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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).

2. Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783–1802* (New York: The Free Press, 1975); and Richard H. Kohn, “The Constitution and National Security: The Intent of the Framers,” in *The United States Military under the Constitution of the United States, 1789–1989*, ed. Richard H. Kohn (New York: New York University Press, 1991), 61–94.

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/>.

11. James Golby and Mara Karlin, "Why 'Best Military Advice' Is Bad for the Military – and Worse for Civilians," *Orbis* 62, no. 1 (January 2018): 137–53, <https://doi.org/10.1016/j.orbis.2017.11.010>.

12. Harry T. Williams, *Lincoln and His Generals* (New York: Vintage Books, 1952); and James M. McPherson, *Tried by War: Abraham Lincoln as Commander in Chief* (New York: Penguin Books, 2009).

13. Peter D. Feaver, "The Right to Be Right: Civil-Military Relations and the Iraq Surge Decision," *International Security* 35, no. 4 (Spring 2011): 87–125.

14. Cohen, *Supreme Command*; and Janine Davidson, "The Contemporary Presidency: Civil-Military Friction and Presidential Decision Making: Explaining the Broken Dialogue," *Presidential Studies Quarterly* 43, no. 1 (March 2013): 129–45, <https://doi.org/10.1111/psq.12006>.

15. Charlie Dunlap, "Why the 'Orders Project' Is Troubling," *Lawfare*, 28 October 2020, <https://sites.duke.edu/>.

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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.

17. Feaver, “The Right to Be Right”; and H. R. McMaster, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff and the Lies That Led to Vietnam* (New York: Harper Perennial, 1998).

18. Attorney General Smith Troy, “Resignation by Officers of the National Guard,” Resignation by Officers of the National Guard | Washington State, January 1, 1950, <https://www.atg.wa.gov/>.

19. Richard H. Kohn, ed., “The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force,” *Aerospace Power Journal* 15, no. 1 (Spring 2001): 6–23, <https://www.airuniversity.af.edu/>. The “Editorial Abstract” reads, “Air Force chief of staff Gen Ronald Fogleman’s early retirement in 1997 has caused great speculation. Was this a ‘resignation in protest’? Here for the first time, in an interview with former Air Force historian Richard H. Kohn, General Fogleman explains his thinking and his reasons for choosing this unprecedented course of action.” Kohn, 6.

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/>.

24. See Lloyd Austin’s testimony at his confirmation hearings to be secretary of defense before the Senate Armed Services Committee on 19 January 2021 at <https://www.armed-services.senate.gov/>.

25. Feaver, “The Civil-Military Problematique.”

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/>.

27. Feaver and Kohn, “The Unequal Dialogue,” 429–49; Kori N. Schake and James N. Mattis, eds., *Warriors & Citizens: American Views of Our Military* (Stanford, CA: Hoover Institution Press, Stanford University, 2016); Jason K. Dempsey, *Our Army: Soldiers, Politics, and American Civil-Military Relations* (Princeton, NJ: Princeton University Press, 2010); Urban, “Civil-Military Relations”; Golby, “Duty, Honor . . . Party?”; and Ronald Krebs, Robert Ralston, and Aaron Rapport, “No Right To Be Wrong: What Americans Think about Civil-Military Relations,” *Perspectives on Politics*, 11 March 2021, <https://doi.org/10.1017/S1537592721000013>.

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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.

The Problem of Best Military Advice

These two scholar-practitioners argue that the term “best military advice” is problematic from the point of view of many civilians in the civil-military relationship. Do you agree with their analysis?



Why “Best Military Advice” is Bad for the Military— and Worse for Civilians

By James Golby and Mara Karlin

November 24, 2017

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Abstract: This article contends that “best military advice” is a problematic construct for both the military and civilians alike. Yet, the increasing resonance of this construct across the Joint Force cannot—and should not—be summarily dismissed. Instead, it merits reflection about why the term has grown in popularity, how its continued use is influencing the development of defense strategy, and perhaps above all, how it will affect American civil-military relations. As best military advice infuses the U.S. military, it will increasingly become normalized and held up as desirable, particularly among the younger generation. Short of serious near-term steps to neutralize this construct, its deleterious influence will only increase.

During Senator John McCain’s opening statement at the reconfirmation hearing for Chairman of the Joint Chiefs General Joseph Dunford, McCain delivered extended remarks on the responsibility “every military officer possesses—the responsibility to provide ‘best military advice’ to civilian leaders.”¹ According to the senator, best military advice is advice not just “about the military, but rather the best advice from the military—and that extends to issues of national security policy, strategy, and operations.” Moreover, McCain stated that the provision of best military advice is a “duty” and that “best military advice may be

¹ John McCain, “Opening Statement by SASC Chairman John McCain at the Hearing on the Reappointment of General Dunford to be Chairman of the Joint Chiefs of Staff,” Sept. 26, 2017, <https://www.mccain.senate.gov/public/index.cfm/floor-statements?ID=95DD42AA-FED4-409C-8EB8-0DE22E36FDC9>.

disregarded, but it must always be given,” emphasizing that this responsibility is now more important than ever.

In recent years, the term “best military advice” has taken hold across the military and increasingly—as McCain’s statement exemplifies—across the broader national security community. The phrase best military advice now infuses the Joint Staff and Combatant Commands—and their power point slides and interagency memorandums. The media also has begun to take note of when best military advice is offered, as well as when it is accepted or rejected.² Indeed, this term now is so pervasive that it even has made that critical leap to a well-recognized acronym: BMA.

