possible and while military intervention in the cause of containment was to be avoided, containment by other means was vital. To achieve these ends the Nixon Administration set out on a course of détente and triangulation. Vis-à-vis the Soviet Union, Nixon sought to improve relations and reach strategic weapons agreements

to limit the rapid growth of the USSR's nuclear arsenal and maintain a balance of power. With China, Nixonian foreign policy exploited a growing split between Beijing and Moscow and opened the door to China in 1972, further incentivizing the USSR to cooperate. It was thought that improved relations with China and the USSR would better the chances of a respectable US withdrawal from Vietnam and pursue containment via diplomatic means.

US, the USSR and the Middle East : Post-1967 Reevaluation

Less than two years prior, before Nixon's term in White House started, a major war in the Middle East fundamentally changed the region and many of the assumptions which underpinned policy. Israel managed, in six days, to exploit a divided, surprised and strategically inept Egyptian military and succeeded in conquering and occupying the Sinai Peninsula, the Golan Heights from Syria and the Palestinian territories of the West Bank and Gaza Strip. The 1967 war would prove to be a pivotal moment in the US-Israel relationship and created a much clearer alignment of governments throughout the region with either the US or the USSR. Likewise, this was a moment during which Washington would pause to reevaluate its foreign policy in the region, what its interests were, and how this all related to the most important issue in global politics; the Cold War.

Indeed, reevaluating American foreign policy in the Middle East was an immediate national security priority from the very first day of the Nixon Administration. On January 21st, 1969, President Nixon ordered the National Security Council to study "alternative US policy approaches aimed at securing a Middle East settlement" and

“alternative views of basic US interests in the area.” The study was supposed to address several specific questions¹⁰¹ about the Middle East. This order was given in the form of a Presidential Directive labeled “National Security Study Memorandum 2.”¹⁰² The only Nixon administration national security memorandum which preceded this was on Vietnam¹⁰³ where the US had half a million troops, perhaps indicative of the seriousness and immediacy with which the Administration viewed the Middle East.

The NSC report¹⁰⁴ in response characterized US involvement in the Middle East:

We are deeply involved in the Middle East for two fundamental purposes: (1) because we wish to assure the survival of Israel and (2) because, in terms of our global strategic interests, we do not wish the land mass, population and resources of the eastern Arab world to fall under Soviet domination. We seek the achievement of both purposes. But, given the underlying forces of conflict in the area, pursuit of either purpose tends to militate against the achievement of the other. While neither purpose is “vital” in the strict sense that failure to achieve it would require us to go to war to safeguard our national security, both are of sufficient importance that we cannot disengage from the area without sustaining a serious blow to our Great Power position.

Soviet Influence in the Region: Post-War Deepening of Ties

While the United States was increasingly relying on foreign sources of oil, the Soviet Union was a net exporter. So even though both great powers had interests in the region the US viewed their interests there as more vital than the Soviets did. The Soviet strategy in the region, as seen by the US intelligence community¹⁰⁵, was to exploit “postcolonial resentments and especially the Arab-Israel conflict...[they] seek to deny the area to Western interests an influence.” However, they “have not seen the area as one which engaged their most vital national interests; these remain focused on their relations

with the US in general, on Eastern and Central Europe, and on their conflict with Communist China.”

The Soviets maintained four instruments of power in the region; military aid, economic assistance, economic interests, and a Soviet military presence. After the war in June of 1967, “the Soviet military presence has grown,” in the region “roughly 5,000 Soviet military advisers [were] stationed in several area countries; the Soviet naval squadron in the Mediterranean has been strengthened, and is supported by air and port facilities in Egypt.¹⁰⁶” The number of Soviet personnel in Arab countries “jumped rapidly to about four times its prewar level and continued to be maintained there.¹⁰⁷” The charts below are produced from tables in the above National Intelligence Estimate:

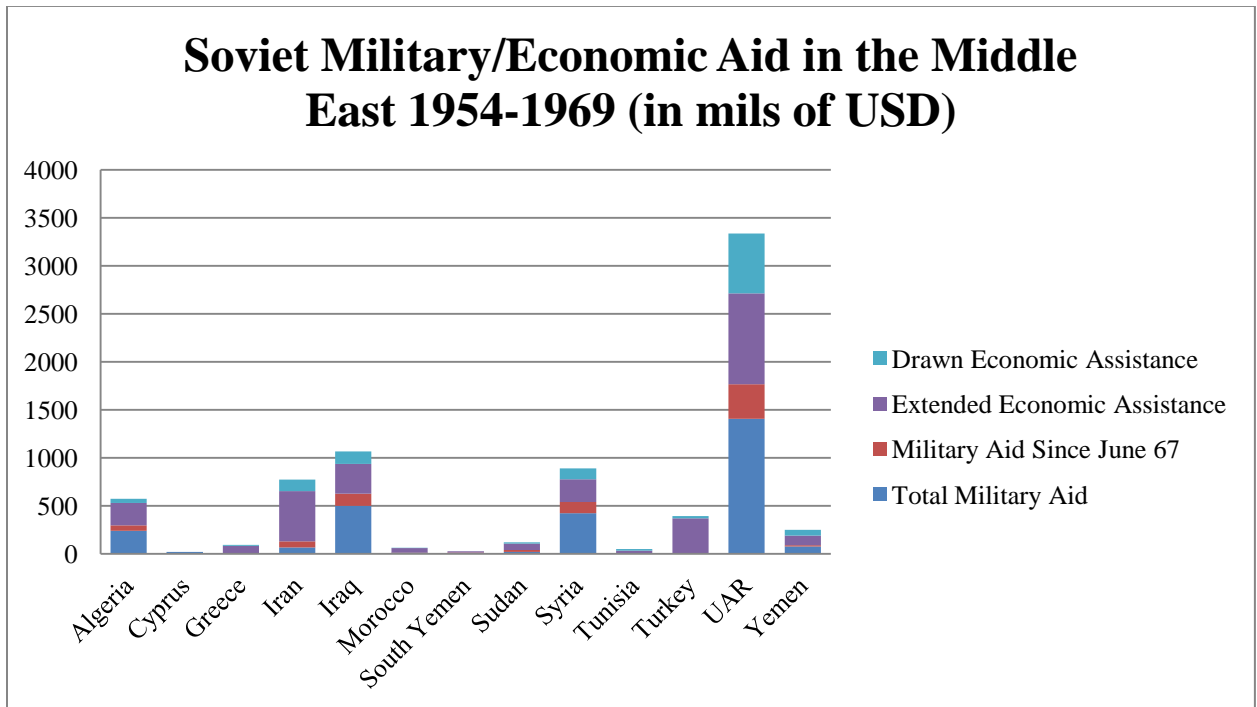


Chart 3. Soviet Aid in the Middle East 1954-69

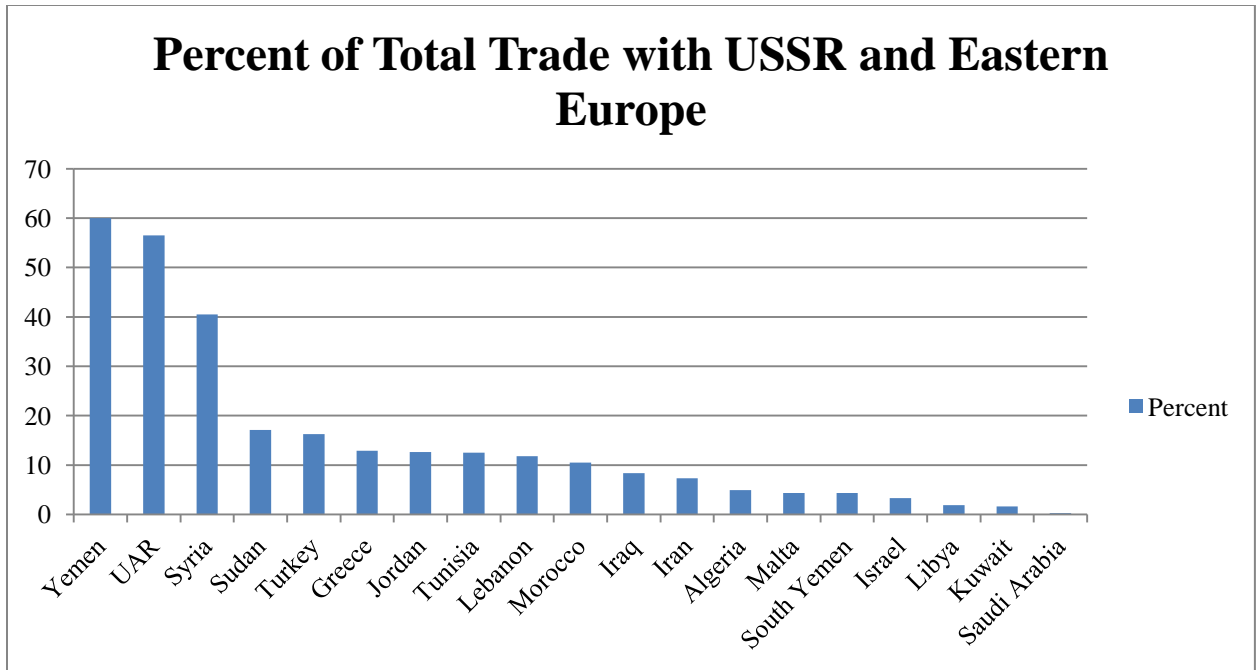


Chart 4. Percent of Total Trade with USSR and Eastern Europe

Clearly, Syria and Egypt, the two most significant strategic challenges to Israel, the American client state in the region, were the states with which the USSR had the most leverage. After the war, the Soviets had increased their military spending and ties with these two states in particular. In the 18 months after the war the USSR delivered an estimated \$360 million in military aid to Cairo and \$118 million to Damascus which amounted to 35% and 37% respectively of the aggregate aid given to those countries in the 13 year period preceding that.

But Soviet influence also had its limitations among the Arab states. Most of the trade relations in the region, for example, were characterized by strong western leaning ties. Beyond Syria and Egypt, the Soviet leverage was greater in Iraq and South Yemen while states like Saudi Arabia were resisting Soviet influence. Jordan, Kuwait and

Lebanon fell somewhere in between, they were “not anxious to cooperate with the Soviets but [tried] to maintain good relations.¹⁰⁸”

In regard to Israel, the US intelligence community believed the Soviets did “not have full master over [their] own policies.” Instead, “it is obliged by its relations with the radical Arabs...to maintain a hostile attitude. This is made easier by the USSR’s unremitting opposition to ‘Zionism’, which the Soviet leaders see as an internal security problem in the USSR and Eastern Europe.¹⁰⁹”

Zionism, the ideology of Jewish colonial nationalism, was seen also as an internal security problem because of the issue of Soviet Jewry. Israel encouraged Jewish immigration and the Soviet Union was home to millions of Jews who could be potential émigrés. As a matter of ideological principle, Communism was averse to ethnic nationalism in general but Zionism created other practical concerns for the Soviets. As Israel continued to shift more solidly into the American axis, and profoundly so after 1967, Jews seeking to emigrate or promote emigration to Israel were viewed with suspicion, sometimes as foreign agents. Another challenge posed by mass emigration of Soviet Jews was “brain drain” or the flight of intellectual capacity which the state had invested in through socialized education programs. It is unclear what, if anything, domestic Soviet policies toward its Jewish citizens had anything to do with Soviet-Arab relations.

In the Arab-Israel conflict, the patron-client relationship was complicated. The Soviets needed the Arabs to maintain a strategic foothold in a region where it sought to deter American hegemony and the Arabs needed the Soviets to balance Great Power American support for their regional adversary, Israel. In the view of US intelligence, this

often led to the Soviets being “a prisoner of Arab emotions rather than the architect of Arab policies” and made the Soviets recognize that in order to maintain their position with the Arab states they “must maintain a generally hostile posture vis-à-vis Israel.”¹¹⁰

Middle East Peace Making

When it came to evaluating the US approach to Middle East peace, the NSC considered¹¹¹ several options including 1) leaving the matter to the parties without diplomatic support, 2) vigorous diplomatic support, 3) a bi-lateral US-USSR led negotiation, and 4) a four-power approach that would include the US, USSR, UK and France. The authors viewed the latter approach, the four-power approach, as the most attractive. They identified doing “everything possible to establish the minimal military and political stability in the area” because if there was a new war “the consequences for the United States would be serious.” Renewed hostilities would “risk a Soviet-American confrontation.” “Unfortunately”, the authors noted, the prospects of managing the situation without renewed hostilities were slim without a new settlement.

An alternative interest would be a piecemeal approach to a settlement and not a single grand design. This would “entail not recognizing the legitimacy of the present territorial situation, yet resisting any tendency to alter it by force or other improper pressure”.

The authors would end with “a final word about US-Israeli relations.” To attain the minimum of stability and control over the situation “requires some pressure on Israel.” Thus, it was important to be clear where US and Israeli interests coincided and

where they did not. Americans would not tolerate the obliteration of Israel but they were not equally interested in the boundaries of Israel nor in its policies. Further, Americans want a settlement that will last and want to preserve some position of friendship with a hundred million Arabs. Finally, it was necessary to avoid a conventional or nuclear confrontation between the US and the USSR. Outlining these differences were vital because:

The United States Government will undoubtedly face heavy pressures by groups which favor total support for Israel and its policies and to a much lesser extent pressures from certain pro-Arab interests, including the oil industry. We can expect that such pressures will continue. It will be important to develop maximum understanding of our policy at home so that the Administration will have maximum flexibility in pursuing our national interest in the area as we see it.

Moving forward, Arab-Israeli peace making became a priority for the Nixon Administration. Nixon liked to keep significant foreign policy decision making as close to himself as possible but unlike other major issues like Vietnam and Soviet relations which were handled primarily through the White House and Kissinger, the Middle East Peacemaking portfolio would belong to the State Department and Secretary of State William Rogers – at least for now.

Nixon saw some good things in Rogers but did not seem to trust him on the most important issues. Giving Rogers the Middle East portfolio instead of Kissinger is likely due to two things. First, Nixon feared that the prospects for success in the Middle East were slim and by identifying the issue as Rogers' and not the White House's, it would be easier to deflect blame in case of failure and also in the case the pressure from pro-Israel interest groups escalated. Second, Kissinger noted in his memoirs that Nixon hesitated to

give Kissinger this portfolio because of Kissinger's Jewish background and the fear that this would make a perception of even-handedness impossible.

The reevaluation of Middle East Peace Making policy which began as soon as the Nixon administration took office eventually became the basis for what would be known as the "Rogers Plan". The State Department would take the lead. Joseph Sisco, the new Assistant Secretary of State for the Near East and South Asia, would soon conduct a flurry of meetings with Soviet Ambassador Dobrynin in the spring of 1969 to outline the plan.

The Nixon Administration saw the Middle East as one of a number of issues of interest between them and the Soviets which would be addressed through "linkage". This meant that issues of interest between the two nations would not be negotiated independently. Dobrynin's first meeting with President Nixon set the tone of this and was interpreted as a positive start to relations.

President Nixon asked Kissinger to provide an analysis of the substance of the February 17th meeting with Dobrynin and his proposals. Kissinger¹¹² would describe it was "extraordinarily forthcoming" and "totally non-ideological—even anti-ideological" grounded in "national interests and mutually perceived threats" without the usual "ritual obeisance to Marxist-Leninist jargon." Dobrynin's message advanced "the dialogue between the Soviet Union and the United States beyond mere détente and into the realm of overt Soviet-American cooperation in the solution of outstanding international problems and the maintenance of peace."

“The Soviets,” Kissinger noted in his reaction, “are prepared to move forward on a whole range of topics: Middle East, Central Europe, Vietnam, Arms control (strategic arms talks), cultural exchange. In other words, we have the ‘linkage’.”

US- Soviet discussions were met with great skepticism by the Israelis. By mid-May¹¹³, Israeli Ambassador Yitzhak Rabin had requested a meeting with Kissinger to ask “What is the purpose of present US talks with the Soviet Union on the Middle East?” Kissinger wanted to reassure Rabin, but also explained that both the US “and the USSR have an interest in avoiding confrontation with one another.” The purpose of the current conversations was to explore how hard the Soviets would be willing to push the Egyptians. Rabin believed that “there is a substantial difference between Israel’s definition of peace and the concept which underlay the proposals [Washington] had made to the Russians.”

So even though Rogers would have the Middle East Peace portfolio, there is no doubt that Nixon and Kissinger understood the connection between moving forward on Soviet relations, Middle East issues and domestic politics as well. This disaggregation of related responsibilities would ultimately cause friction down the line and force a realignment of responsibilities as well as a realignment of personnel. In the short term, however, Rogers and the State Department would proceed with peacemaking efforts. High-ranking officials from Israel and Egypt would visit Washington throughout the year and it seemed as if progress was being made. The Israelis were hesitant and preferred to focus on securing weapons sales from Washington during this period. There was such suspicion on the part of the Israelis during the Rogers plan discussions that a backchannel hotline between Israel and Washington through its Ambassador Yitzhak Rabin and Henry

Kissinger was established after a visit by then Israeli PM Golda Meir to the White House in the fall of 1969. Rabin and Kissinger initiated what would become a long series of telephonic conversations on that line on October 10th, 1969.

Before the United Nations General Assembly President Nixon lent support to the idea of a Middle East peace agreement. During this time, Sisco and Rogers also met with Dobrynin and Soviet Foreign Minister Gromyko in New York. Yet while many public indications suggested Washington and Moscow would be moving closer to a unified approach, the secret backchannel Nixon and Kissinger established for the Israelis created a different perception in Tel Aviv.

In November, Rabin met again with Kissinger to express the Israeli government's position on the talks. The Israeli Prime Minister believed the US "had made a great mistake" and in fact had "undermined" Israel's position. Rabin stressed the US approach with the Soviets was "basically wrong." The Israelis felt that no concrete discussions about future borders should be taking place and they had no intention of withdrawing to pre-June 5th, 1967 boundaries. The US was giving too much away, in their view, to the Soviets during these discussions. Rabin closed by stressing the importance of continued weapons shipments to Israel, "especially planes" and Kissinger reiterated what President Nixon had told the Israeli Prime Minister a little over a month prior; "serious and sympathetic consideration was being given" to these requests¹¹⁴.

In December of 1969, Rogers outlined his plan publicly. In a speech before the Galaxy Conference on Adult Education in Washington on December 9th, Secretary Rogers described the details of a plan that would seek an agreed interpretation of United Nations Security Council Resolution 242¹¹⁵. "Our Policy is and will continue to be a

balanced one,” Rogers said in his lengthy speech. Later he would go on to say “The problem posed by refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration toward hope and justice.”

The Nixon Administration was quickly feeling pressure from pro-Israel interest groups in the United States. Attorney General John Mitchell and Special Assistant to the President Leonard Garment had been tasked by Nixon to, among other things, liaise with the Jewish community. Mitchell “warned Nixon of the domestic buzz saw”¹¹⁶ he was facing. Garment was in touch with the heads of Jewish organizations like Max Fisher, the very influential President of the Council of Jewish Federations. Fisher was irate that he hadn’t seen a copy of Roger’s speech before he delivered it. The “understanding was,” as Fisher put it in a phone conversation, “if there’s going to be a shift in policy toward the Middle East [he] was to be kept informed.”¹¹⁷ Kissinger brought this to the attention of President Nixon the same day¹¹⁸ stating that Fisher “called and said [the Administration] was undercutting the Jewish position.” Nixon directed Kissinger to have Sisco reach out to Fisher. Sisco did, admitting he had “goofed” by merely telling Fisher about the speech when instead he “should have sent him the draft speech ahead of time.” Sisco told Fisher he “would take full responsibility” for the error.¹¹⁹

But while domestic pro-Israel interest groups were making their objections heard over what they believed to be a pro-Arab speech by Rogers, one of Nixon’s concerns was that the speech may not have been sympathetic enough to Arab audiences. In a National Security Council meeting the day after the speech, the President opened the discussion by

noting; “In the last two weeks the pressures to see me on the Mid-East have been mounting. Oil people were in yesterday; the Israeli group in Congress is ready to jump down our throats.” Nixon said that during his recent meeting with business leaders representing oil interests, they expressed serious concerns about an upcoming Arab Summit where “pressures for a united Arab front” would “be too great for our moderate friends to resist.” Rogers “speech”, Nixon said, would “probably enrage the Israelis, but does it give the moderate Arabs¹²⁰ enough?¹²¹”

The quandary was the product of what Kissinger described a several “conflicting US interests” in the region at the outset of the meeting including an Arab-Israeli settlement, steadfast support for Israel and not worsening relations with the Arabs since U.S. “investment in oil is heavy and Western Europe and Japan depend on Mid-East oil supply”¹²². It is those conflicting interests that lead the President to ask this open-ended question to his top national security advisors: “Assume for the sake of discussion that there is no domestic political pressure and that there is no moral question of continuing support involved, would the U.S. foreign policy interests be served by dumping Israel?”

In the following days in a private conversation, President Nixon instructed Henry Kissinger to tell the Israelis that the “private reassurances” given to Meir “remained firm.” In fact, Nixon wanted Meir to know that the Rogers plan was “just a damn charade we are playing. We don’t want her to indicate everything is fine,” the President told Kissinger, “tell her I think it is helpful to indicate disappointment with Roger’s speech.”

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Within days the Israeli cabinet seemed to comply. It issued a statement in reaction to the speech calling it an “attempt to appease [the Arabs] at the expense of Israel.” The

balancing act the United States was playing between oil interests and pro-Israel interests became increasingly tricky. Yitzhak Rabin, the Israeli Ambassador in Washington had been summoned back to Israel for instructions. He returned to Washington in late December “with approval to launch a public campaign against the Rogers plan.”

Upon returning Rabin met with Kissinger in the White House on December 26, 1969. He made Israel’s objections clear and said “I personally shall do everything within the bounds of American law to arouse public opinion against the administration’s moves!¹²⁴” Kissinger begged Rabin, “under no circumstances should you attack the president!” Kissinger explained that the President had not personally invested in Rogers’ approach and that an attack on the President would be “the last thing Israel can afford.” Rogers, Kissinger told him, had been given a free hand but “as long as [the President] is not publicly committed, you have a chance of taking action. How you act is your affair. What you say to Rogers, or against him, is for you to decide. But I advise you again; don’t attack the president!¹²⁵” Rabin was perplexed by this message. Here was Kissinger, an American official, offering him advice on how to attack plans emanating from Nixon administration. As Rabin was leaving, Kissinger’s phone rang at about 12:20pm¹²⁶. It was the President:

Nixon: Are you here?

Kissinger: Yes.

Nixon: Could you come over to talk to Mel [Defense Secretary Laird] and me? Are you with somebody?

Kissinger: The Israeli ambassador is with me. Could I come over in 5 minutes....Actually, it would only take me 3 minutes.

Nixon: Yes, and why don’t you bring him along? It might help just to shake hands.

After hanging up, Kissinger returned to Rabin. “The president would like to shake hands with you”. He said, “Shall we go in and see him for a few minutes?”

“Here we were on the brink of a major political battle with the United States” Rabin wrote recalling the moment. “It was almost unheard of for an ambassador to see the president without prior notice or without even requesting a meeting!¹²⁷”

During the 7 to 8 minute meeting, as Rabin recalls, the President reiterated his commitment to militarily and economically supporting Israel and urged Rabin to follow up on all these matters through Kissinger. While the records show that the meeting was in fact impromptu and unplanned, Rabin left under a different impression. “When we took leave of one another,” Rabin recalls, “I could only guess at the purpose of it all. Was Kissinger trying to prove to me – and by way of me, to the Israeli government – that the president’s attitude toward Israel differed from that of the State Department? Was he inviting me to drive a wedge between these two branches of the administration, or merely trying to ensure that we keep our fire far from the White House?¹²⁸”

As Rabin worked out the answers to these questions, Soviet rejection of Rogers’ proposal followed. Nonetheless, Rabin began “full-scale activity” in the public campaign against the Rogers plan. Rabin “buttonholed senators, congressmen, and representatives of the media and addressed a meeting of three thousands Jewish leaders from all over the United States. [He] worked up enough momentum to subject Rogers and Sisco to a forty minute monologue on the damage they had wrought on Israel’s ability to negotiate with her neighbors¹²⁹.” Rogers mentioned the discussion in a phone conversation the following day to Kissinger, describing it simply as “acrimonious”¹³⁰. The Rogers plan was essentially stopped dead in its tracks.

The Rogers plan was doomed from the outset because the President was never prepared to get behind the Secretary of State, as Kissinger put it, “he was not yet ready to press Israel, largely for domestic reasons.” Nonetheless, Nixon was not going to publicly contradict his Secretary of State. Rogers pressed forward with his plan while Nixon and Kissinger knew of, and precipitated, its impending derailment.

Much of this was a product of an ongoing struggle within the policy making elite in Washington which pitted the White House against the State Department or, more directly, Secretary of State Rogers against National Security Aide Henry Kissinger. Many in the State department believed that a Middle East stalemate strengthened the Soviet presence in the region. Others, like Kissinger, disagreed and argued instead that the stalemate would do the opposite. Proponents of this view believed that so long as Soviet clients in the region failed to regain territory and so long as their Soviet patron continued to be unhelpful toward this end, the client regimes would reevaluate their relationship with the USSR. This was Kissinger’s strategy which “gradually became [US] policy from 1969 onwards” over the “corpses of various State Department peace plans.”¹³¹ Kissinger’s role in foreign policy formulation, and the White House’s total domination over foreign policy making, would continue to grow in the coming years until Kissinger replaced Rogers as Secretary of State.

What Israel Wanted from America: Military Aid and Know-how

After Richard Nixon was elected to the Presidency of the United States in November of 1968 and before he was inaugurated in January of 1969 a series of events would take place that would significantly affect the US-Israel relationship in ways that

were not yet understood at the time. On December 26th, 1968, Mahmoud Mohamed and Naheb Suleinman, two operatives from the Popular Front for the Liberation of Palestine, mounted an attack on an El Al plane on route to New York City while stopped in Athens, Greece. The attack, which left one passenger dead, followed another hijacking of an El Al flight that was diverted to Algiers five months prior.

The following day, December 27th, the United States announced the sale of advance fighter aircraft to Israel. The deal, which amounted to \$285 million, would be the largest arms deal Israel had signed in its history. It called for the delivery of 16 F-4 Phatoms to Israel in 1969 and 34 more in the following year. While this deal was announced by the Johnson administration, it would be fulfilled under Nixon. Despite the sequence of events, the arms sale was unrelated to the hijacking the day prior. In fact, the arms sale was the product of a long and drawn out effort on the part of pro-Israel interest groups and the US Congress to lobby the reluctant Johnson Administration to sell advanced planes to Israel. Johnson's Administration had opposed the matter but ultimately relented.

The next day, the 28th, would perhaps be the most consequential one. A cable¹³² from the US Embassy in Beirut to Washington captures the sentiment in Lebanon. Najib Sadaka, the Secretary General of the Lebanese Foreign Ministry reached out to the Embassy to express that the Government of Lebanon was "deeply disturbed" by the attack in Athens two days prior and that it was "in no way responsible" and "equally disturbed by statements by Israeli officials putting blame on the incident on the Government of Lebanon." The Fedayeen which carried out the operation were from separate refugee camps in Lebanon. Sadaka "expressed the Government of Lebanon's

fears that Israelis intended to retaliate against Lebanon in one way or the other.” While Sadaka specifically warned of the possibility of an Israeli attack on “Lebanese airline planes in retaliation” the US Deputy Chief of Mission said such tactics on the part of the Israelis would be unlikely.

In closing his cable memorandum, Ambassador Dwight Porter wrote: It is apparent that the Government of Lebanon is very worried indeed about possible Israeli retaliation against Lebanon for an act which they deplore and for which they feel they bear no responsibility. In all fairness to them, the government of Lebanon and Lebanese Army appear to be doing a good job in controlling Fedayeen activity in Lebanon. What they have not been able to control, however, is the growing admiration for those Palestinians who, after 20 years, are acting instead of merely taking about regaining their homeland.

Despite the US Deputy Chief of Mission’s assessment to Sadaka, Israeli retaliation came that very evening. In a raid on Beirut’s Airport, Israeli operatives carried out an attack aimed at destroying civilian airplanes. After the raid was over, approximately 13 aircraft were destroyed. Most belonged to Middle East Airlines, 30% of which was owned by Air France which was in turn owned by the French Government.

France had been the premier supplier of arms to Israel from 1948 through the 1967 war. Significant coordination and ties grew between Israel and France after the 1956 tripartite attack on Egypt leading to a golden age of Franco-Israeli ties in the mid-1960s. This began to change with the 1967, after which France terminated sales of its Mirage fighter planes to Israel. The Mirage jets had been the backbone of the Israeli air force and key to the decisive preemptive attack on Egypt in 1967. With France no longer selling them to Israel, Israel would have to find a new seller. In the meantime, its air force still relied on the Mirage as a stop gap. But after the attack on the Beirut Airport and

civilian airliners, France issued a comprehensive embargo that included spare parts for Mirage and other French made jets. A spokesperson for the Israeli embassy in Paris at the time was quoted saying the embargo on parts “could ground the Israeli Air Force within ‘a matter of months’.”¹³³ The message was clear; the era of Israeli reliance on France for military aid was over and unlikely to begin again. Arms supply would now be an even more important agenda item in US-Israeli relations.

The 50 F-4 Phantoms agreed to by the Johnson administration would begin making their way to Israel in 1969 but not without some hesitation. There were at least two instances during this period when key decision makers in the Nixon Administration discussed conditioning or delaying the delivery of some of these jets. One of these instances came in June of 1969 when a review group¹³⁴ met to consider a response to National Security Study Memorandum 40 (NSSM 40) on Israel’s Nuclear Weapons Program. The Undersecretary of Defense David Packard noted that the US should “clearly give the signal that we are in dead earnest and prepared to re-examine such things as military supply arrangements” if the Israelis refused to give assurances about their nuclear weapons program.

The second instance came in early September just days before a shipment of Phantoms was due to arrive in Israel. Another hijacking had taken place on August 29th and negotiations over hostages being held in Syria were on going. The Israelis wanted this shipment advanced to August but discussions¹³⁵ over delaying it further into the fall were taking place in Washington because the optics of the delivery might complicate hostage negotiations.

The arms deal for the 50 F-4 Phantoms and the minor hiccups in delivery, including this incident in September, would pale in comparison to the aid request the Israelis would place with Washington later that month. The request, which amounted to \$1.2 billion¹³⁶ in aid during the years 1970-74 was massive. Hal Saunders, who led the National Security Council review group on this Israeli aid request, wrote that “the magnitude of Israel’s request surprised us.” In fact, Israel was asking the US “to provide during 1970-74 almost as much as we have during all the years since 1948.¹³⁷”

This aid, in military terms “would provide \$925 million for additional purchases of military goods” and most of the remainder “will go to finance major expansion of Israeli defense industries” wrote Saunders. Key parts of his analysis of the aid request, reproduced below, highlight potential implications and concern:

The effect of such an expansion would be to free Israel from some of the worries associated with foreign sources of supply for military goods. As the United States has become, reluctantly, the principal military supplier of Israel, we are being asked to assist Israel in becoming independent of the United States as a source of military supply.

In economic terms such an expansion of Israel’s military-industrial complex would be very costly, since Israel itself offers an insufficient market for the military goods to be produced. Short productions runs mean high costs. One way to lower costs would be to market arms abroad. We may reasonably expect as a by-product of a massive expansion in its military industries that Israeli will become an aggressive arms merchant. This, too, Israel might calculate, would enhance its image in Arab eyes....

