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Civil-Military Module Discussion Questions

1. Your oath of loyalty and fealty is to the Constitution, and does not, like the oath of enlisted members, include language about obeying orders. Yet the Constitution clearly establishes the President as Commander-in-Chief and with that goes the presumption of obedience by everyone junior in the chain of command. The system has clear guidance on how to respond to illegal orders. What about “unwise” orders? In dealing with civilian leaders, can your oath to support the Constitution override requests, hints, directions, directives, or even orders that you deem unwise? Under what circumstances and with what processes can senior military people deal with orders they find problematic?
2. Leaving the question of legality, what do you do as a senior leader about orders that you find immoral or unethical? Do you have any recourse, e.g., resign? Quietly or in protest? Can you ask to be relieved or retired in these, or any other, circumstances? What other circumstances?
3. Is it possible to be caught between the executive, legislative, and/or judicial branches of government in a situation or situations in which legal and constitutional authorities over the military are in conflict? Think of some situations; what would you do?
4. Thinking about the so-called civil-military gap, how can we celebrate the distinctiveness of military culture without appearing to disparage civilian culture? Are there aspects of military culture today that need to be adjusted to better track with civilian society? What are they? Are there aspects of military culture today that need to be protected from pressures to conform to civilian society? What are they?
5. How do we go about lessening the suspicion, distrust, tension, and even outright conflict between senior military leaders and the top political leaders, elected and appointed--and still fulfill our responsibilities under various laws pertaining to positions we might hold, to provide advice and execute orders? What avenues are appropriate/inappropriate in circumstances when senior military leaders believe that the civilian leadership is preventing them from providing their professional advice candidly and privately?
6. What responsibilities do senior leaders have to mentor officers under their command on civil-military relations? What venues could be used for that? How could senior leaders go about it?
7. A bedrock of civil-military relations is an a-political, or non-partisan, military. How does that square with retired flag officers endorsing political candidates? Are such endorsements proper for some ranks and not for others? Is there a distinction between endorsing in local elections, and getting involved in local community service--like school boards--that some might consider "political" if not partisan? How about running themselves for office or speaking out/sharing expertise and perspectives on national defense and security? Would that be permissible? Why or why not?

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A review of the most significant issues senior civilian and military leaders should know, and why. Does the argument in this piece ring true in your experience? Do you disagree with anything here? Why?

STRATEGIC STUDIES QUARTERLY - FEATURE ARTICLE

Civil-Military Relations in the United States: What Senior Leaders Need to Know (and Usually Don't)

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Abstract

Most flag and general military officers participate in civil-military relations (CMR) daily whether or not they realize it. Yet while these leaders recognize and support the principle of civilian control, they have thought little over time about how it works or the difficulties involved, much less the larger framework of civil-military relations. Likewise, civilian leaders in the national security establishment, whether career civil servants or political appointees, contribute—for good or for ill—to American civil-military relations. They seem to think about CMR even less. This article analyzes the two broad categories of interaction that compose CMR using several discrete topics within each area. The article highlights the paradox in CMR and the best practices that previous generations of leaders experienced and learned in navigating CMR issues successfully.

Upon commissioning into the US armed forces, every military officer swears to preserve, protect, and defend the Constitution of the United States. Upon promotion, all officers repeat that oath, again committing their loyalty and, if necessary, their lives to a system of government that at its foundation is based on civilian control of the military. While those words do not appear in the Constitution, the structure of the government, the powers assigned to each branch, the limitations on those powers, and the many individual provisions, authorities, and responsibilities put the military—active duty and reserves—under the control of civilian officials atop the chain of command. Those civilian authorities are defined by laws duly passed under constitutional procedures. Thus, civilian control is the defining principle of the relationship but not the sum total of civil-military relations, as senior leaders quickly discover.

Civil-military relations is a broad subject encompassing diverse issues and innumerable topics. It includes the legal foundations for the use of force and the psychological processes that turn ordinary citizens into fighters. It also encompasses ethical conundrums regarding professional obligations in a hierarchy that asks individuals to risk their lives and how press statements by senior military officers affect public opinion.¹ Military leaders must understand the fundamentals of the civil-military relationship in order to fulfill their duty as custodians of the nation's defense and the military profession. They can develop a stronger understanding of this relationship by appreciating two broad sets of dealings. The first is civil-military interactions in making policy and executing strategy at the senior-most levels of government. The second is civil-military interactions across societies, from the individual and group to military and civilian institutions. Each of these sets of interactions contains discrete topics that all senior military leaders can expect to confront at some point in their professional careers. And each has a paradox that frames relations between the civilian and military spheres in the United States today.

Civil-Military Relations for Setting Policy and Strategy

Since the founding of the republic under the Constitution, the United States has enjoyed an enviable and unbroken record of civilian control of the military. When measured by the traditional extreme of civil-military relations—a coup-d'état—there has never been a successful coup or even a serious coup attempt in the US. Academics and pundits may debate whether the violence at the Capitol on 6 January 2021 met a definition of “attempted coup.” However, in the terms that most concerned the Framers of the Constitution and that have dominated American civil-military relations ever since, those attacks—horrible as they were—in no way fit the definition of a coup. That is, military leaders were not using military units under their command to attempt to seize political power. There is much to criticize about whether the military prepared adequately or adapted quickly to the unfolding events. Certainly, a few veterans and reservists took part in the violence, much to their shame and dishonor. But it was not an attempted seizure of political power by the military. America's record of unbroken civilian control stands if measured by the absence of coups.

Nonetheless, since the United States has become a global superpower, almost every secretary of defense from James Forrestal to today (with the possible exception of President Trump's defense secretaries, as discussed below) has come into power with concerns that civil-military relations under his predecessor got out of balance, with the military gaining too

much influence. Hence, the paradox is this: the unbroken record of civilian control and the nearly unbroken record of worry about civilian control.

There are many reasons for this paradox, beginning with the simple fact that the military establishment in the superpower era has enjoyed remarkable power—in fiscal, political, and prestige terms—far in excess of what the Framers of the Constitution would have thought was proper or safe for the preservation of a free republic.² Such power may be necessary to meet the constellation of threats but poses a latent threat of its own. Political leaders naturally and rightly fret about this concern in an “ounce of prevention is worth a pound of cure” sort of way.³ It is also true that the regular turnover of administrations, sometimes involving a change in the party in control, brings with it doubt about the reliability of current senior civil and uniformed officials.

We think the root of the paradox lies in the differing worlds, experiences, and priorities exacerbated by the contradictory expectations civilian and military leaders bring to the relationship. Since the participants from the two realms do not share expectations, each ends up disappointing and disturbing the other. Leaders are a bit like a newlywed couple, each spouse having some idea of what his or her own—and their partner’s—role in the relationship would be. Unfortunately, if the spouses do not share the same role expectations, each is surprised to discover that the other keeps getting it “wrong” by behaving in unexpected ways.⁴

American military officers enter the relationship with a view of “proper” civil-military relations derived from the classic argument laid out by Samuel P. Huntington in the mid-1950s. His *Soldier and the State* proposes a relatively clean division of responsibility. Civilians should properly determine policy and grand strategy matters with advice from the military. The military should decide on issues largely centering on weapons, operations, and tactics according to the dictates of war, experience, and professional expertise.⁵ In Huntington’s view, the military voluntarily subordinates itself to civilian direction in exchange for civilians respecting this division of responsibility. Civilians decide the weighty matter of who to fight and when, how much military budgets will be, what weapons will be purchased, and what policies will govern the military. They then give the military autonomy on the implementation of how to fight and how to execute civilian decisions. As one experienced journalist explained to us, “Civilians tell us where they want to go but leave the driving to us.” Huntington’s real genius was in describing an approach that already aligned with a traditional military point of view. His argument is still taught in professional military educa-

tion as the “normal” theory of civil-military relations, leaving attentive officers to assume that this is the approved model.⁶

Nevertheless, few civilian leaders—including those assigned to senior national security posts—have spent much time, if any, thinking through civil-military relations either in theory or practice. Even those who have thought about it generally act in a way that aligns with a very different model. The rest simply act according to a logic internally consistent with the dictates of civilian politics.⁷ Civilians know that there is no fixed division between what is “civilian” and what is “military.” The dividing line is where civilian leaders say it is at any given time, and where they draw it can change. This line may fluctuate with the president’s personal interests, the threat and political stakes, changes in technology, larger national security considerations, and even with what is going viral in social media that day. Frequently, the dividing line between a decision that civilians believe is theirs to make on strategy and operations can fall far into the domain that the military believes is best insulated from civilian encroachment. In such cases, the recurring lament of American military leaders is that civilians misunderstand or are misplaying their role. They especially call out those civilians involved in the national security policy process who are not in the formal chain of command as are the president and secretary of defense. Faced with civilian oversight from anyone other than the narrow chain of command, the military may think or say, “I believe in civilian control, but you are the wrong civilian.” Or if the president or secretary of defense is in the scenario, the military may counter, “You are violating best practice by micromanaging us.”⁸ Of course, it is the president and secretary of defense’s prerogative to micromanage if they deem it necessary. Moreover, while it would be inappropriate for any civilian other than those two to issue an actual order to the military, it is not inappropriate for other civilians to request information for and visibility into military matters if the president or secretary of defense has tasked them to oversee military affairs. The point stands: service members and civilians in the policy-making process often believe they are acting properly while the other is falling short in some way, and those beliefs derive from different standards and expectations of how relations ought to go in the ideal.

Likewise, civilian policy makers attempt to make decisions as late as possible in the interest of flexibility to preserve the president’s political options. The priority for the military is to seek clarity and secure a decision as soon as possible to maximize the time for, and effectiveness of, the plans or strategy that follows. The priority for civilians, particularly those closest to the president, is not to tie the hands of the president by committing to

a course of action that cannot be adjusted, walked back, or abandoned if circumstances warrant. In response to adverse geopolitical surprises, civilians seek options while the military leans strongly toward one clearly defined choice. The military's failure or delay in providing alternative looks like foot-dragging. Civilians' failure to provide clear objectives looks like purposeful delay that could compromise strategy and operations, perhaps undermining the objectives, and lead to the unnecessary waste of lives and treasure. It can be a dialogue of the deaf, sometimes made even more frustrating by each side speaking in jargon, acronyms, and code incomprehensible to the other.

Such competing expectations make for a rocky relationship until civilian and military leaders understand one another. This helps explain why American civil-military relations in practice has so many episodes of friction and mistrust even when both sides strive for outcomes important to both, and even when the specter of allowing the military to dominate in some way is nowhere in view. What undermines compromise and cooperation—even the integrity of the process and the possibility of success—is distrust, perhaps fear, on both sides of being dragged by conditions or circumstances into a decision neither wanted and to a purpose incommensurate with the costs.

There is one crucial way the marriage analogy breaks down, for this is a decidedly unequal relationship not based on love and often unchosen by either partner. Democratic theory and historical practice recognize that military members are professionals with distinctive expertise that gives them an indispensable voice worth respecting in discussions of strategy. But they are the agents, not the principals. Military subordination to civilian authority is a defining feature of most governments, particularly republican ones, and democracy cannot survive for long without it. Civilian authority derives not from some superior wisdom but from the fact that civilian politicians are chosen and unchosen by the ultimate principal: the electorate. Civilians oversee national security decisions not because they are right but because the Constitution and laws give them the right, the authority, and the responsibility. And it is their right, even when they are wrong in the choices they make. They have a right to be wrong.⁹

Against this backdrop, as military and civilian learn to understand and relate to one another, they must work together to overcome numerous obstacles. We highlight three that have arisen in every post-1945 administration and a fourth that reflects the unusual tenure of President Donald Trump.

What is “Best Military Advice”?