Yet, neither the term nor the acronym appears anywhere in the statutes outlining the responsibilities of the Chairman, Combatant Commanders, or other senior uniformed officials. The Defense Reorganization Act of 1986, often referred to as the Goldwater-Nichols Act, discusses the responsibility of the Joint Chiefs and the Combatant Commanders to provide their advice or opinions in the greatest detail. Nowhere in the Goldwater-Nichols Act does it even state that military leaders’ advice should be “best” in quality, and only three times does it specify that their advice should be “military” in nature.³ In short, there is neither a statutory nor doctrinal foundation for use of the term, best military advice. So why do Senator McCain and so many others insist that the provision of best military advice is a duty? And, more importantly, should they?

Why Best Military Advice is Not Good Enough

Since best military advice is not defined in statute or in doctrine, it can be a difficult concept to pin down. Chairman of the Joint Chiefs, General Joseph Dunford, repeatedly has said that providing best military advice is his responsibility as Chairman. Yet, Dunford has communicated little in public defining the meaning of best military advice besides stating that is based on a “professional, competent, and apolitical” military and informed by geopolitics and national interests.⁴ McCain has gone further in articulating a more expansive view of the concept. For McCain, best military advice helps civilian policymakers “understand the military dimensions of the national security challenges we face and the options at our disposal for wielding military power effectively.” However, McCain also believes that “military advice should not be narrowly limited to technical matters” and suggests that military

² Dustin Walker, “Obama Rejected ‘Best Military Advice,’” Sept. 11, 2014, https://www.realcleardefense.com/articles/2014/09/12/obama_rejected_best_military_advice_107435.html.

³ Goldwater-Nichols Department of Defense Reorganization Act of 1986 (H.R. 3622), <https://www.congress.gov/bill/99th-congress/house-bill/3622>.

⁴ Joseph Dunford, “Upholding Our Oath,” Oct. 25, 2016, <https://medium.com/@thejointstaff/upholding-our-oath-b479c572cbd4>; Joseph Dunford, “Remarks and Q&A at the Center for Strategic and International Studies,” <http://www.jcs.mil/Media/Speeches/Article/707418/gen-dunfords-remarks-and-qa-at-the-center-for-strategic-and-international-studi/>; and Taylor McNeil, “Top Brass.” Sept. 28, 2015, <http://now.tufts.edu/articles/top-brass>.

officers “must tell their civilian superiors what actions they believe are best and right to take.”⁵ While McCain is clear that the ultimate decision about whether to take our nation to war rests with civilians, his description of best military advice is both public and forward leaning.

In addition to the ambiguity in defining best military advice, there are several reasons why the term is problematic for healthy civil-military relations and effective strategic dialogue. First, the emphasis on “best” in best military advice creates an impression, perhaps unintentionally, that military advice is superior to civilian perspectives. Given that there is no civilian corollary to this term, its use suggests that military voices should carry more weight than civilian voices during policy debates. It also suggests that military advice is both more certain, and more unified, than it often is in reality.⁶ These perceptions often serve to undermine trust with civilian leaders and interagency counterparts, and they call into question professional norms related to humility and selfless service.

It should be noted that military leaders do not add the qualifier “best” to any other function that they routinely perform. There are no such things as “best military recruiting and retention practices,” “best military exercises,” “best military procurement policies,” or “best military tactics.” Yet, regarding the one responsibility that military leaders most clearly share with their civilian counterparts, they insist on providing “best military advice”—and on explicitly including that language in documents and public statements—without a statutory obligation to do so. Unlike the intelligence community, which assigns a confidence level to its assessments, military leaders do not make any formal or systematic attempts to classify the confidence they hold in their advice on a particular topic compared to other military advice or other topics.⁷ As a result, any military advice is, or at least can be, best military advice.

Regardless of their intentions, when senior military leaders insist on using “best” to describe their military advice, they create the impression that military advice is better than civilian advice. Yet, this impression is inconsistent with the principle of civilian control embedded in the U.S. Constitution, joint and service doctrine, and professional norms related to humility and selfless service.⁸ Moreover, all major

⁵ McCain, “Opening Statement by SASC Chairman John McCain at the Hearing on the Reappointment of General Dunford to be Chairman of the Joint Chiefs of Staff.”

⁶ Karl von Clausewitz, in Michael Howard and Peter Paret, tr., *On War* (Princeton, NJ: Princeton University Press, 1976).

⁷ James Golby, “Improving Advice and Earning Autonomy: Building Trust in the Strategic Dialogue,” Oct. 3, 2017, <https://thestrategybridge.org/the-bridge/2017/10/3/improving-advice-and-earning-autonomy-building-trust-in-the-strategic-dialogue>.

⁸ Richard H. Kohn, *The United States Military under the Constitution of the United States, 1789-1989* (New York: New York University Press, 1991); also see, Joint Staff, Joint Publication 1: Doctrine of the Armed Forces of the United States, 2013, http://dtic.mil/doctrine/new_pubs/—jp1.pdf.

models of U.S. civil-military relations—including objective control,⁹ principal-agent frameworks,¹⁰ and social control¹¹—begin with the assumption that the military is subordinate to civilian control. Although these models all differ on the precise contours of what the civil-military relationship should look like, they agree that civilian authority trumps military preferences, a belief fundamental to defining a republican society and to embracing liberal, democratic values.¹²

The reality of civilian control, of course, does not imply that all civilian advice is superior to military advice. As Peter Feaver has argued, civilian leaders have the “right to be right,” but also the “right to be wrong.”¹³ Nevertheless, military advice should not seem to be pitted against civilian advice in adversarial terms. Civil-military cooperation is often more difficult in practice than in theory because traditional models of civil-military relations understate the diversity of civilian roles and perspectives in the U.S. policy process, to say nothing of the complexity of the national security challenges at hand.¹⁴ As J.P. Clark contends, not all of these civilians are responsible to control the military, but all are responsible to coordinate with the military. Consequently, policy advice from civilian departments and agencies, or from civilians in the Office of the Secretary of Defense, does not necessarily take precedence over military advice simply because it is “civilian” advice.