We always question Israel closely on major military sales. Each major sale involves a major effort on Israel’s part to justify the need to the USG.....Israel asserts that if we meet its aid request, no aid will be required after 1974. While the assertion may be made in good faith, there are grounds for questioning it. Israel, in fact, has embarked on an arms race in a major way. Apparently any hope of a political solution vis-à-vis the Arabs has been discarded, and Israel plans to rely on force of arms for its security. Our own experience with the arms race has been that the weapons become increasingly complex and increasingly costly; and ultimately they do not bring security. The possibility must be faced that this will happen to Israel also. If military expenditures do not drop after

1974, additional aid requests might be forthcoming at that time. It could be the beginning of an open-ended aid relationship.¹³⁸

When I spoke to Saunders recently asking about this period, he stated “there was always a sense of driving with the breaks on¹³⁹” when it came to Israeli arms requests. The special relationship with Israel was recognized but the US “also had a relationship with the surrounding countries, the Arab countries, for obvious reasons particularly the oil producers. So and the Israelis usually probably asked for more than they needed”.

In assessing the aid request, American officials knew that the “balance of military power in the Near East favors” Israel. Israel, “according to U.S. intelligence estimates” would be able to defeat “any combination of Arab attacks within three weeks.” Arab numerical superiority was based on the “premise that the Arab nations can, and are willing, to fight a coordinated modern war” against Israel. This, it was concluded, “has not occurred in the past and is unlikely” to happen in the future¹⁴⁰.

Based on Israel’s arms requests, existing military capabilities and future arms requests, the NSC came up with an assessment of the current Israeli strategy. They subsequently developed alternative strategies that the US could support to give policy makers options. There were of course numerous risks associated with giving the Israelis whatever they wanted including alienating and enraging moderate Arab allies, fueling a proxy arms race with the Soviet Union and emboldening the Israeli position against negotiation with the Arabs.

Alternative strategies developed by the NSC analysts, which they believed “to be realistic alternatives”, included Israel maintaining “sufficient military capability to defeat, within three weeks” an attack by “Syria, Jordan, Iraq and the UAR”. Two separate

strategies were developed based on this capability depending on whether the Arab attack was coordinated or uncoordinated. These differed from the current Israeli strategy which was to maintain the ability to defeat “any combination of Arab forces under any circumstances within three weeks.”

Additionally, analysts prepared models of Arab responses to a given Israeli strategy. This allowed them to estimate, through 1974, the ebb and flow of force postures of both the Arabs and the Israelis depending on the strategy the Israelis were able to employ. They modeled two potential Arab responses. The first would involve an improvement of quality and capability without increasing current force levels while the second was a “maximum effort to increase force levels as rapidly as Arab manpower” would permit. The charts below depict the NSC estimates¹⁴¹ for both aircraft and non-aircraft military equipment.

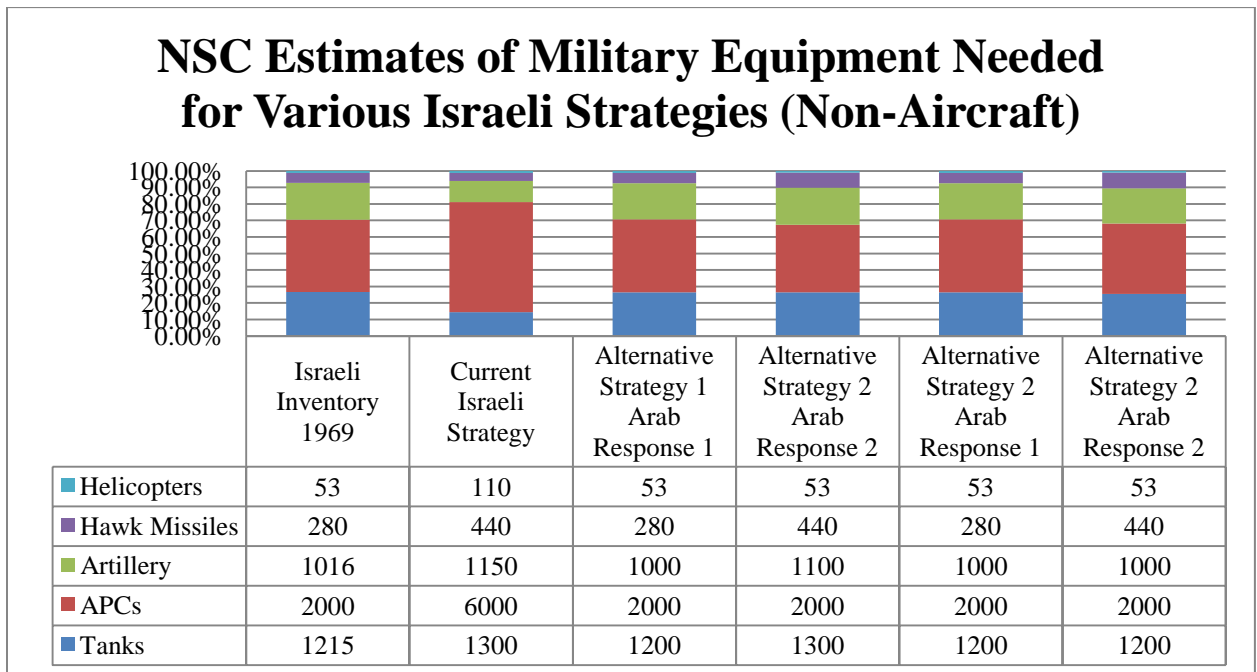


Chart 5. NSC Estimates of Military Equipment Needed for Various Israeli Strategies (Non-Aircraft)

NSC Estimates of Military Equipment Needed for Various Israeli Strategies (Aircraft)

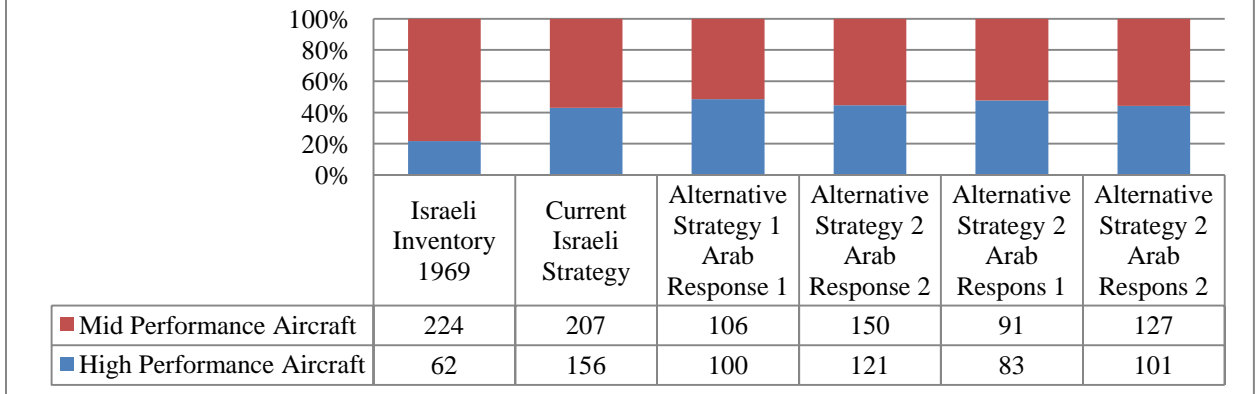


Chart 5. NSC Estimates of Military Equipment Needed for Various Israeli Strategies (Aircraft)

The immediate decision facing the US government was what to do regarding the specific Israeli request. This request included the sale for 25 F-4 Phantoms and 100 A-4 Skyhawks to be delivered starting in 1970. NSC analysts saw various options. They could suspend military support for Israel all together, approve some degree of the Israeli request, or give the Israelis everything they asked for. Each option had its pros and cons. Cutting off the Israelis entirely would help bring the pressure needed to push Israel to make a deal but it would also lead to a crisis in US-Israel relations and might increase the likelihood of an Israeli attack. Partial approval would signal political disapproval but also prevent an open crisis in relations. Giving Israel all it asked for would “preserve the best relationship with Israel” and set “Israel up for some time to come” but to a degree of military superiority that was not necessary and “would further put off the day of peace¹⁴².”

At this time, members of pro-Israel interest groups reached out to the White House through Leonard Garment with concerns over an “imminent statement” they believed the President was going to make on the Israeli request. While this was not the case, the concerns were enough to prepare a statement¹⁴³ of reassurance from the White House stating that “The United States stands by its friends. Israel is one of its friends.”

While no statement was about to be made, the Special NSC Review Group on Israeli Assistance Requests¹⁴⁴ was about to meet. The NSC analytical papers would frame the discussion but Henry Kissinger opened the meeting by including two additional factors. He reminded the group that President Nixon made a commitment to Israeli PM Gold Meir when they met in September of 1969 that “while the US could not always be helpful on ‘software’, [it] would help on ‘hardware’.” Nixon had also told Ambassador Rabin in December “in the presence of Secretary Laird” that the US would “look at Israel’s assistance requests with a sympathetic attitude.”¹⁴⁵

“While the President did not specify any particular aid levels with either Mrs. Meir or Ambassador Rabin and the group was not bound to any particular level” Kissinger told the group members, “it had to keep in mind this part of the picture.”

During the meeting, two central issues of concern were raised repeatedly, mostly coming from representatives of the Defense Department and the Chairman of the Joint Chiefs. One was the apprehension over Israel’s pursuit of nuclear weapons. Several interlocutors, specifically Richardson and Packard, urged tying assistance to Israel on their signing of the Nuclear non-Proliferation Treaty (NPT). The other concern was whether assisting Israel with the “software” part of its request would turn it into an arms exporter which could “stimulate the acquisition of arms in the underdeveloped countries

unnecessarily.¹⁴⁶” The meeting concluded with the general consensus that the US would give Israel some aid but on the lower end of the spectrum and attempt to link this to progress on the political issue.

Just days after this meeting concluded, the State Department, along with its counterparts in London and Paris, has received a letter from Soviet co-Premier Alexei Kosygin on the USSR’s position relating to Israeli raids in the Middle East and its preparedness to militarily support its clients to a greater degree in response. Early word about the letter leaked to the press, forcing the President to direct the State Department to cease comment about it¹⁴⁷. With diplomatic talks underway, along with an ongoing review of Israeli arms requests, allowing this letter to get blown out of proportion and become the center of public conversation threatened to complicate the more delicate approach Washington was hoping to bring to settle the situation and draw the parties toward some sort of agreement.

By February 10th, Henry Kissinger requested to meet with the Soviet Ambassador Anatoliy Dobrynin to “make a few points on behalf of the President”. The meeting¹⁴⁸ took place in the White House Library to “avoid newspaper speculation.” Kissinger made several points to Dobrynin around the subject of the Kosygin letter that had arrived days earlier. The letter, Kissinger said, “received the highest level of attention” but because it was sent through formal channels it left Washington no choice but to treat it formally. President Nixon, Kissinger told Dobrynin, “was prepared to have bi-lateral discussions on the Middle East through the Dobrynin-Kissinger channel with a view to finding a solution that is fair to everybody”. This method of communication was being chosen to avoid a formal demarche. Washington wanted Moscow to know, however, that “the

introduction of Soviet combat personnel in the Middle East would be viewed with the gravest concern” and that despite the informal channel of communications they sought to make sure that Soviet Leaders “are under no misapprehension about the possibility of grave consequences.”

Dobrynin “understood perfectly” and sought to assure Kissinger that they had no intention of “exacerbating tensions” but rather sought to indicate “that the situation was getting serious” The main concern of Soviet leaders was “the arms race in the Middle East.” While Dobrynin understood Washington’s concern about a Soviet combat presence, he told Kissinger he hoped Washington would take “into account Soviet problems when [it] made any decisions about future weapons deliveries to Israel.¹⁴⁹”

The meeting helped clarify the positions and intentions of both sides and establish a channel of communication that would attempt to prevent the complications that could arise from the more public communications like the Kosygin letter. The letter, which came in the midst of US consideration of an Israeli aid request, however, had already done its damage by creating a certain public interpretation of events and positions.

About two weeks after Kissinger’s conversation with the Soviet Ambassador, Israel’s Ambassador, Yitzhak Rabin, was walking into Kissinger’s office in the White House. Rabin came to see Kissinger after receiving a call from Elliot Richardson. Richardson inquired with Rabin about something he had focused on in the meeting of the Special Review Group about a month earlier; whether Israel would join the NPT. Rabin wanted to make clear to the White House that “Israel [had] no intention to sign the NPT” and he sought to make sure that the US would not link any decision on arms requests to Israel’s signing the NPT. “Such a linkage would be extremely unfortunate.” Rabin said.

Rabin went on to say that while Israel could live with a longer time period for a US decision on its aid request, the Kosygin letter complicated things. If they US appeared to delay after receiving the letter, it would be interpreted by the Soviet Union as a success and “would certainly be so represented to the Arabs.” It would prove, Rabin argued, “that blackmail does succeed”. Kissinger inquired whether a decision was enough or if Israel sought a more public announcement and Rabin replied that given Kosygin’s letter “some sort of public announcement” would be necessary. While the main thrust of Rabin’s meeting with Kissinger revolved around the US answer to the Israeli aid request, in closing Rabin did note his growing concern over the situation in Jordan where he said Israel felt “the King was rapidly losing control”¹⁵⁰.

The answer on the aid request came on March 12th in another meeting¹⁵¹ at the White House between Kissinger and Rabin, this time along with Alexander Haig, Kissinger’s Military Assistant. Kissinger began by informing Rabin of his meeting with Dobrynin and sharing with Rabin the points he made to Dobrynin. He also noted that he met with Dobrynin again just in the last few days and Dobrynin had returned with a statement from Moscow that “in effect proposed a de facto cease-fire between Israel and the UAR”. Kissinger also shared this statement with Rabin and stated that while the White House shared Israel’s understanding of recent events, they believed there was room for some progress to occur.

On Economic assistance, Kissinger told Rabin that he foresaw no problems and shared with him a summary of proposed economic assistance. On Military hardware, however, the answer was different. The US “would replace actual Israeli aircraft losses during the period of 1969-71, up to 8 Phantoms and 20 Skyhawks.” However, on the

longer term, which Kissinger noted the President himself sought to separate out from the short term response, the US would “supply the major part of the Israeli hardware request if more significant USSR arms shipments into the UAR take place”. The question of aid for an independent Israeli arms industry was not addressed and would remain a matter of interest for Israel moving forward.

Washington was well aware of what Israel needed and its analysis showed that Israel was already superior to most of its neighbors militarily. What the Israelis had requested would give the air superiority to such a degree that they would conclude security would be easier to achieve through means of military force than diplomatic agreement. Through this limited aid, Washington was committing to a status quo where Israel would have greater incentives to compromise than if they gave larger amounts of military aid. This approach would ultimately produce a cease-fire in August of 1970 ending the “war of attrition.” This would be the only success of the far more ambitious Rogers plan but any hope for stability in the region would be quickly shattered as all eyes on the Middle East would shift from Sinai to Jordan where an emerging crisis would take center stage.

From Black September to the Black September Organization

The June 1967 war and its aftermath had significant territorial and political implications for the state actors immediately involved and it also has serious repercussions for the Great Power patrons and their foreign policy moving forward. But its effect on non-state actors like the Palestinians and Palestinian guerilla groups was

perhaps most profound. The battle of Karameh in 1968 was a significant moral victory for the Palestinian guerilla group Fatah which was able to inflict significant casualties against Israeli soldiers during the loss. This helped counter the demoralized consensus regarding Israeli invincibility following the 1967 war. Recruitment for the Palestine Liberation Organization (PLO) and its largest faction, Fatah, began to grow steadily. Simultaneously, the defeat at the Karameh camp near the Jordan River forced the guerillas to recentralize their operations closer to the mountains of Amman, the Hashemite capital. Karameh and its aftermath laid the foundation for the events of 1970 that became known to many Palestinians as “Black September” and to others as the “Jordanian civil war”.

Jordan, and its King Hussein, had been seen as a vital ally by Washington, a bulwark of moderation amidst a sea of growing radicalization. The US had “a clear interest in maintaining a collaborative relationship” with Hussein because the replacement of the existing regime “by elements oriented toward Moscow would create problems” for Washington¹⁵². So when several airplanes were hijacked by Palestinian guerillas in early September of 1970, the Nixon Administration would begin dealing with a nearly one month long crisis that was reminiscent of Kennedy’s Cuban Missile Crisis.

On September 6th, 1970 news began to break regarding the hijacking of several planes. The White House situation room was informed that four planes had been commandeered including TWA Flight 741 and Swiss Air Flight 100 which landed in Dawson’s field outside Amman, Jordan. PAN AM Flight 93 landed in Beirut to refuel but then continued to Cairo where it was blown up after the passengers were led to safety. The Popular Front for the Liberation of Palestine (PFLP) issued a 72-hour ultimatum to

the Swiss government for the release of Palestinian commandos currently serving 12-year sentences¹⁵³.

Information on the crisis kept pouring into the situation room but by 6am the next morning, little more was clear. Some 145 passengers from the TWA flight would be released and transported to Amman by Jordanian Army units. It was also reported that PFLP spokesmen told the local TWA agent that American, British, Israeli, West German and Swiss nationals would be held. Some 90 Americans and 50 Israelis were thought to be aboard the Swiss Air flight.¹⁵⁴

In Cairo, three of four hijackers had already been apprehended by the UAR authorities and all 170 passengers were safe and accounted for, although 5 or 6 had been admitted to the hospital for undetermined injuries¹⁵⁵. But while a sigh of relief could be breathed after news from the Egyptian capital, the situation in Amman was growing increasingly grim.

By 6pm EST, Washington had been notified by its embassy of a “gloomy picture” of the security situation emerging in Amman. “Near-Anarchical” conditions existed in most areas of the city with “instances of shooting, auto theft, and some persons subjected to search at fedayeen roadblocks.” And, perhaps most troubling, some “clashes between Palestinian commandos and the Jordan Army have apparently occurred inside Amman”¹⁵⁶.

Secretary Rogers and Henry Kissinger spoke on the phone at 9am the next morning and agreed to meet along with representatives from the CIA and the Defense Department¹⁵⁷. President Nixon brought these individuals together for another meeting that afternoon and included the Director of the FBI and Assistant Secretary of State

Joseph Sisco to review the latest information on the situation. The PFLP deadline was approaching the following day at 10 pm. It was thought that 37 passengers from the TWA plane were released while 100 remained on board and 86 had been released from the Swiss Air plane while 50 remained on board¹⁵⁸.

On the 9th, Kissinger sought¹⁵⁹ to call a meeting of the Washington Special Advisory Group (WSAG) which was a NSC led interagency “mechanism for crisis management.” Outside of the Jordan Crisis, this mechanism was used sparsely and only to deal with significant national security challenges during the Nixon Administration like the Cienfuegos crisis, the Indo-Pakistani War, and Vietnam.¹⁶⁰ The morning WSAG meeting would explore “alternative politico-military contingency scenarios” for the crisis¹⁶¹.

But even before the meeting took place, certain actions by U.S. Military forces had already been arranged. Six C-130 aircraft were being moved to Incirlik, Turkey to be available for evacuation purposes. The USS Independence, an attack aircraft carrier was moved toward the Israel-Lebanon coast along with four destroyers and an oiler. US Strike command at McDill Air Force Base in Florida was also put on alert and activated to monitor the situation.¹⁶²

At the WSAG meeting, contingency plans were reviewed to “(a) extricate the hostage personnel, (b) evacuate American citizens from Jordan if the situation deteriorates further, and (c) intervene to support King Hussein if he requests us to do so”¹⁶³.

Plans for evacuating both US official personnel were complete. US forces would have to be mobilized from Europe to achieve this objective given time constraints. The

same operational plans could be used to evacuate hostages but the consensus at the WSAG meeting was that such a step should only be undertaken if the lives of hostages were at risk and the Jordanian government was unable or unwilling to act¹⁶⁴.

The trickier question dealt with at the WSAG meeting was that of intervention to save Hussein. If the US was to execute the operation, it could mean a long term commitment of strategic reserves which might escalate into the involvement of Iraqi and Syrian forces making air supply increasingly difficult. The alternative was to have the Israelis do it. "King Hussein has already asked that the Israelis help him if he needs it" and it was thought that Israeli action would be better than US action. Israeli action, however would require US help to "keep the Russians out".¹⁶⁵

Later, Kissinger also spoke with Defense Secretary Laird about operational options like putting planes on alert and moving the US 6th Naval Fleet closer to Jordan¹⁶⁶. In the hours that followed, Kissinger would speak with the Defense and Transportation secretaries to develop a Presidential initiative on air marshalls¹⁶⁷.

Contingency planning couldn't be implemented soon enough however as another plane was hijacked and taken to Dawson's field in Amman. President Nixon was informed of the British Overseas Airways Corporation (BOAC) flight hijacking in a dim mid-day report. By this point the situation in Amman had "deteriorated seriously". King Hussein ordered the army chief of staff "all authority of the armed forces" but the army had yet to enter Amman in an effort to drive out the fedayeen¹⁶⁸.

The evening report updating the President on the situation noted that this brought the total number of hostages at the airstrip to some 300. The deadline however had been postponed with no specific expiration. The situation in Amman seemed to have calmed at

the moment but it was unclear whether this was to be a long-lasting cessation or a lull. The US would continue to work with the various European governments involved to work “against the fedayeen demands and efforts to split” the parties¹⁶⁹.

The WSAG met again the following day to more thoroughly discuss operational plans. Members from the State and Defense Departments, as well as the CIA, the NSC and the Joint Chiefs of Staff were in attendance. US involvement in Jordan was not preferred; it was the view of the group members that Israeli involvement would be best. However, plans for deterring Soviet involvement once Israel did get involved were discussed, as were alternate packages of military aid for Israel if an operation would take place¹⁷⁰.

On the domestic front, concerns were growing within the American Jewish community that the United States might pursue a separate deal and leave Israeli citizens hung out to dry. Len Garment spoke with Henry Kissinger about these concerns on the evening of September 10th. Garment heard from the Israeli Charge d'affaires Shlomo Argov that he wasn't worried and wanted to know from Kissinger if the President was worried and if he should start making calls to Jewish Organizations to reassure them. Kissinger told him to hold off until the next day to see “if it gets hot”¹⁷¹. The following day, Kissinger would also speak with Nelson Rockefeller who was campaigning in New York about the White House's messaging to the Jewish community during the crisis¹⁷².

The next few days of the crisis featured a calming of the security situation in Amman, continued discussion with the government parties involved and the Red Cross negotiator about their position vis-à-vis the hostages¹⁷³, and the formulation¹⁷⁴ of US statements about the movement of military assets in the region.

All of this changed on September 15th, however, when a cable from Amman noted that King Hussein announced a new military government in an effort to root out the fedayeen. Kissinger called over to Joe Sisco's office at the State Department but Sisco was already in the process of discussing the cable with the Secretary of State. Roger Davies took the call and expressed concern that Hussein's move "may blow the hostages". The King's actions, he said "may threaten their lives."¹⁷⁵

That evening, a memorandum¹⁷⁶ would be sent to the President updating him about the urgent situation. King Hussien "had advised our embassy he is moving tonight to an all or nothing showdown with the fedayeen." The King "urgently requested the US take steps to assure that the Israelis do nothing to prejudice or aggravate the situation. He also stressed that, depending on fedayeen reactions, he may need to call for U.S. and Israeli assistance." The military government would be announced the following morning at 7am Amman time and it was thought that if "Hussien carries through with his plans tonight the 54 hostages in the hands of the PFLP will be in grave danger."

On September 16th, King Hussein indeed "appointed a new military government early [that] morning as planned." Yasser Arafat was "reported to have ordered the immediate unification of all Palestinian forces" and "fadayeen units throughout Jordan are on high combat alert."¹⁷⁷ It was thought¹⁷⁸ that while the operation "will take longer than a day" Hussein "could defeat the Fedayeen by himself." That evening another WSAG meeting was held and "there [was] a unanimous opinion that [Hussein] should come back – this would bring [the US] to war." They all agreed they "can't let the King fail."¹⁷⁹

By the next day “the King seemed to be in pretty good shape.” Still, the President authorized the movement of another carrier. “When the Soviets see the [USS] Kennedy come through the Straights of Gibraltar...” Kissinger began a sentence that Nixon would finish, “they will know that we are ready to do something”. What seemed like an improved situation and an increased US show of force in the region did not prevent the President from being ready to authorize airstrikes if need be. “We also have airplanes to strike,” he told Kissinger, “I want Europe mobilized in readiness. If we do [strike] I want to hit massively. Not just little pinpricks. I want them to know we are hell bent for election.”

It is unclear from the text whether Nixon merely used this expression, born out of the FDR era, literally or figuratively, however Kissinger would later close this conversation with the President by saying “If there were national elections today it would be a landslide.”¹⁸⁰

But the positive feelings would soon give way to serious concern as Syrian troops crossed over the border and invaded Jordan. Syrian tanks entered Jordanian territory and some were destroyed by Jordanian tanks. “They were reluctant to use the air [power] because they haven’t got much air [power]. And they are also inferior in the air to the Syrians.” A “major drawback” for the US was intelligence. It was hard for Washington to independently ascertain what was transpiring on the ground. However, they “were getting lots of intelligence from the Israelis.”¹⁸¹

Perhaps the most telling bit of information would come from King Hussien himself who delivered a frantic 3am message to the American Embassy: “Situation deteriorating dangerously following Syrian massive invasion. Northern forces disjointed.

Irbid occupied. This having disastrous effect on tired troops in the capital and surroundings. After continuous action and shortage of supplies.¹⁸²” From the earliest days of this crisis, decision makers in Washington had contemplated US or Israeli involvement to rescue Hussein. Now it seemed like those contingency plans might have to be put into action. The following days would be crucial. If Hussein fell, it could trigger a major regional war involving US and Soviet client states and even bring the two Great Powers to blows. The implications of this for the Middle East would be tremendous. For US-Soviet relations it would surely mean détente was over.

But Kissinger also saw potential for achievements if things went well for US interests. If the King pulled through, “it gave [the US] an opportunity for a show of strength which was badly needed.”¹⁸³ Further, it would give the US a chance to re-launch peace efforts from a position of strength. The push for peace in a few months earlier was “the worst mistake [the US] made...[replying] to Soviet SA-3s by starting a peace offensive, directed at Israel, that was our disaster...that put the cat among the pigeons.”¹⁸⁴”

By the evening of Sunday, September 20th, the President had come around to the view that any intervention should not be directly taken by the United States¹⁸⁵. Initially the President took the opposite position but Kissinger was able to bring him around¹⁸⁶. But the President knew that any action, American or Israeli, would certainly mean an escalation and very likely a confrontation with the Soviet Union. Kissinger, frantically working the phones from his office in the White House, left with Sisco on the evening of September 20th to brief Nixon, who was in the White House bowling alley. It was there, bowling ball in hand, where Nixon gave the green light to pursue Israeli involvement. Kissinger then called Rabin who was in New York at a dinner honoring Golda Meir. He

informed Rabin of what the US was requesting but wanted more intelligence about the situation at the front first. It was resolved that Israel would fly reconnaissance missions in the morning¹⁸⁷. After consulting with Meir and other Israeli officials in Israel, Rabin parted ways with Meir who returned to Israel that evening. Rabin returned to Washington on an emergency flight, courtesy of a White House plane arranged by Kissinger which brought him into Andrews Air Force Base. Rabin believed those accommodations underscored that “the Americans were eager to ensure [Israeli] intervention in the Syrian-Jordanian conflict.”¹⁸⁸”

The next three days would be crucial. On the morning of the 21st, meetings were scheduled at the White House where the President wanted his team to assess the latest information because, as Kissinger noted in a call to the Defense Secretary, “it seems to me we can’t go to war on the telephone so we have scheduled a meeting.”¹⁸⁹”

Complicating matters was a Presidential trip that was scheduled to take Nixon to the United Kingdom and also to the naval carrier the USS Saratoga. If the situation deteriorated the President would cancel his trip, Kissinger believed canceling early was best¹⁹⁰ in part because it would send a message indicating how serious the US was about the issue. By evening the Americans were formulating a Note Verbale to the Israelis to establish a working agreement on Israeli intervention in Jordan. Even then, the President was “leaning to keep the trip on” in “every possible way”. “Just because the Israelis are having a little battle with the Syrians” the President told Kissinger, “we are not going to be moding around.”¹⁹¹” Shortly after hearing Nixon’s persistent stance on the trip, Kissinger told Nixon’s chief of staff Bob Haldeman that “it would be a disaster if we were all scattered all over Europe” when the crisis escalated and that “the Saratoga would

have to pull out of line if the crisis is still in full pitch.¹⁹²” By the time the President went to bed that evening the message had been dispatched to the Israelis and it was not yet clear what the response would be. “I think by tomorrow morning,” Kissinger told Nixon, “we will have answers.¹⁹³” He was right.

September 22nd would be a pivotal day with the potential to send the region into all out war. By late morning Kissinger and Sisco having yet to hear back from the Israelis were concerned the “Israelis might strike without coming back to us.” They determined to contact the Israelis to send the message that “before any buttons are pushed, you will be back in touch with us.¹⁹⁴” Similar concern was noted in a conversation between Kissinger and Rogers. The coordination would be crucial because Israeli intervention was only desired if necessary. If the “situation stabilizes” Rogers urged Kissinger, they should “caution [the Israelis] to wait. If Hussein could pull it off it would be a hell of a thing.¹⁹⁵”

Haig took a call from Rabin around lunch time, Kissinger was out, and Haig received updated information from Rabin about events transpiring in Jordan. The Syrians, Rabin said, launched attacks in the morning only to be repelled by Jordanian fire after taking heavy casualties. There were no signs of new attacks at this point. Heavy fire was still going on in Amman however. Several C-130 and Antonov-12 flights from Libya to Syria and from Egypt to Syria were spotted by the Israelis. It was their estimation that a battalion size Libyan force was being introduced to Syria. Rabin also said they were watching Iraqi troops in Jordan and that there were also some indicators of an imminent Iraqi attack. He closed by saying he expected a cable resulting from the day’s Cabinet Meeting in response to the US Note Verbale to arrive between 4 and 5pm¹⁹⁶.

Sure enough, around 4pm Rabin rang Kissinger, “I got a response from the government and would like to come as soon as possible,” Rabin said. “How long would it take you to get here?” Kissinger asked. “15 Minutes” Rabin said. They agreed to meet in the White House’s Map Room to review the formal response from the Israeli government¹⁹⁷.

Rabin, Kissinger, Haig and Argov met at 4:50 in the Map Room. Rabin began by reading a message noting that after discussions in the “Israeli Cabinet and a subsequent more restricted high-level consultation” the Israeli government decided that the Note Verbal from the United States constituted “an official U. S. request to Israel” and that Israel was “prepared, in principle, to carry out the military operations against Syrian forces in Jordan.” Israeli operations would consist of airstrikes but ground operations will also be conducted if the situation required it. Rabin also noted that the Israelis required clarification on two points. First, they sought to ensure that US support against Soviet intervention included support for any activity that may emerge on the Sinai front with Egypt as well as in Syria. Second, Israel sought to ensure that it would have streamlined access to US military equipment as the conflict grew¹⁹⁸.

Kissinger told Rabin that his understanding of the Israeli position was that Israel would first conduct air strikes and then assess the situation before conducting ground operations. Kissinger noted that Jordan objected to ground operations and read Rabin a note from the US Embassy in Amman relaying the Jordanian Prime Minister’s message from the King that Hussein wanted air support but not a ground attack. Rabin stated that the Jordanians might be able to turn the tide after an airstrike alone but that Israel would not go forward without the option of a ground attack. Kissinger told him that Israel could

get immediate and full approval for an air attack but approval for air and ground operations would “generate heated discussions.” The two agreed that an affirmative US response for a ground operations would “require full consultation before the initiation” of attacks¹⁹⁹.