Recent chairmen of the Joint Chiefs of Staff, when pressed to describe their roles, have often responded that one was “to provide best military advice.”¹⁰ Viewed in the most positive way, the leaders are trying to indicate that their assignment is to give advice in the policy-making process that conveys their professional judgment about the military dimensions of the problem and that reflects good staff work. It is decidedly not “telling the boss what he or she wants to hear based on political calculations and irrespective of hard military realities.” But “best military advice” rarely works in an optimal way. It is misleading as a mantra and, most problematically, often poorly received by civilian superiors when framed that way.¹¹

To civilian ears, “best military advice” can sound like a threat. Civilians do not trust the benign connotation, for when do professionals ever render less than their best opinion or judgment? Instead, it comes across as a thinly veiled attempt to box in the decision makers because “best” implies a singularity. Pick it or else. Or else? Sometimes the “else” is explicit and sometimes just implicit. For instance, the consequences might be militarily dangerous or the domestic political costs significant, but the phrase can in any case feel uncomfortably like a threat. If this single recommendation is rejected and it leaks, that advice becomes the basis for criticism of the decision maker. Perhaps there are occasions when professional military opinion embraces only one alternative, but in practice senior civilian leaders quickly learn, as did Abraham Lincoln, that their challenge is not deciding *whether* to listen to the generals but deciding *which* generals to listen to.¹² When in 2006 President George W. Bush had some distinguished military professionals advising in favor of the surge and others advising against it, which was the “best military advice?”¹³

Civilian leaders need their military advisors to inject technical military considerations and military judgment into decision making to offer perspectives that they, as civilians, may lack. Is it a good idea to station a carrier battle group off the coast indefinitely to shape the environment for effective diplomacy as a civilian might recommend? The president should not have to rule on that question until hearing the logistical challenges and second- and third-order effects for future naval operations that such an indefinite show of force might entail. Or perhaps he or she needs to be briefed on the historical experience of similar decisions in that place or under similar circumstances.

Military expertise is indispensable. But fully considered military advice in the form of plans and options can only be developed with an awareness of the larger political context in which the president is operating. The

military has the right and the responsibility to present options, even politically unpalatable ones and even when it knows that such advice will be unwelcome in the Pentagon, Congress, or the Oval Office. Correspondingly, civilian decision makers have a right to review alternatives that better reflect their larger purposes, if only to see clearly why one or another course of action is inappropriate. This is true regardless of whether the military is sure a particular course of action is a bad idea. Inherent in the “right to be wrong” is the right to hear viable options that align with what the president thinks is preferable—if only to see how difficult and problematic that course might be.

Military advisors who try to short-circuit the process by hiding or omitting certain options or information undermine best practices in civil-military policy making. Worse yet, attempting to substitute their preferences for those of their civilian superiors—and slapping the label “best military advice” on such efforts—will not spin that inconvenient truth away. Worst of all, appearing to box in their bosses will forfeit the trust on which effective relations depends when they inevitably seek other military counsel in search of more options. Properly done, military advice entails speaking up, not speaking out. Speaking up is telling the bosses what they need to hear, not what they want to hear. If senior military leaders have a contrary opinion, it is their professional obligation to ensure civilian leaders know before a decision is cast in stone. But speaking up in private within the chain of command is very different from speaking out, which involves going to the press or to influential people with such access. The latter would surely be interpreted as pressuring a president to accede to military preferences. Seasoned military leaders learn to work with their civilian counterparts in an iterative process that is responsive, candid, and flexible, eventually yielding assessments that might differ markedly from where either side in the dialogue began.¹⁴

At the end of the process, best practice yields a decision followed by full and faithful execution. This may be a decision not to decide, to await events, or to otherwise maintain maximum flexibility for the deciding official. Or the decision may involve a course of action riskier than the military thinks wise. Provided the military was consulted, that decision will have been made with full awareness of its perspective. Even if not, provided that the decision is legal, only one outcome is acceptable: obedience.

Why No Norm of Resignation?

Every American military leader we have engaged on this subject—and we have engaged thousands—understands that the military must resist,

even disobey, illegal orders. Likewise, it must obey legal orders, even those it dislikes. Every military leader is trained in how to use the extensive institutional apparatus of military, DOD, and Department of Justice lawyers and other advisers to determine what to do when the legality of an order is questionable. What produces a rich and often contentious discussion is how military leaders should respond to legal orders they judge to be profoundly unethical, immoral, or unwise. In such a situation, can a military leader ask for reassignment or retirement—done either silently or with public protest—rather than obey?

The first step toward an answer requires dispelling a myth. Too many senior officers—to include several chairmen of the Joint Chiefs of Staff—have said or written that the duty to disobey illegal orders extends to immoral and unethical orders. As retired Air Force deputy judge advocate general Maj Gen Charles Dunlap carefully explained, the Uniform Code of Military Justice makes no allowance for disobeying “immoral” or “unethical” orders; the choice is legal versus illegal.¹⁵ Military professionalism unequivocally requires everyone in uniform to behave in both a legal and ethical fashion. Still, this dictum does not permit senior officers to resist legal orders based on their own personal standard or definition of what is moral and ethical since that is highly subjective and varies by individual. The only criterion that allows for disobedience is illegality. The matter is simply put. Military members who resist following an illegal order will be protected and exonerated. Alternatively, service members who resist following a legal order that somehow offends a subjective ethical or moral standard can be punished and condemned. It is the job of the voters to punish and remove elected leaders for unwise behavior.

At this point, thoughtful senior military leaders usually object that they are not mere automatons who reflexively translate orders into actions. Are there not more options beyond the simple obey/disobey binary? Yes, but the details matter. For starters, it is essential that the military has first exhaustively fulfilled its obligations in advance of a decision. The advisory process is a time for raising awkward questions, offering sensible objections, and clarifying what makes a course of action unwise (or possibly unethical and immoral). The imperative of military obedience does not require the immediate execution of the slightest whim expressed by any responsible civilian.

The policy-making process is a dialogue—though an unequal one—not a monologue. Officers who think they have options to consider after an order has been given must first demonstrate that they have not shirked the responsibility to advise in full candor. It takes a certain kind of courage to

speak up forcefully even within the confidential policy-making process when the president or secretary of defense has signaled the direction. Yet best practices in civil-military relations require that courage. Best practices also require that the military understands when it has adequately made its case and thus the point where the obligation to advise has been fulfilled—and the point beyond which further pressing of the matter impedes civil-military relations. Many subordinates expect their uniformed superiors to press military perspectives on the civilians, believing in a norm that the military should go beyond “advising” to “advocating” and even “insisting” on certain courses of action.¹⁶ In some cases, they misread H. R. McMaster’s influential book *Dereliction of Duty*, assuming that the Vietnam failure at its root was the unwillingness of the Joint Chiefs to stand up to the civilians and, indeed, to resign in the face of civilians who ignored military advice on strategy in the conflict.¹⁷

The Joint Chiefs obviously did not resign in the Vietnam War, and such resignations at the topmost military ranks are essentially nonexistent. Many senior officers retire before reaching the topmost position for various reasons. Those in the most sensitive assignments, however, know that a sudden or unexplained departure would be interpreted as some sort of dispute with civilian policy, decisions, or leadership that likely heightened civil-military conflict. Some senior military officers submit their retirement papers when they are fed up with the direction the service or a policy appears to be heading. But this is not resignation. Some submit their retirement papers, usually misidentified as resignation papers, as a substitute for getting fired. Neither is that resignation. Submitting retirement papers gives agency to the superior, who can reject them and insist the officer continue to serve. Resignation removes that agency and thereby subverts the superior’s authority.¹⁸

The closest example of a possible resignation as a protest in the last three decades is Air Force chief of staff Ron Fogleman’s departure before completing his four-year term. In reality, treating this as resignation stems from a fundamental misunderstanding of what happened and why. Fogleman requested an early retirement when he believed that the senior Pentagon civilian leadership had lost confidence in his judgment. He also went silently in the hopes of preventing his leaving being interpreted as a clash with the secretary of defense over blocking the promotion of the general in charge in Saudi Arabia during the lethal Khobar Towers terrorist attack. Nonetheless, Fogleman’s effort backfired. His silence led many to believe his was a “resignation in protest,” a misinterpretation that persists today.¹⁹

In the American system, there is no norm of resignation because it undermines civilian control.²⁰ For the top two dozen or so flag officers—the service chiefs, combatant commanders, and commanders of forces in active combat—resignation either in silence or with protest would be a huge news story and trigger a political crisis for the president or secretary of defense. Even the threat of resignation would constitute an attempt to impose military preferences on civilian authorities. Going beyond the role of advising and executing a decision properly ordered by civilian authority directly contradicts civilian control, and the consequences for civil-military relations would reverberate far into the future. Civilians would choose the most senior officers based on their pliability rather than on experience, expertise, ability, character, and other criteria necessary for high command and responsibility. Political leaders already have some incentive to vet appointments for compatibility with administration priorities or policies—in effect, politicizing the high command. There is some tantalizing evidence suggesting this might happen on the margins.²¹ Nevertheless, the motivations for this sort of corruption in senior officer selection would be far greater if a norm of resignation in protest took hold. Fearing the political consequences of resignation, presidents, secretaries of defense, and service secretaries would trust senior officers less, weakening the candor necessary for intense discussions of critical matters. To forestall the possibility of resignation, consultation with senior officers could become perfunctory window dressing to prevent criticism or political attacks. The threat of resignation could also cause civilian leaders to bend to the will of the military to forestall a politically costly resignation. Either way, resignation with protest as a common practice would soil the advisory process and diminish healthy civil-military relations. As long as the military retains its high standing with the public and high partisanship continues to characterize American politics, the precedent would weaken and perhaps poison civil-military relations to the detriment of effective candor, cooperation, policy, and decision-making. Indeed, there is a strong norm *against* resignation for good reason, but there is growing evidence that attitudes are changing about whether resignation is appropriate.²² Senior military leaders need to internalize the norm against resignation and reflect on how it shapes and constrains their role in the policy-making process.

Congress and the Challenge of Civil-Military Relations

Even without resignation as an option, the military is not entirely without recourse when faced with clearly dysfunctional policies or deficient orders from civilian superiors. Thanks to a key design feature of the Ameri-

can system embedded in the Constitution, Congress is also the “civilian” in civilian control. The legislative branch has constitutional powers as direct as deciding the design of military policies and forces and as indirect as having the power of the purse and the authority to approve military promotions and assignments. In practice, the president’s commander-in-chief powers and executive functions are vast, particularly during wartime. Clearly, the executive branch enjoys primacy in civilian control of the military. It has the responsibility of command and large staffs for planning and managing strategy and complicated joint and combined operations. But the military is also subordinate to the legislative branch, and woe befalls senior military leaders who fail to appreciate this fact.

To be sure, this division and power sharing often put military officers in contentious situations. In theory, the president and Congress work together to authorize, appropriate, and execute military policy. In practice, in the absence of a clearly existential war or military crisis, the president and Congress debate all sorts of military questions, sometimes making the armed services innocent victims of larger partisan struggles. Politically deft military agents have learned over several generations how to balance the president against Congress and vice versa, thus confusing and often warping healthy civil-military relations. Ultimately, these tactics produce less effective military policies and decisions.

Because of Congress’s constitutional role in making defense policy, it has a legitimate call on military advice and opinion and has levers it can pull to compel a reluctant military to provide advice. Congress must vote to confirm every military officer’s rank, and at the topmost levels that vote is on a by-name, by-assignment basis. Before confirmation, congressional committees require top officers to promise, under oath, that they will give Congress their personal, professional opinion on national security matters if asked during the legislative process. Because of the constitutional separation of powers, Congress cannot force senior military officers to reveal what they told the president during the confidential advisory process. Still, Congress can compel officers to reveal their personal, professional opinions on the matter.