Instead, military advice must be integrated with other civilian perspectives. As former Chairman of the Joints Chiefs General (Ret.) Martin Dempsey wrote to the Joint Force:

For our part, we must recognize that the military is only one instrument in an array of national power. Frankly, it is often not the most important or appropriate instrument. In developing plans, policies, or budgets, there are always legitimate and competing considerations, and our civilian leaders are responsible to weigh and integrate these competing considerations. We must remember national security is but one aspect of a much larger set of choices.

⁹ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1957).

¹⁰ Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge MA: Harvard University Press, 2009); and Deborah Denise Avant, *Political Institutions and Military Change: Lessons from Peripheral Wars* (Ithaca, NY: Cornell University Press, 1994).

¹¹ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York: Simon and Schuster, 2017); and Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and its Cold War Grand Strategy* (Princeton, NJ: Princeton University Press, 2000).

¹² Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge University Press, 2009).

¹³ Feaver, *Armed Servants*; and Peter D. Feaver, “The right to be right: Civil-military relations and the Iraq surge decision,” *International Security* 35.4 (2011), pp. 87-125.

¹⁴ J.P. Clark, “We Want It, What is It? Unpacking Civilian Control of the Military,” April 4, 2017, <https://thestrategybridge.org/the-bridge/2017/4/4/unpacking-civilian-control-of-the-military>.

Whether intentionally or not, the subtle insinuation that best military advice is better than civilian advice suggests the opposite of what Dempsey states. Indeed, best military advice reinforces the perception that the military is the most important instrument of national power, and subsequently undermines the trust necessary for an effective strategic dialogue. In addition, the propagation of this construct weakens trust between civilian leaders within the Office of the Secretary of Defense and their military counterparts on the Joint Staff and in the Combatant Commands.

An alternative possibility is that the “best” in best military advice is intended to characterize the Chairman’s advice in relation to the advice of other military officers, rather than opposed to the advice emanating from civilian Departments and Agencies. However, this justification also would be problematic because it is not based on a shared understanding nor is it captured in doctrine or regulation. As a result, there are conflicting interpretations about who is responsible for best military advice. During General Dunford’s re-confirmation hearing, for example, Senator McCain argued that the Chairman is not the only officer who has a duty to provide best military advice.¹⁵ Moreover, the Chairman is not the only senior officer to consistently use this term in practice; Combatant and Field Commanders increasingly do so as well.

U.S. law also does not explicitly grant the Chairman of the Joint Chiefs the legal authority to determine what the “best” military advice is for the military as an institution, even though the 2017 National Defense Authorization Act granted the Chairman a unique role in “global strategic integration.”¹⁶ The Goldwater Nichols Act requires the Chairman to present the “range of military advice and opinions” to the civilian leaders.¹⁷ It also provides other members of the Joint Chiefs the mechanisms by which they can they disagree with the Chairman’s advice when perspectives conflict on any given matter.¹⁸ In other words, not only does the law not explicitly grant the Chairman the authority to determine what constitutes the “best” military advice of the military, it also actually provides for competing military advice and implicitly leaves the decision of what military advice really is “best” up to elected civilian leaders. Consequently, the practice of referring only to the Chairman’s military advice as “best” could make it even more difficult for alternative views to surface during relevant policy discussions.

¹⁵ John McCain, “Opening Statement by SASC Chairman John McCain at the Hearing on the Reappointment of General Dunford to be Chairman of the Joint Chiefs of Staff,” Sept. 26, 2017, <https://www.mccain.senate.gov/public/index.cfm/floor-statements?ID=95DD42AA-FED4-409C-8EB8-0DE22E36FDC9>.

¹⁶ National Defense Authorization Act for Fiscal Year 2017 (S. 2943), <https://www.congress.gov/bill/114th-congress/senate-bill/2943/text>.

¹⁷ Title 10, U.S. Code, Para 151—Joint Chiefs of Staff: Composition, Functions, <https://www.law.cornell.edu/uscode/text/10/151>.

¹⁸ Title 10, U.S. Code, Para 151 – Joint Chiefs of Staff: Composition, Function.

“Best” Military Advice: Recommendation or Ultimatum?

Second, use of the term can make military advice seem more like an ultimatum than a recommendation. It raises the costs that political leaders face if they choose to not accept military advice, at least at the margins. It also creates incentives for both senior officers and political leaders to politicize the military. Best military advice couched as an ultimatum creates a target that political leaders may seek to co-opt, thereby shifting the balance of power in favor of the military. This development is particularly dangerous given that the military is the most respected institution in the eyes of an increasingly polarized public.¹⁹

Best military advice shapes public opinion and makes it more difficult for civilian political leaders to ignore or disagree with military advice. For example, public military advice can play a significant role in shaping public opinion about the use of force, especially when compared to other civilian national security leaders.²⁰ These effects are particularly strong when military leaders are unified in their support for, or opposition to, a given use of force decision.²¹ Moreover, at least some segments of the American population have become more willing to accept military advice today than they were before September 11, 2001, suggesting that the impact of military advice on public opinion may be growing.²²

Although there is no research showing that “best” military advice has a quantitatively different impact on public opinion than “regular” military advice, use of the term itself may make it increasingly likely that private military advice will become public. In today’s media environment, the phrase “best military advice” is ready made for headlines, sound bites, and tweets. When used in private memorandums or conversations, it crystallizes military recommendations and obscures alternative options while increasing incentives for military or political leaders to leak information. In short, use of the term makes it even more likely that private military advice will become public.