Kissinger recapped the discussion. The US would respond to Israel’s points of clarification regarding fronts and military equipment. Israel would then coordinate with Jordan through the US Government. Israel would then launch air attacks. Kissinger asked “whether this could be done as early as Friday morning.” Rabin replied “it could be done sooner and that timing was up to the United States.”²⁰⁰

The plans were essentially set and whether the Israelis moved forward depended on the constantly evolving situation at the front. Kissinger would shift his focus to ensuring a military aid package could get through Congress in an expedited fashion. The Israelis met with the Deputy Assistant Secretary of Defense Pranger that afternoon only to learn that “their only authorization was additional ammunition if they had any shortages” but Haig would assure Rabin that they had a Presidential directive to “untangle the problems at Defense.”²⁰¹ Kissinger reached Deputy Secretary of Defense David Packard²⁰² shortly thereafter. “We have been trying to get an assistance package together for Israel in case it has to move.” Kissinger told him, “We are going through the same song and dance that always happens.” He then relayed Rabin’s complaint that the Israelis were told the authorization was limited when they spoke with Pranger. Kissinger was clear, “We need two packages; one for the northern front and one for the southern front.”

While the bureaucracy was moving to extend further military aid, news from the front reached the White House from Rabin: the Syrians tried to “attack south again this afternoon and were badly mauled and lost 20 tanks.²⁰³” Still, how the situation would evolve was not yet entirely clear and Kissinger spent much of first half of the next day working to expedite a defense authorization bill in the House and Senate. Several conversations took place between him, Senators²⁰⁴, the Secretary of Defense²⁰⁵ and the White House aide for Congressional Affairs²⁰⁶ to ensure that the bill would go through without any limitations specified on aid. Kissinger wanted to ensure that the aid was seen as open ended to send a strong message to regional adversaries.

Just as the Administration was working with Congress to get a bill passed more news came in from the front. A State Department telegram time stamped at 3:00pm notes that Rabin called Sisco with new information. The situation in northern Jordan was optimistic and the “Syrian tanks had been withdrawn from Jordan.²⁰⁷”

A mood that had been tense for weeks turned celebratory. “I just wanted to tell you what I told the President 5 minutes ago,” Kissinger said to Laird on the phone, “We think we have broken the back of this crisis. I told him that you [and your staff] really pulled their weight. You are really great patriots.²⁰⁸” Gratitude was also extended to the Israelis. Kissinger told Argov that the President wanted Rabin to know that “the Prime Minister will hear that we will not forget your behavior this week and we feel very lucky that Israel was there.²⁰⁹”

Within one week’s time, the situation continued to stabilize and Hussien took a stronger stance against the fedayeen after the passing of Egyptian President Gamal Abdel Nasser on September 28th. By the end of the month, the remaining hostages had been

released. The month known among Palestinians as “Black September” had come to an end but its implications were just beginning.

Just as the crisis in Jordan was deescalating, another was on the rise, threatening conflagration closer to home when it became clear the Soviets intended to set up a naval base in Cienfuegos, Cuba – a city whose name literally means: one hundred fires. As tense as some moments had been in recent weeks, with talk of war and collision with the Soviet Union, the resolutions to both matters in Jordan and Cuba sent messages to Moscow and Washington about the other allowing them to see each other as measured, realistic actors interested in mitigating conflict and possibly improving relations.

It was at these moments that U.S. Soviet relations began to take significant steps forward. Kissinger met with Dobrynin on multiple occasions including on September 25th, October 6th and October 9th. In a memo to President Nixon, Kissinger noted that the meetings were “clearly very significant in the short term and potentially very important for our overall relations with the Soviet Union.” The results of the meetings included: 1) A resolution, without a public confrontation, to the “potentially explosive issue of a Soviet base in Cuba,” 2) a clear “demonstration of Soviet interest in pursuing a Middle East settlement,” 3) an agreement in principle to a Summit meeting in Moscow in 1971 and 4) recognition that both sides were “at a crossroads with respect to US-Soviet relations”²¹⁰.

During these meetings Dobrynin told Kissinger that “all senior officials” in the Soviet Union consider this the lowest point in US-Soviet relations since the Cuban Missile Crisis. They agreed it was in their mutual interest not to miss the opportunity to

better relations at this critical juncture and Kissinger scheduled a meeting between President Nixon and Soviet Foreign Minister Gromyko in a month's time.

At that meeting, on October 22nd, 1970 President Nixon and Gromyko had a frank exchange of views and discussed a range of topics including the Middle East, Berlin, SALT, Cuba and Vietnam. It became clear that the opportunity existed for bettering relations and moving from a period of confrontation to one of negotiations²¹¹.

For the United States, the Middle East was the second most important piece of strategic real estate other than Vietnam where it was mired in a costly and devastating war. The war in 1967 and the Soviet Union's increased support for Arab states in its aftermath meant that the United States would also get further involved in the Middle East and that stability and peace region would be a mutual interest between Washington and Moscow. The region was not only a historical crossroads where Europe met Asia and Africa, but it was also becoming a crossroads for a variety of issues of interest to the United States and the Soviet Union including Israel and the Jewish question, oil and now terrorism as well. While the Middle East provided for many opportunities for the US and the USSR to advance common interests during their détente efforts, it could also be a unique engine of crisis.

Chapter 4 - Détente vs. Congress: Round I

I just don't want those damn doves to figure they won something.
--President Richard Nixon

One of the key factors that weighed into Nixon's decision calculus on the establishment of the CCCT was the role of Congress. The détente approach involved negotiations over various issues of mutual concern between the US and the USSR and treaties would have to be ratified by Congress to take effect. Kissinger had to play the delicate game of balancing Congress and the Kremlin, both of whom were suspicious of the other. Particular members of Congress, like Henry "Scoop" Jackson, were significant obstacles and handling the challenges they presented was not easy. In this chapter, I review a major challenge Congress created for the White House around the arms limitation treaty. This episode occurred in the months before the September decision and was not entirely resolved until after the decision to establish the CCCT was made. Kissinger's exhaustive efforts to avert a crisis between Congress and the Kremlin over this deal helped move it toward eventual ratification, but it also became very clear to the White House that if Congress was to get stuck a deal, especially closer to the election, it might be very difficult, if not impossible, to resolve differences on a tighter timeline.

Half way through the first term: Improving U.S. - Soviet Relations

US-Soviet relations during this period mostly revolved around the negotiation of various bilateral agreements. The Nixon Administration, in efforts lead primarily by Kissinger with the assistance of different administration principals, worked to secure several agreements with the Soviet Union. Several types of agreements were being negotiated at this time including Political/Diplomatic agreements²¹², Military issues²¹³, Economic Issues²¹⁴ and Science and Technology²¹⁵ issues²¹⁶. The pinnacle of this rapprochement would be in late May in 1972 when President Nixon and Soviet Premier Leonid Brezhnev would meet in Moscow at a summit where several of these agreements would be signed or noted²¹⁷.

Negotiations on these agreements were top secret and treated with utmost care. The summit which took place in May would be seen as a great success by both sides. It would also be seen as a tremendous victory for Kissinger himself who the Soviets saw as instrumental to the success of negotiations. Brezhnev believed the greatest success was the personal relationship established between Nixon and the Soviet leadership²¹⁸.

Both parties had a vested interest in the success of the talks but they were not without complications. While two significant Arms control agreements were signed by Nixon and Brezhnev at this time, the Anti-ballistic Missile Agreement (ABM) and the “Interim Agreement²¹⁹,” they still had to pass through a ratification process where obstacles in the form of anti-Communist Congressman stood in the way. Senator Henry

“Scoop” Jackson, a staunch anti-Communist Democrat, would soon be become one of these obstacles.

The Jackson Amendment to the Interim Agreement and Kissinger’s Damage Control

In the late summer of 1972 the Nixon Administration was fresh off major foreign policy successes after the Moscow Summit and planning the return of Kissinger to Moscow in September to continue negotiations on behalf of the United States. The Presidential Election was a mere 3 months away and its proximity was brought into sharp focus by upcoming Democratic and Republican National Conventions. It was during this time that the Nixon Administration sought speedy ratification of the agreements signed with the Soviets.

In a conversation he might have soon regretted, Henry Kissinger spoke with Senator Jackson on July 27th. Kissinger sought to assure Jackson that the agreements did not mean the United States was adopting a posture of minimum deterrence and that the US had no intention of doing that “under any circumstances.” Jackson hoped to get some assurances written into the agreement in the form of an amendment to the text of the resolution before the Senate. Jackson persuaded Kissinger that his amendment would send a “signal from Congress” that would help the Administration on SALT-II. Kissinger told Jackson that the Administration could not “only live with that, [they] sort of welcome that.” The only problem would be that the Administration could not take a public stance in support of it because it could complicate relations with the Soviets.

Jackson agreed that as long as the Administration's support for the amendment was understood on Capitol Hill it did not need to come out publicly²²⁰.

Within days of this conversation, the text of Senator Jackson's amendment to the interim agreement alarmed Ambassador Gerard Smith, the Director of the Arms Control Disarmament Agency (ACDA) and the chief delegate to the SALT talks. Smith told Kissinger on August 2nd that the language of the amendment, specifically the statement that "the Congress would consider action of deployment by the Soviet Union have the effect of endangering the survivability of the strategic deterrent forces of the US," to be "dangerous." It would open the Administration up to "congressional yelps every time they saw a new intelligence report on Soviet modernization", Smith argued, and was "very abrasive" to the Soviets. Kissinger agreed that the language was a problem and "too sweeping" but realized their approach to resolving this issue would have to be calculated since the optics of a battle between the Administration and Jackson over this amendment would make it difficult for Jackson to back down²²¹.

Kissinger might have wanted the Jackson amendment to go forward but it was clear that even if it did, he did not want a perception that it had administration support to be public. The New York Times, on August 3rd, ran a front page story²²² on the amendment citing sources in the Senate and the Administration that Jackson was leading an effort to add reservations to the Interim Agreement with the "Administration's support" and that the Administration had "agreed to lobby for the reservations." Smith was quickly on the phone again citing the Times article to Kissinger²²³. Both Kissinger and Smith were surprised that "the article makes it look as if it's all a carefully coordinated joint venture between the Administration and the Congress" and the negative

implications that such an impression would have on the good faith they have developed in negotiations with the Soviets was obvious.

Now that this perception was public, Kissinger would have to engage in damage control with the Soviets and spoke that afternoon with Soviet Ambassador in Washington Anytoli Dobrynin²²⁴. Dobrynin expressed concern over the amendment and the perception that the Nixon Administration, who had been so warmly welcomed in Moscow when these agreements were signed, were involved in legislative efforts that would complicate them. Kissinger assured Dobrynin that the Administration “had nothing to do with this amendment.”

“We should not spoil a good beginning and a good resolution”, Dobrynin told Kissinger adding “You look at this and tomorrow, when I see you, you will tell me. OK?”

“I’ll see what can be done.” Kissinger replied.

The following day, Kissinger contacted Assistant Secretary of State for Congressional Relations, David Abshire²²⁵. “Dave, I wanted to find out from you where that goddamn Jackson amendment stands” an obviously irritated Kissinger opened the conversation. Abshire would tell Kissinger that the Foreign Relations committee was hung up on the amendment. The Committee was controlled by Democrats and long-time chair Senator William Fulbright who Abshire was afraid would “embarrass” the Administration. Kissinger and Abshire agreed on the need to get the language of the Jackson Amendment changed and hoped that Jackson would concede to doing it himself but were also concerned that support from committee partisans would make it difficult for Jackson to back down at this point. Kissinger would begin directing his attention to working over Senators on the Foreign Relations committee.

A liberal Republican Senator from New York, Jacob Javits, who also served on the Foreign Relations committee, spoke with Kissinger the next day and attempted to devise a plan to get Jackson to back away from the inflammatory language in his amendment. Javits suggested that the President should write a letter to Jackson, “which [would] be flattering to him” explaining that the amendment was not necessary because a strong approach was already US policy. That, in Javits’ view, was the “optimum way” to help Jackson back down. Kissinger hoped to simply get the language changed without a letter²²⁶.

By August 6th, Kissinger was speaking to Jackson²²⁷ about his amendment again, attempting to resolve an issue that had evolved into a mini-crisis at this point. “I want you to know” Kissinger told Jackson “we are behind you 1000 percent.” An aide for Jackson, one Richard Perle, was working with Kissinger’s assistant, John Lehman, to “adjust this amendment so that [the Administration] could actually support it.”

Kissinger told his staunch anti-Communist interlocutor that “Our problem is that we want to keep the Soviets quiet while we are squeezing the Vietnamese.” Jackson understood and agreed to alter the language. Kissinger told Jackson that he had spoken to the President and “he’s behind this approach.” Lehman and Perle would finalize new text by the end of the day. Kissinger said he would speak with Senator George Aiken the next day while Jackson would speak with Senator Hugh Scott who was with him “100 percent.”

But before Kissinger spoke with Senator Aiken about the new text he briefed someone else about the developments; Soviet Ambassador Anatoly Dobrynin²²⁸.

Kissinger told Dobrynin that they have tried to get Jackson's "agreement to a formulation which is essentially meaningless" as this "has now become a matter of prestige." Then, the administration would support that text with a statement "that it is not a reservation" but merely expresses "senatorial support" for previously stated US policy.

Dobrynin wanted clarification as to how the amendment would not have consequences. Kissinger explained that "it will be a Jackson amendment which we will then say publicly has no legal force." "What we are saying" Kissinger stated, is that "the Jackson amendment does not constitute a reservation or interpretation to the agreement in any legal sense." Kissinger told Dobrynin that he was about to get Jackson to change the text that Dobrynin had seen earlier, "It has been totally emasculated now." Dobrynin needed to see the new text so he could relay the understanding of the conversation to Moscow. Kissinger sent it right over. Shortly thereafter the two spoke again²²⁹ and Dobrynin agreed to the approach, "Well, I think it is now clarified and I will send to Moscow what you just explained. I think it will be very helpful."

Kissinger then turned to Aiken²³⁰ to explain where the Administration stands on the Jackson amendment. He told him that the original text submitted was "a little exuberant" and that everybody got a little bit carried away." So Kissinger worked with Jackson "to get a new text which takes out the invidious cracks at the Soviet Union".

"Jackson is willing" Kissinger told Aiken, "It is a face-saving way frankly between you and me for Jackson to get out of it." Aiken believed some version of the old amendment had the votes to pass, especially if the President was behind it, but Kissinger made it clear that the Administration would not get behind the old text and he was

counting on Aiken supporting the new version. “Well, all right.” Aiken said, “Let’s see and hope”.

During this same conversation Kissinger told Aiken “between you and me, I sent a copy of [the text] over to Dobrynin of both the White House statement and of the amendment. Of course, he can’t get involved in our legislative process.”

However, knowledge of that communication did not stay between Aiken and Kissinger. The New York Times²³¹ reported that Kissinger “explained the revised resolution to Soviet diplomats and won their acquiescence on the ground that agreement itself would not be affected.” Kissinger would later tell Jackson²³² that this was a result of “somebody running off at the mouth” and that they would “shut everybody up now.”

More damage control with the Soviets would be necessary. Neither the Soviets nor the Nixon administration wanted to create the perception that the Soviets were in anyway affecting the US legislative process. The morning after the story ran in the New York Times, then Kissinger aide General Alexander Haig spoke with Ambassador Dobrynin to communicate how disturbed Kissinger was that news of this consultation was out²³³. Dobrynin noted his and Moscow’s surprise at the leak. Gerry Warren, Deputy Press Secretary at the time, inadvertently added fuel to the fire by seemingly confirming the New York Times’ reporting with comments at a press conference. To get out ahead of this, Haig told Dobrynin that the White House would put out a statement that the consultations that took place were in the context of discussions held at the SALT I negotiations in Moscow. “That will make it clear” Dobrynin said, that it was “not here in Washington.”

Kissinger and Jackson spoke again that afternoon²³⁴. At this point, both men had climbed up trees they were finding it difficult to get down from. Jackson told Kissinger that the Foreign Relations committee might not back down, and that it would bring the amendment to a vote and there would be enough votes to get it passed. Domestic politics was also a consideration. Jackson believed that the committee felt the Administration would back down since they needed to get the interim agreement passed before the election. Kissinger replied that he would hold firm and inform the committee that the resolution had to come to a vote and if they wanted to vote it down “that’s their business.” Jackson concurred and encouraged this approach.

The press continued to complicate the matter and Nixon’s Press Secretary, Robert Ziegler, was not helping. The New York Times ran a story²³⁵ stating “The White House began backing away today from Senator Henry M. Jackson's public elaborations on the meaning of the resolution he has been trying to attach to the offensive-weapons agreement with the Soviet Union.” Jackson had told Kissinger²³⁶ that Ziegler could not handle substantive questions on the amendment or the negotiations and “[Journalist John W.] Finney from the [New York] Times is trying –and others—trying to get him screwed up on substance”

Kissinger would soon be explaining this debacle to the President²³⁷:

Kissinger: What happened there, Mr. President, was the Jackson was making statements interpreting his own amendment.

Nixon: Yes, I understand that.

Kissinger: In a way that we couldn’t really live with in the negotiations.

Nixon: I see

Kissinger: So what we did was to support his amendment but all of that was arranged with Jackson.

Nixon: Not his interpretation.

Kissinger: Not his interpretation.

Nixon: Yeah, yeah. I suppose it's just the press that wants to make it appear that we are backing off.

Kissinger: Exactly.

Nixon: But Jackson understands it. I don't care that we do it, I just want to be sure Jackson understands we're not backing off.

Kissinger: No, no, no; I talked to him.

Nixon: I just don't want those damn doves to figure they won something.

Kissinger: No, no; I talked to Jackson and he is delighted.

Nixon: Good, good, good.

Kissinger indicated he owed Jackson a phone call and Nixon told him to tell Jackson he was outraged by the way the press was reporting the situation. Nixon was concerned that Jackson would be unhappy because of the headlines and did not want him to think the Administration was trying to embarrass him. Kissinger reassured the President that Jackson "thinks we're supporting him outstandingly."

Jackson and Kissinger spoke²³⁸ after Kissinger hung up with the President. "Listen," Jackson jokingly told Kissinger, "if you don't shutup Ziegler pretty soon, you're going to have all our friends in Europe on your back," referring to the Press Secretary's misinterpretation of the implications of the amendment. Kissinger assured Jackson that "[Ziegler] is shutup as of today." But Jackson was, as the President thought,

concerned about the news coverage. Kissinger admitted being distressed over it as well. They discussed how to handle it, including a possible public clarification by Jackson, but agreed the best thing to do was to keep all parties silent on the matter moving forward and get the committee to vote.

Within a few hours Chairman Fulbright was asking²³⁹ Kissinger for his thoughts about sending a letter to the President asking for a statement clarifying the Administration's position. Kissinger opposed the idea. He told Fulbright he was against the idea because the Administration had already made its position clear and that if a letter was written to the President, Nixon would not be inclined to respond to it. It would then put Fulbright in a position of being rejected by the President which Kissinger believed would be unhelpful for working relations between the two when they needed to get most done after the election. By this point, Kissinger just wanted the entire issue to go away and get the resolution passed. Kissinger said the administration "had no interest in driving a line between the hawks and the doves on this issue" and that it "was something on which we want the broadest possible support."

By the evening Senator Javits notified²⁴⁰ Kissinger of the most recent proceedings of the Foreign Relations Committee where it "took a position against all amendments and reiterated the position of the President as expressed" by Kissinger in an August 15th statement. Kissinger hoped to get to a vote immediately "the major thing now is to get the agreement behind us." Javits was hopeful that this would be the end of the matter.

Within the hour Kissinger communicated²⁴¹ with Fulbright again expressing his hope that the matter will be put to a vote soon. Fulbright agreed and told Kissinger that SALT I and the Interim Agreement were "the most significant things you have

accomplished.” The reason this became such a difficult problem was that Jackson is “not only what his words are” as Fulbright put it “but what he stands for.” Jackson’s staunch anti-communist reputation made it politically difficult to oppose some of his stated positions, even if, as in this case, he was backing away from them himself.

Soviet Ambassador Dobrynin, two days later, expressed²⁴² dismay over the hold up. The “treaty that was supposed to create a better atmosphere is now completely different.” Kissinger seemed to think the storm had passed and the matter would be resolved soon. “By Monday it will be over”, Kissinger said, “and by Wednesday it will be forgotten.”

This would prove to be wishful thinking as the interim agreement would not be signed into law by President Nixon until October 3rd. This episode showed the Nixon Administration, and Kissinger in particular, just how difficult it could be trying to get treaties negotiated with the Soviets through Congress. If the anti-Communist hawks in Congress wanted to slow down or event stop the process, they could likely do it. Several sensitivities came to light in this chapter including the role and prestige of certain members of congress, the media driven perception of the White House-Congress relationship and how that was interpreted by the Soviet Union, and the importance of Henry Kissinger’s relationships with key figures.

By the time the interim agreement was ratified, the Nixon Administration would be dealing with yet another crisis created by a different Jackson amendment. Before then, however, the issue of terrorism would come to the forefront of international affairs.

Chapter 5 - Terrorism Pre and Post Munich

If we [go to the Security Council], Mr. Ambassador, we ought to do it by tomorrow before people start thinking about the problem.

--Henry Kissinger to Yitzhak Rabin

When we think about terrorism today, it is almost impossible to do so without thinking about major terrorism related events that have characterize armed conflicts of the last two decades as well as a spate of spectacular, high-casualty attacks like the attacks on 9/11 which were aimed not only at inflicting damage but also creating headlines. In many ways 9/11 served as a clean breaking point in the general understanding of terrorism. This transformational moment changed many things in the security, political, civil liberties and geostrategic realms. In short, there was a pre-9/11 era and a post 9/11 era.

To best understand the decision making around the Cabinet Committee to Combat Terrorism we must first ask and answer how terrorism was thought of at the time. It differs greatly from how the phenomenon is understood today. To a much lesser extent than 9/11, the events in Munich in 1972 did serve as another transformational moment. The following chapter discusses what was thought of and meant by “terrorism” in the time when Nixon and his aides were dealing with the fall out of the 1972 hostage taking of Israeli athletes. I discuss not only usage of the term “terrorism” but also how and in what ways it mattered at the highest ranking decision makers in the nation. What I show

is that the usage of the term “terrorism” as sparse and often used to characterize proxies on the side of US clients in the cold war. Also, I show how a number of terrorist incidents and groups did exist in the United States but they were not Arab groups. The case of one of the more active groups in the United States, the Jewish Defense League, is examined in this chapter as well and how the Nixon administration dealt with this particular challenge sheds light on some of the complexities at play between terrorism, domestic politics, foreign policy and civil liberties.

Terrorism Prior To September 1972

To better understand the decision calculus behind counter-terrorism measures in September of 1972, it is important to understand how terrorism was understood at the time, how the government perceived the threat, and what measures were taken to deal with it.

The National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland maintains a database of terror related incidents starting in 1970. The data²⁴³ provides insight into the specific terror threats present both internationally and domestically in the first few years of the decade. The chart below depicts the number of terror related incidents each year from 1970 to 1973 in the United States and Internationally

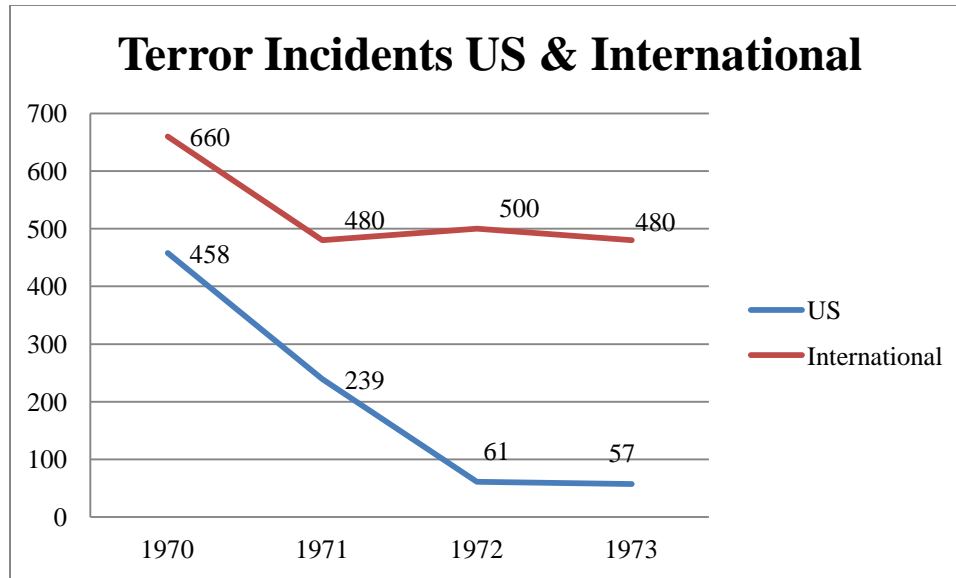


Chart 7. Terror Incidents US and International

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the START data, the incidents in the United States in 1970 and 1971 made up a significant amount of terror incidents globally. This is likely to be a product of a US-centric data collection effort and not necessarily the most accurate reflection of the empirical reality. Second, immediately prior to 1972, the number of terror incidents in the United States dropped significantly and to a greater degree than incidents around the globe.

During this timeframe, according to the data, the countries which saw the most incidents were the United States, Northern Ireland, Argentina, West Germany and Spain. The following table enumerates the most common known perpetrators in each of these countries.

Country	Most Common Perpetrators

United States	Left-wing militants, Black Nationalists, Chicano Liberation Front, Armed Revolutionary Independence Movement (MIRA), White Extremists, Jewish Defense League
Northern Ireland	Irish Republican Army (IRA), Protestant Extremists, Ulster Volunteer Force, Ulster Freedom Fighters
Argentina	People's Revolutionary Army (ERP), Montoneros
West Germany	Baader-Meinhof Group (Red Army)
Spain	Catalan Liberation Front (FAC) Basque Fatherland and Freedom (ETA)

Table 1. Most Common Perpetrators in Select Countries

At first glance, particularly through the prism that is the post-9/11 mindset, it may seem strange that Arab perpetrators are not among the most active. In fact, during this period Arab perpetrators made up a very small fraction of global terror incidents. Those that were active coalesced around the Palestinian issue and included groups such as the Palestine Liberation Organization, the Black September Organization, Al-Fatah, and the Popular Front for the Liberation of Palestine. From 1970 to 1973, Palestinian perpetrators of terror incidents globally accounted for 0.04% of all incidents and prior to September 5th, 1972 when the attacks in Munich were perpetrated Palestinian groups accounted for

an even more insignificant 0.026% of total global incidents. Perhaps even more importantly, their activity in the United States was even less remarkable and in fact, non-existent. Prior to September 5th, 1972 no incidents of terror in the United States were attributed to Palestinian groups or Arab groups in the name of the Palestinian cause. An FBI report on Fedayeen from June of 1970 notes “no information has been developed that terrorist attacks have been committed in the United States by Fedayeen groups.”²⁴⁴,

What was meant by “Terrorism”?

The concept of terrorism that we are accustomed to today differs from that which was understood in the public discourse during this time period, as well as the way the term was operationalized by the US government. Indeed, this period and particularly the period immediately following the events in Munich in September of 1972 were critical moments in the effort to define how “terrorism” was understood. Early September 1972 serves as a clean break point in time for the way the term was used.

The origins of this term in modern history can be traced back to the French revolution during which time “the Terror” was used to describe a period of purges through executions of the revolutionary state’s political rivals. This differs of course from the conventional understanding of the term today which sees terror and terrorism as something that states generally reject and non-state actors often embrace.

Remi Brulin²⁴⁵ conducted textual analysis to understand the evolution of the term in American political discourse:

The only Western power not to have colonies and therefore not to be faced with decolonization movements, the United States, was also the

only Western power that did not have, before 1972, a discourse on “terrorism.” Analysis of the speeches of Presidents Franklyn [sic] D. Roosevelt, Truman, Eisenhower, Kennedy, Johnson and Nixon shows that during the four Defining “Terrorism” 15 decades prior to the debates, the term “terrorism” was virtually absent from the political lexicon of the American presidency, and was used to refer to a very broad range of both state and non-state actors and acts.

A search of the digital archives of the Public Papers of the Presidents (American Presidency Project) finds the terms “terrorism” or “terrorist” in only 6 speeches by President Roosevelt, 4 by Truman, 4 by Eisenhower, 1 by Kennedy, 44 by Johnson and 25 by Nixon, 11 of which were given before the Munich incident. In the overwhelming majority of these speeches, the terms “terrorism” or “terrorist” appears only once, sometimes twice.

Further proof that the term “terrorism” was, in 1972, a rarity in American political discourse, is the fact that until March 6, 1972 no American president had used the term “terrorism” or “terrorist” to refer to hijackings or bombings of commercial aircraft, using instead terms like “air pirates,” “sky pirates” or “hijackers.”

A search of National Security Archives during this time period offers further insight. In almost all available documents prior to 1972 “terrorism” was generally used to refer to Marxist or leftist militants. Some documents use the term to label US adversaries or adversaries of US clients in Azerbaijan²⁴⁶, Malaya²⁴⁷, Korea²⁴⁸, and Vietnam. Much of the references to the term in this period deal with Guatemala, which was undergoing a bloody civil war between the government and leftists.

In January 1968, two U.S. military officers were assassinated in Guatemala and as a State Department air gram²⁴⁹ noted it “shocked U.S. public opinion and focused attention on the continuing high-level of violence in Guatemala”. American Ambassador in Managua, John Gordon Mein, was writing to the State Department concerned about the inaccurate US coverage of the violence and the “inherent danger” that such inaccuracies are “infiltrating into the parlance of the Washington Intelligence

Community.” Ambassador Mein²⁵⁰ wrote that a “redefinition of terms is needed to permit a clearer view of the hard realities”:

It is particularly important to recognize that the “situation” in Guatemala is highly complex and does not lend itself to easy classification under loose generic terms. Even the term “terrorism” requires some agreed definition for it is composed of such disparate elements as insurgent action, counter-insurgent measures, political violence and common criminality. For the purpose of this analysis, the most frequently-used terms are defined as follows:

- a) Terrorism: violence perpetrated by members of far-left extremist groups such as PGT, FAR, MR-13; synonym: insurgency, insurgent action
- b) Counter-terrorism: violence perpetrated against members of the above-named groups or others by GOG [Government of Guatemala] security forces whether overt, covert, or para-military (civilian); synonym: counter-insurgency (COIN)...

It is equally misleading to use “Left” as a synonym for insurgent terrorists- for there is also a large sector of non-communist “left” in the Guatemalan body politic who have taken no part whatsoever in political violence. Yet, the use of the generic term “left” would imply that all of this large sector is involved in terrorism and subversion, which is manifestly untrue and gives a highly distorted picture of the extent of “leftist” subversion.

What emerges from this picture in Mein’s analysis is that terrorism was not to be defined by the nature of the act but by the political orientation of perpetrator committing it. He took issue with characterizing the entire Guatemalan left as terrorists but made clear that those engaged in terror are leftist rebels, while those acting against them are engaged in “counter-terror”, regardless to the nature of the acts the perpetrated. Mein was also very much aware of the Guatemalan government’s tactics:

Their ultimate objective is the elimination of the subversive threat. This is done primarily by the physical elimination of the subversives themselves. There is a related propaganda objective; however, the GOG wants to appear to be operating within a legal framework as behooves a democracy and to be operating with the support of the people. ... The main limitation is that whenever either the police or the military arrest a suspect, by law,

he must be turned over to the courts. This has proven to be a most unsatisfactory procedure...The government has reacted by establishing clandestine units of the security forces which operate under government control but outside of the judicial process.

By the end of the war, the death toll stood at approximately 200,000 dead or “disappeared”. A UN sponsored commission in 1999 assigned responsibility for 93% of human rights violations during the war to the Government, which Mein described as engaging in “counter-terrorism”.

Of incidents perpetrated in the United States, most motivations were domestic. Racial and economic issues accounted for the motives of many including left-wing extremists, black nationalists and white extremists. Some groups had foreign policy motivations, these included Puerto Rican nationalists and *independistas*, Armenian groups, Chicano groups, Cuban exiles and leftist groups like the Weather Underground which opposed imperialist foreign policies.