This is the constitutionally mandated path of “resistance” for a military officer to register legitimate concerns about a policy or decision. However, it is a delicate situation that can ruin civil-military relations inside the executive branch if done without careful thought and wording. One caveat is that such candor is rarely applauded by the White House, DOD, or armed services, which are more likely to view it as insubordination. In fact, resistance can be tantamount to insubordination if marshalled to cham-

pion military perspectives over decisions already made or under consideration. Achieving the right balance is a tightrope the military must walk. Staying balanced means that senior leaders honor their obligation to obey and implement legal orders from the commander in chief, even if they deem them unwise. In parallel, they must meet their constitutional duty to apprise Congress of their personal reservations if directly asked. Throughout the process, senior military leaders must do so without undermining the morale of their forces, which will bear the brunt of any policy decision. The more senior the military officer and the more significant the responsibilities, the more likely that officer will face the tightrope dilemma—perhaps multiple times in a career.

Another difficulty in dealing with Congress is parochialism. It is the belief that the military pursues the national interest and that Congress is concerned with only personal or narrowly partisan matters. A military officer looks at a member of Congress and is tempted to think, “All he or she cares about is getting reelected, keeping bases and jobs in their states or districts, and championing the military for political advantage. We are the ones thinking about national security, and they are thinking about the next election.” This is a sentiment we have heard countless times from senior military leaders. Such attitudes can be self-defeating, for the officer who displays that mindset in a congressional hearing or other interaction may experience unhappy repercussions. Those holding this view are also somewhat lacking in self-awareness. Military officers can harbor parochial views, sometimes unwittingly, that lie rooted in service culture, their current assignment, or limited career experience. Thus, national security necessitates consideration of many factors, precisely the sort that will be on the minds of the voters and of those who answer to the voters. Senior military officers do not have to answer directly to the electorate and can indulge parochial concerns, wrapping them in the patina of “the national interest,” viewing (and believing sincerely) that what is good for their service, command, or function is good for the country. That said, precisely because many members of Congress lack the experience and perhaps even the wherewithal to truly grasp national security affairs in all their variety and complexity, it is important that they be well staffed and well supported in wielding their power. A capable member of Congress can do much good, but a misinformed member can do extraordinary harm. Successful civil-military relations require the military to work closely, cooperatively, and transparently with congressional authorities every bit as carefully as they do in the executive branch.

Military officers who have spent most of their professional lives rising in their service or in joint duties naturally focus on civil-military relations in the top-down hierarchy of the executive branch. Most military facilities feature a pyramid that depicts photos of the chain of command beginning with the commander in chief. Accurate civil-military relations require one more photograph alongside the president: the US Capitol dome.

The Distinctive Features of Trumpian Civil-Military Relations

The foregoing discussion reflects timeless concerns that can be traced through every administration in the era of American superpower status and many to a much earlier time. Every administration experiences civil-military friction; what distinguishes success from failure is not *avoiding* friction but learning how to manage it. Nevertheless, President Trump's single term in office added distinctive twists that made relations especially difficult. Two deserve special, if brief, mention.

First, Trump relied to an unusual degree on recently retired or not-yet-retired military officers to fill positions customarily reserved for civilian political appointees. Every administration has made this type of selection, and it is possible to find a precedent for every individual appointment. Nevertheless, the collective and cumulative effect was quite unusual—particularly in the combination of offices so staffed. At one point, President Trump had a recently retired four-star Marine as secretary of defense (one who required a congressional waiver to hold that post), an active-duty three-star Army general as national security advisor, and another recently retired four-star Marine as White House chief of staff—the most politically sensitive and powerful nonelected post in the White House. The secretary of defense position was especially crucial since that post is supposed to embody the key “civilian” below the president in civilian control. While the president is the commander in chief, the presidency has vast functions and responsibilities. The president is thinking about many things all the time while the secretary of defense is the chief civilian thinking about national security. All three of these top offices were also staffed by many deputies and advisors who were themselves current or recently retired military officers. Everyone's first name was “General,” and President Trump regularly referred to each as such. As a result, it was a near certainty that the *primary* military advisor to the president—whom the president looked to for a trusted military opinion—was not the person legally identified as the *principal* military advisor, the chairman of the Joint Chiefs of Staff.

If the military voice was likely too prominent during early stages of the Trump presidency, there were concerns that the military voice lost too

much of its access in the later stages as Trump tired of “his generals” and they left the administration one by one. In his last weeks in office, Trump did away with regular order altogether, firing his secretary of defense and running military affairs from the White House through a chain of command and policy process populated almost entirely by “acting” and “acting in the capacity of” loyalists, some senior retired military and most unconfirmable in their positions. Trump ended with possibly the weakest civilian team ever to serve as the “civilian” in contemporary civil-military relations. After beginning his administration with boasts about how much the military loved him and he loved the military, Trump ended his term with some of the most fractious relations in recent decades.²³

Second, Trump’s unusual governing style made a mockery of “best practices” in the military advisory role. Two, largely separate, policy-making processes developed during his tenure. One operated on issues that did not interest the president and on which he never engaged. That process was routine and, on occasion, produced almost textbook examples of how the policy-making process should proceed. For instance, the Trump administration produced a serious *National Security Strategy* (NSS) in record time. The NSS was closely integrated with the *2018 National Defense Strategy*, which largely drove lower-level budgetary decisions. Yet there is little evidence that Trump himself took the NSS seriously or believed in its “allies are important” core message. The NSS proved to be a decent guide to issues the president himself did not personally engage on and to be utterly irrelevant to matters the president cared about, followed, intervened in, and rendered an opinion on.

This brings us to the other parallel policy-making process: the twitterverse where the president weighed in, often as a commentator and critic of his own administration. Repeatedly, national security policy would be developed according to a regular interagency process only to be undone by a contradictory and often shocking presidential tweet. “A tweet is not an order” never had to be said before the Trump era but had to be said repeatedly during it. While a tweet was not an order, it was an unprecedented window into the commander in chief’s “intent,” and so the policy process was repeatedly whipsawed to align with a new eruption. More likely than not, those posts could be traced to some punditry on Fox TV, a longtime Trump hobbyhorse, a comment by or recommendation of a friend, or some political maneuver versus a problem of sufficient importance to warrant an intervention from the top.

The military learned to adjust to these twists without a full-blown crisis, but civil-military relations at the policy-making level were strained close to

the breaking point on numerous occasions. President Joseph Biden's promise to return to normalcy—which in civil-military terms meant a return to a normal process with all its friction—was nowhere more welcome than in the Pentagon. Even there, Biden began with norm-breaking of his own. He chose as his secretary of defense former Army general Lloyd Austin, who required a special vote from Congress to waive the legal prohibition on appointing a recently retired professional officer sooner than seven years past retirement. This had been done only twice before in the 69 years the office existed—to confirm Gen George C. Marshall to the position in 1950 and Gen James Mattis in 2017. In both cases, the move was something of a vote of no confidence in the civilian team, to include most notably the presidents themselves. This time, it was likely that Austin's successful confirmation reflected more the crisis of concern about political divisions in the republic after the 6 January attacks on the Capitol by supporters of President Trump than any doubts about Biden's role as civilian commander in chief. But it is undeniable that Austin went to considerable lengths to pledge his commitment to civilian control. He laid out specific steps he would take to shore up the role of civilians in the making of policy precisely to address the types of concerns we outlined above.²⁴

Civil-Military Interaction across Society

The other category of issues in American civil-military relations that senior leaders must understand involves interactions with civilian society more broadly, from the individual to entire institutions and from the episodic to the continual. Here again there is a paradox. On the one hand, the US public expresses high levels of trust and confidence in the military. Indeed, the military is the major governmental institution enjoying the highest level of public support, and this has been true since the late 1980s. On the other hand, the public has shown historically low levels of social connection with the military, most notably a low propensity to volunteer to serve in uniform. Thus, while the public highly regards the military, it is distanced from it, as if saying “thanks for your service, but we are glad we don't have to join you.” In recent years this large set of intersections and interactions has been labeled a “civil-military gap” or in popular parlance the “1 percent and 99 percent,” referring to the tiny portion of the public that serves in uniform either in the active or reserve forces. There are three hardy perennials in this category that every recent administration has encountered at some point, but also some distinctive features peculiar to the Trump era.

Seeds of Alienation

The largest concern is a fear that civilian society and the military will become so alienated from each other the result will be a military incapable or unwilling to serve society. Though they had different diagnoses and prescriptions, this was the common concern animating the two great founders of American civil-military relations scholarship, Huntington and Morris Janowitz.²⁵ Huntington saw civilian society and the military as distant from each other, especially at the level of norms and values, and urged civilian society to embrace more of the military's thinking, norms, values, and worldview. Janowitz saw the same disconnect and advised the military to develop a new conception of its role and its professionalism to better align with civilian society. Both saw a natural gap as a problem because they doubted that two groups, so dependent on each other but so antithetical in perspectives, could maintain sufficient respect to sustain effective national security policies.

Concerns about the gap escalated with the end of the draft in the early 1970s and have remained high as the all-volunteer force reached maturity in the post-Cold War era. There were brief rally-round-the-flag moments during the invasion of Kuwait in 1991 and in the aftermath of the 9/11 attacks, but those quickly gave way to doubts about public connections to the military when “the 1 percent went to war and 99 percent went to the mall,” a common aphorism heard in the national security community.²⁶ The extensive polling data over the past several decades support several basic conclusions.²⁷ The public holds the military in high regard but seems to be happily unknowing about most military policies and activities. Military officers are not so divorced in attitudes and opinions from the general public, but there often is a wide gulf of opinion and values between the officer corps and civilian national security elites and elected officials. Both tend to caricature the other and not always in positive terms. Public ignorance about the military extends to the norms of civil-military relations, which have only the most tenuous support from the general public and, in some cases, the military as well.

At the same time, the public expresses high confidence in the military but expects it to adjust to shifting civilian values. These include such areas as the role of women in combat, the policing of sexual harassment and assault, or opening the ranks fully to gay, lesbian, and now transgender personnel. This is reminiscent of how the military adjusted to racial integration and legal rights for members more congruent with civilian judicial procedures. The military fully accepts the principle of civilian control but also worries about societal dysfunctions. It notes that only a quarter of the

civilian populace at best could even meet the minimum physical, moral, and mental qualifications for admission to the ranks. Increasingly, the military seems to be drawing its recruits from the ever-dwindling pool of families that have prior service connections. Mutual admiration could give way to mutual alienation. As one retired JCS chairman told us, what happens to a force that has been told for decades it represents the best of America? Will it not at some point reach the conclusion that it is indeed better than the rest of America? And from that point, how big of a leap is it to conclude that the inferior civilian society should conform to the superior military values? As one of us has written, “the role of the military is to defend society, not to define it.”²⁸

When fewer and fewer Americans have a personal connection to the military, the burden of representing the military to civilian society—and bridging the gap—increasingly falls upon the prominent senior general and flag officers and the men and women they lead. Society cannot rely on the media or Hollywood to portray either side accurately or explain one to the other. Senior leaders need to understand that for the rest of their professional lives, and well into retirement, they are bridging—or widening—that gap, intentionally or unintentionally.

Politics and Politicization

Over the past several decades, concerns about the civil-military gap have focused on one worry: a growing partisan politicization of the military. This politicization takes several forms. One is the military taking on something of a partisan identity, with disproportionate numbers openly espousing partisan views and much of the body politic viewing the military as “captured” by one of the parties. Another is dragging in, or merely welcoming in, military voices to play a partisan role during political campaigns. A third is the retired military voice growing in prominence in public policy debates, including those that range far from the traditional bailiwick of foreign and defense policy questions.