Best military advice also increases incentives for politicization of the military. If political leaders know, or at least suspect, that best military advice will become public during a policy debate, they will have strong reasons to court support from military leaders or to use them as political props. They also have reasons to try to shape, or publicly characterize, military advice in ways that will be politically beneficial. In fact, each of the last three administrations has been charged with doing so. For example, President George W. Bush faced accusations that he encouraged

¹⁹ Jim Norman, “Americans Confidence in Institutions Stays Low,” *Gallup*, 2016, <http://www.gallup.com/poll/192581/americans-confidence-institutions-stays-low.aspx>.

²⁰ James Thomas Golby, Kyle Dropp, and Peter Feaver, *Listening to the Generals: How Military Advice Affects Public Support for the Use of Force* (Washington, D.C.: Center for a New American Security, 2013).

²¹ James Golby, Peter Feaver, and Kyle Dropp, “Elite Military Cues and Public Opinion about the Use of Military Force,” *Armed Forces & Society*, 44.1 (2018), pp. 44-71.

²² James Thomas Golby, Peter D. Feaver, and Lindsay P. Cohn, “Thanks for Your Service: Civilian and Veteran Attitudes after Fifteen Years of War,” in Kori Schake and James Mattis, eds., *Warriors and Citizens: American Views of our Military* (Palo Alto, CA: Hoover Institution Press, 2016).

General (Ret.) David Petraeus to serve as the public face of the Iraq surge; President Barack Obama allegedly mischaracterized General Martin Dempsey’s advice on air strikes against Syria and the political decision not to intervene; and, President Trump touted the advice of his generals when announcing decisions related to transgender service members and to his South Asia strategy.²³

The practice of using military leaders to shield elected officials from political criticism necessarily increases the bargaining power of senior military leaders vis-à-vis their elected civilian leaders and interagency counterparts.²⁴ Moreover, it creates incentives for military leaders to threaten, or even simply to suggest, that they would alter their best military advice depending on whether civilian leaders agreed to conditions in advance. To the extent that best military advice contributes to these potential incentives, it could significantly hinder the ability of elected political leaders to make legitimate policy decisions. Such behavior, real or perceived, by political leaders and senior military officers could, over time, severely undermine the nonpartisan tradition of the military and damage public trust in the military as an institution.²⁵ It may also make it increasingly difficult for civilian leaders to question military officers.

Best Military Advice and Political Goals

Third, best military advice makes it difficult for military advice to serve political ends in practice. The notion of best military advice assumes that “purely military” factors can be separated from other considerations. Yet, military and civilian spheres are not, and cannot be, completely separate if military operations are to accomplish political objectives.²⁶ As Major General (Ret.) Bill Rapp has written: “The challenge for senior military leaders and those who advise them is to recognize

²³ Steve Cole, “The Generals Dilemma,” *The New Yorker*, Aug. 9, 2008,

<https://www.newyorker.com/magazine/2008/09/08/the-generals-dilemma>;

Peter Feaver, “How to Better Navigate the Coming Foreign Policy Challenges,” *Foreign Policy*,

Oct. 14, 2014, [http://foreignpolicy.com/2013/10/14/how-to-better-navigate-the-coming-](http://foreignpolicy.com/2013/10/14/how-to-better-navigate-the-coming-civil-military-challenges/)

[civil-military-challenges/](http://foreignpolicy.com/2013/10/14/how-to-better-navigate-the-coming-civil-military-challenges/); and Brian Bender and Wesley Morgan, “Generals Lose a Key Fight

Over Afghanistan They Lost With Obama,” *Politico*, Aug. 22, 2017, [http://](http://www.politico.com/story/2017/08/22/trump-generals-afghanistan-241922)

www.politico.com/story/2017/08/22/trump-generals-afghanistan-241922.

²⁴ Risa A. Brooks, “Militaries and political activity in democracies,” *American Civil-Military Relations: The Soldier and the State in a New Era* (Baltimore, MD: The John Hopkins University Press, 2009), pp. 213-38.

²⁵ Jason K. Dempsey, *Our Army: Soldiers, Politics, and American Civil-Military Relations* (Princeton, NJ: Princeton University Press, 2009). Dempsey calls this long-understood problem the “paradox of prestige.” The more confidence that the public places in the military, the greater the temptation for senior officers to take advantage of it for their own—or the institution’s—gain.

²⁶ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York: Simon and Schuster, 2017).

that the comfortable notion of separate spheres of professional responsibility does not always correspond to reality.”²⁷

Attempting to isolate purely military advice undermines effective policymaking and strategy development because it divorces war and the use of military force from its inherently political nature. Military strategy and operations are effective only when they are connected to policy and political ends; if they are not rationally connected to political goals, then the use of force can quickly devolve into violence for violence’s sake. Under ideal circumstances, political leaders can and sometimes do—outline broad national security objectives under which military leaders can plan and develop their advice. But, in reality, policymaking and strategy development are much more complicated; they require iterative, interactive advice from military leaders over the course of days, weeks, months, and sometimes years.²⁸ Military advice must adapt as costs increase, political circumstances evolve, or policy goals change. Nevertheless, the concept of best military advice makes it difficult for military leaders to remain flexible. In fact, in many cases, even setting political objectives requires a textured understanding of expected costs, troop commitments, conflict duration, the likelihood of success, the impact on other global contingencies, and military and political risks.²⁹ And after political objectives are set, there is no guarantee that political circumstances will not change. Consequently, best military advice makes it even more difficult to integrate military operations with political ends.