One group, however, the Jewish Defense League, posed a particular challenge to the Nixon Administration during this time by complicating Nixon Administration foreign policy objectives. A closer examination of this group helps shed light on the decision making of the Nixon Administration at the time.

The Jewish Defense League

*A Background*²⁵¹:

The Jewish Defense League (JDL) was initially formed in June of 1968 and in September of 1969 a Certificate of Incorporation was filed for the JDL listing their officers as Meir Kahane, Morton Dolinsky and Bertram Zweibon. It’s organizational

structure consisted of a National Executive Board which set national policy and executed decisions through chapters that are formed across the country. The chapters were coordinated and liaising with the national leadership regularly.

Within the JDL, there existed an activist group known as “Oz”. This group was totally dedicated to the JDL ideology and is composed of its most active and ardent members. This group is further broken down between Oz-A, which is made up of “shock troops” who are expected to put their training into practice at any moment. Oz-B is the back-up force for Oz-A and is composed of members who are not physically fit for Oz-A level activity.

The JDL was headquartered in New York but active chapters existed in Philadelphia, Boston, Washington, Los Angeles, Montreal and the greater NY area. In its early days the JDL confined its activities to the New York area and primarily in Brooklyn and it attempted to confront what it believed to be anti-Semitic actions of the revolutionary left like the Black Panthers and the right like Neo-Nazis. What distinguished the JDL from other Jewish rights organizations was the willingness of its members to actively engage in confrontations and violent actions.

While the JDL had thousands of members nationwide in 1971 and 3,000 in the New York area it was estimated that only 150 hard-core members who were willing to become involved in militant activities.

The JDL gained national prominence when it focused its attention on the plight of Soviet Jewry through a systematic campaign of harassment of Soviet Diplomats and attacks on Soviet facilities in New York and Washington, D.C. They sought to put pressure on the Soviets to permit Soviet Jews to immigrate to Israel. Similar acts have

been perpetrated against Arab official establishments to dramatize what the JDL considered to be injustice by Arabs against Jews.

Although there are many JDL chapters, the only cities where serious terrorist activities took place attributed to the JDL are New York, Philadelphia, Washington DC and Los Angeles.

The New York City branch lists Herman Beiber, as well as Kahane, as one of its leaders. Beiber is head of the hard-core inner circle of “shock troops” known as Oz. This elite core is specifically trained in self-defense and weaponry and is structured in accordance with Israeli military guidelines.

In the past, terrorist activities by the JDL have ranged from the ineffective use of a Molotov cocktail to the implementation of sophisticated destructive devices resulting in extensive property damage and loss of life.

The JDL and US Foreign Policy

As the JDL continued to target foreign embassies, buildings and diplomats, their actions began to complicate US foreign policy as states on the receiving end of these attacks regularly raised concerns with their US interlocutors. Regarding the dimensions of the JDL problem in New York one US government document²⁵² notes: “The impact of the security problem has been greatest in our relationship with the USSR and the Arab countries. We have been bombarded in recent years by protest notes from the Soviet Union and have barely avoided counteraction against either our mission in Moscow or involving cultural exchanges with the United States”. The US government counted

incidents from 1966-1972 in one report and broke them down by type and by country targeted:

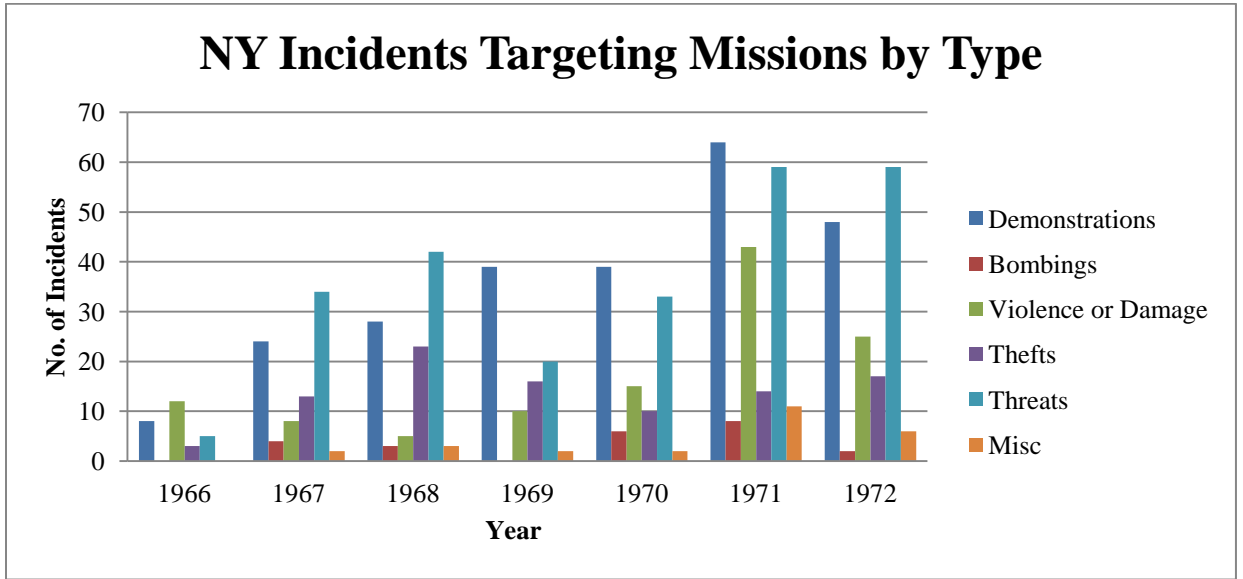


Chart 8. NY Incidents Targeting Missions by Type

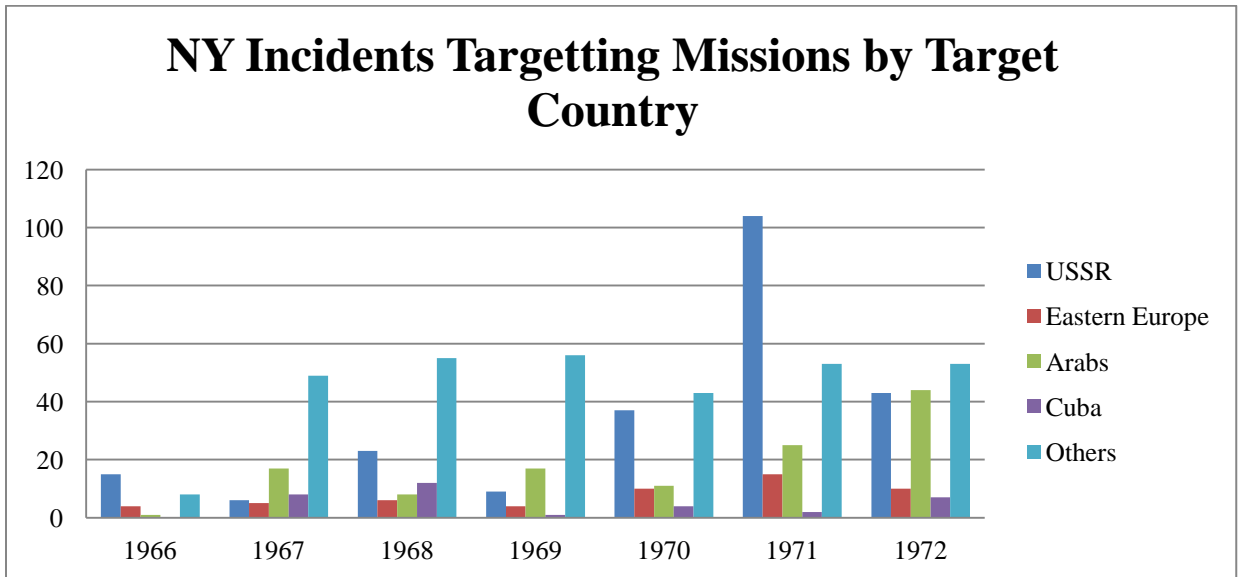


Chart 9. NY Incidents Targeting Missions by Target Country

The charts above indicate that a significant upsurge in incidents began in 1970 and this was particularly noticeable as it relates to the most severe types of incidents noted; bombings. Zero bombings occurred in 1969 but six bombs targeted missions or related facilities in New York the following year. By 1971, that number increased to eight. In a meeting between President Nixon and numerous top administration officials in the Cabinet Room on April, 27th, 1971 US Ambassador to the United Nations George H.W. Bush brings the most recent JDL bombing attempt to the President's attention:

Bush: Mr. President, this week in New York, we had a tough one. A policeman defused a bomb at the Amtorg [Soviet Trade Representative] Building, fifty-nine minutes before a sixty-second, a sixty-minute clock had run out.

Nixon: Gee.

Bush: And, uh, they've escalated this –

Nixon: Yeah.

Bush: It was un-un-unrelated from this thing here.

Nixon: That the Jewish Defense League thing?

Bush: Yes, sir, and it's getting worse.

While missions from around the world are present in NY, the focus of the activity was on the USSR, Eastern European states, Arab states and Cuba. The trouble caused by terror incidents in NY related to foreign missions had become such a headache for the administration that Nixon discussed the possibility of moving the UN out of New York²⁵³.

This was occurring as the United States and the Soviet Union were each attempting to improve relations with the other. Détente, as this rapprochement came to be known, was a central element to Nixon administration's foreign policy. Attacks by the JDL on Soviet interests in the United States and the perception that the US was not doing enough to stop it threatened to derail the easing of tensions. A memorandum written by National Security aide Henry Kissinger of a meeting with Soviet Ambassador Anatoliy Dobrynin in early 1971 sheds light on these complications. The meeting²⁵⁴ took place at Dobrynin's request, Kissinger notes:

Dobrynin began the conversation by expressing his outrage over the behavior of the Jewish Defense League. I told him that the President was unhappy about these actions; that we were seeking indictments where that was possible; and that we would use whatever Federal resources were available to increase the protection of Soviet installations.

Dobrynin said that what rankled most in the Soviet Union was the absence of any court action. It was inconceivable in the Soviet Union that such actions could take place without connivance by the authorities. While he was taking a slightly more tolerant view of that aspect of it, he was at one with his colleagues in his inability to understand why there had been no court action of any kind....

I repeated that we were taking the measures that were possible and expressed the personal regret of the President. I said there was no official connivance, but the overlapping of authority between Federal and State government presented particular complications for us; however, we would seek court action wherever was appropriate.

The US-USSR relationship was paramount to most other issues for the Nixon Administration and moving in on the JDL quickly became an administration priority. Immediately after his meeting with Kissinger, Dobrynin's concerns about the JDL were translating into action at the highest levels of the Nixon Administration. Three days after

the conversation at the Soviet Embassy, the Justice Department and the White House's National Security Advisor were engaged in a coordinated effort to act against the JDL.

Attorney General John D. Mitchell and Henry Kissinger discussed the best approach toward prosecution in an early morning phone call. Mitchell believed that the President might not have considered some of the negative implications of injunctions against the JDL. Mitchell's concerns included the possibility that it might be a public relations disaster and "come back to haunt us like the Scranton Commission²⁵⁵". Second he noted that this might "affect the Israelis materially" and that the Israelis would "look with disfavor on the publicity that will [come] from it as we being anti-Jewish." This would, in Mitchell's view, have "and averse political impact." Third, he argued that "liberal groups" who would fight in court on the grounds that "we are trying to infringe on free speech" could result in a prolonged court battle that would grab media headlines. Finally, he was concerned about the possibility that even if they got such a court order, they would not have the resources to enforce it since federal marshals were spread thin and if federal troops couldn't properly resolve the problem it would just create "more difficulty with our Soviet friends."²⁵⁶

Kissinger agreed with Mitchell's reasoning and argued that they just need to show the Soviets that they were doing something. Both Kissinger and Mitchell agreed a grand jury approach would be a sufficient first step and the Mitchell would bring this idea up immediately with the State Department.²⁵⁷

After meeting with the State Department, the Attorney General called²⁵⁸ Kissinger to update him later in the day on developments relating to prosecuting the JDL:

Mitchell: Henry. We had a meeting with Irwin and the State Department and in accord with the suggestion that I made to you earlier decided to proceed immediately, probably on Thursday, with the Grand Jury approach...judicial processes in New York has picked up Cahain [sic] (Kahane) and a couple more of his people. They brought an indictment against him today and other indictments which are going to be brought down and I have talked to [US District Attorney in NY] Frank Hogan....and expecting all of their activities. I think this will satisfy the State Department and the Russians.

Kissinger: Excellent.

Several notable terrorist incidents were attributed to the JDL²⁵⁹ prior to Dobrynin's meeting with Kissinger. Among these attacks were:

June 23rd, 1970, the Soviet Trade mission to the United States was raided by 28 JDL members carrying pipes and destroying furniture.

October 6th 1970, a pipe bomb exploded at the door of the Palestine Liberation Organization's office in New York City.

October 17th, 1970, a large JDL arms and explosives cache was uncovered by the NYPD in Brooklyn among JDL literature, and Oz-B membership list, diagrams of the Algerian and Syrian Missions and detailed drawings of destructive devices.

November 25th, 1970, a pipe bomb exploded outside the offices of a Soviet airline.

January 8, 1971 a pipe bomb exploded outside the Soviet Embassy in Washington, D.C.

However, the targeted prosecutions became most prevalent immediately after Dobrynin expressed his outrage to Kissinger and Mitchell's statement about "satisfying the Russians" leaves little doubt that the increased focus is due in large part to foreign policy concerns. It was after the meeting that indictments against JDL members began in earnest. The aforementioned ATF report²⁶⁰ on the JDL states:

From January 1971, to the present (November 1972), over fifty (50) JDL members have been named defendants in Federal fire-arms and explosives cases presented to the appropriate U.S. Attorney for prosecution. Thus far, there have been thirty-three (33) indictments and eight (8) convictions. Among those convicted was Meir Kahane, who was given a five year sentence and placed on probation. Included in the list of those indicted was almost every top leader of the JDL.

Some 25 individuals²⁶¹, all members of the JDL, were prosecuted after this point for a variety of offenses such as giving false statements in the purchase of firearms, unlawful making and possessing of explosives and destructive devices, the bombing and attempted bombing of foreign missions and residences, and passport violations.

The law enforcement apparatus and legal system of the United States went after the Jewish Defense League not simply because of the illegal activities of the organization but rather, primarily, because it was creating problems in their foreign policy vis-à-vis the Soviet Union. This is not to say that the JDL and its operatives involved in criminal activity should not have been prosecuted but rather that the prosecution of the JDL was not a priority of law enforcement prior to Soviet objections and it certainly was not a concern for high-ranking administration officials before then either. The real crackdown on the JDL began after Soviet objections and, as the documentation shows, high-ranking administration officials granted it immediate attention.

The discussion between Mitchell and Kissinger about how to approach coercing the JDL offers interesting insight into the decision making process behind coercive measures. The potential costs weighed by Mitchell and Kissinger included the negative perception of the effort by the Israelis as “anti-Jewish” which could translate into unacceptable domestic political costs, the negative public perception of a heavy handed

approach akin to the fall out of the “Scranton Commission” and the negative publicity a long, drawn out court battle would inevitably create. The Soviet perception, of course, was also important.

This suggests that costs and benefits, outside of those generally understood in the political repression literature for motivating coercive state behavior, played a critical role in the decision making process on precisely how to mitigate the JDL threat. Further, it is also clear that the impetus for this aggressive law enforcement campaign against the JDL, directed from the upper echelons of the state, was in fact a foreign actor, the Soviet Union, and not the direct threat the JDL posed to the state, its assets or its reputation for providing security for its citizens.

The primary example of this dynamic discussed in this study took place after a terror incident, not in the United States, but in Munich, Germany. How the Nixon Administration responded to the events in Munich as they evolved and what weighed into the decision making of initiating an interagency crackdown on Arabs and Arab-Americans following it is discussed below.

Munich- The Hostage Crisis and the Nixon Administration

As events unfolded on the morning of September 5th, 1972, President Richard Nixon was in San Clemente, California at “the Western White House”. The first item on his daily dairy that morning was an 8am phone call from Sidney Sexner, President of the Community Council of Jewish organizations in Chicago taken by the President’s aide on Jewish affairs, Leonard Garment. Within a few short hours the President was on the

phone with Israeli Prime Minister Golda Meir. By noon, the President met with members of the press to express “his concern for the Israeli athletes”. Later in the afternoon, the President would head back to Washington, DC and speak to Yitzhak Rabin, who was in Vancouver, before the evening was through²⁶².

Kissinger was back in Washington receiving updates about the fluid situation in Germany. “The latest unconfirmed news report is that the terrorists and the hostages have been taken to the Munich airport” one afternoon memo began, “State [Department] is at a loss over how to apply effective leverage on the terrorists.”²⁶³

Despite the gloomy reports Kissinger sought to assure others that the White House was doing all they could. One such interlocutor was important Senator Jacob Javits, with whom Kissinger spoke to early that evening. “We made a statement at 7:30 this morning California time expressing the President’s outrage,” Kissinger told Javits. “He has done great since. [He] talked to Golda Meir and so forth,” Javits replied. “That’s right”, Kissinger said. “And we are also in diplomatic contact with a number of governments that we believe have influence with Arabs and I will be talking to Dobrynin in a little while.”²⁶⁴

Of course the State Department memo was not optimistic about their leverage, calling the diplomatic contact with Arab governments “the best they could come up with” but Kissinger certainly wasn’t going to tell Javitz that. Also, while Kissinger did speak to Dobrynin later, the situation in Munich was barely mentioned and most of their discussion focused on Kissinger’s impending trip to Moscow and the US-Soviet trade agreement²⁶⁵.

Cables from the US consulate in Munich were briefing Washington on the situation as it unfolded. The attack began at about 4am and the hostage takers had “demanded safe passage by plane for themselves and the hostages to any Arab capital other than Beirut or Amman”. The Israeli government “sent an urgent request [that] morning to the Olympic organizing committee requesting that the Olympic games be suspended pending resolution of crisis”²⁶⁶.

The attack in Munich “has stunned the Israeli public” another cable on the Israeli reaction to events from the US embassy in Tel Aviv stated. The government was “in emergency session all morning discussing the tragedy.”²⁶⁷

Ambassador George H.W. Bush relayed the US actions at the United Nations in a cable from New York to Washington. Ambassador Bush, “issued a press release expressing strong indignation towards terrorist action”, “telephoned the Israeli charge” to express “sympathy and concern” and phoned the Secretary General as well. The US mission would await instruction to ask for a Security Council meeting²⁶⁸.

The President began the next day, September 6th, in Washington and met in the Oval Office at 8:13am with various foreign policy staff including Rogers, Kissinger, and Haig to discuss the US response to the events in Munich. By this time the smoke had cleared on the runway and it was clear that all the hostages were dead.

Nixon began by telling the group that he had spoken to Rabin the night before and “found him to be completely rational”. He also stated that the US “must pursue a delicate line which demonstrated justified sympathy for Israel but which did not serve to encourage Israeli retaliation which could only further escalate tensions and dangers in the Middle East.”²⁶⁹

The discussion shifted toward what the US should do at the moment to show sympathy. Rogers raised the notion that the Israelis might ask the US to pull out of the games and the President made clear that the US will not do that. Nor, the President argued, should the US lower flags for the Israeli victims because “we had not done similar things when deaths occurred in Ireland or during the earthquake in Peru²⁷⁰ and we must be careful not to demonstrate a double standard”²⁷¹.

Geostrategic considerations were also discussed. What would the events in Munich lead to in the region? If Israel lashed out it could destabilize the region and possibly lead to a larger conflict. Rogers argued that the events in Munich underscore the need for an overall settlement. Terrorism in this instance, Rogers and others at the State Department felt, had underlying causes that needed to be addressed. The President, however, believed that the events in Munich would only strengthen the hawks in Israel and not the peace camp. If the US led an effort at the UN Security Council in reaction to the events and in response to terrorism in general, it may calm some of the tensions in Israel. Kissinger believed that any action at the United Nations had to happen right away.

A memo by NSC staffer Sam Hoskinson summed up US objectives at the United Nations regarding terrorism: “We would be seeking to (1) focus world public pressure on those governments which tacitly or directly support groups which engage in acts of international terrorism (2) bleed Israeli reaction away from acts of military retaliation into more constructive channels, and (3) project our determination to stamp out international terrorism.”²⁷² He noted that “the hard reality, however, is that there is really very little we, or any major power, can do to rectify this situation or make sure that it will not happen again. We can attempt to focus world moral indignation and press for tighter

international security measures, but we will remain vulnerable to the dedicated extremist²⁷³.

As was the case so many times before, Kissinger found himself disagreeing with Rogers and others at State who believed that the root causes of terrorism needed to be addressed. On the morning of September 6th, and in the course of his conversations with various advisers on the matter, Nixon spoke with Rogers about the broader impact of the events in Munich on the region and the prospects for peace. Records indicate that Kissinger was in the room during this conversation however he seems to have sat silently, listening, but not contributing to the Rogers-Nixon exchange as was often the case. The following is an excerpt from that verbal Oval Office conversation²⁷⁴ between Nixon and Rogers:

Nixon: The Israelis don't think the UN is worth a damn, but they do think the publicity is worth a damn. Rabin said a very interesting thing last night, and it shows you what a cool customer he is, he said 'well, this is a terrible tragedy for these men and their families' but he said, you know, he said 'these men, in a way they will help their country', he said because 'it will bring the attention of the world to this terrible problem that is plaguing us. You see what I am getting at is that it may be that they would be great to appeal to. You see they seem to be making a lot of the fact that you called them, I called them.

Rogers: Mr. President another thing we have to do I think, more than that, is that if we can get a few days of calm and nothing happens for the next few days and we can keep everybody calmed down then there is going to be a realization that what is important is not punishing guerillas, but that what is important is to try to settle the problem. Now the Israelis are thinking along these lines. I had a discussion with Moshe Dayan recently where he said he thinks it's time for them, for them, not for us, to be more forthcoming. Egypt is certainly going to make some sort of proposal at the General Assembly this fall, I'm not too sure of what form, but there will be renewed interest in trying to bring about some kind of solution to the basic problem. Because as long as the basic problem exists everything else we do is sort of on the periphery...

Nixon: Exactly.

Rogers: and you can shoot at guerillas and they can blow up aircraft...

Nixon: Right.

Rogers: but the problem is what exacerbates the whole area.

Nixon: Well in that connection, just to be the devil's advocate, the UN action might be helpful because of the idea that the United States put this on the world stage.

Rogers: Well, I think the UN action, there will be UN action, but it will deal with the problem, not with punishing guerillas and I think that when the General Assembly starts this will revive a lot of interest in trying to make progress to a peaceful settlement. And I think that we ought to start, and I realize that you are sensitive about taking any action between now and the election, on the other hand if we could get, if talks could start or if we could be helpful in getting talks started, even if nothing else happens, I think it could be an asset as far as the campaign is concerned. And as I said the young leaders in Israel are thinking more on these lines. I think we ought to let, if not now and if Dayan is speaking for the government I think we should not indicate any...

Nixon: Do you think that's the consensus? This will strengthen the hawks, don't you think?

Rogers: Well, it could for the short run. Everyone realizes...say Israel retaliates and blows up something in Lebanon, that doesn't help anyone. I mean a thoughtful Israeli has to say to themselves 'Christ, we've only got two and a half, three million people' and there's gonna be a whole lotta...

Nixon: Well, that was Rabin's message.

Rogers: and we can't, I've talked a lot about this in the last 3 and half years, they can't handle it over a long period of time, there just too many God damn Arabs and there are too many crazy ones. And uh, it's a hell of a shock when you kill 11 Israelis....

Nixon: On television...

Rogers: On television. And you know I heard the Egyptian representative at the UN last night he said 'it's tough you know, we don't condone it but we've had a hell of a lot of Palestinians killed over the years and we've got all these people homeless. What this does indicate to the world is that

we've got to solve the problem. It's a hell of a thing to have 11 Israelis killed and it's a hell of a thing to have millions of people homeless all these years. So the problem has to be solved. So I think there will be an effort made to bring this thing to a head this fall and if there was some way to get negotiations started I think it would be the best thing that can happen in the area. Because if the Israelis retaliate, which they may do, that will quiet the guerillas down for a while until they think of some other dastardly god damned thing to do and they will do it, and there is not a thing you can do to prevent it.

Immediately after the meeting in the oval office, Kissinger phoned Rabin. "Their conviction" Kissinger told Rabin speaking of his colleagues with whom he disagreed, "is that you are now convinced that there must be a settlement." Rabin replied, "I just told Haig that it seems that those who carried out the action in Munich succeeded beyond their expectations."

Kissinger explained to Rabin why going to the Security Council was important. "I recognize it will not lead to any practical results but it will focus the problem on an issue on which we can talk jointly while the great danger that I see is that in a few days people will say – as was said at the meeting this morning – we must remove the cause of this." Moments later he would tell Rabin "If we [go to the Security Council], Mr. Ambassador, we ought to do it by tomorrow before people start thinking about the problem."²⁷⁵

Kissinger wanted to ensure that the conversation quickly moved toward the condemnation of terrorism before anyone could really question what had caused it. The strategy was to demonize the perpetrators lest anyone think they could have legitimate grievances. The President would even take this a step further later in the afternoon when he called Kissinger to ask if the North Vietnamese ever supported the guerillas in their statements. "It would be very useful if we could know whether that's the case. You see

what I mean?,” The President asked, “It’s just a little research thing. . . .It’s just something that we can do for a columnist to pick up and write.”²⁷⁶

Kissinger and Nixon didn’t want people “thinking about the problem” of terrorism, at least, not until they can shape their thinking about the issue. As Kissinger noted to Rabin, this approach would not lead to any “practical results” but would be aimed instead on creating and dominating a global narrative on terrorism. The initial practical response to the events in Munich would be tasked by President Nixon to Secretary Rogers.

Initial Steps by Rogers on Terrorism

On September 6th, President Nixon tasked Secretary Rogers with implementing “contingency plans” and practical steps to deal with the risk of terrorism²⁷⁷. Rogers met that day as well with Rabin and discussed measures the US was talking and would take to protect Israelis²⁷⁸.

The next day, Secretary Rogers “established two departmental committees to coordinate” the Administration’s “activities against terrorism.” The first committee, chaired by the NEA, would study recommendations for international action against terrorism and the second committee would be chaired by Joseph Sisco to make recommendations to prevent terrorist actions against foreigners and property in the United States²⁷⁹. Since these initial steps were under the direction of the Secretary of State, they focused on matters under the purview of the Department of State. Embassy security and consular affairs were the central focus.

On the 8th of September, a memorandum from the NEA Committee chair Rodger Davies to the Secretary of State outlined the initial steps taken in the days after the Munich incident. US security services were asked to provide protection for “Arab, Israeli, German and Soviet diplomatic and consular establishments against attacks by the JDL or other groups”. Ambassadors from 44 different countries were called in to be informed of “United States concern over continued acts of political terrorism and of our desire to consult on means to improve international cooperation and capabilities for countering terrorism.” Elements of the American intelligence community were called together and consulted about improving intelligence collection on terrorist activities. “A survey of present intergovernmental cooperative arrangements and a proposal for specific bilateral initiatives with selected governments [was] under preparation.” Finally, the memorandum noted that “preliminary thoughts” on further actions to be considered included tightening “controls over foreign groups and organizations in the United States which have ties to movements advocating or practicing political terrorism” and specifically identified “organizations of Arab and Iranian students.”²⁸⁰

Despite various attacks and hijackings happening before, the hostage taking in Munich during the 1972 Olympics served as a game changer. The drawn out drama took place in a spot where the international media were already assembled and they were able to broadcast the events as they were happening to people around the globe. The United States did not have a history with Arab terrorism at this point, but it did have a strong relationship with Israel which American intelligence analysts believed might eventually put the US onto the fedayeen target list. Overall, however, terrorism was still not a high

priority for decision makers in the White House who were more concerned with reelection and the various negotiated deals with the Soviets. While an Administration response to the events in Munich was being formulated under the auspices of the State Department and Secretary Rogers however, another issue was starting to demand Henry Kissinger's attention; Soviet Jewish emigration.

Chapter 6 – Congress vs Détente: Round II – The movement for Soviet Jewry

Once [Nixon] gets on the phone there's no telling what he will say.

-Kissinger to Bill Timmons, President Nixon's Assistant for Legislative
Affairs

Just as the Nixon Administration was entering the final months before the election, which were scheduled with various high profile events to highlight the fruits of their negotiating strategy with the Soviet Union, the movement for Soviet Jewry in the United States had reached critical mass and threatened the Administration's attempt at rapprochement with the Soviets. By the time September of 1972 had arrived, this movement had gained enough clout to push its concerns to the fore of media coverage and forced its way into the Presidential campaign. Most importantly, the movement had generated enough influence and support in Congress to pose a significant legislative threat to a multi-billion dollar trade deal that was the centerpiece of the Nixon administration's detente strategy. Kissinger, who was still attempting to manage the last roadblock thrown up by Scoop Jackson's amendment to the arms limitation treaty, would now be faced with an even bigger congressional challenge over the issue of Soviet Jews. In this chapter, I discuss the role Israel played in stirring the American movement for Soviet Jewry through its embassy in Washington and its Consulate in New York, how the

issue entered into the political campaign for President and how the Nixon administration suddenly found themselves in a bind.

Israel's Role in the American Jewish Movement for Soviet Jewry

The Zionist movement, which began in the late 1800s, sought to establish a Jewish state in Palestine. Palestine, like much of the region around it, was home to native Arabs. Jews made up a tiny portion of the population at the turn of the century. Thus, realizing the Zionist movement's goals necessitated changing the demographics. Jewish immigration into Palestine, over the objections of the native population, allowed for the growth and development of a significant Jewish minority in Palestine until the late 1940s. It was not until 1948 however, that the demographics inverted. During the war in Palestine from 1947-1949, some two-thirds of Palestine's native Arab inhabitants were depopulated and launched into a life as refugees. If the establishment of a Jewish state among a mass of Arabs required massive demographic engineering, so too did the maintenance of that state and this was very apparent to Israel's leaders early on.