The military has always been considered a conservative institution, one that aligned more easily with traditional values than with progressive liberalism. This view shaped the Founders’ approach to building military institutions in the new republic, and it was the starting point for the major theoretical works on American civil-military relations.²⁹ When the professional military was small and on the periphery of American political life—or when it was large but populated by a draft that pulled from nearly all sectors of American society—the ideological profile of the military was of secondary concern. In the era of the all-volunteer force, those concerns

grew. Here was a large—in fungible fiscal terms, a dominating spending institution—almost entirely composed of people who chose to be in the institution, recruited others to follow them, and selected their own leadership except at the very top. In the process, the military started to shed its long-standing image as apolitical—an institution outside of party politics—and increasingly looked partisan. As political polarization intensified in the body politic, the military increasingly looked like a Republican institution.³⁰ Experts debated the extent of the Republican identity, noting it was less pronounced in the enlisted ranks with more diversity in ethnicity, race, gender, and geographic location of origin—but not the direction of the skew.³¹ Perhaps inevitably, as partisan polarization has increasingly characterized political life, so too does it seem to shape public perception of the armed forces. Some experts suggest that Republicans and possibly Democrats view the military through a tribal lens—Republicans as an “us” and Democrats as a “them”—that distorted perceptions accordingly.³² The drift has been gradual and may be driven as much by division in the larger civilian society as by changes in the makeup or behavior of the military itself. Regardless of the cause, it poses a challenge for healthy civil-military relations during an era when the military consumes a large fraction of the discretionary federal budget and is so visible in civic life.

Notwithstanding a new partisan appearance, the military remains one of the few institutions held in high regard across the political spectrum. Consequently, politicians have increasingly used the military to further partisan political ends. Thus, every four years, we have the unseemly spectacle of political candidates—especially those seeking the presidency—recruiting endorsements from senior retired military officers to persuade Americans to vote accordingly. Regulations forbid the active duty military to express an open preference, so candidates look for the next best thing: retired senior officers whose first names remain “General” or “Admiral” after they stop wearing the uniform. The higher the rank, the more recently retired, and the more famous, the better.³³ Every chairman of the Joint Chiefs of Staff in the past 20 years has expressed dismay in private or public about this practice because it falsely implies a preference for the active duty military, making the job of serving the commander in chief and working with Congress, regardless of party, more difficult. But the practice continues and in 2016 reached a new, tawdry level with senior retired officers going well beyond anodyne endorsements. At the national party nominating conventions, their rhetoric crossed over into the most vitriolic of ad hominem attacks of the sort considered inappropriate for the candidates themselves to level.³⁴ Campaigns cannot be expected to exercise self-restraint in this area.

Hence, the military will escape the political muck only if retired officers resist the temptation to trade on their institutions' reputation for lack of partisanship to commit a brazenly political act. If they wish to join the political fray, they should do so openly as political candidates themselves and not pretend to speak as apolitical observers.³⁵

Senior officers on active duty also worry about another form of politicization: the prominent role given retired military veterans as pundits in ongoing policy debates, usually as talking heads on television or purveyors of “gotcha” quotes in news stories. This occurrence has a long pedigree in American civil-military relations. President Dwight Eisenhower worried aloud in his farewell address about a “military-industrial complex” that distorted policy debates by throwing the power of mutual interests behind a certain course of action.³⁶ These concerns have increased in an age when the news cycle never ends and “everything became war and the military became everything.”³⁷ In our view, this form of politicization is less worrisome if only because the military perspective on policy *is* a legitimate concern and in practice, every veteran voice on one side of a policy issue is usually counterbalanced by an equal and opposite veteran voice on the other. If anything, this dynamic only reinforces the fundamental civilian challenge in policy making: not *whether* to heed military advice but *which* military opinion to heed. Yet the public second-guessing by former senior officers who may have lost situational awareness of the full picture is especially grating to the current military advisors. Senior military leaders need to think in advance how they want to wield their remaining influence once they join the ranks of the retired.

Budgets and the Myth of a “Civil-Military Contract”

The gap gives rise to an enduring myth of American civil-military relations that American society has an implicit contract with the military: a promise to adequately resource and support these men and women in exchange for the risk of their lives on behalf of the nation. Generations of military leaders have mentioned such a contract in countless speeches, but the sad truth is that American society did not act as if there was one—at least not regarding the professional armed forces—for almost all of American history. There is hardly anything more “American” than underfunding the military in peacetime. The prevailing pattern in American military history up through the Korean War was to shirk readiness in peacetime, discover the full extent of this deficiency just before or during the early stages of an armed conflict, and repair the damage by ramping up the military capacity to achieve a victory only to hastily demobilize and return

to peacetime levels of readiness—then repeat the cycle. Indeed, for most of its history up until the Cold War, the United States practiced a national security policy of relatively small peacetime professional forces and mobilization/demobilization for wars.

To the extent there was any societal contract with the military, it was a narrowly drawn one with its citizen soldiers, especially its draftees, symbolized by its system of pensions after the War for Independence and the Civil War, the Veterans Administration after World War I, and the GI Bill after World War II. Over the course of the Cold War, when the military was peopled by draftees and volunteers, and since the onset of the all-volunteer force in the early 1970s, the contract became more robust as the distinction between temporary citizen soldiers and the professional military waned. Even then, some of the promises for health care and other benefits did not seem to fit the idea of “the contract” as expressed by military leaders.

Today, the notion of a societal contract with the military may face a new test. In the five decades since the introduction of the all-volunteer armed forces, thanks to a dramatic expansion in defense spending along with increased pay and benefits, two generations of officers have come of age without personal experience with the previous norm of a chronically underfunded military. Now, all the signs seem to augur a new era of major budget challenges. Intensifying great power conflict and competition imply a new, expensive arms race just as the consequences of previous budget choices create grave fiscal pressure for cutbacks. These cannot be waived away with a glib reference to a societal contract with those who promise to defend us. The current generation of service members may see a leveling or decline in defense spending—while personnel costs for both active duty and veterans strain both budgets—and an unwillingness to sustain a military establishment that competes with expanding domestic spending and continues to add to a swollen national debt.

The Distinctive Features of Trumpian Civil-Military Relations

None of the foregoing would surprise the generation that founded the United States. Yet the Trump tenure put its own stamp on these problems. Trump enthusiastically embraced and indeed encouraged the politicization of the military, accentuating and exaggerating it at almost every opportunity.³⁸ Whereas previous presidents at least paid lip service to the idea of an apolitical military, Trump talked openly about the military as part of his political base. At the outset, he openly referred to military leaders as “my generals,” only to turn on them and publicly castigate them when their advice contradicted his desires or they left his employ.³⁹

In response to critiques from prominent retired senior military officers, Trump openly denounced the senior ranks as war-hungry careerists eager to increase weapon sales while insisting that the lower ranks remained personally loyal to him.⁴⁰

Likewise, Trump repeatedly sought to use the military in settings that crossed the boundary into the nakedly political. During his first few weeks in office, he surprised the Defense Department by turning a standard meet-and-greet visit to the Pentagon into a signing ceremony for his controversial ban on refugees from Muslim majority countries.⁴¹ He repeatedly sought to get the military to provide him a flashy parade through Washington, DC, large enough to rival the Bastille Day parade President Emanuel Macron hosted for Trump in France, despite no American precedent for such parades on American national holidays.⁴² In the run-up to the 2018 midterm elections when he could not get Congress to fund the building of a wall along the border with Mexico, he declared a national emergency, shifted military appropriations to the wall, and directed military personnel to patrol the border.⁴³ In each of these instances, the military dragged its feet but, acceding to civilian control, mostly went along with the controversial actions. The breaking point came in the wake of the killing of George Floyd by a Minneapolis police officer in spring 2020. As localities struggled with protests, a few including violence and some even in the vicinity of the White House, President Trump ordered the National Guard to patrol the streets of Washington. He flirted with mobilizing active duty units for a more dramatic show of force, subsequently arranging for the JCS chairman and defense secretary to join him on a photo-op walk across Lafayette Park after peaceful protestors there had been forcibly dispersed. The photo op, clearly political, crossed an ethical line, causing JCS chairman Gen Mark Milley and Defense Secretary Mark Esper (a West Point graduate and retired Army Reserve officer) to apologize publicly for appearing in a political event—probably the first-ever public apology from a chairman for something so obviously partisan.⁴⁴ Esper paid for his public disagreement with Trump by being summarily fired after Trump lost the presidential election.⁴⁵

After this rupture came the extraordinary events of 6 January. A mob inflamed by President Trump's false claims that he was a victim of massive electoral fraud battled the police, broke into the Capitol building, and tried to thwart the process of confirming Biden's electoral college victory. Some mob participants may even have sought to kill political leaders they thought stood in the way of a second Trump term. Security forces may have been slow to respond to the unfolding chaos out of fear that they

would get caught once again in a political cross fire, but after a delay they sided decisively with the constitutional order and ensured that the transfer of presidential power could occur without further interruption. Nevertheless, the prominence of some veterans among the most violent of would-be insurrectionists raised concerns about the presence of extremists in the military—and renewed calls for the military to recommit to the traditional apolitical norm.⁴⁶ The Biden administration team has made it clear that it will prioritize restoring old norms and redlines on politicization, but undoing the damage to the perception of the military as an apolitical institution may take years of scrupulous behavior by civilian and military alike.

Conclusion: What Can Be Done

Every senior military and civilian leader will face at least a few of the challenges addressed above, and most will encounter them all at some point in a career or in retirement. Each challenge is made more manageable if civilian and military leaders develop relationships characterized by trust and candor. Trust is the universal solvent in civil-military relations. It is the benefit of the doubt earned over patterns of responsible conduct where each party speaks fully and straightforwardly with the other, genuinely seeks mutual understanding, and partners in cooperation for shared objectives.

Trust is intentionally built through deliberate action. Because of the two paradoxes of American civil-military relations, it cannot merely be assumed. Trust is developed step by step through frequent interactions and conversations, formal and informal, in the workplace and at social events. It constitutes a reservoir that must be filled in advance, only to be drawn down in a crisis and quickly replenished. When trust is most needed, it is too late to build it.

Although the military is clearly the subordinate in this relationship, it must be the initiator and not wait for superiors to take the first step. In our experience, senior military leaders spend remarkably little time—and senior civilian leaders even less—reflecting on the dynamics that shape American civil-military relations.

As with other professional occupations (e.g., lawyers, doctors, teachers, and the clergy), it is up to the experts, not their bosses or clients, to mold the relationship and influence the interactions as much as they can to provide the most functional and effective outcomes. It is up to the professionals to think through the ethical guidelines; learn, rehearse, and promote best practices; and apply them in an ongoing fashion even from a subordinate position. All military officers lead their subordinates but must also help their superiors to be successful commanders and leaders. Sometimes it

falls to the subordinate to prepare the superior to lead with maximum effectiveness. This might be thought of as “leading from the middle”—a challenging, daunting assignment but hardly impossible. Generations of senior military leaders, stretching back to George Washington, figured out how to do it well with civilians of disparate abilities. It would be productive if civilian leaders joined enthusiastically in studying civil-military relations. More importantly, however, military leaders must commit to taking on the responsibility to know and study civil-military relations. They must prepare their peers and subordinates to assume stewardship of healthy civil-military relations for the good of our future. **SSQ**

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Notes

1. Broad treatments of CMR and civilian control can be found in Risa A. Brooks, “Integrating the Civil-Military Relations Subfield,” *Annual Review of Political Science* 22, no. 1 (2019): 379–98, <https://doi.org/10.1146/annurev-polisci-060518-025407>; Peter D. Feaver, “Civil-Military Relations,” *Annual Review of Political Science* 2, no. 1 (June 1999): 211–41, <https://doi.org/10.1146/annurev.polisci.2.1.211>; Richard H. Kohn, “Civil-Military Relations: Civilian Control of the Military,” in *The Oxford Companion to American Military History*, eds. John Whiteclay Chambers II and Fred Anderson (New York: Oxford University Press, 1999), 122–25; and updated version for Richard H. Kohn, ed., *Civil-Military Relations in the United States* (London: Routledge, forthcoming).