Best military advice is also unlikely to be as adaptive to changing military conditions as it should be. As Clausewitz argued, war inherently is adversarial, uncertain, and non-linear.³⁰ Enemies will adapt; the fog of war will make easy tasks difficult; and actions will have unexpected consequences that are impossible to predict. No single memo or paper containing a statement of best military advice is likely to survive first contact with either the enemy or with political reality.

Although changing political and military realities demand a continuous civil-military dialogue, the provision of best military advice often interrupts or threatens to end such an exchange. Moreover, it also implies that military responsibilities are complete once a military officer has delivered the military solution to the problem. Chief of Staff of the Air Force General David Goldfein highlights this dynamic, “It’s my obligation to give best military advice, but I have to remind myself it’s actually not the responsibility of the civilian leadership to take my advice.”³¹ While Goldfein is right about the nature of civilian authority, his comment characterizes the civil-military dialogue as largely a one-way conversation where military leaders offer their

²⁷ William E. Rapp, “Civil-military Relations: The Role of Military Leaders in Strategy Making,” *Parameters*, 45(3) 2015, p 17, http://ssi.armywarcollege.edu/pubs/parameters/—issues/Autumn_2015/5_rapp.pdf.

²⁸ Golby, “Improving Advice and Earning Autonomy.”

²⁹ James Thomas Golby, “Duty, Honor, Party: Ideology, Institutions, and the Use of Force” (Ph.D. dissertation, Stanford University, 2011).

³⁰ von Clausewitz, *On War*.

³¹ Kevin Baron, “What One Joint Chief of Staff Thinks of Trump,” *Defense One*, March 22, 2017, <http://www.defenseone.com/politics/2017/03/what-one-joint-chief-staff-thinks-trump/136377/>.

best military advice and then sit back to see whether civilian leaders accept it. This approach to the provision of military advice also begs the question of how military officers should react if political leaders tell them their best military advice is not good enough. What could be better than best military advice?

There are situations, of course, when military officers must tell political leaders things they do not want to hear.³² But military leaders also need to be prepared to engage in an ongoing dialogue in which constraints, policy goals, and political end states may change—both before and after civilian leaders have made decisions on the use of force. And best military advice that offers only a recommended option from a purely military point of view makes that sort of dialogue and integration even more difficult than it needs to be.

Military Advice: Providing Options

Fourth, best military advice is problematic since it is at odds with the military’s responsibility to provide options. The statute outlining the Chairman of the Joint Chiefs of Staff’s role and responsibilities specifically tasks him with making “recommendations.”³³ Indeed, the very construct of best military advice presumes there is a singular way to deal with a problem. As Janine Davidson recounts, in reflecting on her experience as the first senior civilian defense official in the war plans review chain, she was often handed one option for the Secretary of Defense to consider.³⁴ She acknowledges that some part of the military planning process is plagued by skewed temporal expectations. “Whereas civilians expect a collaborative dialogue in which multiple options are presented to them over a short period of time, military officers are taught to deliver their ‘best military advice’ after developing a detailed plan.”³⁵

Fleshing out the best ideas possible is inherent in a meaningful policy debate, not just among military leaders, but with their civilian counterparts as well. A failure to do so limits the ability of civilians to understand the dynamics inherent in the options presented. Military advice is a piece of a much larger national security decision-making toolkit and process and should be offered as such.³⁶ Options that

³² Don Snider, “A New Era in Civil-Military Relations: Rendering Advice to Those Who Do Not Want It,” Nov. 2, 2015, <http://ssi.armywarcollege.edu/index.cfm/articles/A-New-Era-in-Civ-Mil-Relations/2015/11/02>.

³³ 10 U.S. Code § 163 - Role of Chairman of Joint Chiefs of Staff, <https://www.law.cornell.edu/uscode/text/10/163e/text/10/163>.

³⁴ Janine Davidson, “The Contemporary Presidency: Civil-Military Friction and Presidential Decision Making: Explaining the Broken Dialogue,” *Presidential Studies Quarterly*, 43 (1), 2013 pp. 139-140.

³⁵ Janine Davidson, Ben Fernandes, Emerson Brooking, “Mending the Broken Dialogue,” *Council on Foreign Relations*, Nov. 2016, p. 1, <https://www.cfr.org/report/mending-broken-dialogue>.

³⁶ James Thomas Golby, “Beyond the resignation debate: A new framework for civil-military dialogue,” *Strategic Studies Quarterly*, 2015, p. 28.

are singular and ignore policy direction are unhelpful. Decision makers seek out options that vary between “doing nothing and thermonuclear war,” as former Assistant Secretary of Defense Peter Rodman was known to quip.³⁷ Failing to offer meaningful options gets at the heart at impeding civilian control.³⁸

The often-frustrated dialogue on Afghanistan between President Obama and his White House staff on one hand, and senior military officials on the other, has become an infamous case study punctuated by profound civil-military misunderstanding over formulating options.³⁹ President Obama, according to his staff, “felt hijacked by a military that had presented him with a narrow band of options rather than a real choice,” and some in uniform validated this impression, explaining that the options “were framed in a way that made choosing a smaller number . . . look like a path to certain defeat.”⁴⁰ His frustration was palpable and succinctly captured by Bob Woodward: “I have one option that was framed as three options. I want three real options to choose from.”⁴¹

Moreover, if a singular solution is endorsed by the senior military leadership, then dissenting views invariably are squelched, either during debate or before a presentation to civilian leadership. By statute, the Chairman of the Joint Chiefs must serve as “spokesman for the commanders of the combatant commands.”⁴² To do so effectively, he is required to provide all of their views, which—given the nature of issues at hand—almost surely vary. The latest CJCS-Instruction is even more direct that the statute: it directly imbues the Chairman with the responsibility to provide dissenting views. His advice involves “presenting his personal views (as well as any divergent views of other JCS members) and those of the Combatant Commanders.”⁴³ This obligation requires other senior military leaders to place immense trust in the Chairman, which is not always given. For example, during the Cuban Missile Crisis, the Chiefs were—rightfully—concerned that Chairman Maxwell Taylor was not representing their views to the President. Taylor’s style was to first offer the JCS position and then to outline his “personal view,” which differed considerably, and then he would poke holes in their recommendations.⁴⁴

³⁷ Peter W. Rodman served as Assistant Secretary of Defense for International Security Affairs from 2001-2007 and was renowned among his staff for this refrain. Author’s experience.