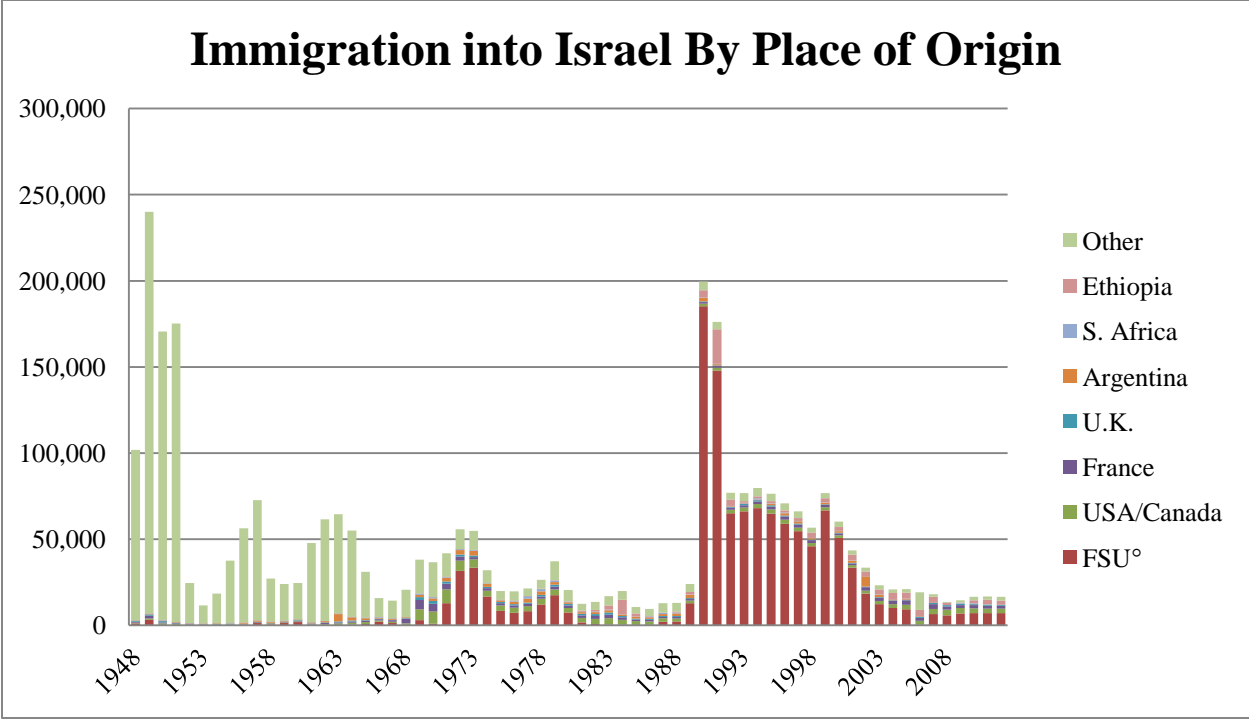


Chart 10. Immigration into Israel By Place of Origin

The chart above depicts Jewish immigration into Israel and country of origin of immigrants from 1948 to 2012 based on data drawn from Israel's Central Bureau of Statistics. Despite significant immigration from 1948-1951 there is an immediate and sharp drop off after that. The Israeli government sought to increase these numbers and knew also that a population of 3 million Jews resided in the Soviet Union. It was then, and with this in mind, that in 1952 the Israeli government established a secret program code-named "Nativ." The program, also known as the "liaison office", was charged with the goal of establishing and renewing ties with Soviet Jewry and encouraging Soviet Jewish immigration to Israel. Nativ placed operatives in Israeli embassies around the world to countries such as Australia, New Zealand, Latin American states, Canada, the United States and of course the Soviet Union. In the Soviet Union, diplomatic immunity allowed the Nativ operatives the protection to do some of the work that would otherwise be treacherous for Jewish activists and organizers. The operatives in each country would work with Jewish communities to encourage Soviet Jewish immigration. In the Soviet Union and Eastern Europe, they would "work through the Israel embassies behind the Iron Curtain in Moscow, Bucharest, Budapest, Prague, and Warsaw. Its task was to maintain contact with Jews in those countries; help them in every possible way; provide them with information; smuggle in Jewish cultural and religious material; explore the possibilities for aliyah; and in some cases, help Jews escape across borders."²⁸¹

By the mid-1950s, it became clear to Nativ leaders in Tel Aviv that a growing relationship between the Soviets and the Arab states would complicate their mission. A growing divide was also evident between the United States and Western Europe on one side and the Soviet Union and Eastern Europe on the other. In 1955, they decided to

launch a campaign called “Bar” in the West, which was aimed at sensitizing public opinion to the plight of Soviet Jews in an effort to get outside help to accomplish their aim.

In the United States, Nativ operatives were based out of the Israeli consulate in New York and also the Embassy in Washington D.C. They worked directly with the media in an effort to highlight the plight of Soviet Jews and work with members of Congress to insert similar information into the Congressional record. Perhaps the most central figure in Nativ’s operations preceding and during Nixon’s time in Washington was Nehemia Levanon.

Levanon was a Latvian-born lifelong Zionist and selected for this very important post by Nativ headquarters in Tel Aviv for both his zeal and his intimate knowledge of the Soviet Union. In Nativ’s earliest days he worked in the Soviet Union before later being moved to the United States where the propaganda battle was most important. It was during his time in the Soviet Union that he developed the idea for the Bar campaign. His superiors in Tel Aviv put him in charge of the project and asked him to develop the concept for implementation.

Prior to Levanon’s arrival in Washington, Nativ’s work and the work of the Bar campaign was limited to the efforts of operatives functioning out of the Israeli consulate in New York. Uri Ra’anan was a young student and the first Nativ operative in the United States in 1958. He’d soon be succeeded in New York by Benjamin Eliav who was far more seasoned as a diplomat. By 1961, Meir Rosenne, a future Israeli Ambassador to the United States, would take over the role of managing Bar operations out of the consulate in New York.

“In 1965”, Nehemia Levanon writes. “Ambassador Harman and Consul General Eliav came to the conclusion that Nativ had to have its own man at the embassy in Washington. I was asked to take up the post of minister consul in Israel's Embassy in Washington. In addition to serving as an expert on Soviet policy, my main task was to keep the State Department, Congress, and influential news media informed on the fate of the Jews in the Soviet Union, and to seek sympathetic and active support from them for our cause. I soon learned that the plight of Soviet Jewry had drawn little attention in Washington. American Jewish organizations had involved the two Jewish senators, Abraham Ribicoff and Jacob Javits, to a certain extent, but that was about all”²⁸².

It is probably no coincidence that the impact of Nativ and its Bar program to this point had been mostly limited to the New York area. Ribicoff and Javits were both Senators in from the Greater New York City area. But it wasn't until Nativ had a presence in Washington that its efforts began to gain more traction.

“I realized I had to do a lot of basic groundwork” recalls Levanon, “among officials of the State Department, on the Hill, and with the top journalists who represented important segments of the American press. I also tried to enlighten some of the better-known Sovietologists, who appeared to know very little about Jews in the Soviet Union. To a certain extent, I ignored the protocol. I regularly met with senior officials of the Soviet section of the State Department, as well as with desk men and those in the back rooms. I kept them informed, and gradually won their support for our view that public and political pressure by the West could produce positive results in Moscow. I believed that the State Department and the White House could be pulled into our cause in the framework of their bilateral relations with Moscow”²⁸³.

A key example of his efforts was the Yesha Kazakov affair. Kazakov was a Soviet-born 19-year old engineering student at university in Moscow in 1967. In January of that year, he became among the first and most well known Soviet Jews to reject Soviet citizenship and demand the right to immigrate to Israel. It is unclear what contact Nativ had with Kazakov prior to this. However, Nativ played a direct role in publicizing his personal plight. Kazakov wrote a letter to the Supreme Soviet demanding the right to leave the Soviet Union and go to Israel, which he wrote was his right as a Jew. The letter became popular in underground circles in the movement for Soviet Jewry and in late 1968 it was published in the Washington Post on December 19th. “A young Jew in Moscow”, began the lead paragraph²⁸⁴, ‘has written a remarkable letter to the Supreme Soviet denouncing anti-Semitic policies, renouncing his citizenship and proclaiming himself an Israeli, according to verified information received by Jewish sources here.’” The Jewish source cited in the story was none other than Nehemiah Levanon²⁸⁵, who through his post at the Israeli Embassy in Washington passed on the story to contacts at the Post.

Kazakov’s story became widely known and soon became a public relations headache for the Soviet Union, within a matter of weeks after the publication of the letter in the Post and the subsequent media attention to his plight in the West, the Soviet Union permitted Kazakov to leave.

Kazakov arrived in the United States and began a provocative speaking tour and hunger strike to raise awareness about the cause of Soviet Jewry. Nativ was concerned that these actions would draw focus on Israel’s role and also Israel’s influence with

American Jewish groups, thus it encouraged American Jewish groups not to get too involved in Kazakov's efforts.

This period highlighted some of the disarray in the Jewish community around the issue of soviet Jewish and also some of the divisions. Israel had helped found the American Jewish Conference on Soviet Jewry (AJCSJ) in 1964 which was to act as a umbrella organization coordinating the efforts of various Jewish organizations in the United States on this issue. While most sympathized with the plight, not all agreed that Zionism was the best answer. Some believed a Jewish presence in the Soviet Union was important and that the struggle should be for equal rights there. The skepticism of Zionism largely dissipated among the American Jewish community after 1967 and the outcome of the June War. Still, Kazakov's episode underscored the delicate tightrope Nativ was walking. Israel wanted to push the United States toward confronting the Soviets on this issue but at the same time did not want to be seen as the instigator or a liability for the United States. They also did not want to appear to be directing the American Jewish community. The range of opinion in the Jewish community on the Soviet Jewish question led Nativ to believe that the AJCSJ was no longer effective and that some of the infighting among the various Jewish organizations might endanger the cause. They sought to establish a new organization that would succeed AJCSJ and would have a much larger budget but Israel's fingerprints could not be apparent. Nativ sought out the support of the Jewish Agency, a non-governmental organization which worked to encourage Jews to immigrate to Israel. Through their involvement the National Conference on Soviet Jewry (NCSJ) was born to replace the AJCSJ in 1971.

Nativ played an important role in every critical juncture of the US movement for Soviet Jewry though it always worked to stay in the background. Nativ's role from the beginning was to organize, mobilize and support the American Jewish community to work on the Soviet Jewish issue and did so primarily through the Israeli embassy in Washington and to a lesser degree through the consulate in New York.

A Campaign Issue

The mobilization Nativ had helped create was climaxing at the worst possible moment for the Nixon Administration. Just a few months before the election and after several years of working on détente to improve US-Soviet relations, the President and his key advisor Henry Kissinger, found themselves forced to confront the question of Soviet Jewish emigration.

An irate and cynical Kissinger took a call²⁸⁶ from Leonard Garment the day after the Munich events:

Garment: I don't know when you're getting away but the Russian issue is flooding my desk and phone at this point and I need some guidance both with the Fischers and Schreibers and countless other groups that have streamed in.

Kissinger: Is there a more self-serving group of people than the Jewish community?

Garment: None in the world.

Kissinger: I have not seen it. What the hell do they think they are accomplishing?

Garment: Well, I don't know.

Kissinger: You can't even tell the bastards anything in confidence because they will leak it to all their...

Garment: Right. Very briefly what seems to be coming through just dozens of conversations is basically this and there are political as well as some other dangers involved – that the intellectual and Jewish community in the Soviet Union are just saying that in a sense they will have their position compromised by the Soviets through a trick of timing and that the Russians feel secure until November in going ahead with the attacks because of the concern on our part of...

Kissinger: They are dead wrong. After November they are even safer.

Garment: That may well be. I think then in any event...

Kissinger: You can say – well, what we are doing, we've talked in a low key way to Dobrynin. Next week we'll call him into the State Department. If the Jewish community doesn't mind after I've been in the Soviet Union and done some national business, so we'll do it on Wednesday or Thursday next week. Don't tell them that.

Garment: No, I won't tell them anything.

Kissinger: But next Thursday we'll call them in.

Garment: And defer any meetings between any of our people and the Jewish groups until after Wednesday.

Kissinger: That's right. After Wednesday you'll be able to say that the issue has been raised both with Dobrynin and the Minister.

Garment: I think between now and November a certain amount of theater is needed to keep the lid on. That's basically what seems to come through to me. After that I just don't know; there are various people that are talking about forming committees, to raise money and doing a variety of things.

Kissinger: They ought to remember what this Administration has done...

Garment: Yes, all of that can be pointed out but nevertheless here they are and subject to presses of this sort and I'm simply asking.

Secretary of Commerce Peter Peterson, who was intimately involved in bilateral negotiations on the US-Soviet trade bill, phoned²⁸⁷ Kissinger to notify him of the movement in Congress which could jeopardize the bill. Peterson told Kissinger he had heard “from three different sources that there is a strong movement on the Hill to tie the Soviet Jewry issue with anything that has anything to do with the Soviet Union....there is strong pressure in this one group that I met with that’s been confirmed since then to submit MNF legislation, but to tie the issue to that and then to use the submission of the bill to get extremely vocal about it.” Kissinger believed that these maneuvers would either “subside” or “not be effective” until after the election. Peterson wanted Kissinger to know that, in fact, that was not the case. “I don’t know how much it hurts you, however, to do it prior to the election because that’s what they are going to do,” Peterson said, “I just wanted you to know about it.” “No,” Kissinger replied, “I didn’t know about it; it will hurt me but...it will hurt but what can we do.” It would take several more days for the Administration to determine what they could do. It was becoming clear, however, that the Soviet Jewish issue, if tied to the Trade Bill, could have disastrous consequences not only for the bill and détente, but also for the President on the eve of a national election.

Calls from Jewish interest groups decrying Soviet treatment of Jews grew just at the very moment the Nixon administration was seeking ratification of several bilateral agreements on the eve of the election. In September of 1972, the Washington Post reported on the first public acknowledgement of new Soviet emigration restrictions which would “probably affect more Jews than others under present conditions, because Jews are being allowed to immigrate to Israel at unprecedented rates – about 2,500 a month.²⁸⁸” A

Soviet magazine, the New Times, made the first public reference to new fees up to \$30,000 that all “emigrants to the West will have to pay to cover the cost of their higher education”.

It was just at this moment that Henry Kissinger was departing to Moscow to meet with Leonid Brezhnev on behalf of President Nixon to discuss a wide range of bilateral issues including Economic Relations²⁸⁹, Non-Use of Nuclear Weapons²⁹⁰, European Security²⁹¹, Vietnam and the Middle East²⁹², and trade²⁹³.

Kissinger notes that from 1969 the Administration had “begun to make overtures to Moscow to ease Jewish emigration” because such a policy would improve the atmosphere in US-Soviet relations. This was done, according to Kissinger, privately, and they “had no great hopes of success”. However, they were surprised when Jewish emigration “increased from 400 a year in 1968 to 35,000 in 1973, parallel to the improvement in US-Soviet relations.” This is why Kissinger and Nixon were “dumbfounded” when new restrictions threatened to reverse this trend in the fall of 1972²⁹⁴.

One American columnist described how this issue might be playing out during Kissinger’s trip:

At some point in his Moscow visit this week, Henry Kissinger is presumed to have cleared his throat in the manner of one approaching a delicate subject and remarked: ‘Now in connection with the emigration of Soviet Jews--’ Presumably, at that moment, President Nixon’s foreign policy advisor was interrupted by a gruff reminder from his Russian counterpart that he was raising an issue regarded by the Soviet Union as an ‘internal’ matter not subject to discussion with outsiders. But Kissinger probably persisted. He knew before he left Washington that the right of Soviet Jews to emigrate became a political issue in the Presidential campaign. He was undoubtedly informed by a cable that it had burst into the open on the Senate floor.²⁹⁵”

Indeed, as Kissinger's pre-trip conversations with both Garment and Peterson show, he was aware of the potential that this issue might blow up prior to his departure. The issue did enter the Presidential campaign as well. At one rally, for example, representatives of both campaigns, Ambassador George H.W. Bush and Eunice Shriver, appeared with Jewish leaders to stand in opposition to Soviet emigration restrictions. Bush was interrupted by "frequent shouts of 'Stop Soviet Trade!' from the audience during his 30-minute speech²⁹⁶,"

Transcripts of the meetings Kissinger had with Brezhnev and various other top Soviet officials show that the issue of Soviet Jewry was never raised. Meetings took place in Moscow on September 11, 12 and 13 of 1972 with Kissinger and Brezhnev as the main interlocutors. They were joined by assistants as well and the conversations were conducted through a translator.

Domestic politics were only twice substantively raised on either side during the marathon meetings. First, in negotiations over a trade agreement, Kissinger wanted Breznev to understand that they "needed a climate where Congressional opinion" was receptive and showed him a recent editorial from the Washington Post critical of the Administration's stance. Kissinger hoped to gain negotiating leverage by arguing the administration's hands were tied by Congress on the specifics of the trade negotiations. The following exchange²⁹⁷ then ensued:

Brezhnev: That is just a newspaper, not the government policy.

Kissinger: Yes, but it is significant because it came from a liberal newspaper. It is the liberal groups who normally favor expanding trade and we will need the support of these groups to get passage of MFN. They

influence our Senators whose support we need for our trade relationships. So it is not an insignificant newspaper in this respect as your Ambassador [Dobrynin, who was also in the room] will no doubt confirm.

Brezhnev: Tomorrow I can instruct Pravda to criticize the Ministry of Trade for paying too high an interest rate on grain. It is not a side issue, but let's talk about the terms of lend lease, when we will sign lend lease and when we will sign MFN. We are people of business and if you have a like attitude we can make policy. (Brezhnev pounded his book emphatically while making this point)

Kissinger: If you have read editorials in the Washington Post over the weeks you must get the idea that we can't instruct them.

Brezhnev: Have another sweet. Let's not get away from the spirit.

Kissinger: I agree. Let's forget about it.

That terse exchange seemed to set a certain understanding between the two men. Brezhnev did not want to be bothered by the Nixon administration's domestic problems. He considered those internal matters and expected the same in return. Brezhnev wanted to know he was dealing directly with Washington's unified positions on issues and expected his American interlocutor to be a man of his word. Things worked a bit differently in the United States than they did in the Soviet Union.

There was only one other time domestic political issues were raised at these high level meetings. Later, toward the end of their meetings on the 13th, Brezhnev raised concern²⁹⁸ about the Jackson Amendment that threatened the arms control bill which Kissinger had spent the early part of August trying to make disappear.

"I was very sensitive to the facts that relate to the Jackson Amendment regarding the Moscow treaty", Brezhnev said to Kissinger. "It appears his actions were concerted in advance."

Kissinger, however, was prepared for this and had spoken to Chairman Fulbright on September 7th prior to his departure telling him “what I want at this point is to get the bloody thing ratified”. “Gromyko”, Kissinger told Fulbright, “is coming over by the end of the month and we would really like it if we could go and have some ratification by then.” Fulbright and Kissinger agreed to “have a vote first of the week” and should it pass, “have [the amendment] taken out in the conference.²⁹⁹” So when Brezhnev raised the issue during those last moments of their final meeting, Kissinger responded “If it passes the Senate it will not pass the House. If the Senate passes it, arrangements have been made for the conference report to drop it...special arrangements have been made to seek passage this week. I haven’t mentioned this to the Foreign Minister yet, but I hope he will be able to participate in the ceremony solemnly depositing the instrument of ratification.³⁰⁰” This seemed to be an agreeable way out of the Jackson Amendment debacle that had threatened to complicate the arms limitation bill and Brezhnev’s concerns were suitably answered. The agreement was ratified and entered into force on October 3rd, 1972. Neither Brezhnev nor Kissinger, however, could expect the impending challenge Jackson and other members of Congress would pose to jeopardize yet another bilateral agreement, this time even closer to Election Day.

September Surprise

Kissinger returned to Washington from the Moscow trip aimed at improving relations and coordinating plans moving forward only to find several issues taking place in his absence threatened to complicate his mission.

The Israelis were carrying out cross border attacks in Syria and Lebanon targeting fedayeen camps. Kissinger's trip was bookended with Israeli strikes. When in Moscow, Kissinger had to explain to Gromyko, in a September 11th meeting, that the US was blindsided by the Israeli strikes taking place a couple days earlier and "had done our best to try to prevent it." Kissinger added "we had not been told the complete truth [by the Israelis]."³⁰¹

Kissinger found himself on the phone with Avner Idan, a minister at the Israeli Embassy, shortly after returning to the United States. "[I]n Moscow, we acted in a sense that I know you will highly approve of," however, Kissinger added "if you do not stop these actions – I must tell you are running an enormous risk in your relations with the President. You launched an action the day before I go to Moscow and you launch an action the day I come back at a time when we are taking an all-out diplomatic position in your defense and are preventing – going into actions. We cannot take this. Now there is no President who has done more for you."³⁰²

But Israeli military actions in Arab territory were only one of the issues that would likely draw Soviet ire immediately after Kissinger's trip. Kissinger had specifically told Brezhnev that they'd work to remove the Jackson amendment on the interim agreement. Yet at 1p.m. on September 18th, President Nixon called Senator Jackson to discuss the passage of the bill and if Jackson let any word of this become public it could confirm suspicions in the Soviet Union that the Administration was actually behind the Jackson Amendment all along. As soon as Kissinger found out about the call, he demanded to know "who programmed the President to call Jackson" from the President's assistant on Legislative affairs Bill Timmons. "I hope you realize," Kissinger

told Timmons, “this breaks a direct promise I made to Brezhnev... That we were not going to get ourselves officially behind the Jackson Amendment.” Timmons couldn’t quite grasp the magnitude of the problem presented by the call but Kissinger explained that this could “jeopardize things on which everything depends” since they had “all of October programmed with Soviet co-operative efforts with [the US].³⁰³”

Kissinger had, “within 3 days of leaving Moscow violated a promise [he] made to Brezhnev on behalf of the President and it’s going to make [the Administration] look like the worse triple-crossers ever.” “If Jackson can say he had a call from the President congratulating him,” Kissinger told Timmons, “we are in deep trouble.” The US had “something precariously worked out with the Soviets which is not in their interest but in ours and if there’s one thing we don’t need it’s a double-cross.”

Timmons said he would call Jackson and ask him to “shut up about it so we can get the damn thing through” and that that should “keep him quiet for the next few days.³⁰⁴” Kissinger explained to Timmons that this cannot happen again. When there is legislation that “touches foreign policy, [Timmons should] check with Haig and [Kissinger]. The President just doesn’t know all the details.” “Once [Nixon] gets on the phone,” Kissinger told Timmons, “there’s no telling what he will say.³⁰⁵”

While Timmons was off to call Jackson in the hopes of keeping him quiet, Kissinger would have to do some damage control of his own with Dobrynin. Minutes after speaking with Timmons, Kissinger was on the phone with the Soviet Ambassador to explain the President’s call to Jackson which Kissinger admitted was “embarrassing to [him] in light of [his] discussions in Moscow.” Kissinger explained that the President’s liaison people type up a note for the President to call bill sponsors to thank them for their

efforts and he “found out to [his] horror that the people did that with the Jackson Amendment and so [Nixon] called Jackson today.” Dobrynin’s responded with surprise, “Uh-ooh!” Kissinger wanted Dobrynin to know he was “mortified” and that he was “raising unshirted hell” and wanted to inform him in the event Jackson made news of the call public. Dobrynin assured Kissinger he’d explain it to Gromyko.

The movement for Soviet Jewry in the United States, in many ways instigated and certainly supported by Israel, interjected the Middle East into the US-USSR rapprochement in a dangerous way. The Soviets did not want what they say as their internal issues being dragged into international negotiations. Along with Israeli strikes in Syria and Lebanon and the mix up that led to the President congratulating Senator Jackson, a third issue rapidly developing in the weeks before the election would put Kissinger in a very difficult position vis-à-vis the Soviets; a congressional movement to condition the US-Soviet trade bill on Soviet emigration restrictions. How this issue evolved, why it presented significant challenge to the Administration and how Nixon and Kissinger worked to get out of it is the subject of the next chapter.

Chapter 7 - The Trade Deal and The Trade Off

It's very good we're getting some Jewish votes now but Henry, if the American people get the idea that their gonna jeopardize a 5 billion dollar trade deal because of the Jewish community in this country or some Jews in the Soviet Union, they will never do it!

-President Richard Nixon

Kissinger returns from Moscow where he had concluded negotiations with the Soviets on a variety of issues and is confronted at a press conference with “nasty” questions, not about the negotiations but about the Soviet Jewish issue. Something had to be done about a problem that was getting out of hand. In this chapter, I show how Nixon and Kissinger discussed the issue and how they agreed to handle it. Fresh off a battle with Scoop Jackson and Congress on the last amendment, Kissinger felt it was best to go outside of Congress, to the Israeli Ambassador, in an effort to quell Congressional opposition driven by the Soviet Jewish movement. It was during this effort that Nixon, through Kissinger, agrees to create the Cabinet Committee to Combat Terrorism in exchange for Rabin’s help in Congress. I also show why the Israeli Foreign Minister wanted the CCCT and how it fit his agenda of changing the international conversation from a land-for-peace discussion that Israel was resisting for several years to one about terrorism instead.

Every. Deal. Is. Made.

Henry Kissinger walked into the Oval Office at 9:46am on the morning of September 16th after arriving from meetings in Europe and Moscow³⁰⁶. His trip was successful and the principles of a variety of bilateral treaties were agreed upon with his Soviet counterparts in the preceding days. “Every. Deal. Is. Made. It is just the formalities,³⁰⁷” he would tell President Nixon.

The President assigned the deal making to his National Security aide Kissinger. This was the hard part and of course with a month to go before elections, ensuring success was critical. The formalities, which would be conducted through normal diplomatic channels, would largely be overseen by Secretary of State Rogers. Rogers, despite being relegated to a lesser role in the process, was “delighted” when Kissinger informed him of the outcome of the negotiations³⁰⁸.

The discussion then shifted to the planning and timing for signing the agreements in the coming weeks. A different agreement was to be signed each week leading up to the election. This would culminate the Nixonian foreign policy of détente on the eve of the election allowing voters to see the fruits of the policy in a condensed and impactful period of time. The maritime agreement would be concluded in late September, then SALT in the first week of October, the trade deal in the second week, an announcement about SALT II talks the week after that and the European Security Conference in the last week of the month.

The schedule was designed for maximum public impact immediately prior to the election and thus the optics would be critical. How important were the details of the

timing and the media impact? So important that Nixon and Kissinger worked out each date for maximum effect. Nixon insisted that SALT be signed on October 3rd instead of the 2nd when Gromyko would be arriving for a working dinner. An earlier event on the third would allow for much better placement of a photograph of the signing ceremony, Nixon believed. He also insisted that the trade deal be signed on the 10th which would allow it to “dominate the headlines³⁰⁹.” After outlining the schedule with the President, Kissinger remarked that “literally we will have solved every issue between us and them. There will be no outstanding issues between us and them by November 3rd.³¹⁰” The election would be held for four days later.

After reviewing the scheduling of signings with President Nixon in the Oval Office, Kissinger was off to a press conference on his trip. After he was finished he would return to the Oval Office to once again speak with the President. The President wanted to know how the press conference went and Kissinger noted that it was packed but that most of the questions, which he described as “nasty”, were about the Soviet Jewish issue and an amendment that Senator Abraham Ribicoff was proposing that would condition trade with the USSR based on their treatment of Jews. Kissinger tried to answer the questions succinctly in an effort to mitigate discussion on the issue but it became clear that the issue was beginning to snowball in the media and in Congress.

It was at this point that Nixon and Kissinger first discussed the serious problem presented by the amendment and what it could mean for the trade deal. Nixon believed the entire initiative was “idiocy.” That “some senators and congressmen,” Nixon told Kissinger, “are going to try to block the trade agreements for the persecution or denial of exit visas for Israelis or Jewish people, Jesus Christ, that’s ridiculous.” Kissinger agreed

and immediately responded by explaining the Soviet perspective, that the Soviet Jewish issue was an internal affair not for other governments to involve themselves in: “If a foreign country starting bringing pressure on us with respect to Angela Davis we’d be climbing walls!” “Of course,” Nixon responded, “well I think you gotta tell them that.”³¹¹ Nixon was referring to the members of Congress putting a rider on the agreement. Kissinger, however, didn’t think direct engagement with the members would be very helpful and instead sought “to get it quieted down by [Israeli Ambassador Yitzhak] Rabin” in the coming days³¹²

Three days after the press conference momentum had continued to build in the media and in Congress on the Soviet Jewish issue. Nixon simply could not accept a public embarrassment with the Soviets just weeks before the election in the middle of a month entirely programmed to show cooperation.

In an afternoon meeting³¹³ that day in the Oval Office Nixon told Kissinger “its very good we’re getting some Jewish votes now but Henry, if the American people get the idea that their gonna jeopardize a 5 billion dollar trade deal because of the Jewish community in this country or some Jews in the Soviet Union, they will never do it!” Kissinger agreed of course and both he and Nixon cited other examples where treatment of minority groups in other countries did not play into their bilateral relations like Bangladesh and Burundi. It simply “cannot be the key aspect of US Foreign policy,” Kissinger said.

It was at this point that Nixon interrupted Kissinger and directed him to send a clear message to the Israeli Ambassador Yitzhak Rabin whom he had a meeting with the next morning. “You go see Rabin and say ‘Look, you know who’s your friend and you

know who is going to be in this office so for Christ's sake don't embarrass him at this point' and don't shake our whole Soviet deal because anything we do in the Mid East is gonna depend on us getting some help from the damn Russians”³¹⁴.

The trade deal was the central component in détente and Kissinger told Nixon that Breznev was planning on highlighting it in a major speech on the upcoming 50th anniversary of the Soviet Union so, Kissinger remarked, “we gotta have it”.

Later in the conversation³¹⁵, President Nixon asks Kissinger, “Do you think Rabin can influence [Senator Jacob] Javitz and [Senator Abraham] Ribicoff?” “Of course,” Kissinger replied “We'll put the heat on him..I'm going to tell him that ‘the President is getting very disturbed, I go to Russia and I'm faced with their attack on Syria, when I come back, Lebanon. We're holding down the fort for you with the Russians, and you give us no help?’ So, I'm going to be very tough.”

Rabin “knows damn well,” Kissinger said, “that you and my office are the ones that kept them safe from being stampeded,” likely referring to Nixon and Kissinger's co-effort to marginalize the State Department in years prior.

“What [Rabin] also knows,” Nixon retorted, “is that he is gonna deal with us later, he knows there is no way -- if they want to play it – if they make this issue a difficult one, sure they may hurt us some politically but they are not going to defeat us and I will not forget it. Believe me, and you know what I mean.”

Kissinger did not believe the Israelis were behind this initiative in Congress, however, instead, he believed it was the American Jewish community who he called “a bunch of self-serving bastards.” Nixon wondered if elements within Jewish community with ties to McGovern might be trying to embarrass Nixon prior to the election. Neither

could identify precisely where the problem was coming from, though they had their theories, but both agreed there was one good way to try to stop it.

“I’m going to see Rabin in the morning,” Kissinger said.

When Kissinger Met Rabin

Just as the interagency group was meeting at the State Department in Foggy Bottom, Kissinger walked back into Nixon’s office on Pennsylvania Avenue, “I had a talk yesterday with Rabin about the Jewish stuff,” he said. “He said he would help us on it. It will take him about a week to quiet them down because it is a tough problem for them too but he’ll do it. He agrees. He says it is hard for us to imagine the emotion in Israel about Munich. They are under tremendous pressure domestically but he said he would do his share.”³¹⁶

But help is rarely offered in Washington for free. When Nixon dispatched Kissinger, he told him to tell Rabin that the President would not forget the difficult position he was being put in by the Soviet Jewish amendment. Is that what convinced Rabin to help? Kissinger told the President that the Israelis wanted two things in return for assistance with their Congressional problem.

“There are two things that might help,” Kissinger said, “one is...I thought it might be useful if you created an anti-terrorist committee, a government like committee.”³¹⁷

Nixon was immediately responsive. “We could do it for another reason; [Secretary of State] Bill [Rogers] is the one I’ll ask to do it. First, it gives him something

to do”. Nixon then explains a second reason, “when you were gone I got a hold of Haig and I told him I want contingency plans because I get concerned. Rose³¹⁸ talks to this soothsayer and she says they are so desperate that they could kidnap somebody, they could shoot somebody and they create this... We have got to have a plan Henry. Suppose they kidnap Rabin and then ask us to release all blacks in prison throughout the United States and we didn’t, naturally, what the Christ do we do? We won’t get into...but you see what our problem is? We’ve got to have contingency plans for hijacks, kidnapping, for all sorts of things that happen around here.”

The other item Rabin wanted? Kissinger told the President “the Israelis have made a request to us for some industrial help in producing their own tanks and producing a modified version of a French airplane. Now the bureaucracy is opposed in part because they think it will create an airplane manufacturer that is a competitor to us which I think is nonsense that a country of 2 million and secondly because they think they will lose leverage. The counter argument that I feel very much is if we could get them off our backs with periodic airplane deliveries it would be a cheap price and if you do it in October it could do you some political good.³¹⁹”

“Sure”, Nixon said “I’d love to do it.”

“If I could tell Rabin,” Kissinger said, “‘Now you call off your Jewish senators and we’ll help you with this arms package’ that’s a message he’ll understand³²⁰”.

As soon as Kissinger had secured the agreement of the President on these two items he left the Oval Office and immediately spoke with Rabin on the phone³²¹. “One point that I would like to check with you.” Rabin said, “Since we talked yesterday about the idea of a special agency-- ”

“It’s all entrain” Kissinger told Rabin. “Raise the idea and Rogers will be delighted to tell you that he has just been put in charge of the big machinery.”