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3. Peter D. Feaver, “The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control,” *Armed Forces and Society* 23, no. 2 (January 1996): 149–78, <https://doi.org/https://doi.org/10.1177/0095327X9602300203>.

4. To be sure, there are many ways in which relations between the military and civilians in the policy-making area do *not* resemble a newly married couple, beginning with the issue of military subordination to the civilian, as explained later in the text. In addition, there are rarely honeymoons and may be little in the way of deep admiration, let alone love, expressed across the divides. But the analogy works to convey the crucial insights regarding the potential for miscommunication and disappointment arising out of

differing perspectives that themselves derive from very different expectations of how the relations should go.

5. Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (New York: Vintage Books, 1957).

6. Don M. Snider, Suzanne C. Nielsen, and Williamson Murray, "Professionalism and Professional Military Education in the Twenty-First Century," in *American Civil-Military Relations: The Soldier and the State in a New Era*, eds. Suzanne C. Nielsen and Don M. Snider (Baltimore, MD: Johns Hopkins University Press, 2009). For weaknesses in Huntington's theory and analysis, see Richard H. Kohn, "Building Trust: Civil-Military Behaviors for Effective National Security," in Nielsen and Snider, *The Soldier and the State*, 265–67.

7. Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Free Press, 2002); and Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2005).

8. Rosa Brooks introduced this quip as an exchange between civilian staff, one at the White House and one in the Department of Defense, but in the years since we have heard numerous senior military officers invoke some version of this to explain why they oppose civilian meddling in the particular while also endorsing civilian control in the abstract. See Rosa Brooks, "Thought Cloud: The Real Problem with the Civilian-Military Gap," *Foreign Policy*, 2 August 2012, <https://foreignpolicy.com/>.

9. Feaver, *Armed Servants*.

10. "Gen. Dunford's Remarks and Q&A at the Center for Strategic and International Studies," Joint Chiefs of Staff, 29 March 2016, <https://www.jcs.mil/>; Helene Cooper, "How Mark Milley, a General Who Mixes Bluntness and Banter, Became Trump's Top Military Adviser," *New York Times*, 29 September 2019, updated 9 July 2020, <https://www.nytimes.com/>; and "Gen. Dempsey's Remarks at the Center for a New American Security," Joint Chiefs of Staff, 21 November 2014, <https://www.jcs.mil/>.

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for Your Service: Civilian and Veteran Attitudes after Fifteen Years of War,” in *Warriors and Citizens: American Views of Our Military*, eds. Kori Schake and Jim Mattis (Stanford, CA: Hoover Institution Press, Stanford University, 2016), 97–142.

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20. Peter D. Feaver, “Resign in Protest? A Cure Worse Than Most Diseases,” *Armed Forces and Society* 43, no. 1 (January 2017): 29–40, <https://doi.org/10.1177/0095327X16657321>; and Richard H. Kohn, “On Resignation,” *Armed Forces and Society* 43, no. 1 (January 2017): 41–52, <https://doi.org/10.1177/0095327X16657323>. For an opposing view, see Don M. Snider, “Dissent, Resignation, and the Moral Agency of Senior Military Professionals,” *Armed Forces and Society* 43, no. 1 (January 2017): 5–16, <https://doi.org/10.1177/0095327X16657322>.

21. James Golby et al., “Duty, Honor . . . Party? Ideology, Institutions, and the Use of Military Force” (PhD diss., Stanford University, 2011).

22. Golby, Cohn, and Feaver, “Thanks for Your Service.”

23. Phil Stewart, Idrees Ali, and Steve Holland, “How Trump Fell Out of Love with His Generals, and Why the Feeling Is Mutual,” Reuters, 23 September 2020, <https://www.reuters.com/>.

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26. The origin of the aphorism, which has been commonplace in our discussions with senior military leaders about civil-military relations for years, is unknown. One author sources it to an anonymous Marine. Phil Klay, “The Warrior at the Mall,” *New York Times*, 14 April 2018, <https://www.nytimes.com/>.

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31. Golby, “Duty, Honor . . . Party?”; Michael A. Robinson, “Danger Close: Military Politicization and Elite Credibility” (PhD diss., Stanford University, 2018); Urben, “Civil-Military Relations”; and Dempsey, *Our Army*.

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Making Civilian Control Work

What are the essential principles that govern the relationship between the most senior officers and the leadership of the national government? What issues cause tension, disagreement, and misunderstanding? How should each behave in the interaction, and treat the other? What might the future bring in this relationship, so crucial to the nation's security and overall well-being? These two readings address the relationship: the first, by the most recent Secretaries of Defense and Chairmen of the Joint Chiefs of Staff, enunciates the principles of civilian control and how they operate, and the second, how each side might act in making the system work more effectively.

WAR ON ROCKS

TO SUPPORT AND DEFEND: PRINCIPLES OF CIVILIAN CONTROL AND BEST PRACTICES OF CIVIL-MILITARY RELATIONS

OPEN LETTER

SEPTEMBER 6, 2022

COMMENTARY



We are in an exceptionally challenging civil-military environment. Many of the factors that shape civil-military relations have undergone extreme strain in recent years. Geopolitically, the winding down of the wars in Iraq and Afghanistan and the ramping up of great power conflict mean the U.S. military must simultaneously come to terms with wars that ended without all the goals satisfactorily accomplished while preparing for more daunting competition with near-peer rivals. Socially, the pandemic and the economic dislocations have disrupted societal patterns and put enormous strain on individuals and families. Politically, military professionals confront an extremely adverse environment characterized by the divisiveness of affective polarization that culminated in the first election in over a century when the peaceful transfer of political power was disrupted and in doubt. Looking ahead, all of these factors could well get worse before they get better. In such an environment, it is helpful to review the core principles and best practices by which civilian and military professionals have conducted healthy American civil-military relations in the past — and can continue to do so, if vigilant and mindful.

1. Civilian control of the military is part of the bedrock foundation of American democracy. The democratic project is not threatened by the existence of a powerful standing military so long as civilian and military leaders — and the rank-and-file they lead — embrace and implement effective civilian control.
2. Civilian control operates within a constitutional framework under the rule of law. Military officers swear an oath to support and defend the Constitution, not an oath of fealty to an individual or to an office. All civilians, whether they swear an oath or not, are likewise obligated to support and defend the Constitution as their highest duty.
3. Under the U.S. Constitution, civilian control of the military is shared across all three branches of government. Ultimately, civilian control is wielded by the will of the American people as expressed through elections.
4. Civilian control is exercised within the executive branch for operational orders by the chain of command, which runs from the president to the civilian secretary of defense to the combatant commanders. Civilian control is also exercised within the executive branch for policy development and implementation by the interagency process, which empowers civilian political appointees who serve at the pleasure of the president and career officials in the civil service to shape the development of plans and options, with the advice of the military, for decision by the president. The chairman of the Joint Chiefs of Staff is not in the formal chain of command, but best practice has the chairman in the chain of communication for orders and policy development.
5. Civilian control is exercised within the legislative branch through the extensive powers enumerated in Article I of the Constitution, beginning with the power to declare war, to raise and support armies, and to provide and maintain a navy. Congress determines the authorization and appropriation of funds without which military activity is impossible. The Senate advises and consents on the promotion of officers to the pay grade of O-4 and above. The Senate is also charged with advising and consenting to certain senior-level civilian political appointees. Congress conducts oversight of military activity and can compel testimony from military or civilian officials, subject to narrow exceptions such as executive privilege. Members of Congress empower personal and

committee staff to shape the development of policies for decision by the committees and Congress as a whole and thereby play an important role in civilian oversight of policy.

6. In certain cases or controversies, civilian control is exercised within the judicial branch through judicial review of policies, orders, and actions involving the military. In practice, the power to declare a policy/order/action illegal or unconstitutional is decisive because the military is obligated (by law and by professional ethics) to refuse to carry out an illegal or unconstitutional policy/order/action.

7. Civilian control is enhanced by effective civil-military relations. Civil-military relations are comprised of a dynamic and iterative process that adjusts to suit the styles of civilian leaders. Under best practices, civil-military relations follow the regular order of the development of policy and laws, which protects both the military and civilian control. Under regular order, proposed law, policies, and orders are reviewed extensively by multiple offices to ensure their legality, appropriateness, and likely effectiveness. However, regardless of the process, it is the responsibility of senior military and civilian leaders to ensure that any order they receive from the president is legal.

8. The military has an obligation to assist civilian leaders in both the executive and legislative branches in the development of wise and ethical directives but must implement them *provided that the directives are legal*. It is the responsibility of senior military and civilian leaders to provide the president with their views and advice that includes the implications of an order.

9. While the civil-military system (as described above) can respond quickly to defend the nation in times of crisis, it is designed to be deliberative to ensure that the destructive and coercive power wielded by the U.S. armed forces is not misused.

10. Elected (and appointed) civilians have the right to be wrong, meaning they have the right to insist on a policy or direction that proves, in hindsight, to have been a mistake. This right obtains even if other voices warn in advance that the proposed action is a mistake.

11. Military officials are required to carry out legal orders the wisdom of which they doubt. Civilian officials should provide the military ample opportunity to express their doubts in appropriate venues. Civilian and military officials should also take care to properly characterize military advice in public. Civilian leaders must take responsibility for the consequences of the actions they direct.

12. The military reinforces effective civilian control when it seeks clarification, raises questions about second- and third-order effects, and proposes alternatives that may not have been considered.

13. Mutual trust — trust upward that civilian leaders will rigorously explore alternatives that are best for the country regardless of the implications for partisan politics and trust downward that the military will faithfully implement directives that run counter to their professional military preference — helps overcome the friction built into this process.

Civil-military teams build up that reservoir of trust in their day-to-day interactions and draw upon it during times of crisis.

14. The military — active-duty, reserve, and National Guard — have carefully delimited roles in law enforcement. Those roles must be taken only insofar as they are consistent with the Constitution and relevant statutes. The military has an obligation to advise on the wisdom of proposed action and civilians should create the opportunity for such deliberation. The military is required ultimately to carry out legal directives that result. In most cases, the military should play a supporting rather than a leading role to law enforcement.

15. There are significant limits on the public role of military personnel in partisan politics, as outlined in longstanding Defense Department policy and regulations. Members of the military accept limits on the public expression of their private views — limits that would be unconstitutional if imposed on other citizens. Military and civilian leaders must be diligent about keeping the military separate from partisan political activity.

16. During presidential elections, the military has a dual obligation. First, because the Constitution provides for only one commander-in-chief at a time, the military must assist the current commander-in-chief in the exercise of his or her constitutional duty to preserve, protect, and defend the Constitution of the United States. Second, because the voters (not the military) decide who will be commander-in-chief, they must prepare for whomever the voters pick — whether a reelected incumbent or someone new. This dual obligation reinforces the importance of the principles and best practices described above.

Signatories:

Former Secretaries of Defense

Dr. Ashton Baldwin Carter
William Sebastian Cohen
Dr. Mark Thomas Esper
Dr. Robert Michael Gates
Charles Timothy Hagel
James Norman Mattis
Leon Edward Panetta
Dr. William James Perry

Former Chairmen of the Joint Chiefs of Staff

Gen. (ret.) Martin Edward Dempsey
Gen. (ret.) Joseph Francis Dunford Jr.
Adm. (ret.) Michael Glenn Mullen
Gen. (ret.) Richard Bowman Myers
Gen. (ret.) Peter Pace

Civil-Military Behaviors that Build Trust

Richard H. Kohn

(Adapted from Kohn, "Building Trust: Civil-Military Behaviors for Effective National Security," *American Civil-Military Relations: The Soldier and the State in a New Era*, ed. by Suzanne C. Nielsen and Don M. Snider [Baltimore: Johns Hopkins University Press, 2009], 2264-289, 379-389.)