³⁸ “The military can evade or circumscribe civilian authority by framing the alternatives or tailoring their advice or predicting nasty consequences.” Richard Kohn, “The Erosion of Civilian Control of the Military in the United States Today,” *Naval War College Review*, Summer 2002, p. 16.

³⁹ Bob Woodward, *Obama’s Wars* (New York: Simon and Schuster, 2010).

⁴⁰ Mark Landler, “The Afghan War and the Evolution of Obama,” *The New York Times*, Jan. 1, 2017, <https://www.nytimes.com/2017/01/01/world/asia/obama-afghanistan-war.html/>.

⁴¹ Woodward, *Obama’s Wars*, p. 258.

⁴² 10 U.S. Code § 163 - Role of Chairman of Joint Chiefs of Staff, <https://www.law.cornell.edu/uscode/text/10/163e/text/10/163>.

⁴³ Chairman of the Joint Chiefs of Staff-Instruction, Enclosure C-2, Jan. 18, 2012. http://www.ics.mil/Portals/36/Documents/Library/Instructions/5715_01.pdf?ver=2016-02-05-175048-170.

⁴⁴ Golby, “Duty, Honor, Party: Ideology, Institutions, and the Use of Force,” pp. 211-12.

Beyond statutes and instructions, there is a very human element to the importance of airing divergent views. Dissent is necessary in the search for good advice and civilians—to be sure, all participants—benefit from hearing multiple perspectives. No individual, no matter how senior, can possess sufficient knowledge and experience to offer a “one-size-fits-all” view for the military, not even the Chairman. The decision-making literature is clear in this regard: a diversity of viewpoints when diagnosing issues and formulating viable alternatives is imperative, and “organizations must tolerate and even encourage disagreements.”⁴⁵ People are endowed with a number of biases that influence how they process and weigh information.⁴⁶ This debate should be both thorough and grounded in reality, as Lieutenant General (Ret.) Jim Dubik outlined, and anything short of that is irresponsible.⁴⁷ In addition, recognizing the limitations of an individual ties back to the importance of humility and the parameters of military expertise.

Military Advice and Bureaucratic Realities

Fifth, the best military advice construct ignores bureaucratic realities. Policy is not made once and neatly tied up. Instead, it is an iterative and dynamic process colored by negotiations, bargaining, and compromise.⁴⁸ Personalities play an important role, particularly given individuals’ varying conceptions of the issues at hand, including “national security, organizational, domestic, and personal interests.”⁴⁹ All of these characteristics are acute when dealing with the use of force issues given the sensitivity of the topic, and the need to consider adversary reactions and to adapt accordingly.

In bureaucracies, “the path from initiation to action frequently includes a number of decisions.”⁵⁰ In the interagency national security decision-making process, military advice is plugged in at a number of touchpoints at different levels, ranging from an action officer (usually a 0-5 or 0-6) at a sub-policy coordinating committee to the Chairman of the Joint Chiefs at a National Security Council meeting. These interactions facilitate the development of integrated strategies. On the contrary, handing over best military advice gives the impression that the senior military leadership has stepped aside and washed its hands of the debate. This action

⁴⁵ Daniel Kahneman, Dan Lovallo, and Olivier Sibony, “The Big Idea: Before You Make That Big Decision,” *Harvard Business Review*, June 2013, pp 51-60, <https://hbr.org/2011/06/the-big-idea-before-you-make-that-big-decision>.

⁴⁶ Jack Levy, “Loss Aversion, Framing Effects, and International Conflict: Perspectives from Prospect Theory,” in *Handbook of War Studies II* (Ann Arbor, MI: University of Michigan Press, 2000), p. 194.

⁴⁷ James M. Dubnik, “Civilian, Military Both Morally Obligated to Make War Work,” *Army Magazine* 65(11), Nov. 2015, pp. 17-18.

⁴⁸ Graham T. Allison, and Morton H. Halperin, “Bureaucratic Politics: A Paradigm and Some Policy Implications,” *World Politics*, 24, Spring 1972

⁴⁹ Allison and Halperin, “Bureaucratic Politics,” p. 43.

⁵⁰ Allison and Halperin, “Bureaucratic Politics,” p. 46.

boxes in decision makers at one level and leads to bad policy advice at another. Above all, these dynamics serve as a reminder that, as Major General Bill Rapp underscores, “the reality of national security policymaking is very different from the military’s conception of how that process should run.”⁵¹ Best military advice is particularly meretricious in that it provides an unhelpful sense that military leaders want to be “on the record” when they disagree with civilian leaders.