Shortly after speaking to Rabin and assuring him the President had agreed to the creation of a “special agency” whose “big machinery” Rogers’ would be in charge of, Kissinger returned to the Oval Office to speak with the President.

“I talked to Rabin,” Kissinger said, “and he said he has already started moving on the 4 major Jewish organizations. He says the problem is a bunch of people got involved while he was away in Israel. He promises us he will cut off legislative pressures. He says he will cut off all these things and anything that looks like pressure but it will take about it week.³²²”

The relief could not come soon enough. That afternoon, Congressional Majority Whip Leslie Arends put in a frenetic phone call to Henry Kissinger. Congressman Charles Vanik was now proposing an amendment similar to the rider in the Senate. Initially, Kissinger and the Administration’s Republican allies in the House were hoping to have the amendment removed from consideration for being irrelevant but “the unfortunate part about it though” as Arends told Kissinger, “is that the Parliamentarian is apparently going to say that this is germane. That’s hard for me to believe but this is the last word.³²³” Arends then read Kissinger the proposed text:

None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to provide loans, credits, financial and investment assistance or issue guarantees on sales to or investments in any nation which requires payment above the nominal and customary costs for exit visas, permits or for the right to emigrate.

“You know our view on this”, Kissinger said. “I know the view on the thing.” Responded Arends, “Now the question is in my mind and that [Speaker] Gerry [Ford] and I discussed is did you get a hold of Rabin yesterday?”

“One thing I cannot afford is to have spread all over Capitol Hill whatever I may discuss with Rabin” Kissinger quipped.

“That’s right”, Arends replied, “And we don’t want you to tell us what Rabin said or anything but I mean you were going to...”

“I’ve talked to him and I’ll work on him.” Kissinger said interrupting Arends. “But for Christ’s sakes don’t mention it.³²⁴”

They would have liked for this to be nixed by the Parliamentarian but it had now become out of the question. “If we get stuck on this thing,” Arends told Kissinger, “why its going to be terrible. I just don’t know what we are going to do.”

After hanging up with Arends, Kissinger was immediately on the phone with Rabin. “Mr. Ambassador,” Kissinger said “I’ve just been told that Congressman Vanik is putting forward a Resolution cutting off all assistance, guarantees and so forth to any country that has emigration fees. And I’m getting desperate from Gerry Ford and others saying they’re all being put into a horrible fix. I really believe this is going to backfire against the Jewish Community as soon as people get their breath.³²⁵”

Rabin explained to Kissinger that he was doing what he could without overtly getting publicly involved in domestic American politics. He did, however, offer Kissinger campaign advice for the Republican Presidential ticket, suggesting the campaign should have slammed the Democratic vice-presidential nominee, Sargent Shriver, for not showing up to a rally on Soviet Jewry³²⁶.

The Vanik amendment was approved by voice vote that evening as part of the House vote on the trade bill³²⁷. The next morning Kissinger would be trying to explain this to the Soviet Embassy as he told Secretary Yuri Babenko, “That vote yesterday on the Vanik amendment, I told [Dobrynin] that we had it beaten and we had it beaten; we had it ruled out of order. Then he changed the amendment by saying it wasn’t relevant, and he made it relevant and it passed. And we are now going to try to kill it in the Senate, but it’s going to be tough going in the next two or three weeks.”³²⁸

Why did Rabin Want the CCCT?

In return for working to cut off pressure in Congress against the trade bill, the Nixon Administration would acquiesce on two items Rabin wanted. One was related to arms development assistance that had been held up by the “bureaucracy.” As was demonstrated earlier, the Israelis were increasingly relying on the U.S. for military aid and one of the contentious items they requested was assistance for their domestic arms industry. So it is easy to understand why Rabin would use the leverage he had at this moment to ask for this longstanding Israeli request. But why the CCCT, especially at the price of the pressure around the Soviet Jewry issue which was itself something the Israeli Embassy had been actively working to foment for years through Nativ?

It is likely that seeing the extent of influence interest groups had already generated and the willingness of members of congress, especially a prominent anti-Communist hawk like Scoop Jackson, to champion the issue, Rabin calculated that a critical mass had already been achieved and it was only a matter of time before such

legislation would pass. So, if he could reap the rewards of the leverage he had at this unique moment of vulnerability before the election, he could do so knowing the long term prospects a trade bill rider would not be in jeopardy. Of course, history would prove this to be an accurate calculation as the Jackson-Vanik amendment became law as part of the 1974 Trade Act months later.

Still, why request a cabinet level anti-terror committee? There are a few ways which the State of Israel could have benefitted from its establishment. First, it would allow for a degree of monitoring of anti-Israel political activity in the United States by turning the attention of the federal government toward this issue. Second, the committee would create new mechanisms for deeper information and intelligence sharing between Israel and the United States. This would not only allow Israel to pass on information about political opponents but it would also deepen the ties between Israel and the United States government. We know that as the CCCT was being established, officials from the Israeli embassy in Washington were in communication with the U.S. State department and presented “seven Government of Israel proposals” to strengthen “the campaign against terrorism.” These proposals included urging airlines and pilots unions to boycott countries from which hijacked flights emanated, impose tighter travel restrictions on Arab nationals and encourage other governments to do so as well, seek the assistance of international groups, use US influence with Arab governments, close the PLO office in New York and engage INTERPOL in counter-terror initiatives. The proposals made by the Government of Israel were taken into continued consideration by the CCCT. At the end the conversation between Avner Idan of the Israeli embassy and Alfred Atherton, the Deputy Secretary of State for Near East Affairs, Idan “expressed Israeli concern” of the

employment of Arabs in the United States in certain locations and that Arabs should not be employed at ports, airfields or in the postal service. “The Government of Israel would like the United States Government to use the appropriate opportunities to enforce this view,” the memo noted of Idan’s remarks. Atheron, in response, “saw a difficult moral dilemma here” and that “all must not be assumed responsible for the acts of a few” even drawing “a parallel with the much regretted WWII US government policy toward Japanese-Americans.” This exchange demonstrates an official Israeli attempt to shape U.S. counter-terror policies in a way that would target Israel’s political opponents in the United States and also favored assigning collective guilt on people of Arab background³²⁹.

Of course, Israel did ultimately reap these benefits from the establishment of the CCCT, but is that why Rabin asked for it? While we have oval office tapes documenting the verbatim conversations between Kissinger and Nixon on this bargain, and while we have phone transcripts of conversations between Rabin and Kissinger mentioning it as well, records of the in-person conversation between Rabin and Kissinger where the outline of the deal was struck are not available. Kissinger “went to see Rabin” which suggests that unlike many meetings he had with Rabin in the White House’s map room, this meeting likely took place elsewhere. Insight however might be gleaned from the September 21st phone conversation between the two where Kissinger confirmed to Rabin that the wheels began to move on putting the committee together. Kissinger told Rabin that Rogers will soon be in charge of the CCCT and that this would be “a great victory for your foreign minister.” Rabin replied, “Then it will be a great victory for both of them.”³³⁰

We know from the records that Kissinger and Nixon thought of the CCCT as giving “Rogers something to do” and that Rogers would do it for the prestige, but why would the establishment of the CCCT be a victory for Rabin’s Foreign Minister, Abba Eban?

Not long after the hostage crisis in Munich, Eban’s priorities began to shift in a way that reflected the trade off made with Rabin. In August of 1972, just as the Soviet Jewish issue had become hot, Eban had planned to focus his UNGA General Debate speech on the Soviet restrictions on Jewish émigrés³³¹. After Munich, however, the narrative and the talking points shifted. Terrorism and the need for a global, united battle against it became Eban’s main focus. He planned to come to the United States and make these talking points known and his UNGA speech focused on Terrorism. A State Department Cable³³² reports comments Eban made just before departing to the United States:

Foreign Minister Eban, in remarks to reporters at Lod Airport, stated that because of terrorist attacks against Israel, solution to political problems had been pushed aside. He said that “terrorism must be rooted out and this war is now our principal concern.” According to press reports, Eban was critical of freedom with which terrorists operate within West Germany and UK and said that he hoped leaders of those countries “open their eyes and change their liberal policies towards the terrorists.”

Israel, which had been intransigent when it came to peace talks pushed by the United States, would now use the issue of terrorism to argue against returning to talks in any way. This became the theme of Eban’s trip to the United States. Shortly after arriving he met with Secretary Rogers on September 22nd. Rogers had just the day before been informed of the President’s intention to form the CCCT and have him chair it. Eban met

with Rogers for 75 minutes. The New York Times reported³³³ that the outcome of the meeting was that “United States and Israeli officials agreed” that “priority should be given to combating international terrorism although ‘options should be kept open’ for peace negotiations in the Middle East.” It continued:

Mr. Eban, the State Department said, outlined for Mr. Rogers the measures that Israel thought other governments should undertake against terrorism. The measures were not publicly spelled out.

A State Department official said that the reference to keeping negotiating options open in the Middle East despite the importance of combating terrorism was “theoretical” because of the present situation.

Speaking to newsmen after conferring with Secretary Rogers, the Israeli Foreign Minister referring to terrorism said that Middle East peace negotiations could not proceed until “this obstacle is out of the way.”

Since the first days of the Nixon Administration in 1969 when they made the Middle East peace effort through four party talks and Gunner Jarring a priority, the Israelis saw the State Department and Rogers in particular as a problem in Washington. While they were often comforted and reassured by Nixon and Kissinger in the White House, they believed, and in part due to Kissinger’s efforts, that Rogers and the State Department’s approach was naïve and even dangerous. This crystallized after Rogers outlined his plan in December of 1969 and Rabin began “full-scale public activity” against it. Now Rogers, who had become synonymous with the Nixon Administration’s peace efforts, was publicly agreeing with the Israeli Foreign Minister that peace talks were not a priority and should be put on the backburner. The CCCT, which was publicly announced on the 25th, just days after Eban’s meeting with Rogers and just before Eban spoke at the UNGA with the same talking points, served to create the perception that Eban persuasions resulted not only in a post-meeting joint statement on terrorism taking

priority over peace talks, but that it also translated into United States policy. While this was no triumph for peace, it was certainly a “victory” for Eban’s foreign policy agenda.

Putting Together the CCCT’s Big Machinery

While Kissinger and Nixon were hoping Rabin’s leverage could cut off legislative pressure as he promised, they went to work to assemble one of the requests Rabin had made; a cabinet level anti-terrorism committee. Nixon, Rabin and Kissinger knew about the bargain that resulted in the decision to establish the CCCT but Nixon could not formally establish one based on that pretext. An official process was undertaken through the National Security Council - under Kissinger’s direction - to draft a memorandum for the President recommending the establishment of the committee. Richard Kennedy, who worked under Kissinger, drafted an initial memorandum for Kissinger presenting two options including the CCCT and the option of simply putting Rogers in charge of a working group, and excluding cabinet level officials. Kennedy wrote that while the work of the two State Department-chaired working committees “were doing useful work”:

We need to harness the bureaucracy and assure its full participation and support in the development of a comprehensive effort to deal with both aspects of the problem – prevention of and response to acts of terrorism. This involves foreign policy, intelligence and law enforcement agencies³³⁴.

While this memo, drafted on September 23rd, seemingly presented a choice of actions to Kissinger to recommend to the President, the choice had already been made by Nixon and Kissinger in the Oval Office two days earlier. Nonetheless, the formalities of the action drafting process continued. Kissinger approved the CCCT option in Kennedy’s memo and it was then sent to the President.

In a subsequent memo to Al Haig, another of Kissinger's aides, Richard Kennedy wrote that the "talked with Krogh." Egil Krogh was an attorney and advisor to the President at the time; he would later be the Undersecretary for Transportation before being sentenced to prison time during the Watergate scandal. At this point in 1972, however, Krogh was the head of the "Cabinet Committee on Drugs"³³⁵, which the CCCT was modeled after. Krogh "emphasized again the need for strong White House push and support" to be able to help empower the working group and resolve and interagency problems³³⁶.

On September 25th, the President sent a memorandum to the Secretary of State noting that "the two committees you have set up to cope with this major problem are making commendable progress" but, he continued, "because of the great importance and urgency I attach to dealing with the worldwide problem of terrorism, which encompasses diplomatic, intelligence, and law enforcement functions, I am hereby establishing a Cabinet Committee to Combat Terrorism"³³⁷". The President followed the memorandum to Rogers with another to all heads of departments and agencies wherein he wrote that he considered "it to be of the utmost importance that we move urgently and efficiently to attack this worldwide problem" and that the committee must work to "prevent terrorism here and abroad." He expected department and agency heads "to be fully responsive" in the "efforts to coordinate government-wide actions against terrorism."³³⁸

As White House staff members were working on making this announcement public, Kissinger spoke to Rabin on the morning of September 25th, 1972³³⁹. "We will announce that committee today – the Anti-Terror Committee." And what of Rabin's other request for the arms package?

“I’m pushing the other matter too.” Kissinger said, “Just let me do it in my crooked way.”

“Fine,” said Rabin, “And in the meantime I will leave you the pressure [about the limitations at least in the Senate that] didn’t go bad for your point of view.”

“Right,” Kissinger replied, “And if you can keep in so far as you can control it attacks from being made on the President.³⁴⁰”

Rabin’s Campaign Advice

Nixon was increasingly concerned about political attacks from the Jewish community. The Democrats and his challenger McGovern had made it a point of contention in the campaign. Earlier in the year Kissinger had brought this to the attention of the President and asked him if he had read the “foreign policy platform of the Democrats?” Nixon “didn’t want to lose [his] breakfast” but Kissinger told him it was “not to be believed.”

Aside from weakness on Vietnam and defense spending, the rest of the foreign policy section of the platform, Kissinger said, was “all-out on Israel” and “in a really nauseating way.”

The platform had called for Jerusalem to be recognized as Israel’s capital. “Isn’t that something” the President remarked on the “all-out on Israel” nature of the platform. “That is so dishonest,” he said, “I hope Rabin and that bunch aren’t taken in by all that crap.” He told Kissinger, “you can be for Jerusalem being the capital and if you’ve got a \$35 billion defense cut, there isn’t going to be anything to be capital of.”

Kissinger objected all together. “But, Mr. President, to make Jerusalem the capital of Israel is not the platform of a major American national party for Christ sakes. That is what I find so revolting. These people who have nothing, they don’t mention NATO, they don’t mention any other major initiative; they don’t mention Moscow; they don’t mention Peking—³⁴¹”

Revolting or not, Israel, Soviet Jewry and relations with the American Jewish community was becoming a major issue in the Presidential campaign. That is why after Kissinger told Rabin fulfilling his request in return for taking legislative pressure off the President he’d ask Rabin for a bit more help. The President was scheduled to meet the following day with several leaders of the American Jewish community in New York and he was “very nervous about” it.

“I don’t know whether you have any influence on them to keep them from harassing him too much” Kissinger told Rabin.

Rabin advised that the President should “start with a few words rather than to let them set a tone”. He told Kissinger that the President should tell the Jewish leaders what they want to hear which is “as much as possible the same line, the same, let’s say, basic position – continuation of support of Israel, military, economically and no settlement -- will be continued.³⁴²”

After the Israeli Ambassador advised the White House on what to say to their domestic Jewish constituents, he again offered some campaign advice to Kissinger. When they had recently spoken, Rabin suggested Nixon’s campaign should slam Sargent Shriver for not showing up to a rally on Soviet Jewry, this time the target was Gary Hart. Hart, who was McGovern’s campaign manager, “appeared here in George Washington

University,” Rabin told Kissinger and “he said Israel should be condemned for each action against Lebanon. No one has used it.”

Rabin told Kissinger that it even appeared in the student paper. Kissinger said that was “very helpful” and that he’d “pass it on.”³⁴³

Kissinger hung up with Rabin and went immediately to the Oval Office. “Mr. President,” Kissinger began, “We are going to announce today the formation of an anti-Terrorism cabinet level committee.” Nixon asked Kissinger if Rogers agreed and Kissinger told him “He did when you said you wanted it.” Rogers would chair the committee and that prestige should be reason enough for Rogers to be for it, Nixon thought. However, Kissinger took this opportunity to clarify to the President precisely why the committee was being formed³⁴⁴.

“Well the reason we do it, Mr. President,” Kissinger said, “it’s good for your meeting with the Jewish leaders tomorrow. The Israelis want it. It doesn’t cost us a god damned thing.”

Kissinger quickly transitioned to telling Nixon what he had learned from Rabin regarding the upcoming meeting with Jewish leaders. Rabin “thinks it would be good if you made a brief opening statement and he said the way to handle it is don’t let them ask you too many questions,” said Kissinger. “I’m writing it out and you will get it,” he continued “but you should say ‘Look our policy has been consistent, every Phantom that goes to Israel was put in by my administration, two-thirds of the Skyhawks, we have supported Israel, we’ve done it not for the election but we’ve done it for four years’ and I would say we will continue to do it because in that area we will continue to support them.”

Then, Kissinger passed on Rabin's campaign advice. "Rabin told me that McGovern, when he talked to this group, talked a lot about the UN, he said it turned them all off. And so if you can get a crack in at the UN, 'we're not counting on the UN we are doing it ourselves'. Secondly, Rabin told me, and I am going to mention this to [Robert] Haldeman, that Gary Hart gave a speech at George Washington University and said that every time Israel makes a move against Lebanon and Syria the United States should publicly condemn it and [Rabin] said we ought to get that out and he said he'd get it out for us".

Nixon was surprised at Hart's remarks, "Good God! Really?"

Kissinger told him that Rabin said "if anyone here takes Gary Hart on, he will see to it that it goes all over the Jewish community. He just has to have a peg to hang it on. Rabin is all-out on our side."³⁴⁵

The meeting with Jewish leaders took place the following day at the Waldorf-Astoria hotel in New York City. Nixon remained well within the framework suggested by Rabin to him through Kissinger. The Jewish newspaper, "The Forward", covered the event at the time.

Nixon reportedly "assured the Jewish leaders that the US would 'under no circumstances impose a settlement in the Middle East'; that the administration was 'committed to the survival of the State of Israel (and) the strength of Israel'; that the US would continue to 'make available the assistance to Israel (necessary to) maintain her strength and that the 'strong US presence in the Mediterranean' would be maintained."³⁴⁶

Rabin's advice was followed on more than just the framing of the President's remarks. The Forward also reported:

Prior to the press conference, a representative from the New York Committee to Re-Elect the President, distributed a copy of an article that appeared in a newspaper: 'The Hatchet,' a publication of a student society at George Washington University in Washington, D.C., which carried a headline, 'Gary Hart: Israeli Raids Wrong.' The article, signed by Mark Nadler, editor-in-chief, stated that Hart, Sen. George McGovern's campaign manager, in response to a question, told a crowd of 500 students at the university on Sept. 19 that McGovern should condemn Israel for its recent retaliatory raids on Lebanon.

Several factors motivated Nixon to make this deal with Rabin. The short time before the election made the President particularly vulnerable. Kissinger had also known exactly how hard it was to attempt to resolve this with congress because of this recent experience with Scoop Jackson over the amendment on the interim agreement. The personal relationship between Kissinger and Rabin, one that developed through a secret backchannel line and was solidified during the high-drama moments in Jordan when the Israelis were prepared to launch strikes to save the King, allowed the White House to have an opportunity to cut this deal.

For Rabin and the Israelis, the establishment of the CCCT by Nixon was a boon. It would help advance the agenda of Rabin's direct boss, the Israeli Foreign Minister Abba Eban, who wanted to elevate the international conversation around terrorism and deflect any calls on Israel to withdraw from territory it occupied in 1967 until the problem of terrorism was resolved. It also provided the Israelis with an opportunity to strengthen their relationship with the US through intelligence sharing.

As the CCCT was being assembled, Nixon and Kissinger would pay little attention to the question of terrorism from that point forward. However the CCCT would

have a significant impact on one community in particular, the Arab American community. This impact is discussed in the next chapter.

Chapter 8 – Something’s Happening Here

Yesterday it was the Japanese, today the Arabs, tomorrow who?

-Dr. Muhsin Biali

This chapter traces the initial interagency efforts led by Secretary Rogers on terrorism and how they were given a significant boost through the creation of the CCCT and its working group. I show how Arabs in particular were put under the microscope and singled-out for this degree of scrutiny despite having no history of carrying out any terrorist acts in the United States to that point. As the program targeting Arabs begins to come under scrutiny, I follow an interagency discussion over it and show how the FBI was the only agency that sought to keep it while all others had agreed it was inefficient.

Further, I show how data collection done by the FBI conditioned their perception of the “threat” posed by Arab student groups and how organizations sympathetic to Israel and with suspected ties to the Israeli government were also spying on these Arab student groups and passing information on to the FBI. The chapter concludes with a discussion on the impact of the CCCT in particular and the effect it had on the Arab-American community.

Rogers Initial Efforts

On September 18th, Secretary Rogers, who had been charged by the President with initiating international and domestic actions to combat terrorism, submitted an “initial report³⁴⁷” to the President on what had been accomplished thus far. He noted three different domestic efforts. First, the Executive Protective Service was asked, immediately following the Munich killings, to increase protection for Israeli, Arab, German and Soviet diplomatic and consular establishments against attacks by the JDL and other groups. Second, steps were taken to “screen more closely visa applications of potential terrorists.” Third, they were looking “into ways to tighten controls over foreign groups and organizations in the United States which have ties to movements advocating or practicing political terrorism; e.g. the Palestine Liberation Office in New York, and groups of Arab and Iranian students in this country.”

The “Interagency Group on Protection against Terrorism in the U.S.”, which was pulled together by Rogers’ initiative, met at 11am on September 18th. Representatives from intelligence agencies, the FBI, the INS, the Bureau of Customs and the ATF were in attendance. At this meeting, the representative from the FBI, Mr. A.J. Decker, stressed that experience had shown them that terrorists utilize “persons of student age to carry out their terrorist plans”³⁴⁸. The INS representative noted that “persons transiting the U.S. to a third country need no U.S. visa to enter this country and are permitted 10 days in the U.S. to complete the transit.” The government has “no knowledge whatsoever” that they are in the country. This loophole would be closed.

Mr. Decker also informed the committee of the “immediate rewards” the FBI’s “interview program with Fatah cadre members has produced.” He told them “that already, as a result of the interview of one such person, INS is taking action to arrest and deport this fanatic.³⁴⁹”

Rogers updated the President again on the 21st following up on his initial report from a few days earlier. “High level consultations were undertaken with government representatives here and abroad,³⁵⁰” Rogers wrote. US posts “abroad have been instructed to intensify the examination of all Arab visa applicants, and a system has been initiated in which the names of all such applicants will be screened against the records of the CIA, FBI, INS and the U.S. Secret Service prior to the issuance of the visa. The INS is furnishing the FBI with the names and location of all Arab students currently in the United States³⁵¹”. It should be noted here that while groups like the Jewish Defense League and the Irish Republican Army had all been identified by name as potential threats in the interagency group meetings, only Arabs became the targets of this blanket screening action.

At the September 21st meeting, the chair of the interagency working group, Mr. Donelan, requested the INS ask airlines not to grant Transit Without Visa privileges “to Arab nationals traveling to the U.S.”. Currently, Soviet Bloc and Cuban nationals were excluded from such privileges and Donelan would check to see they could “have the same exclusion applied to nationals of Arab countries.” The representative from the Treasury Department was checking into the possibility of “a 100 percent customs check on all persons entering to the U.S. of Arab birth.³⁵²”

For their part, the INS advised that “all Arab overstays in the U.S. are being thoroughly checked by that service looking toward their possible deportation. INS advised there are presently 9,000 Arab students in this country, 15,000 other Arab non-immigrants and 56,000 permanent resident Arab aliens. The Arab residents and non permanent resident Aliens are being screened to insure that their status in this country is legal.³⁵³”

Donelan noted that “all State Department’s posts throughout the world are forwarding to U.S. names of individuals of Arab birth who applied for U.S. visas. These names are in turn being forward to CIA and FBI for indices check. This procedure is being handled under the code name Operation Boulder.³⁵⁴”

The coordinated U.S. counterterrorism response was just in its embryonic form and was already focused primarily on the “Arab threat” but it was about to get a significant boost after the deal cut between Kissinger, Rabin and Nixon over lobbying on the Soviet Jewish issue.

The Big Machinery Gets Moving

On September 25th, 1972, less than 3 weeks since the killings in Munich, a memorandum³⁵⁵ to Secretary Rogers was signed by President with the subject “Action to Combat Terrorism” which established the CCCT “because of the great importance and urgency [The President] attached to dealing with the worldwide problem of terrorism.”

When discussing the composition of the committee after making the deal with Rabin, Nixon told Kissinger he didn’t “want to have a bunch of jerks just sitting there.³⁵⁶”

The committee was ultimately “chaired by the Secretary of State and will comprise, the Secretary of State, the Secretary of Defense, the Attorney General, The Secretary of Transportation, the United States Ambassador to the United Nations, the Director of Central Intelligence, the Assistant to the President for National Security Affairs, the Assistant to the President for Domestic Affairs, the acting Director of the Federal Bureau of Investigation and such others as the Chairman may consider necessary.”

The Committee would be “supported by a Working Group comprised of personally designated senior representatives of the members of the Committee, chaired by the designee of the Secretary of State” and “will consider the most effective means by which to prevent terrorism here and abroad.

The Cabinet Committee was largely symbolic in the sense that it reflected the primacy of the matter as a priority to President Nixon but Cabinet Members were not directly involved in most of the work conducted by the Committee apparatus. A working group, comprised of designees from each of the involved agencies, would meet on a regular basis to conduct the work of the committee. Armin Meyer, who had served as a US Ambassador to Lebanon, Iran and Japan, was Secretary Rogers’ designee and Chairman of the working group.

Meyer, who would retire one year later, called his appointment to the chairmanship of the CCCT working group the “final challenge in a thirty-year career dealing with international affairs.” Yet even he, who would be leading this effort, had little or no idea about the trade off that help create it. He writes in his memoirs³⁵⁷ that President Nixon was “prompted by the new wave of lawlessness reflected in the bloody

Munich affair” and he had decided “the time had come for the American government to strengthen its defenses against the terrorist scourge.”

At the start, the working group designees³⁵⁸ were Eugene Rossides (Treasury), Warren Nutter (Defense), William Olson (DOJ), Benjamin Davis (Transportation), Herbert Reis (USUN), Richard Ober³⁵⁹ (CIA), Richard Kennedy (NSC), David Young, (Domestic Council), Edward Miller³⁶⁰ (FBI).

Meyer sent a memorandum³⁶¹ to this group on October 5th, 1972 announcing the first meeting of the working group on October 9th. The work of the group “in seeking to thwart acts of terrorism appears to have four components: (a) effective intelligence, (b) precautionary measures, (c) contingency planning; and (d) international actions.” Efforts toward the first two areas were already being taken by the interagency committees directed by Sisco and Donelan. The role of Meyer’s working group would be “largely one of coordination” and tasked with asking, among other questions “are all government agencies which are capable of making a useful contribution included in the current deliberations?”

The agenda³⁶² for the October 9th meeting included a checklist³⁶³ of actions “taken to combat terrorism”. These were divided into both foreign and domestic steps. On the domestic side the list was also bifurcated into “effective intelligence” and “precautionary measures”. Steps being taken under “effective intelligence” included “Cooperation with Kilowatt” and “Liaison with Israeli Sources”. Under “precautionary measures” the items listed included “Operation boulder”, “Screening of Arab visa extensions”, “Special checks of Arab baggage, “Check on Fatah members overstaying visas”, “Check on all Arab students”, and “Check on status of other Arabs.”

Arabs Under the Microscope

In the fall of 1972, it became very clear to the Arab-American community that they were the subjects of enhanced scrutiny. Operation Boulder and the Nixon Administration's newly inaugurated Cabinet Committee to Combat Terrorism were the main reasons why. Unlike any other ethnic group in the United States, Arab-Americans were singled out en masse precisely because they were of Arab background. For the purposes of the covert program, an "Arab" was defined as "any ethnic Arab who was born or whose parents were born in one of the following countries³⁶⁴, regardless of present nationality or country of residence³⁶⁵".

Operation Boulder, housed and directed from the State Department, focused primarily on visa applications. According to the FBI³⁶⁶, it was ostensibly the "systematic screening of names of Arabs throughout the world who apply for visas to the U.S. record of CIA, FBI, INS and Secret Services are checked to determine whether any information is available concerning the names."

If any "derogatory" information came up in the indices check, the visa application was denied. A letter³⁶⁷ from the FBI director Clarence Kelly to the Secretary of State notes that in addition to "derogatory" information, a visa could be denied if an "individual's bone fides cannot be completely ascertained." Also, if "derogatory" information came to light after the issuance of a visa, "the fact that the individual has a visa along with the derogatory data is immediately available, allowing the FBI and other agencies to institute appropriate investigation including surveillances of the individual to

ascertain activities while in the United States not in keeping with the proposed purpose of the visit.³⁶⁸”

Operation Boulder was terminated April 11th, 1975³⁶⁹. There are few official numbers on the scope of the program during the 3+ year span it was in effect. Some figures, however, do appear in official documentation. As the program was nearing termination due to increasing public controversy and congressional inquiry, letters and memos exchanged between the FBI, the Attorney General, Members of Congress, and the Secretary of State bring to light information on the ineffective nature of the program but also provide insight into the internal dispute between agencies over the need for the program. In addition, internal documents versus those that were made publicly available feature differing narratives, suggesting something about the desire of the government to create a different public perception about the program than that which was arrived at internally.

The FBI: Alone in the Wilderness As Questions Grow

On October 19th, 1973, Congressman Joshua Filberg, a Democrat from Pennsylvania and Chairman of the Subcommittee on Immigration and Nationality at the time, wrote to Lewis Hoffacker, a Special Assistant to the Secretary of State who had overtaken Armin Meyer at the Committee to Combat Terrorism, inquiring about Operation Boulder. The informative letter sent in reply³⁷⁰ to the Congressman was “not classified” but, Hoffacker noted, that he expected Filberg understand “it not be given general distribution.” In 1975, at the termination of the program, the informative letter was released to a journalist in response to a Freedom of Information Act request on

secondary appeal. It then served as the basis of public knowledge of the Boulder program from that point forward.

By October 29th, 1973³⁷¹, a total of 65,478 name checks were conducted under the program. Additionally, security agents had reviewed the INS files on 1,819 individuals who had previously entered the United States. Of these 65,478 visa applications screened, 17, or roughly .0003% of all applications, were denied based on derogatory information. An additional 294 applications were abandoned after initiation³⁷². While Hoffacker's letter to Filberg says that derogatory information had been developed in these instances as well, an FBI memo notes that these instances included applicants who abandoned their application "after learning of the 5-day waiting period."³⁷³

From the earliest days of Operation Boulder its bulky nature was noted internally. The FBI complained in a secret memorandum in late September 1972 that "it was estimated by State that there would be no more than 40 to 50 names submitted on a daily basis" and yet "since the initiation of the program on 9/22/1972 [FBI] has received and handled over 3,300 requests from State."³⁷⁴ The process was becoming problematic as early as two weeks in and thus it was suggested that a facility be created to handle State department requests via Teletype rather than a courier service.

The working group of the CCCT chaired by Armin Meyer considered the effectiveness of Operation Boulder at their twenty-second meeting. Boulder, the representative of the Bureau of Security and Consular affairs at the State Department said, was "cumbersome but useful". Richard Ober, the CIA's representative at the CCCT working group noted "even if there were statistically only a few stops, the regular application of Operation Boulder standards tends to build up a good body of evidence."

Meyer determined it was the “consensus of the working group that we should extend Operation Boulder.³⁷⁵”

The broad dragnet-type policies affecting the Arab-American community during this time was at least in part a product of the failure of entities like the CCCT and Meyer’s working group to come to a definite understanding of the phenomenon they sought to combat. Terrorism and the effort to define it was a matter of great discussion and little consensus. In fact, due to the “increasing concern of the U.S. government with the problem of terrorism and how to deal with it,” the State Department’s Bureau of Intelligence and Research held a conference on the topic of terrorism for this very purpose. Academic experts on political violence were invited and Meyer was in attendance along with representatives from the Defense Department, the CIA, the FBI and others. The conference “arrived at no agreed definition of terrorism or of the point at which it shades into other forms of violence.”