For Senior Military:

1. Do everything possible to **gain trust with the civilians**: no games, no leaking, no attempts at manipulation, no denying information, no slow rolling, no end runs to Congress or up the chain, but total openness. Many, and probably most, civilians come into office without necessarily trusting the military, knowing that they have personal views, ideologies, ambitions, institutional loyalties, and institutional perspectives and agendas. There has been so much controversy, friction, and politicization in the last decades that they'd have to be Rip Van Winkles to think otherwise. Some, perhaps many, both fear and are jealous of senior military leaders: for their accomplishments, achievements, bravery, rank, status, and legitimacy in American society.
2. Insist on the right to give the military perspective, without varnish. But do not be purposefully frightening so as to manipulate outcomes--but straight, thoughtful professional advice. At the same time, do not speak out: that is, **speak up but not out**. Keep it confidential and don't let subordinates or staffs leak the advice or let it become public unless it arises appropriately in testimony before Congress. If the civilians want your advice known, let them make it known.
3. **Do what's right from a moral and professional perspective, and don't let the civilians force anything otherwise**. Help them. If they are making mistakes, warn them but then leave it at that. They have the right and the authority to make mistakes, and if they insist, then the military leadership should not prevent it by behaviors that undermine civilian control, which is foundational in American government. Military leaders have neither the experience, perspective, or functional responsibility to judge fully implications and outcomes. The integrity of our system of government overrides any conceivable national security problem short of the survival of the Republic—again, a judgment beyond the military profession.
4. **Anticipate the civilians in military policy** in terms of changing, reforming, adjusting, and thinking through national security problems, innovation, alternative thinking, etc. Evolution, transformation—however labeled—is ongoing and managing it is a chief professional duty. The standard is what's best for national defense, best for the country, broadly conceived—not necessarily what benefits one's service, or command, or the military in general. If some change or policy is in one's best professional judgment deleterious, say so when appropriate but leave it at that.

5. **Resist pressures.** Five come to mind but indeed there may be more.

A. First, **Careerism.** The pressure to conform, to stay silent, to go along, to do what'll advance one's career, while universal, is one of the most deadly behaviors for effective civil-military relations. Do not remain silent. Do not suppress open discussion and debate in one's unit, command, or service in order to avoid angering civilian superiors. National defense requires that the military communicate honestly inside its institutions the proper courses of action, in the studying of warfare and current and past operations, in projections about the need for weapons, in doctrine and strategy and tactics, and in a large variety of professional issues and concerns. One cannot keep faith with subordinates or the American people by avoiding proper professional behavior. The military profession respects most, and requires, physical courage. All professions require and respect moral courage.

B. Second, what could be called **Institutionalism:** doing what's best for one's service, command, unit, etc. when the larger national interest suggests otherwise. Few things arouse more suspicion and engender more distrust from civilian leaders, Congress, and the American people. This lowers the reputation and credibility of the military.

C. **Politicization.** Don't be driven by personal ideology or belief about what are the best policy outcomes in offering advice or any other behavior. An officer's political leanings or affiliation should never come up or become known. To function as the neutral servant of the state, the military must be seen to be not non-partisan, but un-partisan—simply above and beyond partisan politics. George C. Marshall wrote: "I have never voted, my father was a democrat, my mother was a republican, and I am an Episcopalian." Any discussion of partisan politics is out of bounds because it politicizes. If you vote, keep it private as a personal matter. There is a reason that in the old Navy, three subjects were out of bounds for discussion in the wardroom: sex, religion, and politics. All of them can cause dissension or can erode the neutrality and objectivity of an officer and the military as an institution. A distinguished senior general was once called by the White House personnel office, considering him for a job requiring Senate confirmation, to inquire of his party affiliation. The General told his aide, "tell them it's none of their business." Ten days later they called again; same response. Actually, the General should have told them, "as an officer in the American armed forces, I have no party affiliation."

D. **Manipulation.** Do not carry the water for the civilians on political as opposed to professional issues. Defending the necessity of a war, promoting a particular policy or decision, explaining how the war is going from anything other than a strictly military viewpoint is not the military's role, but merely politicizes the military, and if the issues are at all contested, reduces the military's credibility as the neutral servant of the state and its legitimacy in national life, both with the public and opposition political leaders, with attendant harm to civil military respect and trust. A recent Chairman of the Joint Chiefs on more than one occasion told public audiences that terrorism was the most dangerous threat the country faced since the Civil War. Not only did this lack believability as a historical interpretation, but it politicized the Chairman and injected him into partisan political debate.

E. **Resignation.** Personal and professional honor do not require request for reassignment or retirement when one's service, command, unit, department, or

government pursues something with which you disagree. The military's role is to advise and then execute lawful orders. One individual's definition of what is morally or professionally ethical is not necessarily the same as another's, or society's. Even those officers at the top of the chain of command—much less those below—are in virtually all cases unaware of all the larger national and international considerations involved, which is the realm of the politicians, elected and appointed. If officers at various levels measure all policies, decisions, orders, and operations in which they are involved by their own moral and ethical systems, and act thereon, the military would be in chaos.

Resignation—the act, the threat, even the hint—is a threat to the civilians to use the prestige and moral legitimacy and standing of the military in American society to oppose a policy or decision. It inherently violates civilian control. Nothing except lying does more to undermine civil-military trust. A senior officer whom the President permits to retire or reassigns can abandon their troops and the country if he or she feels the absolute necessity, in a most extraordinary situation. If so, however, the leaving must be done in silence in order to keep faith with the oath to the Constitution, that is, to preserve, defend, and protect it—because pervasive in that document is civilian control.

6. Finally, there are **professional obligations that extend into retirement** for the most senior military officers that connect directly to civil-military relations. The most important dictates against using one's status as a respected military leader to summon the reputation of the American military for disinterested patriotism, impartial service, and political neutrality, to commit political acts that in fact undermine civil-military relations and contribute to the politicization of their profession. Officers do not hang up their profession norms and values with their uniform, any more than lawyers or doctors do when they retire, or for that matter any other professional. When college professors retire, they do not suddenly promote or condone plagiarism. To endorse presidential candidates or to attack an administration in which they served at a senior level when it is still in office violates an old, and well-established professional tradition; it uses the legitimacy of the military and its reputation for impartiality for what is or inevitably becomes a partisan purpose. It tells officers still on active duty that it's OK to be partisan; it suggests to the American people that the military is just another interest group with its own agenda, rather than the neutral servant of the state; it warns politicians not to trust officers, and to choose the senior military leadership more for political and ideological loyalty and compatibility than for professional accomplishment, experience, candor, strength and steadfastness of character, courage, and capacity for highest responsibility. And it suggests that senior military officers cannot be trusted in the civil-military dialogue to keep confidences, not to abuse candid interchange, or not to undermine their bosses politically—in other words, it corrupts the civil-military relationship for those who still must work with civilians in the most intimate circumstances of policy and decision-making to defend the country.

For Senior Civilians:

1. **Get to know the military:** the people, the profession, the institutions, the culture and its needs, assumptions, perspectives, and behaviors in order to permit proper and informed decisions on the myriad of issues that decide peace and war. Read, travel, interact, and listen. Delegate but do not make the mistake of thinking that military issues, weapons, processes, behaviors, systems, strategies, operations, or even tactics are so esoteric or technical that they cannot be understood, and that civilian authority must be surrendered to uniformed personnel. Responsibility in the end will not be delegated with the authority. Ask many questions, continually, until there are answers that can be understood, and that make sense.

2. **Treat military people and their institutions with genuine respect**, and if that proves personally difficult or is insincere, serve elsewhere in government, or not at all. See to the needs of the troops insofar as at all possible, for it is one of the prime norms of military service that leaders take care of their people--their physical and emotional needs--before they take care of their own, down to the lowest enlisted ranks and most recent recruits.
3. **Support and defend the military** against unwarranted and unfair criticism and attacks, represent their needs and viewpoints elsewhere in government even if you are pursuing policies, or making or executing decisions that they do not like, such as cuts in forces or resources. Throwing them under the bus strains their loyalty and candor in spite of their professional obligations. It is not the job of civilians in the executive branch to criticize the military personally or institutionally. Political leadership includes political cover; if you want the military to stay out of politics, then you have to assume the responsibility.
4. At the same time, **work to de-politicize national defense**: don't use it for partisan advantage just as one attempts to avoid others from using it for partisan purposes against the Administration. Partner with the Congress in every way possible to avoid the *ménage à trois*.
5. **Hold the military accountable** for its actions, within the normal, legitimate processes of the services and the Department of Defense. Do not be afraid to relieve or replace officers who do not perform their duties satisfactorily, as long as this is accomplished after due consideration, and in a fair and appropriate manner. Officers who need to be relieved do not need to be dishonored or disgraced, after a lifetime of service that qualified them and earned them high rank, for mistakes or malfeasance. The firing is enough of a penalty.
6. Likewise **do not hide behind the military** for your own, or your colleagues, mistakes or when bad things happen. Be personally accountable and responsible; one gains enormous credibility and respect for taking the political heat, and for protecting the military and not trying to shift the blame to them and leave them exposed because of civilian decisions or unexpected developments that they were not necessarily responsible for anticipating. If civilian control means civilians have the ultimate authority, they also have the ultimate responsibility and accountability.
7. **Exercise authority gracefully and forcefully** but not abusively, or peremptorily, or at the expense of anyone's personal or professional dignity. Military people want and respect forceful leadership. They want decisions, guidance, instructions, goals (in as explicit and comprehensive form as possible), and above all, in a timely fashion so that time, money, and most importantly lives are not wasted because of indecision or uncertainty. If they cannot have that, be certain to explain exactly why not. The military wants and needs as ordered and as predictable a world as possible in order to deal with the chaos and unpredictability of war; make every effort to meet deadlines and keep to schedules so that they do not succumb to the feeling that dealing with you is . . . war.

Opinion Our military is busy enough. Stop dragging it into partisan politics.

The U.S. military already has its hands full. Stop dragging it into partisan politics.

By Martin Dempsey and Peter Feaver

November 13, 2024 at 7:00 a.m. EST

Martin E. Dempsey was chairman of the Joint Chiefs of Staff from 2011 to 2015 and now teaches at Duke University. Peter Feaver is professor of political science and public policy at Duke and author of “Thanks For Your Service: The Causes and Consequences of Public Confidence in the US Military.”

Donald Trump will inherit a U.S. military that is professional, capable — and busy. Its officer and enlisted corps are focused on becoming more sustainably lethal to address the increasingly dangerous threats we face.

Our military is not perfect. It is under-resourced and recognizes that it must reform in many ways to better meet the challenges of a fast-changing world

But one thing the military is *not* poised to do is “resist” a new president, much less foment a civilian-military crisis.

On the contrary, a civil-military crisis is only likely if civilians — either those eager to implement the policies of the new administration or those eager to thwart those policies — create one. Unfortunately, civilians from both political parties are talking about the military in ways that are ill informed and dangerous.

Supporters of the returning president have argued that the senior military ranks are part of a “deep state” that is “woke” and eager to defy the policy changes that are coming. Better to get out in front of this, they believe, by firing some top officers — and perhaps a lot of them — and replacing them with those who are enthusiastic advocates of the president. A recent report of work being done by the Trump transition team suggests that the administration is considering doing precisely this. They would create a separate board of retired military members empowered to bypass both the services’ promotion system and Congress to identify and presumably remove senior leaders who are deemed to “lack strategic vision” or are “insufficiently committed to military readiness.” Most officers reviewed by this ad hoc board would see it as an insulting partisan litmus test, and it might well be designed just for that purpose. Either way it would be hard to design a system more likely to sow distrust among the rank and file and tempt the best military leaders into giving up on military service.