The bureaucratic politics paradigm is also a useful reminder that the policymaking debate is between organizations, not just individuals. Subsequently, staffs matter—not just principals, as Karlin and Schulman outline. “Neither [the Secretary of Defense nor the CJCS] can perform their roles without appropriate support from and collaborative friction between several layers of their respective organizations. Departmental debate is healthy, and if one portion of the building stovepipes their advice on the way to Secretary, such debate is stifled.”⁵² At a practical level—given the span and diversity of issues principals confront on a daily basis—it is invariably the staffs that enable serious and thoughtful rigor in debate. Unless the Secretary of Defense’s staff is included in (nearly all) correspondence to him, he is ill-served.⁵³

Nonetheless, bureaucratic politics is also a useful reminder that rarely can the advocates for or against any serious option be evenly divided between military and civilian officials. Two examples, one each focused on Iraq and Afghanistan, are illustrative. The debate over surging forces in Iraq involved complex bureaucratic coalitions with National Security Advisor Steve Hadley and Chairman Pete Pace aligned in opposition to other service chiefs and combatant commanders.⁵⁴ The Obama administration’s 2009 debate on surging forces in Afghanistan was also characterized by mixed coalitions, including Secretary of Defense Robert Gates and Chairman Mike Mullen opposing General Stan McChrystal, the commander of U.S. and NATO forces in Afghanistan, in the first iteration.⁵⁵

Finally, bureaucratic realities call into question the audience for best military advice. Is the advice quietly delivered to the Secretary of Defense and to the President? Is it instead distributed widely to the joint force via strategic guidance documents like the National Military Strategy? It cannot simultaneously be both. And, in the case of the latter, can advice ever be considered directive? The answers

⁵¹ Rapp, “Civil-Military Relations: The Role of Military Leaders in Strategy Making,” p. 20.

⁵² Mara Karlin and Loren Dejonge Schulman, “Keeping up Civ-Mil Relations,” *War on the Rocks*, April 19, 2017, <https://warontherocks.com/2017/04/keeping-up-civ-mil-relations/>.

⁵³ Sydney Greenberg, “Joint Staff Must Step Up Global Coordination; No New Powers Needed: J5,” April 27, 2017, <http://breakingdefense.com/2017/04/joint-staff-must-step-up-global-coordination-no-new-powers-needed-j-5/>.

⁵⁴ Nevertheless, multiple narratives exist on where and how the idea of an Iraq surge was catalyzed. See, Peter Feaver, “The Right to be Right: Civil-Military Relations and the Iraq Surge Decision” *International Security*, 35(4), 2011, p. 112-113; and Tom Ricks, “A Fever-ish Take on the Surge in Iraq,” *Foreign Policy*, March 31, 2011, <http://foreignpolicy.com/2011/03/31/a-feaver-ish-take-on-the-surge-in-iraq/>.

⁵⁵ Helene Cooper and Eric Schmitt, “White House Debate Led to Plan to Widen Afghan Effort,” March 27, 2009, <http://www.nytimes.com/2009/03/28/us/politics/28prexy.html>.

to these questions remain at the heart of the debate over best military advice’s perniciousness.

Examining BMA’s Resonance

In spite of the very real problems outlined above, of the “best military advice” construct’s resonance across the Joint Force is spiking nevertheless. That upshot merits serious exploration beyond the confines of this article. Why are senior military officials increasingly seeking to draw a line between policy and military advice? As Chairman, General Dempsey used to say his job was to help civilians understand what they could do; their job was to determine what they should do. But best military advice instead tells civilian policymakers what the military thinks they should do, as least from a military perspective. These two interpretations of the senior military leadership’s role are profoundly at odds.

A cursory examination offers three potential answers as to why it has become a meme. One line of argument is that the last decade and a half years of unceasing conflict have inspired a new juncture in civil-military relations. The wars in Iraq and Afghanistan—and the broader war on terrorism—appear to be interminable and inconclusive, at best. These dynamics have fomented broader frustration that can be directed against civilian decision makers, which subsequently has spilled over into uncomfortable dynamics among senior civilian and military officials in recent years. Some military officers have chastised “micromanagement” by the Obama administration as adding to the desire for best military advice, specifically to be on record with one’s views. In one illustrative anecdote, a senior military official was known around the Pentagon for regularly quoting Cardinal Manning throughout 2016: “With a sinking heart, he realized at last the painful truth: it was not the nature of his views, it was his having views at all, that was objectionable.”⁵⁶ From a civilian point of view, it was never a debate over the right to have views. Instead, it was a debate over how to express them, particularly when the delivery was often a singular expression of best military advice.

Another potential reason for the resonance of “best” military advice is also tied to recent conflicts, specifically that the joint force has operated at a demanding tempo, precluding opportunities for reflection. For example, there is evidence that participation in some professional military education programs decreased substantially at the height of the Iraq and Afghan wars.⁵⁷

The emergence of best military advice also could mark a return to Huntingtonian concepts of military professionalism. The academic literature on civil-military relations clearly outlines what civilian leaders can do and what military leaders cannot do when offering advice, but it offers no conceptual framework about how military leaders can and should behave when delivering advice to civilian

⁵⁶ Lytton Strachey, *Eminent Victorians* (New York: G.P. Putnam’s Sons, 1918).

⁵⁷ Chris Rizzo, Army War College and SSC Program Manager, July 27, 2017, Email exchange with author.

leaders.⁵⁸ In the absence of clear direction about how they should behave, it may be appealing for military officers to retreat into the safety of an autonomous military sphere and offer purely military advice, as Huntington prescribes in his theory of objective political control.⁵⁹ Adopting this model of civilian control has the added value of allowing military officers to focus on assuming responsibility for military questions while leaving blame for political and strategic outcomes exactly where it belongs, with civilian political leaders.⁶⁰

A final reason for the popularity of best military advice may be the widening gap between the U.S. military and the American people. The recent work of James Mattis and Kori Schake documents the broad, but nevertheless shallow knowledge of, and support for, the U.S. military.⁶¹ As this gap deepens into a gorge, military leaders increasingly may have latitude for promulgating best military advice.

