

A reply by Will Soper to the review of his book *Greytown is no more!* by Gary Bugh, published online, 8 Jul 2024, in the journal [Business History](#).

NOTE: I wrote this reply in the hope it could be added to the review, but I was told by the journal editor that they “don’t publish responses to reviews” due to “the limited space we have for book reviewing.” So I am publishing my response here, as an adjunct to [my own website](#).

I read with considerable interest Gary Bugh’s review in *Business History* of my book, *Greytown is no more!*, which tells a very complex story, and he does a credible job analyzing it in so short a review — albeit with occasional missteps.

Crucial among those is this: “The *Durand* case set a precedence for nearly unlimited presidential authority to send troops anywhere in the world to combat *non-sovereign* actors without the approval of Congress.” This may have been true initially. But, as I note in the book, through the vagaries of “position creep” *Durand* was, in the words of Pulitzer Prize winner Arthur Schlesinger, “cited in later years by lawyers in desperate search of constitutional justification for presidential war against *sovereign* states.” (Emphases added.) And in 2017 the Congressional Research Service wrote that “although there were efforts made at times to limit this presidential power narrowly ... rather than to the promotion of broader national interests, no such distinction was observed in practice and so grew ... the power of the President to use troops abroad ... without seeking prior approval from Congress.”

But, to be fair, when Bugh takes issue with my challenge to *Durand*’s validity, it was not unreasonable for him to do so. Getting the precedent questioned because it was based on a false origin story is, indeed, something of a long shot. But, as I note in my book, in the 2020 edition of *National Security Law*, Dycus, et al., (page 372) the authors raise the question as worthy of consideration. They write: “One observer [me] believes that the real motivation for the attack on Greytown was ... removal of the town itself as an obstacle to the business of U.S. investors. ... If

true,” the authors ask, “would that alter the value of *Durand v. Hollins* as a precedent?” And, while the following is not in my book, nor a perfect parallel, in 1984 the Japanese internment case, *Korematsu v. United States* (1944), was vacated in a US District Court because “the government deliberately omitted relevant information and provided misleading information” in the original case. Then, in 2018, Chief Justice John Roberts declared *Korematsu* “overturned in the court of history.” I’d settle for such an overturning of *Durand*. I mean, isn’t that what historians often aspire to: the righting of historical wrongs?

Penultimately, I would also like to mention an omission of fact in Bugh’s review which I think leaves a distorted impression of the pivotal conflict that arose between the town and the transit company. Bugh says, without further explanation, that “Greytown officials terminated” the transit company’s lease on “some buildings” that were “across the river,” and then they “invited the company to move its regional headquarters to their town.” This sounds like harassment by the townsfolk, as if they were angling for a big real estate deal. But, in fact, the town authorities did this because the company prevented passengers from visiting Greytown, thus, depriving the merchants of their vital customer base and, thus, threatening them with ruin. They hoped canceling the lease and forcing the company out of these buildings would bring it into Greytown — as the only nearby alternative — along with those passengers. But, as Bugh notes, “The company reached out to the U.S. government for protection, and a Navy ship soon arrived.”

Lastly, I suggest that anyone interested in an exposition of this story requiring less commitment than the book itself watch the 38-minute YouTube video I made summarizing the book. It is also called [Greytown is no more!](#) and is full of historical images, original documents, newspaper articles, has a helpful narration — and proves the central themes of my book.

— Will Soper