Opponents of the new administration, meanwhile, talk about the military in a similarly reckless way, suggesting that it is the duty of the brass to resist some initiatives and follow the “good” orders but not the “bad” orders that a president might issue.

Both approaches fundamentally misunderstand how the military sees its role and carries out its missions.

The military knows instinctively its job is to serve the commander in chief. No matter the party. No matter the strategy. The next president — and his allies — have no reason to worry about a U.S. military exercising selective resistance to lawful orders from the White House. Yes, the incoming administration should expect top officers to spell out any second- and third-order consequences of policies under consideration. But that is not disloyalty or resistance. That is their job.

The next president should expect the military, after offering its candid advice, to implement all lawful orders — including orders that are lawful but awful. And those watching them execute their responsibilities should recognize that for what it is: civilian control of the military.

Military officers are not shirking their oaths when they advise the president against a questionable course of action. Nor are they ignoring their oath when they carry out that policy — provided it is legal.

Retired officers have inadvertently muddied the partisan waters with strong endorsements or condemnations of the candidates during the campaign. But they are not speaking for the active-duty ranks. The next president does not need to fire some generals to encourage others to get in line.

Contrary to the belief of some Trump supporters, top officers did not block Trump from taking action in the first term. They occasionally persuaded him that an idea that might have seemed good at first glance was, in fact, too risky. If they “blocked” anyone, they “blocked” irresponsible junior staffers who sought to impose their own agendas in the president’s name without giving the commander in chief the benefit of hearing the full range of views.

Preemptively firing generals will only politicize the military and make it less candid, less ready, less professional and less lethal. It will call into question the credentials and qualifications of the new officers appointed to take their place. One can imagine what the question — “Did this new general get the job only because he or she passed a partisan litmus test?” — would do to the officer corps and the sailors, soldiers and airmen they lead.

At the same time, asking members of the military to fall on their swords to block policies that are distasteful to others will only further politicize the military. A military that picks and chooses among lawful orders based on its own preferences poses a threat to the constitutional order not too dissimilar from the threat posed by a commander in chief who picks and chooses which laws he will obey.

It may be tempting to talk about the military this way because our armed forces enjoy more respect from the American public than does Congress or the courts — the very branches established by the Constitution to be a check on executive power. Perhaps it feels easier to ask those who have already proved their bravery by putting their lives on the line to be the watchdog, so others do not have to. But such talk undermines the very confidence on which you are trading.

The fears of both right and left have gotten completely out of hand. The military is busy enough contending with the array of threats that our adversaries have assembled to worry about the suspicions of those on the fringes. Let’s help our troops stay far from partisan politics so they can focus on keeping us safe.

The Civil-Military ‘Gap’ and Culture Wars

<https://www.justsecurity.org/87053/the-all-volunteer-force-at-50-civil-military-solutions-in-a-time-of-partisan-polarization/>

The All-Volunteer Force at 50: Civil-Military Solutions in a Time of Partisan Polarization

by Heidi Urben and Peter Feaver
June 28, 2023

The year 2023, marks a major milestone for the United States: the 50th anniversary of the establishment of an all-volunteer force (AVF). 2023 also marks the 75th anniversary of Executive Order 9981, President Harry Truman’s decision to end the Jim Crow era in the armed forces, as well as the 75th anniversary of the Women’s Armed Services Integration Act, the law that allowed women to serve in the regular armed forces and not merely in the Women Accepted for Volunteer Emergency Services (WAVES) and Women’s Army Auxiliary Corps (WAACs), made famous during World War II.

The 50th anniversary of the All-Volunteer Force has coincided with the most acute recruiting crisis in decades. Each of the services has struggled to meet recruiting goals, but none more so than the Army, which failed to meet its target by 15,000 soldiers, or 25 percent, during fiscal year 2022. The recruiting crisis has combined with politicization of all things related to the military to raise doubts about the long-term viability of the AVF.

There is little that can be done about the primary drivers of the recruitment crisis: the comparative health of the civilian economy and the comparative unhealth of youth of recruiting age. By contrast, there is much more that can and should be done about one secondary driver of the crisis: the politicization of the AVF. Addressing the politicization challenge will help on the margins and, just as importantly, shore up best practices in civil-military relations to help this institution weather political storms. It will require, however, that all relevant actors – civilian elites, military elites, and the general public – take the problem seriously and commit to modest remedial steps.

Civilian elites will need to recognize that their actions are a major part of the politicization problem and adjust their behavior accordingly. Military elites will need to recommit to the professional duty to be custodians of professional ethics in this area and be vigilant to patrol their own behavior. And the general public should move from “high regard at high remove” and spend some effort learning more about this institution that is protecting the U.S. Constitution against all enemies, foreign and domestic. Trying to repair the AVF in this manner is better than replacing it with a draft, which is a cure worse than the disease.

Recruitment Woes Are Bad Weather, Politicization of the AVF is Bad Behavior

Most experts agree that the two biggest drivers of contemporary recruiting challenges are in the labor market and public health. First and foremost, a tight civilian labor market makes competition for the pool of workers intense. For instance, according to one recent Department of

Defense study, the percentage of youth (aged 16-21) who report that it is “not at all” or only “somewhat difficult for someone your age to get a full-time job in your community” has been at all-time highs for the past several years. When jobs are easy to come by, recruiters have a tougher time making the case for military service.

At the same time, the pool of youth who meet the eligibility criteria (e.g., for medical, physical, conduct, etc.) for joining the military without receiving a waiver is at an all-time low (as low as 23 percent in 2020). Recruiters face a shrinking pool of young people from which to recruit. Add in the lingering effects of the pandemic and a recruiting crisis is probably over-determined. The military can muddle through in the short run by lowering recruiting standards, but that is not a long term solution. If the shortfalls persist even after the labor market cycles back to an environment more favorable for recruiters, then the calls for drastic measures will intensify.

Yet the AVF may be suffering from yet another pernicious problem, one that has a political root rather than an economic or public health origin. One of the most underappreciated threats to the long-term continuance of the AVF is the harmful effects partisan polarization has on the military and its relationship with society and civilian leaders today. Politicization has permeated virtually every institution in American life, and the national security enterprise is not immune. That includes the U.S. military, which has long enjoyed high public confidence from Americans on both sides of the aisle. However, as the American public has become more polarized, the AVF—which must draw from all corners of the country to remain viable—is in danger of being corrupted.

The community of civil-military scholars has been sounding the alarm on the dangers related to politicization of the military for some time now. On the general danger to civil-military relations, there has been widespread agreement. A linkage between politicization and recruiting challenges also seems intuitive but harder to pin down. As yet, there is very little reliable evidence that many potential recruits are declining to serve because they believe the military has become too closely aligned with one party or another. There is, however, evidence that such concerns have taken root among the most partisan members of the public, and it seems likely that such concerns would reduce their propensity to recommend service. People with lower confidence in the military are less likely to recommend to others that they join.

The politicization of the military is thus likely exacerbating recruiting problems while also undermining the readiness of the military. Practical solutions to the problem of politicization, however, are harder to identify. Drastic fixes that demand politicians refrain from responding to political incentives are not feasible, and expecting the military to take a stronger role in thwarting politicization could backfire by drawing them further into partisan politics, making matters worse. If not cures, are there at least practical palliative steps that are likely to yield results?

Earlier this year the America in the World Consortium and Georgetown University’s Center for Security Studies held a conference with leading scholars and practitioners and we joined a final panel alongside retired Lt. Gen. David Barno, Michèle Flournoy, and Kori Schake. Collectively the panel created a list of action items, a selective sample of which we explain below. While the political divisions in the country often seem intractable today, these recommendations are feasible steps that can help sustain the all-volunteer force for another 50 years.

Civilian Leaders Should Stop Shirking Their Role in Civilian Control and Civil-Military Relations

Too often, civilian leaders in the executive and legislative branches, whether elected or appointed, give in to the temptation of committing civil-military sins of omission or commission – either failing to take steps to prevent the politicization of the armed forces or actively accelerating that politicization. These five recommendations encourage more responsible civilian leadership.

First, civilians need to better understand their own role. Members of the military benefit from years of professional military education throughout their careers. However, there are few such educational opportunities for civilians in the key roles that assist the president, secretary of defense, and members of Congress in exercising civilian control of the military. Civilian staffers on congressional committees, in the Office of the Secretary of Defense and the service secretariats, and on the National Security Council need tailored education and on-going training on what civilian control truly entails and how key civil-military norms apply in their distinctive work assignments. The need is probably greatest among political appointees, who may have very little experience in military settings. Yet even “civilian” staffers who have extensive prior military experience – and thus have undergone some of the civil-military training given to military officers – will likely only have experienced it from a military point of view and would benefit from opportunities to reflect on the issues while in their new civilian roles. Senior civilians, both political appointees and career, would also benefit from equivalent courses to Capstone, Pinnacle, and the related workshops run by the services. These provide refreshers and opportunities to reflect on how best practices might apply to new levels of seniority as the officers advance in their careers. The relative dearth of such training for civilians, especially for political appointees, is an easy-to-fix source of friction in the civil-military relationship.

Second, civilians could exercise their oversight and confirmation responsibilities to reinforce best practices in civil-military relations. During confirmation hearings, senators could use the open letter signed by eight former Secretaries of Defense and five former Chairmen of the Joint Chiefs of Staff on best practices of civil-military relations to guide their questioning of political appointees and senior general and flag officers. Senators should consider making this a standard advanced policy question (APQ): “Do you agree with the statement of principles and best practices outlined in the Open Letter? If you disagree with any element, outline the nature of your disagreement.” In this way, the open letter can come to serve as a grading rubric for civilian and military leaders alike to assess their commitment to, and understanding of, the principle of civilian control by civilian and military nominees. Of course, the senators will pursue many other lines of inquiry and have the discretion to ask about whatever they wish. Yet this modest step could help elevate the public discussion of best practices in civil-military relations and set a baseline standard of expectations – just as Congress regularly reminds the military about their duty to advise Congress with the Senate Armed Services Committee’s standard requirement that military nominees promise to provide their personal opinion, if asked, even if it diverges from Administration policy.

Third, politicians running for office and elected leaders — especially those with prior military experience — should avoid using uniformed members of the military as political props during photo ops, speeches, and at political conventions. During presidential elections, campaigns on

both sides of the aisle should resist the temptation to seek out endorsements by retired general and flag officers. Consulting with retired military experts on policy is a legitimate and beneficial way for campaigns to leverage retired officers' combined expertise to improve national security policymaking. However, asking retired senior military officers to spend their hard-earned public prestige on partisan endorsements has the effect of politicizing the military and makes it harder for the active force to be seen as the non-partisan servant of the state, ready to obey whomever the electorate votes into power. This concern applies with special force to veterans serving in senior civilian leadership positions, especially elected office. They have a special responsibility to set the right example for their non-veteran colleagues and sensitize them to the norms of the military profession. While veterans may no longer be beholden to the rules and norms that governed their behavior when they served in the military, they also should not use their veteran status for partisan advantage. They should be sensitive to the manner in which they invoke their military service during campaigns for office.