Meyer would have the opportunity to attend other conferences around this issue, including a symposium to be held in June of 1973 in Sicily. Meyer told the CCCT working group that he had been invited to attend by Professor M. Cherif Bassiouni of DePaul University. Meyer “did not feel this was appropriate but welcomed Prof. Bassiouni’s assurances that the results of the conference would be made available to the Working Group³⁷⁶.”

This interaction is worth noting and ironic because just as Bassiouni, an Arab-American legal scholar in Illinois, was attempting to provide Meyer and the CCCT working group with information to help them better understand the legal issues around terrorism, the FBI was closely watching Bassiouni. By 1974 Bassiouni, along with

Abdeen Jabara, an attorney from Michigan whom the FBI was also monitoring, met with the Attorney General at the request of Arab-American United States Senator James Abourezk from South Dakota to express the concerns of the Arab-American community around Operation Boulder and the blanket screening of Arabs and undue scrutiny this placed on Arab-Americans. In this meeting, Bassiouni and Jabara highlighted the “wholesale screening process of Arabs and Arab-Americans”, the “use of selective enforcement of US laws” against “ethnic Arabs” and the collection of data on Arabs based on their political beliefs and legally protected activity. “All of the above mentioned practices,” they wrote, “have had and continue to have a chilling effect on the exercise of First Amendment rights of Arab residents in the U.S. and Arab-Americans.”³⁷⁷

J.D. Sawyer, the Associate Attorney General, sent a memorandum of the meeting including the positions of the Arab-American advocates to Edward S. Miller at the FBI who was involved both in the initial interagency working group set up by Rogers and the CCCT working group as well. “The Attorney General agreed to follow up on the matter,” Sawyer noted, “and would appreciate your comments.”³⁷⁸ The memo was sent to the FBI for comment the same day the advocates met with the Attorney General. The quick turnaround time, rare in bureaucracy in general and in the plethora of documents in this file in specific, perhaps signals the import with which this matter was viewed by the Attorney General.

The FBI response came in the form of a letter from the Director to the Attorney General two weeks later. Its content was mostly defensive and dismissive of the claims made by the Arab-American advocates arguing that the steps taken were necessary to combat terrorism. One section of the FBI’s response which deals specifically with the

allegation made by the advocates that information on Arabs and the legally protected activity and political views was being kept by U.S. intelligence agencies and shared with foreign intelligence agencies remains redacted today for purposes of “foreign policy and national defense” interests. The FBI acknowledges that on several terror incidents in the US and abroad, “all field offices were instructed to interview all known or suspected members of Al Fatah.”³⁷⁹

A closing note in the response reminds the Attorney General to consider the source of the allegations he has received. The advocates “are subjects of Bureau cases” and “are known to be interested in causes of Arabs in the United States”. They “have communicated with the United States Government and the FBI in an effort to put a stop to investigations of all Arabs in the United States.”³⁸⁰

Despite the FBI’s efforts to justify the program, the heightened attention the Nixon Administration’s post-Munich response continued to grow. Members of Congress were starting to ask questions, which meant the Attorney General could not ignore the matter. Unsurprisingly, inefficiency ultimately became the main reason the Boulder program was terminated once it came under scrutiny. An FBI memorandum³⁸¹ from March 6th, 1975, warns its impending termination. “It was the consensus of those gathered,” at a CCCT meeting, “except for the FBI representatives, that the Boulder Program was not producing sufficient results compared to the cost of administering it to warrant its continuance in its present form.” The memo was sent from one of the FBI’s representatives to the CCCT working group, F.S. Putnam to William Wannall, the head of the FBI’s counterintelligence position in an effort to clarify the agencies position moving forward.

Putnam, speaking for the FBI's counterterrorism division, writes they "continued to follow the view that Boulder is one of the primary means of keeping terrorists out of the United States and that keeping terrorists out of the United States is the primary means of stopping Arab terrorism in the United States."

Putnam continues with a line of argumentation that is likely familiar and greeted with skepticism to most civil libertarians in the post-9/11 era. "We have continued to point out that the fact that there has been no successful terrorist act committed in the United States could possibly be due to the excellent cooperation among the intelligence community and the efforts made to keep Arabs with derogatory information from entering the United States."

"It would appear," Putnam laments, "that we are now the lone voice in the wilderness and that no matter what we say, the Boulder Program will be discontinued."

Putnam's memo was written to Wannall but also copied to then Deputy Associate Director (Investigations) for the FBI James Adams. "If you agree," Putnam wrote about the argument to keep Boulder, "Mr. Gatch [CCCT] will be advised that the Director feels as noted above."

Handwritten notes on the memo reveal more about the interagency dynamics. One note on the memo in response from James Adams. "We should also seek Ambassador Hoffacker's support to our position." Hoffacker, who had previously chaired the CCCT working group and sent an informative letter to Congressman Filberg explaining the rationale behind and justifying the Boulder Program, was seen as an ally for the FBI's position. But, unfortunately for them, and as Putnam noted in his handwritten response "Hoffacker now retired & living in Houston, Texas – Unable to be of assistance." The

FBI's position was relayed to Gatch on March 21st, 1975 but to no avail, Boulder was terminated a few weeks later³⁸².

Repressive Effects

The Arab-American community knew it was being unfairly singled out. Charlotte Saikowski, reporting on the issue for the Christian Science monitor in early 1973 writes “a mood of bitterness and frustration has built up among Arab students and Arab-American communities as a result of a sweeping government operation³⁸³”. Saikowski spoke with Dr. Muhsin el-Biali, the director of the Islamic Foundation of Southern California. He noted 31 Arab students, mostly from Syria and Lebanon, were awaiting deportation hearings. Biali stated his foundation and others in the community contributed money toward the bail of the some of the students.

“There is no stop in sight,” he said, “I have no doubt whatsoever this harassment is the outgrowth of the Munich incidents and that it is a repetition of what happened to the Japanese here during World War II. Yesterday it was the Japanese, today the Arabs, tomorrow who?”

David Al-Damani's case, an article published on this issue noted, was more typical than the exceptional. Al-Damani, and Iraqi studying in Long Beach, California said “two agents came to his house early one morning, identified themselves, and walked in without invitation.” Damani is quoted:

They walked around the house looking at papers and asking questions. They saw some pro-Palestine posters, which I have and told me that they would have to take me with them. I asked for permission to call a lawyer but they told me I must wait until I got to the immigration office in Los Angeles.

Rhandi Shaker El-Natha's case was another instance documented in this report. He was "told that his extension to study had been cancelled, his American-born wife's petition for him to become a permanent resident had been denied and that he would have to leave the country immediately if he did not cooperate". He was "kept in solitary confinement for six days and only got to make phone calls when he slipped out a message to friends via a priest. He has since been deported."³⁸⁴

The focus on students was intentional. From the earliest stages of conceiving the post-Munich operations, the FBI's focus was on Arab students. A.J. Decker, one of the FBI's representatives to Roger's initial interagency group, wrote in a memo to E.S. Miller on September 20th, 1972:

"I stressed that past experience has shown Arab terrorists utilize these persons of student age to carry out their terrorist plans, citing the example of Samir Siksek, who was a reported triggerman in the aborted assassination plot on the life of REDACTED³⁸⁵ when he visited this country in February of 1972."³⁸⁶

Decker's memo continued to describe the need to come up with a coherent policy about jurisdiction in the event of an attack on an embassy. "The terrorist activities of Arab groups and the Jewish Defense League, in particular, dictate that we have established policy in this field." He recommended that this be raised with the Attorney General in an effort to clarify the Department's policy in this regard. The following day, a memo from the acting director of the FBI, L. Patrick Gray³⁸⁷, was sent to the Attorney General John Mitchell. Mitchell was of course already very familiar with the Jewish Defense League and their threats against Soviet Embassies because of the objections raised by Dobrynin through Kissinger in early 1971. Gray's letter³⁸⁸ began:

The Arab terrorist groups based in the Middle East responsible for the massacres in Munich, Germany, during the Olympiad and at the Lod Airport in Tel Aviv, Israel, May 30, 1972, have extensions of their organizations in the United States. The Jewish Defense League is an American entity which, in the past, has participated in numerous acts of violence directed against REDACTED and personnel in the United States. We have a report that the Irish Republican Army contemplates terrorist acts in this country against British nationals. These organizations have a great potential for extensive acts of terrorism which could be performed in America.

Understanding the ‘Threat’

The “extensions” of the organizations considered “terrorist” that were operating in the United States were actually Arab student groups and charitable organizations. This was the subject featured in two significant FBI manuals on “Fedayeen Terrorism” produced in 1970 and distributed to all field offices. The first was intended to provide field agents with “a summary of information known to Bureau concerning the backgrounds and activities of the major Arab commando groups, commonly known as fedayeen, as well as backgrounds of Middle East communist parties which appear to be making a belated effort to increase their influence in the fedayeen movement.³⁸⁹” The second was meant to provide field agents with “a profile of the fedayeen terrorist.³⁹⁰”

Together, the FBI believed, the two “monographs should enable field offices to develop more effective informant coverage of Arab activities in the United States, including information relating to any plans to conduct terrorist activities here, and to better evaluate data received in the context of the potential Arab terrorist.³⁹¹” The data collection and spying efforts used to put together these assessments took place during the COINTERLPRO era of the FBI most associated with then Director J. Edgar Hoover.

Throughout the assessments in the monographs, the obsession with new left groups and black nationalists and their connection to Arab students and organizations is evident. Sections detailing Arab-American relations with the Black Panther Party, the Student National Coordinating Committee (SNCC), Stokley Carmichael, the Progressive Labor Party, Students for a Democratic Society, Students for a Democratic Society – Weathermen, Socialist Workers Party, Workers World Party, publications like “Ramparts” and the “National Guardian and individuals like Leo Huberman and Martin Peretz. While the “Palestine question” had been an “apple of discord” between some members of “subversive-New Left” groups, “New Left groups, with the cooperation of Arab students, have on a sporadic basis organized pro-Arab demonstrations in the United States, particularly on college campuses³⁹².”

An FBI analysis of “ten fedayeen terrorist attacks in Europe” allowed them to draw several absolutist conclusions about potential terrorists by creating a “terrorist profile”. The “terrorist” will almost “invariably be an Arab national,” they can be a “member of either sex” and probably “in his/her 20’s or 30’s.” An exception might be made for teenagers since “fedayeen feel that a terrorist act committed by a child is politically very effective.” The terrorist will “be a student or a teacher who has accepted the mission willingly.” There is no “requirement that the terrorist speak the language of the target country” since local Arabs could help them along. But there was also a “new dimension” added to the problem of “defining the fedayeen terrorist”, some of these acts were perpetrated by non-Arabs. The FBI analysis mentions 5 specific cases of perpetrators who were Dutch, American, British and German nationals³⁹³. Still, these

cases did not change the overall bent the agency had in its assessment of Fedayeen terrorism and which domestic groups it believed it must watch closely.

Special focus is given to the Organization of Arab Students (OAS) which was “most prominent among Arab groups in the United States” and is a “loosely organized association of Arab students which has chapters on many college campuses.” They have “sponsored meetings, conferences, dinners and similar events either for fundraising or providing a forum for Arab speakers, including Al Fatah representatives”³⁹⁴.

Stokely Carmichael’s FBI file indicates the FBI was tracking his political activities as early as 1964 but it was not only after he spoke at the 1968 National Convention of the Organization of Arab Students in Ann Arbor, Michigan that the timeline of OAS activities began in the FBI’s monographs on Fedayeen terrorism. The FBI connected the OAS to Fedayeen terrorism through the political affiliation of some of its members with Fatah but noted that this group “most of whom appear to be students with OAS connections” were set up to coordinate the “collection of funds, propagandize the Palestinian cause, and engage in talent spotting among Arab students who could be of use in the ‘struggle’³⁹⁵”. Perhaps most importantly, one monograph notes in its summary and conclusion “there has been no information developed, however, which would establish that terrorist acts have been committed here by any of the fedayeen groups”³⁹⁶.

The monographs make clear that after Carmichael’s speech at the 1968 OAS convention in the summer, the FBI continued to monitor and spy on numerous OAS events going forward. From gatherings in New York City to Detroit, the FBI was there. They also monitored and documented international trips by OAS members. In the summer of 1969, FBI informants attended the OAS convention in August at Columbus,

Ohio. They characterized it as a “lackluster affair” and that “no speakers from any of the Fedayeen groups were noted in attendance”. Also “no direct effort was made to solicit funds at the OAS convention” and “no representatives of black extremist groups or domestic subversive groups were noted in attendance.”³⁹⁷

The COINTELPRO program was designed to disrupt groups the government deemed “subversive” or “communist”. Many different tactics were used to do this including infiltration and what became known as bad-jacketing or disseminating information about individuals or groups in an effort to limit their effectiveness. In short, the FBI often sought to divide and conquer.

One potential opportunity the FBI saw to divide up the New Left movements it had infiltrated was rooted in the tension between anti-imperialist sentiments among the membership and the number of Jews in the ranks. The FBI believed that when it came to Israel, Jewish members would check their anti-imperialism at the door, opting instead to robustly defend Israel from worldviews that saw it as an extension of western imperialism. While there are multiple examples of this in the COINTELPRO files, one is perhaps most illustrative. In September of 1969 the Special Agent In Charge (SAC) in New York sent a memorandum³⁹⁸ to the FBI Director about a plan to send information collected on the pro-Arab sentiment among Black Nationalists and the Black Panther Party to Meir Kahane of the Jewish Defense League. As noted previously, the FBI was familiar with the Jewish Defense League and its capacity for criminal violence³⁹⁹. Nonetheless, the SAC in NY sought permission to send Kahane an anonymous letter but didn’t feel the JDL could be “motivated to act” if the information gathered by the New

York Office “concerning anti-Semitism and other matters were furnished to that organization without some embellishment.”

The SAC proposed sending a fake letter to establish a connection with Kahane and then subsequent letters funneling pictures of Black Panther leaders like Eldridge Cleaver and Bobby Seale as well as BPP publications. The text proposed to the FBI director is as follows:

Dear Rabbi Kahane:

I am a Negro man who is 48 years old and served his country in the U.S. Army in WW2 and worked as a truck driver with “the famous red-ball express” in Gen. Eisenhower’s [sic] Army in France and Natzis [sic] Germany. One day I had a crash with the truck I was driving, a 2 ½ ton truck, and was injured real bad. I was treated and helped by a Jewish Army Dr. named “Rothstein” who helped me get better again.

Also I was encouraged to remain in high school for two years by my favorite teacher, Mr. Katz. I have always thought Jewish people are good and they have helped me all my life. That is why I become [sic] so upset about my oldest son who is a Black Panther and very much against Jewish people. My oldest son just returned from Algiers [sic] in Africa where he met a bunch of other Black Panthers from all over the world. He said to me that they all agree that the Jewish people are against all the colored people and that the only friends the colored people have are the Arabs.

I told my child that the Jewish people are the friends of the colored people but he calls me a Tom and says I’ll never be anything better than a Jew boy’s slave.

Last night my boy had a meeting at my house with six of his Black Panther friends. From the way they talked it sounded like they had a plan to force Jewish store owners to give them money or they would drop a bomb on the Jewish store. Some of the money they will get will be sent to the Arabs in Africa.

They left books and pictures around with Arab writing on them and pictures of Jewish soldiers killing Arab babies [sic]. I think they are going to give these away at Negro Christian Churches [sic].

I though [sic] you might be able to stop this. I think I can get some of the pictures and books without getting myself in trouble. I will send them to you if you are interested.

I would not like to use my real name at this time.

A friend

The misspellings pervasive in the draft letter are not found in the rest of the memo written by the SAC. It can be presumed they were intentional for the purposes of conveying authenticity in a stereotype laden story. The FBI director, however, believed the letter was just what they needed. It was “well written and encompasses all the desired points,” but, the director cautioned in his approval⁴⁰⁰, “take care to insure that the communication is prepared on a manual typewriter using commercially purchased paper. Strict security must be maintained.”

The BPP was of course not the only target of these tactics. The Communist Party of the USA (CPUSA) was sent what the FBI referred to as “Irving” letters. Irving was a fictional “Jewish member of the CPUSA” that was “writing in a complaining manner.” Writers like Kahane who would receive the letter and publish them in Jewish publications like the Jewish Press “have proven to be embarrassing and injurious to the CPUSA.⁴⁰¹” On March 30th, 1971, a “pipe bomb exploded outside the headquarters of the Communist Party USA” in an attack attributed to the JDL.

The Students for a Democratic Society were also targeted in a similar manner. After becoming aware of an article entitled “Palestine, the Arabs and Zionism” in “Fire” the “official publication of the National Offices of the SDS” and knowing that “some individuals in the SDS and some potential members of the SDS” are of Jewish

background, the Washington Field office of the FBI suggested a “nationwide educational program be undertaken by the Jewish community to point out the evil nature of the politics of the SDS.” If this was undertaken, they believed, “it would have devastating effects on the SDS. A handwritten note on this memo reads “ADL is already doing this.”⁴⁰²

The FBI, The ADL and Intelligence Collection

While the FBI found the 1969 OAS event to be largely innocuous, even for its standards during the Hoover/COINTELPRO era, they were not the only ones spying on the event. The Anti-Defamation League (ADL) of B’nai B’rith, a national Jewish organization based in New York, has dispatched spies as well.

A 1968 FBI telegram⁴⁰³ from the Director to Special Agents in Charge (SAC) around the United States noted that the ADL, “is opposed to groups and individuals espousing bigotry, prejudice and extremism” and that the ADL “has been very cooperative in the past in referring” data on such activities to the FBI. “You are to immediately make certain that you have established liaison” with the head of the ADL regional office, the memo instructs.

At least three different ADL informants infiltrated the OAS convention in 1969 and corresponded under the code names “Adam”, “Eve”, and “Buckeye”. They reported on the private happenings at the event, documented personal information, prepared broad analysis of the entire convention and then a memo with this information, nearly 40 pages long, was submitted to the FBI. It is unclear exactly to whom the memo was sent. The sender is identified at the regional director for the ADL in Ohio, so it might seem logical

that it was sent to the local SAC. However, a memo from the SAC in New York to the FBI Director was cautious, skeptical and dismissive of the ADL provided information after having reviewed it.

“After a review of this ‘memorandum’ by the NYO, it is felt the information contained therein in no way adds to the information furnished by the Bureau confidential informants who attended the OAS annual convention.” The SAC argues the FBI information was of “higher intelligence value” and “furnished from a more objective position.” There were more problems with the ADL information as well. “Apart from the biased approach,” the SAC wrote, “it very possibly represents a violation of the Foreign Agents Registration act (FARA).” He goes on to question the unethical tactics used by the ADL including using code named sources, assuming identities and infiltrating and recruiting foreign infiltrators as well. “It is incredible to assume,” he continues, “that [the information] is not furnished to an official of the Government of Israel, due to the extreme close ties between the ADL and Israel.” The SAC closes by writing that the New York office isn’t recommending the information be disseminated but left it to the discretion of the Director if an investigation of the ADL under the FARA was warranted⁴⁰⁴. The ADL’s spying had put the Hoover-era FBI into the unfamiliar position of civil liberties advocate.

How the information was used by the FBI and whether or not the recommendation of the New York SAC was heeded or not is unclear. What is clear is that the information was kept on record by the FBI and not destroyed. It is also clear that the FBI had a relationship with the ADL, routinely received information from them and also knew of their close ties with the Government of Israel. Many Arab-Americans believed

Israeli intelligence was able to target them through the US law enforcement apparatus. While the ADL's spying and relationship with the FBI is an indirect reflection of that suspicion, formal connections between US counter-terrorism and Israeli intelligence were established at the very beginning of the Nixon Administration's post-Munich response.

A Chilling Effect

While the OAS was the primary focus of the FBI's monitoring of Arab activity in the United States, others Arab groups that were monitored were also noted in the monograph. The Palestine Arab Fund (PAF), which was active on the US West Coast, was next on the list. The FBI was closely monitoring the PAF's fundraising activities down to the dollar. Committees of the PAF had "been established in Los Angeles, San Jose, San Francisco, Phoenix, Portland, Seattle and Moscow, Idaho" to collect funds "to aid widows and orphans of Palestinians." The FBI knew from a PAF financial statement that "\$79,601 was collected between June of 1968 and August of 1969." Checks on the PAF's account were also monitored⁴⁰⁵.

Said Araikat is a Palestinian-American who was directly involved in the establishment of the PAF. He traces the impetus of the PAF to the post-1967 feeling among Palestinian and Arab Americans and more directly to the March 1968 battle of Karameh which renewed energy in the struggle for Palestinian liberation. Shortly thereafter, as the FBI notes and as Araikat confirms, the PAF's Bank Account was opened on May 6th, 1968 in San Francisco where Araikat was active. "That's when it began – the idea of having a Palestinian organization germinated. So it was really as a result of all these things coming together – the rise of the Palestinian struggle, you know,

it became almost a given that you had to have an organization for the Palestinians – that’s how the Palestine Arab Fund was born.”

Araikat, who was a student himself at the time, was not surprised that the FBI was keeping close tabs on the PAF. In fact, he says “most Palestinian students had had some encounter with the FBI.” In one anecdote, he recalls a friend who “had a sticker that said ‘FATEH’ on it, you know, a bumper sticker, it was just a sticker. He didn’t belong to Fateh or anything he just bought it at some event, you know, so he put it on because people were in support of the struggle and [the FBI] stopped him and they spoke with him, it was that kind of stuff.”

The effect of the FBI’s presence in and around Arab organizing for Palestine was “an intimidating factor, perhaps not for myself,” says Araikat, “or a few others who just wanted to do anything possible to help the Palestinians but it definitely kept away others because it was all voluntary, you depended on volunteers, so when volunteers thought they might get in trouble with the law – because they didn’t understand their rights under the law, that you could do this, that you were not breaking any laws, that you were not committing any crimes, you are not involved in any kind of violent activities, terrorist activities, you don’t belong to any of the you know, subversive organizations, this was really working, doing community work. Many were actually scared away from participating so you lost out on the energy and abilities and talents of many, no doubt about that.” Araikat noted that he and many others assumed that there were informants at just about every event or gathering, and as the FBI documentation shows this was likely the case, but that didn’t deter most organizers because they knew they were within their

rights. Instead, it had a chilling effect on mobilization and expanding the work of the organization to include new recruits⁴⁰⁶.

An FBI directive from September of 1973 sheds light on how the FBI was monitoring the PAF and other Arab-American groups. A “source” had determined that a meeting “billed as the fifth annual convention of the Palestine Arab Fund, Los Angeles Chapter” was to take place on September 21-23, 1973. Clear directives are then made for “SAC’s Los Angeles and San Francisco”:

Immediately ascertain details of Palestine Arab Fund convention and furnish results of survey of your informant coverage as it is imperative that all individuals in attendance at this convention be identified and their connections with Arab terrorist activities ascertained. In addition to informant coverage, consideration should be given to photographic surveillances or other types of coverage.

The Impact of Establishing the CCCT

While President Nixon had tasked Rogers with addressing terrorism related matters in the aftermath of the Munich attacks, it was not until the establishment of the CCCT and its regularly meeting working group that the impact of this effort really began to take effect. In the first three weeks of September, Rogers and his assistants had coordinated preliminary interagency meetings. These focused primarily on clarifying jurisdictional matters as it related to attacks on foreign embassies and looking into new visa protocols. When Nixon established the CCCT he did so based on a deal with Rabin, not because he wanted to direct resources toward combating terrorism but rather because he wanted relief from Congressional pressure before an election which he believed Rabin could get him. Nor did he seem to take the need for the CCCT very seriously. His initial

rationale for it was that it would give Secretary of State William Rogers, whose supplanting by Henry Kissinger was near complete, “something to do.” But the diligent members of the working group believed in the importance of the task they had been given by the President even if the President himself did not. In fact, swinging Presidential weight behind the initiative was intentional and orchestrated to ensure full cooperation between the agencies or, as Richard Kennedy put it, “harness the bureaucracy and assure its full participation and support.”

It was the CCCT and specifically its working group that allowed for the coordination of resources that made the committee most effective. Once the working group got started it coordinated effective intelligence between agencies and opened the door to intelligence sharing with Kilowatt and with direct Israeli sources. It also ensured the sharing of data between agencies like the FBI, CIA, INS and others which allowed them to “check on all Arab students” and “other Arabs.” Most importantly, the Presidential mandate that created the CCCT lent the working group the great impetus to strive for results.

The working group established within it an “Intelligence Evaluation Committee” which was directed by the CIA’s representative which would “evaluate terrorist related intelligence” and report it weekly to the committee. Under the direction of the working group, the FBI also began co-producing, along with the CIA, this weekly report and expanded training for agents on reacting to terrorism.

By its sixth meeting, it became clear that the working group was hearing of the civil liberties complaints of the Arab-American community which came under broad scrutiny. Working Group Chairman Armin Meyer told the group he was “dealing with

letter and telephone complaints as forcefully as possible and urged a positive, non-defensive stance on the part of other Working Group members.” It was also decided at this meeting that the FBI would work with the ATF and the Justice Department to “develop a brief background piece on the JDL.” The reason this was done, however, was “to show that the recent U.S. initiatives to counter terrorism are not anti-Arab measures”⁴⁰⁷. The report that was produced was completed two weeks later and distributed to the working group. It entirely focused however on past actions, most that predated the creation of the CCCT. This did not stop Armin Meyer from using the JDL as a talking point in the press to allay concerns about an anti-Arab focus. He told George Lardner of the Washington Post in a front page article which ran in many papers across the country, that though the work of the CCCT has “produced some concern among Arab people and Arab-Americans” the CCCT doesn’t seek “for a minute to be discriminatory. The Jewish Defense League is also a matter of concern to us.”⁴⁰⁸

On December 26th, 1972, William Rogers wrote a memorandum to President Nixon updating him on the progress of the CCCT and noting the success they achieved in “assuring maximum overall effectiveness as governmental agencies execute their respective responsibilities.” The report goes on to laud the domestic intelligence effort of the FBI which is “contributing weekly input from its nationwide organization.” Though there were successes internally, there was lack of progress on the international level. Despite “the strenuous exertions of Ambassador Bush and his associates,” Rogers lamented, the UN voted “74 to 36 for a resolution to study terrorism’s ‘underlying causes’.”

Rogers, who had supported the underlying causes argument immediately after Munich to both Kissinger's and Rabin's dismay, was now disappointed about the United Nations coming to the same conclusion. In October of 1972, Rogers' State Department held an academic conference on terrorism. Thomas Thorton, a State Department representative to the CCCT working group chaired the conference and much of the working group was in attendance. Five academic specialists were asked to address the "increasing concern of the U.S. government with the problem of terrorism and how to deal with it." After thinking about the problem, the conferees concluded:

Almost any group, under sufficient stress of unresolved grievances, will resort to terrorism; terrorists may select either symbolic or pragmatic targets; terror is very difficult to eliminate – the best move a government can make is to reduce grievances; and regimes resorting to repression tend to defeat themselves⁴⁰⁹.

Thorton briefed the entire working group on the outcome of the conference in the working group's thirteenth meeting though the conclusions seemed to have little impact. Rogers concluded his memorandum to the President by writing that "in the game against the recent upsurge of international terrorism, the ball has been advanced to mid-field. Unfortunately, this is not one game, or even one season. It is a continuing contest."⁴¹⁰

After the hostage taking and killings in Munich, Arabs in the United States began to sense that something had changed. While many understood this to be a response to Munich, what it was instead was the product of a political trade off with the Israeli ambassador. For Arab-Americans who were being interrogated, spied on and deported it made little difference. The Cabinet Committee to Combat Terrorism took "counter-terrorism" to a new level that the United States had not seen before and it had focused its

efforts on Arab terrorism even though Arabs had not been responsible for terrorist acts in the United States to that point. Much of the data on domestic threats the CCCT relied on came from the FBI which had amassed much of it during the controversial and repressive COINTELPRO era. Additional information came to the CCCT from international intelligence agencies including from Israel. While Arabs had experienced this repressive outcome, this was likely not the outcome on the minds of Nixon and Kissinger as they were deciding on establishing the CCCT. Instead Nixon and Kissinger were more concerned with simply getting the deals with the Soviets done before the election. This suggests strongly that the notion that states repress a group because they experience a threat from that group is flawed, especially in this case, but also in others. The next and final chapter delineates the lessons we can take from the information presented in this study.

Chapter 9- Moving Forward

“Oh, you wouldn’t believe....(tape stops – electricity failure)....”

-Yitzhak Rabin before a tape is abruptly cut shot.

In this final chapter, I try to glean some conclusions from the evidence discussed in the preceding chapters. At the outset of this work, I sought to shed light on the question of whether or not the assumptions about the decision calculus in the repression literature was flawed. What a survey of cases in the second chapter and more specifically a detailed case study of the Nixon administration’s decision to establish the CCCT shows was that in deed the assumptions around decisions leading to repressive outcomes are lacking. I discuss what this case tells us about the decision calculus behind repressive outcomes and also argue that this understanding could only happen through an analysis which not only disaggregates the state but also one that separates repressive intents from repressive outcomes. Given this new understanding of the decision calculus, I put forward a new set of questions for further research at the end of this chapter.

The survey of cases in Chapter Two suggested that there was more to the decisions behind repressive outcomes and the curtailment of civil liberties than the assumptions in related theories allowed us to imagine. In the case that was explored in the following chapters, I hoped to trace the factors that weighed into the decision calculus behind a repressive outcome using primary source data that was rarely available in such

complete form. To understand just how unique and important the availability of this data is to understanding this case, consider what our understanding of the case would have been without it. If we did not have the recordings of Oval Office conversations between Nixon and Kissinger, the smoking gun so to speak, what would have been our understanding of the motivation behind establishing the CCCT? The historical narrative would surely be dominated by a singular document Nixon directly issued establishing the CCCT wherein he writes that he is doing so “because of the great importance and urgency” he attaches “to dealing with the worldwide problem of terrorism.” All discussion of the Israeli Ambassador’s role in this outcome was spoken and not written. It was captured on a clandestine tape recorder in the Oval Office. The only other place any tangential mention of this deal exists is in a transcription of a telephone conversation⁴¹¹ between Kissinger and Rabin on September 21st, 1972. The transcription however is very strangely cut short due to an apparent “electricity failure.” The phone call, which is logged at 10:42am, was cut off after approximately 2-3 minutes of conversation. Whatever the nature of the supposed “electricity failure”, it could not have been severe since the next call logged in the transcript file was just 5 minutes later. Kissinger made the call from the White House. Oval Office recordings place him in that room with the President moments before the call to Rabin. The secret recorder in the Oval Office did not experience any electricity failures; it recorded uninterrupted during this time. In conducting this research, I have poured over hundreds of transcripts of Kissinger telephone conversations. This was the only one I came across where a supposed malfunction cut the transcript short. It is likely that Kissinger believed the conversations about the trade off with Rabin he had with Nixon in the Oval Office would never be

known but he was of course aware of his own tape recorder. Kissinger writes in his memoirs that he personally only became aware of the existence of the taping system in the Oval Office after Alexander Haig became Chief of Staff in late April of 1973 only two and a half months before the existence of it became public. Nonetheless, evidence of the bargain between Nixon and Rabin survived.

The case discussed in depth provides insight about both outstanding and longstanding questions implicit in the repression literature. Three of these areas involve questions about decision calculus, intents vs. outcomes and the unitary nature of the state. Below, I will discuss how evidence from the case allows us to think about these questions, challenging some of the long held assumptions in the literature.