Fourth, Congress should actively promote the professional development of a more capable civilian workforce within the Department of Defense. One admittedly controversial way to do this would be to eliminate veterans' hiring preferences for positions within the Office of the Secretary of Defense. The veterans' preference advantage has the effect of making military experience a de facto requirement for hiring – thus weakening the development of a strong cadre of civilian national security experts. While veterans' preference for all other positions in the federal government should be preserved, it could be rescinded for positions within the Office of the Secretary of Defense, which accounts for less than 0.5 percent of the 950,000 federal civilian workforce. Programs like the John S. McCain Strategic Defense Fellows Program represent a good effort at growing future civilian leaders in the DOD and should be expanded. This modest reform would not prevent exceptionally qualified veterans from serving in a second career in national security policymaking but it would open up opportunities for civilians, who presently are all but excluded at the entry levels by this particular affirmative action policy.

Lastly, civilian elected and appointed leaders should agree to treat the military as “noncombatants” in the ongoing culture wars. Attacking uniformed leaders, or worse, individual rank-and-file service members, as “woke” crosses the line of civil-military propriety. It likely degrades public confidence in the military and further politicizes how the public views the military. Repeated attacks will likely also cause those in uniform to lose respect for civilian leaders. Of course, it is appropriate for members of Congress to exercise oversight over all DOD activities, to include diversity, equity, and inclusion programs. That said, the way to exercise such oversight without undermining civil-military relations is to put any challenges or critiques directly to the political appointees responsible for setting policy, not to those in uniform. Civilian secretaries and their civilian staffs must be on the frontlines in these debates and must resist the temptation to hide behind the uniforms. For such a truce to hold, however, the military must stay a noncombatant and should avoid needlessly entering the partisan fray. Yes, military leaders should stand up for and defend their institutional values. But they should be careful to do so without using partisan coded language that has the effect of exacerbating rather than mitigating cultural animosities.

Military Leaders Should Reinvigorate Their Commitment to Professional Norms

While civilian leaders and politicians must do the lion's share of the work to sustain the AVF and insulate it from the harmful effects of politicization, senior military leaders also have work to do. Indeed, this is how it is with any profession: it is the members of the profession, not the customers, who have primary responsibility for enforcing the norms. There are at least three steps that would go some distance to doing just that.

First, the military must recognize that combatting politicization requires greater understanding of civil-military norms, especially the nonpartisan ethic, across all ranks. This will entail careful teaching in both professional military education settings and in guided leader development sessions. While the military's nonpartisan identity remains relatively strong, it has been under acute strain in recent years, and the degree to which the services formally emphasize these principles across the ranks has been uneven and episodic. Deliberate efforts to reinvigorate these norms across the force will serve as a bulwark against further politicization. Rank-appropriate training should extend all the way to the senior-most military officials—service chiefs and vice chiefs, combatant commanders, and the Chairman and Vice Chairman of the Joint Chiefs of Staff. The Open Letter signed by the former Chairmen and Secretaries of Defense is a start, but applying those principles to the specific contexts facing each of the most senior leaders will require both greater consensus on the norms and bespoke training sessions suitable to the individuals.

Second, senior retired officers have their own work to do to counteract the baleful practice of partisan campaign endorsements by retired general and flag officers during each presidential election cycle. Prominent retired four-stars, the individuals with the greatest reach across retired ranks and the greatest ability to speak to public audiences, should reinvigorate their efforts to strengthen a professional norm against such endorsements. This can be accomplished through vigorous discussion among private forums, but it may also require continued public explanations to the electorate why they, and the vast majority of retired general and flag officers, choose to make no partisan endorsements. While the number of endorsements each year has not abated, recent lists of endorsers have drawn attention for their relative obscurity, with many having been retired from the U.S. military for decades. The obvious contrast with the more lustrous list of non-endorsers could, if made public during the 2024 election, neutralize the impact of the minority faction of actively partisan retired officers.

Third, the time has come for a symbolic act of self-denial: military organizations should turn off the television in wardrooms, command suites, training rooms, and offices. Televisions habitually tuned to partisan news on cable television in military workplaces not only lay the groundwork for politicization within the ranks but also create perceptions of partisan alignment both in and out of the military.

The American Public Should Understand the Defenders of Their Constitution

While the public takes its cues from civilian and military elites, the AVF cannot be sustained without the support of the American public and its sensitization to civil-military norms. Unfortunately, while the public still holds the military in high regard, it does not know that much about the military. This problem, which was warned about at the time the AVF was

established, has become acute. The American public needs to understand the difference between those currently in the military and veterans. Veterans, including retirees, do not speak for the military institution, and are no longer subject to the rules and norms that govern those on active duty. Many Americans, unfortunately, are imperfect judges of civil-military norms and draw no distinctions between veterans and those on active duty. Some attach too much importance to the views of a small number of politically vocal retirees and veterans. A better understanding of civil-military norms, including the difference between active duty and veterans, could neutralize efforts to politicize the military.

For many Americans today, most of what they know about military culture and civil-military relations comes from pop culture and Hollywood. The military can do more to address this gap with active campaigns reaching out to the public beyond the settings of major sports events and holiday observances. There is clearly a need to reinvigorate civics education across the United States as well. Even if civics education could somehow be refreshed and strengthened, however, Hollywood and pop culture will likely continue to shape how the public thinks about the military. It is important for the armed forces and for thought leaders to work with these influencers to minimize the wild skews and inaccuracies that all-too-often characterize the depiction of the military in popular entertainment.

These Fixes are Better Than Returning to the Draft, a Cure That is Worse Than the Disease

Current recruitment challenges have prompted more than one observer to look longingly at a return to the draft as a potential solution. Former Chairman of the Joint Chiefs, retired Admiral Mike Mullen surprised many when he argued that it has become too easy to go to war, and that reducing the size of the Army by 100,000 troops—which, in turn, would necessitate a draft in future conflicts—would force more difficult conversations around dinner tables in the United States.

While it is a legitimate concern that, under an all-volunteer force, the American public has grown accustomed to the idea that someone else will always be willing to volunteer and fight the United States' wars, make no mistake: a return to the draft would be a cure worse than the disease. Conscripting Americans into service against their will is fundamentally illiberal and something that the country has tolerated only briefly during periods of intense national security threats. Moreover, the argument that the draft would bring about positive developments, such as greater unity in the country, more equitable burden-sharing, and a country more circumspect about the use of force, does not hold up to close scrutiny. The United States had a draft at the outset of both the Korean and Vietnam wars. During the Korean War, draftees believed they were forgotten by the American public every bit as much as volunteers fighting the Global War on Terror – indeed Korea was dubbed “the Forgotten War” as early as October 1951. During the Vietnam War, President Lyndon Johnson believed relying on draftees rather than calling up the reserves would help ensure that the conflict would not distract from his domestic priorities. Certainly, the American public should care more about its military and the wars it fights, but a draft will not bring that about on its own.

Abandoning the AVF and returning to reliance on the draft would create a military that is less ready, less professional, and less capable of meeting the twin challenges of high-intensity combat

and irregular warfare – and less inclined to abide by the laws of armed conflict while doing so. If we had the luxury of living during a time of general geopolitical stability and peace, then perhaps the United States could afford the risk of having less-capable armed forces; we do not enjoy that luxury and we must not act as if we do.

The AVF has proven to be a resilient bulwark for national security, but its future success is not guaranteed. To paraphrase Ben Franklin: we have a viable AVF, if we can keep it. And to keep it, all of the stakeholders – the military, civilian political leaders, and the American public – have a lot of work to do.

The authors are grateful to Lieutenant General (retired) David Barno, Michèle Flournoy, Kori Schake, and all of the panelists and keynote speakers at the “All-Volunteer Force at 50” conference for their insights and recommendations.

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In this brief op-ed, Prof. Feaver points out one of the most dangerous consequences of using the military for partisan combat in the political wars raging in the United States today. Can the senior military do anything to persuade the political leadership to keep the military out of politics, or to lessen the impact on the force?

<https://townhall.com/columnists/peter-feaver/2023/07/21/we-should-not-be-cavalier-about-declining-public-confidence-in-the-military-n2625819>

We Should Not Be Cavalier About Declining Public Confidence in the Military



Peter Feaver | Jul 21, 2023

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When the nation sends them into combat, the military expects to take incoming fire. Of late, however, they've been taking fire from an unexpected direction – from political leaders and media pundits. The political dysfunction in Washington has made our men and women in uniform inadvertent combatants in an ongoing culture war and the public's long standing high confidence in the military could end up being an unfortunate casualty.

This politicization of the military comes at a bad moment, with the all-volunteer force facing an exceptionally difficult labor market that has caused the services to fall drastically short of recruitment goals at the same time that a geopolitical environment dominated by the return of great power competition underscores the need for a strong defense. Declining public confidence in the military would make recruiting that much harder and further complicates the challenge of building public support for America's role in the world.

The issue was put in sharp relief during the recent Senate Armed Services Committee (SASC) confirmation hearings for General CQ Brown, President Biden's nominee to be the 21st Chairman of the Joint Chiefs of Staff. Both Chairman Reed and Ranking Member Wicker referenced a rise in the politicization of the military and a decline in public confidence in the military in their opening remarks.

The Senators likely held different interpretations of who (or what) was politicizing the military. Senator Reed probably had in mind the blanket hold that fellow SASC member Senator Tuberville has placed on all general and flag officer nominations in protest of the Department of Defense policy to cover the transportation costs female service members might incur as a result of the Dobbs decision overturning abortion policy.

Senator Wicker, by contrast, claimed that it was the Democrats who were politicizing the military with their emphasis on Diversity, Equity, and Inclusion (DEI) policies – or perhaps the military politicizing themselves by embracing those policies. Senator Wicker also added an important additional consideration: perhaps the public has lost confidence in the military's ability to perform in wartime because the military underperformed in the post-9/11 environment without apparently holding anyone accountable for poor outcomes.

Both Senators are describing different parts of the same proverbial elephant and both are right to draw attention to the issue of public confidence in the military, which remains high relative to other governmental institutions but has dropped noticeably in recent years. As I outline in a just-released book, *Thanks For Your Service: The Causes and Consequences of Public Confidence in the US Military* (Oxford University Press), public confidence is driven by the confluence of six factors:

- **Patriotism:** rally around the flag support for the military during wartime.
- **Performance:** the perception that the military is good at its main mission.
- **Professional ethics:** the perception that the military behaves ethically.
- **Party:** predictable patterns where Republicans consistently express higher confidence than Democrats.
- **Personal contact:** one's connection to the military, whether as a veteran or as a family member of a veteran.
- **Public Pressure:** saying you have confidence in the military because you believe that others have confidence in the military and so this is the politically correct view to hold.

Many of these factors were likely to trend in a negative direction regardless. With the war on terror winding down, it is doubtful that a rally around the flag dynamic would stay strong. Likewise, the passing of the generations that experienced mass mobilization and the draft means that the pool of people with personal connections to the military inexorably is shrinking. Increasingly, it is a case of the public having high regard for – but at a high remove from – the military. Confidence in the military is high but hollow.

Yet it is also the case that the politicization of the military – by dragging the military into partisan politics – can adversely affect many of these dynamics, at least indirectly. For instance, the most partisan Republicans are the ones making claims about a supposed “woke military,” and those claims are bound to shape the views of other Republicans, which may be why some recent polling suggests that the confidence of Republican respondents has dropped more markedly than that of Democratic respondents.

It would be better if both political parties decided to treat the military as noncombatants in the ongoing culture wars. Let's focus those partisan fights on civilian political leaders, the ones who actually make policy, not on the military, the ones who are obliged to implement the policy regardless of their own personal viewpoints. Otherwise, the politicization of the military will further poison public attitudes toward the military and further complicate civil-military relations.

In his opening statement, General Brown underscored the importance of this issue, stating: "Above all, I will dedicate myself to this proposition: that the American people should understand and know their military and its servicemembers solely as the unwavering defenders of the Constitution and our nation." That pledge, and more like it, could help take the military out of the crosshairs of the culture war and help shore up public confidence in this crucial institution.

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