Decision Calculus

What we learned from the case study about the calculus behind the decision to initiate the Cabinet Committee to Combat Terrorism, which led the Nixon Administration's post-Munich "counter-terror" effort, was that multiple, interconnected issues weighed into the process. A confluence of events, including changes in Soviet domestic policy toward Jews, the lobbying of domestic interest groups and an upcoming election all played a role. Nixon, having invested a great deal of time, resources and prestige into the détente strategy, did not want to jeopardize the efforts over the whims of special interest groups. But given their influence in Congress, the deals negotiated by Kissinger stood a real chance of being defeated on the eve of the election. Thus, Nixon

struck a deal and agreed to initiate the CCCT in exchange for the cooperation of the Israeli ambassador in quieting criticism in Congress.

A number of unique factors contributed to make this outcome possible. First, Nixon was in a position of vulnerability because of the timing of an upcoming election. In fact on October 2nd, as Soviet Foreign Minister Gromyko was in Washington to sign the SALT agreement, the President, Secretary Rodgers and Kissinger were discussing the Jewish community's efforts to sideline the trade bill. Rogers noted that "if it wasn't for the election it wouldn't be a problem."⁴¹²

On another occasion on October 18th, the President discussed the matter of terrorism in relation to the election with his adviser for domestic affairs John D. Ehrlichman. Ehrlichman told the President that David R. Young, one of his assistants and a participant in the CCCT working group, had updated him about intelligence that "Al Fatah is going to try to put on a spectacular between now and election time" and that they believe the primary target was Rabin. Nixon's immediate reaction, indicative of how he never let political opportunism far out of sight, was "its worse if they are gonna put one on the day after the election." Ehrlichman wanted to ensure that should such an event occur, blame could be kept away from the White House and that political opponents should not be given the opportunity to claim that a delay in communication with the President who was busy campaigning allowed a security failure to take place. Nixon told Ehrlichman to ensure FBI director Gray was fully ready to act even if the President was unreachable:

You tell [Gray] im going to be busy I'm going to be away but I want him to assume that responsibility and I am going to back him up, but if anything happens here he is to move in, as quickly as necessary, and he

can say he had word from the president, he can say, ill back him up whatever he says.

Ehrlichman concurred, noting that when it came to attacks or hostage situations “they say the first 10 minutes of these things are most important.”⁴¹³ Ehrlichman and Nixon wanted to keep blame away from the White House should something happen. Within a few days, David Young, sent a memo to CCCT working group chair Meyer writing: “after reviewing my notes on the last several meetings, I thought it might be useful if I gave you a list of items which I believe the Working Group should address.” The list conveyed addressed the concerns about potential finger-pointing that Ehrlichman and Nixon had discussed. It included “outlining the jurisdictional responsibilities of departments and agencies” should an “attack occur in D.C.; outside of D.C.” The “FBI should know precisely who they can draw upon and for what assistance. Contact names should be on a 24 hours basis.”⁴¹⁴ This demonstrates that even after the creation of the CCCT, Nixon was still very much aware of the politics of counterterrorism and its potential impact on the election.

Second, pro-Israel interests group had significant influence in Congress and were able to generate pressure on the Administration in a moment of vulnerability. The influence was evident in various moments throughout the Nixon’s first term. When Rogers announced his plan in December of 1969, Nixon was warned of facing a “domestic buzz saw” and Max Fisher, the head of the Council of Jewish Federations, demanded he should have seen a copy of the speech ahead of time, an error for which the State Department’s Joseph Sisco had to call him an apologize. The influence of these

interest groups was so significant; the President likened the Jewish community to hostage takers of US Foreign policy. In a conversation⁴¹⁵ with Rogers and Kissinger about the matter and how best to try to persuade the Jewish community to back down on it he said:

If the trade agreement, or SALT, or anything else is held hostage to exist visas there is something to consider for the Jewish community in this country, more badly in my opinion. You can't hold it hostage to the visas....what do you think Henry?

Kissinger concurred, saying:

Well I think Mr. President, first, if they want to serve their own Jewish interest, I have a violent objection to one minority group holding the foreign policy of this country for ransom, but that's an argument you can't make.

Seeing no hope in avoiding this pressure from within his own political system, the President of the United States, along with his aide for National Security, were only able to get relief by going to the Israeli ambassador and offering him a deal so that, as Kissinger said, he could "call off [his] Jewish senators."

Third, the Administration was keenly aware of the difficulty of trying to navigate this challenge in Congress as they had just dealt with the complications of a Jackson Amendment on the SALT treaty which took months to work around.

Fourth, the Kissinger-Rabin relationship was a uniquely close one which had developed and strengthened over years through backchannel conversations and the role integral role Rabin played in the bond-building crisis moment in Jordan in September of 1970.

While the trade-off may not have been the only reason the CCCT was established, it *was* the main reason and without it, it is unlikely Nixon would have taken such a step.

In reviewing why they were doing it in an oval office conversation, Kissinger made it very clear to the President, “The Israelis want it. It doesn’t cost us a god damned thing”.

Could there have been an alternative reason why Nixon established the CCCT? It is unlikely for several reasons. First, the most plausible alternative reason would be because he seriously believed it was needed to combat a palpable terrorist threat. If this was the case, we would have seen this type of action much closer to the events in Munich and not three weeks later. The President did ask Rogers to come up with “contingency plans” in the wake of the Munich events but a Cabinet level committee was not part of this. Further, Nixon and Kissinger discussed the reasons why the CCCT is being established and Nixon’s reasons are that it will keep Rogers occupied. While he also attempted to rationalize the establishment of the CCCT as a response to security threats, he did so in the most irrational way. Nixon stated he was alarmed by a vision that a soothsayer had which was relayed to him by his personal secretary wherein terrorists would kidnap Rabin and demand all blacks be released from prison. Kissinger, the President’s National Security aide, also clarified that the reasoning behind the decision had little to do with security when he said it was what the Israelis wanted, it was good for the President’s meeting with Jewish leaders and it cost nothing. While it is possible Nixon may have thought the CCCT would have added in some ways to national security, and certainly did not think it would hurt national security, threats posed by terrorism were not the main reason the CCCT was established; the trade-off with Rabin was.

Despite the soothsayer’s vision, the real threat of terrorism, particularly terrorism perpetrated by Arabs at the time was negligible. Far more acts of political violence were

conducted by other groups such as the Jewish Defense League and many more non-Arab groups.

The way the administration dealt with the Jewish Defense League also tells us something about the decision calculus. In this instance, a group with a political agenda was using violence on a consistent basis outside the bounds of the law. Significant action to bring an end to this did not really begin until an exasperated Soviet Ambassador demanded Kissinger do something about it and noted Moscow was incensed at the lack of court action against the assailants. Immediately after this complaint was made, high-ranking Administration officials began discussing how to crack down on the JDL and shortly thereafter decided on a path forward. Many indictments and convictions followed. In this case, a group that had a proven track record of challenging state security through the use of terrorism was not aggressively targeted by the state *until* the issue became tied to a foreign affairs objective that mattered to the executive.

Additionally, as the conversation between Kissinger and Attorney General Mitchell reveals, domestic political considerations also came into play as they determined how to go about cracking down on this group. While the JDL had demonstrated a history of violent activity, far more caution was used in deliberating how to scrutinize them than with Arab-American groups and individuals which had not been involved in violent activity to date. This was due to the domestic political repercussions involved with each. The lack of effective and organized political interest groups representing the interests of Arabs in the United States made the curtailing of their rights far easier for the government. On the other hand, when dealing with the JDL, the Attorney General was concerned about the “adverse political impact” of appearing “anti-Jewish”. There did not

seem to be any similar political price to pay for the appearance of being anti-Arab. Once the costs of this did begin to rise through the activities of Arab-American activists and the inquiries of a US Senator, the discriminatory “Operation Boulder” program was discontinued. This produces an interesting juxtaposition; despite the JDL having been engaged in illegal violent activities, the government approach to scrutinizing them was more cautious than its approach to scrutinizing Arabs who had not been engaged in illegal violent activity. The reason for this varied approach was the unequal perception of the costs of scrutiny on the part of the government. In the case of Japanese internment, one reason Secretary of War Stimson gave for interning Japanese and not Italian-Americans was that the “size of Italian population and the number of troops and facilities which would have to be employed to deal with them, their inclusion in the general plan would greatly overtax our strength.” The economic and political costs of interning Italians were higher than that of the Japanese even though both posed negligible threats. This suggests that the degree of caution a state takes before enacting repressive measures is not just a function of *the threat* a particular group might present but also a function of the *perceived costs* of enacting these measures. This is a hypothesis that warrants further exploration.

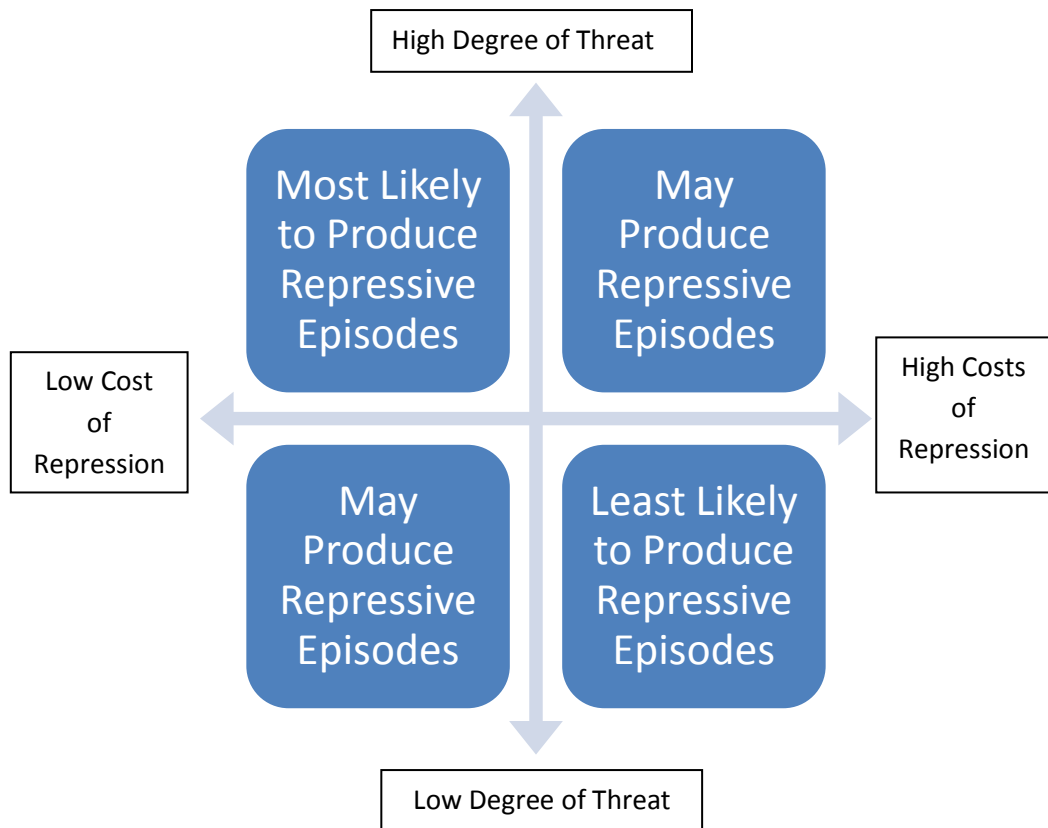


Figure 3. Threat/Repression Matrix

Further, as noted in the opening of this inquiry, the literature on repression features a consistent assumption that the state is threatened or perceives a threat *from* a challenging group and thus enacts repressive activity. What this case study has shown is that the threat facing Nixon administration from Arab groups in the United States was questionable at best, if not outright non-existent, and yet the decision to enact a campaign that targeted them was made. What motivated the Nixon administration to make this decision was in fact a threat, but that threat did not come *from* Arab elements in the United States. Rather, it was a threat facing the President's foreign policy plans and consequently his election prospects by pro-Israel interest groups. Similarly, during the

Second Red Scare, Truman perceived a real threat but it was not from communists in the United States as he explicitly stated in his memoirs. Rather the threat was one posed to American geopolitical interests due to vacuums of power being created as the British Empire receded. To address this threat, Truman had to galvanize American public opinion by “scaring the hell out of them” which led to a crackdown on American communists and others. This suggests that threats can in fact be motivators in decisions that lead to repression, but that the direction the threats come from is not necessarily the direction of the eventual target of repression. Likewise, Roosevelt’s decision on internment was not the product of a deep sense of threat from the Japanese population; rather it was strongly encouraged by domestic interest groups and a lobbying campaign both inside and outside his administration. Repressive outcomes may be the results of political opportunities or pressures tied not to the threat of the targeted groups but the result of other domestic or international political interests. It would follow that such outcomes are most likely when the costs of repressive action are cheap, thereby making them easier to accept in a tradeoff.

How many repressive episodes are the product of situations that would fall into the lower left quadrant of the above model? What conditions affect the likelihood of repressive episodes within this framework? These are important questions that demand more attention moving forward.

The State as a Unitary Actor

In much of the theoretical work on political repression, and in much work in comparative politics in general, ‘the state’ is thought of as a unitary actor with agency.

While this might be analytically helpful under certain circumstances, it leads to the development of theories of repression, for example, which make it harder to conceive of a disaggregated state enacting repressive measures.

We saw in the Japanese internment case, for example, that there was disagreement between two key agencies including the Department of Justice and the War Department. Here the agency in charge of the Alien Enemies Bureau, which was the Department of Justice, was unwilling to go along with the repressive measures advocated by the War Department. This dispute played a significant role in the decision making process and was ultimately resolved when the President decided to authorize the Department of War's plans and take responsibility for enemy aliens in the West Coast out of the justice department's hands and give that responsibility to the war department. Understanding that the state did not act as one was central to understanding how and why the decision to intern was formulated.

What became clear in the in-depth case study above, which focused on the inner workings of decision making by the most important players in the state, was that the state was anything but a unitary actor. Structurally, the system of government was more or less orderly but different parts of the state acted in different ways and for different reasons. At the top, the President related to his different aides differently. Kissinger was his closest confidant while Rogers was kept at a distance. Both Kissinger and Rogers had a different understanding of what the purpose and origins of the CCCT was. Kissinger, along with Nixon, knew it originated in a secret deal with the Israeli ambassador. Rogers didn't. And, while Rogers seemed to take on the task of leading the CCCT genuinely and with the goal of combating terrorism, Nixon assigned Rogers to it in part because it "gives him

something to do.” The seriousness and understood purpose of the campaign varied between key actors in the state.

Aside from the differences at the top, at the agency level there were differences as well. The CCCT managed Operation Boulder as well as other inter-agency counter-terrorism initiatives. Each agency’s role was different. The CIA provided intelligence. The Department of State managed the consular end of the program. The INS provided data on resident and non-resident aliens and so on. But when it came to direct interaction with targets the FBI and its agents took the lead.

The differences in approaches by the agencies became most apparent as pressure grew to end programs like Operation Boulder under the auspices of the CCCT. While many of the agencies involved in the inter-agency effort concluded the value of the program did not justify its costs, the FBI took the opposite point of view and fought to keep it alive even if, as memos revealed, they had become the “lone voice in the wilderness.”

The role of the FBI is significant as well because of the unique situation the agency was in at the time and the impact that situation had on groups that were ultimately brought under the microscope after the start of the CCCT. A few months before the CCCT was established Hoover had died, ending a long era of his control over the FBI. Additionally, the COINTELPRO program which had come to light in 1971 had just ended. But the data collection efforts of the COINTELPRO program, which Hoover had great control over, clearly influenced the Bureau’s understanding of the ‘terrorist’ threat in the United States. A lengthy monograph on the impact of the Fedayeen in the Middle East and the U.S. which was put together for field agents was “developed as a result of

Bureau investigations of Arab activities in the United States” and it should “enable the Field Offices to develop more effective coverage and to better evaluate all information received from informants.”

The document focuses extensively on how the “Arab side of the Palestine question” has been affiliated with a range of “subversive” groups. Eldrige Cleaver, it notes, spoke at the 1968 convention of the organization of Arab students and “Arabs have co-opted black extremists” and the Student Non-violent Coordinating Committee (SNCC) presented “anti-Israel articles” in their literature. The Progressive Labor Party, the Students for a Democratic Society (SDS), the Socialist Workers Party (SWP), the Workers World Party (WWP) and others were all listed having published pro-Arab articles. The Communist Party of the USA position on the 1967 war was highlighted. Under a heading on “Active Support for Arab Position”, the monograph listed teach-ins at universities co-sponsored by Arab groups and new left groups. Much of the information about Arab groups and the relations with other groups in this monograph on terrorism comes straight from the COINTELPRO files. The effect of this was to bring activists engaging in perfectly legal activities into circles of suspicion for terrorism or subversive activity. Once their names entered FBI databases for connections to subversive activities, they would easily be brought up during Boulder queries or other checks of the indices.

Aside from interagency disagreement and the unique role of the FBI in this case, perhaps the most important division within the state is between the actors who make the decision and those who implement it. The President and his closest confidant made the decision to establish the CCCT while the components of it had no idea about what

exactly went into this decision. The intent behind the decision for the President was related to a political trade off while the agents believed they were being tasked with fighting terrorism.

Repressive Intents vs. Repressive Outcomes

A significant amount of the literature on political repression, particularly the quantitative based analysis that addresses larger questions about relationships between concepts such as democracy and repression, for example, rely on data sets that are large cross-national time-series data sets. While this lends to broader analysis and generalizability about the relationship between concepts, the devil is in the details and it can often cause mischief.

How are these data sets put together? Most are based on the creation of scores based on the coding of events from annual human rights reports. Based on the number of political arrests, tortures, executions, disappearances and so on within a particular state in a given year, a score is generated for that state in that year. Several data coding efforts have commendably attempted to achieve as much nuance as possible within this approach and disaggregated repression scores into subsets that allow for greater analytical value. However, one key problem remains. When repressive events are the basis of coded scores, we are able to quantify repressive outcomes *within* a particular state in a given year. But this should not be confused with a representation of repressive outcomes *intended* by the state in that given year. Unfortunately, from the level at which the quantitative literature approaches these questions, it is often impossible to see the difference precisely because repressive intents are assumed to have existed based only on

the existence of repressive outcomes. So are all repressive outcomes the product of repressive intents of the state? Are the intents and motives of the state uniform throughout?

If we accept the notion that repression is based on a state-challenger relationship in which the dynamics are governed solely by the interaction of these two entities then perhaps the answer is yes. But we know from case evidence, including the detailed case above, that that is not always true. Repressive outcomes can often be the product of repressive intents but sometimes they are the product of a decision calculus in which various other interests weigh in, perhaps even more decisively than any other factors related to the state-challenger dynamic.

Toward new understandings of political repression

The aim of this study was not to put forward a new theory of political repression. Rather, the objective was to look at one case where a great deal of detailed and often otherwise privileged information was available and see what insight it could provide for further research on repression and the curtailment of civil liberties.

Most studies on repression and the curtailment of civil liberties think about the decision to enact repressive measures or restrict civil liberties as a direct response to a challenge or a national security threat. What this case shows is that that is not always true. Here, a variety of different factors led an outcome where state agents began to intensely focus on some groups. So how should scholars of repression and civil liberties now approach their work differently and what new areas of research does it lead to?

In the central case of this study, foreign policy issues, the positions of foreign states and the pressure created by domestic interest groups weighed in to the decision to modify the state's repressive disposition while the actual behavior of the targeted groups did not. This contradicts the central assumptions of most scholarly repression literature. While the state-challenger dynamic can determine a significant amount of state behavior in relation to repression, so to may interstate dynamics and domestic political concerns.

Questions for Future Exploration

Under what conditions is the decision calculus behind repression or the curtailment of civil liberties more likely to be affected by factors outside the state-challenger dynamic? In this case, a particular set of circumstances enabled certain factors to weigh into the decision more significantly. For example, both the role of domestic interest groups and the fact that votes hung in the balance are features of democratic institutions. These checks on the executive may or may not exist in different forms in the absence of democratic institutions or in autocratic settings but in this case they created opportunities for tradeoffs. Further, the case takes place at a moment in US history when the country is engaged in both war in Vietnam and experiencing significant anti-War dissent. These entanglements shaped both domestic and foreign interests for the state but also influence the extent of the limitations around the executive. It is not clear that a similar outcome could have occurred during a time of peace.

Are some types of non-challenger threats more likely to result in repressive outcomes than others? If we accept that repressive measures are unpopular and therefore unlikely to be enacted without good reason, it follows then that even if a threat does not

come from a particular challenger something of significance must motivate decision makers to take the decisions that lead to repressive outcomes. For Nixon, the decision was motivated by a threat to his election prospects based on a threat to his foreign policy agenda by special interest groups on the eve of an election. In Truman's case for example, the decision was in part based on the challenge presented by an American public that was unmotivated to support aid to Greece and Turkey and the opportunity to weaken political opponents on both his left and right.

Does the nature of the challenger or target group matter? While the state's behavior toward the JDL and Arab-American groups both changed due to concerns from foreign actors, the way in which each group was dealt with varied. With the JDL, where suspicion was warranted due to the group's proven behavior, the political cost of pressing this group entered into the calculation. With Arab-Americans, whose behavior did not justify the blanket suspicion, the optics of targeting Arabs did not seem to come with a political price tag, making this sort of repressive action easier. This suggests that it is harder to target certain groups, even if they are small in number, if the perception created by it is costly.

Why and how do repressive outcomes result from intents that are not strictly repressive? When Nixon established the CCCT, he did not do so with the aim of curtailing the civil liberties of Arabs and Arab-Americans. Nonetheless, this was a direct outcome of that decision. This happened for multiple reasons. First, the ambiguous goal of combating terrorism was poorly defined and the concept of terrorism was poorly understood even by those tasked with combating it. While the President received periodic updates from Rogers there was no sense that combating terrorism was an administration

priority. For this reason the agents directing the CCCT and especially the working group were operating with little sense of direction or purpose beyond knowing their goal and that this goal mattered enough to the President for him to establish the committee. They were more or less left to determine on their own how to go about pursuing this aim.

Second, this permitted agency specific biases to effect the direction of the working group. With the group centered in the State department, visa matters came to the fore early on. The FBI's COINTELPRO legacy data informed their understanding of networks in the United States and they lobbied hard to keep the Operation Boulder program even as the majority of the working group doubted its efficacy and purpose.

Given this, repressive outcomes may best be understood as the outcome of a series of decisions made by a wide range of actors, each with their own interests and concerns that may or not be interrelated and even sometimes in competition with each other. Probing who those actors are, how they relate to each other, and what their interests are will be central to understanding how we arrive at politically repressive outcomes.

Guide to Sources and Abbreviations in Notes and References

DNSA – Digital National Security Archives

HN- National Security Agency

KT – Kissinger Transcripts

KA- Kissinger Telephone Transcripts

NSSM – National Security Study Memorandum

PD/PR- Presidential Directives

TE- Terrorism Policy

CCCT- Cabinet Committee to Combat Terrorism records

National Archives/Nixon Library

White House Tapes

CCCT- Cabinet Committee to Combat Terrorism records

FBI-DOJ – Department of Justice/Federal Bureau of Investigation

FOIA Obtained Documents on Operation Boulder

Publicly Available Declassified FBI Files on

Terrorism and the Fedayeen

Arab-American groups

COINTELPRO

Martin Luther King, Jr.

Stanley Levinson

Stokely Carmichael

Meir Kahane

Henry Wallace

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- ³³⁹ Henry Kissinger and Yitzhak Rabin, "Memorandum of Telephone Conversation: Israeli Contact, Political Appointments, and Meeting with Jewish Group," in *KA* (DNSA, 1972).
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- ³⁴¹ Henry Kissinger and President Nixon, "Memorandum of Telephone Conversation: Vietnam War; George McGovern's Campaign; Trade Talks with Soviet Union; Pages Missing," in *KA* (DNSA, 1972).
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- ³⁴⁶ "Jewish Leaders, Meeting with Nixon Express Confidence in President's Handling of Soviet Jewish Emigr." Jewish Telegraphic Agency 28 Sep 1972.
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- ³⁴⁸ A.J. Decker, "Memorandum to E.S. Miller on Meeting of Interagency Group on Protection against Terrorism in the U.S.," ed. FBI-DOJ (FBI, 1972).
- ³⁴⁹ *Ibid.*
- ³⁵⁰ William P. Rogers, "Memorandum for the President: Measures to Combat Terrorism Ii," ed. State (National Archives, 1972).
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- ³⁵² A.J. Decker, "Memorandum to E.S. Miller: Meeting of the Interagency Group on Protection Against Terrorism in the U.S.," ed. FBI-DOJ (FBI, 1972).
- ³⁵³ Ibid.
- ³⁵⁴ Ibid.
- ³⁵⁵ Nixon, "Action to Combat Terrorism [Attached to Memorandum for Heads of Departments and Agencies Entitled "Action to Combat Terrorism"]."
- ³⁵⁶ House, *Oval Office Conversation 786-5*
- ³⁵⁷ Armin Meyer, *Quiet Diplomacy: From Cairo to Tokyo in the Twilight of Imperialism* ed. Association for Diplomatic Studies and Training, *Memoirs and Occasional Papers* (New York: iUniverse, 2003).
- ³⁵⁸ Armin Meyer, "Cabinet Committee to Combat Terrorism: Meeting of Working Group," ed. State (Nixon Library, 1972).
- ³⁵⁹ Ober, the CIA representative, was engaged at the time in running Operation CHAOS, a secret operation conducted by the CIA at the direction of President Nixon to spy on various groups within the American anti-war movement. The operation would later be revealed during the Watergate scandal in 1973.
- ³⁶⁰ Miller would later be convicted in 1980 of "conspiring to injure and oppress the citizens of the United States" for COINTELPRO era break-ins and spying. He was, at the time, the highest ranking FBI employee to have been tried for a criminal offense. He was fined a sum of \$3,500. During appeal, he was pardoned by President Ronald Reagan.
- ³⁶¹ Meyer, "Cabinet Committee to Combat Terrorism: Meeting of Working Group."
- ³⁶² Armin Meyer, "Agenda: Ccct Working Group Meeting," ed. S/CCCT (Nixon Library, 1972).
- ³⁶³ Ibid.
- ³⁶⁴ Algeria, Bahrain, Egyptian Arab Republic, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Trucial States, Tunisia, Yemen (Sanaa and Aden), United Arab Emirates"
- ³⁶⁵ FBI Director, "Arab Terrorist Activities Internal Security - Middle East," ed. Department of Justice (DOJ, 1974).
- ³⁶⁶ W.O. Cregar, "Memorandum: Meeting of Interagency Group on Protection against Terrorism in the U.S.," ed. FBI-DOJ (FBI, 1973).
- ³⁶⁷ Clarence Kelley, "Boulder Program: Proposed Amendment," ed. FBI-DOJ (FBI, 1974).
- ³⁶⁸ Ibid.
- ³⁶⁹ DJM, "Informative Note - Intelligence Division - Operation Boulder," ed. FBI-DOJ (FBI, 1975).
- ³⁷⁰ Lewis Hoffacker, "Description of Boulder Program," ed. State (FBI, 1973).

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- ³⁷¹ 13 months into what was ultimately a 30 month program
- ³⁷² Hoffacker, "Description of Boulder Program."
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- ³⁷⁵ State, "Minutes of the Twenty Second Meeting of the Workign Group, March 22, 1973, 2:30pm Department of State 7516," ed. State (NARA, 1973).
- ³⁷⁶ State, "Minutes of the Thirtieth Meeting of the Working Group, May 30, 1973, 2:30pm, Department of State, Room 7516," ed. State (NARA, 1973).
- ³⁷⁷ Abdeen Jabara and M. Cherif Bassiouni, February 8th, 1974 1974.
- ³⁷⁸ J.D. Sawyer, "Operation Boulder," ed. Department of Justice (FBI-DOJ, 1974).
- ³⁷⁹ FBI Director, "Arab Terrorist Activities: Internal Security - Middle East," ed. FBI-DOJ (FBI, 1974).
- ³⁸⁰ Ibid.
- ³⁸¹ F.S. Putnam, "Memorandum: Boulder Program," ed. FBI-DOJ (FBI, 1975).
- ³⁸² Ibid.
- ³⁸³ Charlotte Saikowski, "Arabs in U.S. Cite Harassment," *The Christian Science Monitor (1908-Current file)* 1973.
- ³⁸⁴ Joe Stork and Rene Theberge, "Any Arab of Others of a Suspicious Nature," *MERIP Report* 1973.
- ³⁸⁵ While the name is redacted, it is worth nothing that Moshe Dayan, the Israeli Defense Minister, visited the United States during February of 1972. No further information is available on Samir Siksek, nor was his name reported publicly in relation to a plot at the time or since.
- ³⁸⁶ A.J. Decker, "Memorandum: Meeting of the Interagency Group on Protection against Terrorism in the U.S.," ed. FBI-DOJ (FBI, 1972).
- ³⁸⁷ Gray took over as Acting Director after the death of J. Edgar Hoover in 1972.
- ³⁸⁸ L. Patrick Gray, "Terrorist Attacks against Redacted in the United States," ed. FBI-DOJ (FBI, 1972).
- ³⁸⁹ FBI-DOJ, "The Fedayeen Impact -- Middle East and United States," ed. FBI-DOJ (FBI, 1970).
- ³⁹⁰ FBI-DOJ, "The Fedayeen Terrorist -- a Profile," ed. FBI-DOJ (FBI, 1970).
- ³⁹¹ Ibid.
- ³⁹² FBI-DOJ, "The Fedayeen Impact -- Middle East and United States."
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- ³⁹⁸ SAC-NY, "Fbi Memorandum: Counterintelligence Program Black Nationalist - Hate Groups Racial Intelligences Black Panther Part (Bpp)," ed. FBI-DOJ (FBI, 1969).
- ³⁹⁹ Kahane's FBI file shows that FBI agents in NY met with him around the same time concerning threatening letters he had sent.
- ⁴⁰⁰ FBI Director, "Counterintelligence Program Black Nationalist Hate Groups Racial Intelligence Black Panther Party (Bpp)," ed. FBI-DOJ (FBI, 1969).
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- ⁴⁰⁷ Armin Meyer, "Minutes: Sixth Meeting of the Working Group," ed. S/CCCT (Nixon Library, 1972).
- ⁴⁰⁸ Writer By George Lardner Jr. Washington Post Staff, "U.S. Fights Efforts of Terrorists," *The Washington Post, Times Herald (1959-1973)* 1973.
- ⁴⁰⁹ Peter Perenyi, "Report: State Department Conference on Terrorism," ed. S/CCCT (State Department, 1972).
- ⁴¹⁰ William P. Rogers, "Memorandum for the President- Measures to Combat Terrorism Iii," ed. State (Nixon Library, 1972).
- ⁴¹¹ The Digital National Security Archives which maintains electronic copies of the Kissinger Telephone Conversation Transcripts provides the following among information about the material: "A unique component of Kissinger's Library of Congress papers for many years was a large compilation of telephone call transcripts from the Nixon and Ford administrations. As eventually became well known, Kissinger had his staff assistants prepare typed transcripts of all of his telephone conversations, including those with presidents Nixon and Ford, cabinet and sub-cabinet officials (e.g., William Rogers, Melvin Laird, Elliot Richardson, David Packard), ambassadors, journalists, and friends, among others. Apparently many if not most of these conversations were taped and the

tapes, later recycled, were used for preparation of the transcripts. Kissinger would then use the transcripts as aids, for himself and for key advisers, in order to keep track of and follow up decisions and discussions, and as aide-memoires, so that he could be sure of what he had said to other officials and to journalists.” This material only began to be publically available in 2001 after a series of legal actions.

⁴¹² White House, *Oval Office Conversation 790-8* (Washington DC: 1972).

⁴¹³ White House, *Oval Office Conversation 804ab* (Washington: Nixon Library, 1972).

⁴¹⁴ David R. Young, "Memorandum for Armin Meyer "Working Group Projects in Combatting Terrorism", " ed. WH (Nixon Library, 1972).

⁴¹⁵ House, *Oval Office Conversation 790-8*.