Tellingly, its resonance does not appear to have bled into questions of ultimate civilian control. There remains broad acceptance for civilian control and agreement that civilians make the final decision. “Civilian control of the military is safe in America,” concludes Mac Owens.⁶² Nonetheless, the run up to that decision deserves serious examination.

Moving Forward

Best military advice is a problematic and unhelpful construct for the reasons outlined in this article. Nonetheless, military officers increasingly embrace it. There are, however, a few key ways to both minimize its damage and move beyond its parameters. These largely center on refining what advice military officers provide and how they convey it.

First, military officers must take a broader view of what constitutes advice. Under the construct of best military advice, many officers narrowly define “advice” as “recommendations.” Yet, effective advice from military officers is much broader and must include options, information, and structured assessments. Military officers should inject real and discrete options into the national security decision-making process. These options, coupled with pros and cons, should provide civilian leaders with information about how these options will be implemented in practice along with assessments that outline costs, timelines, risks, and opportunity costs. A menu of Goldilocks options wherein one is clearly the only viable way forward is both unhelpful and, ultimately, irresponsible. Military officers must offer their advice

⁵⁸ For variations on this argument, see Golby, “Beyond the Resignation Debate;” Golby “Improving Advice and Earning Autonomy;” and Rapp, “Civil-Military Relations.”

⁵⁹ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1957).

⁶⁰ See, for example, Michael O’Hanlon, “Iraq Without a Plan,” Jan. 1, 2005, <https://www.brookings.edu/articles/iraq-without-a-plan/>.

⁶¹ Kori Schake, and James Mattis, “A Great Divergence,” in *Warriors and Citizens: American Views of Our Military* (Palo Alto, CA: Hoover Institution, 2016).

⁶² Mackubin Thomas Owens, “Is Civilian Control of the Military Still an Issue?” in Kori Schake and James Mattis, eds., *Warriors and Citizens: American Views of Our Military* (Palo Alto, CA: Hoover Institution, 2016), p. 89.

within a political context, offering multiple options that are multifaceted and arrayed across different end states that provide a lens through which to add texture and comprehension. When military leaders provide advice in this manner, it facilitates effective strategic dialogue.

At its very best, military advice should be policy-driven and politically informed. In the first order, there should be no disagreement that military advice must be nested under policy guidance. Yet, it often can be difficult to provide clear guidance about end states and constraints in the absence of a structured dialogue. Military advice can acknowledge and account for these flaws of guidance by describing options, explaining how these options will be implemented, and offering rigorous assessments, particularly regarding costs and benefits. The tougher challenge, however, is the extent to which best military advice should account for politics. In a recent conference on civil-military relations, a senior military official from the Joint Staff explained that best military advice must be influenced by policy, but not by politics.⁶³ That view is incomplete. Recognizing that this line is hazy, military officers should be cognizant of political dynamics and, as Lieutenant General H.R. McMaster warned, “be skeptical of concepts that divorce war from its political nature.”⁶⁴

In some cases, military advice may move beyond purely military assessments. In these circumstances, military officers should do more to distinguish between “expertise” and “experience.” In other words, it is incumbent on military leaders to be clear in distinguishing when they are offering their personal opinion or “gut call,” and when they are offering a formal military assessment, grounded in military science and military processes. One compelling example of the former is offered by Colin Powell when he reflected on comments he made as Chairman of the Joint Chiefs of Staff during a pre-Gulf War National Security Council meeting. “I then asked if it was worth going to war to liberate Kuwait. It was a Clausewitzian question which I posed so that the military would know what preparations it might have to make. I detected a chill in the room. The question was premature and it should not have come from me. I had overstepped. I was not the National Security Advisor now; I was only supposed to give *military* [sic] advice.” Secretary of Defense Cheney reprimanded him, reminding him to “stick to military matters,” and Powell recognized his misstep.⁶⁵ To be clear, however, best military advice should never be partisan or politically driven.

One ideal example in conveying best military advice is found in former CJCS Dempsey’s letter to Senator Levin on Syria. (This example is particularly notable

⁶³ Major General Richard Clark, “Command Climate: The State of U.S. Civil-Military Relations,” Center for Strategic and International Studies, May 23, 2017, <https://www.csis.org/events/command-climate-state-us-civil-military-relations>.

⁶⁴ H.R. McMaster, “The Pipe Dream of Easy War,” *New York Times*, July 21, 2013, <http://www.nytimes.com/2013/07/21/opinion/sunday/the-pipe-dream-of-easy-war.html>.

⁶⁵ H.W. Brands, “Neither Munich Nor Vietnam: The Gulf War of 1991,” in Hal Brands and Jeremi Suri, eds., *The Power of the Past* (Washington, D.C.: Brookings Institution Press, 2015), pp. 85-86.

given the ugly dynamic surrounding the issue.) Dempsey sent this letter in response to Levin's request for an "unclassified assessment of options for the potential use of U.S. military force in the Syrian conflict."⁶⁶ Although Dempsey is remiss in identifying end state goals (likely given its public audience), his letter nicely strikes a balance by briefly outlining five discrete options and underscoring the potential and perils inherent in each. For example, he details one potential way forward as building the Syrian opposition forces and then estimates the impact, costs, and risks of doing so. Above all, he helpfully reminds the reader that, while the decision to use force is a civilian one, his responsibility is to provide the best military advice to help articulate the options for how force might be used to facilitate that decision-making process.

Second, best military advice should be captured as yet another component in a much broader dialogue. It should enable an iterative process among military and civilian officials. Both civilians and military officials have crucial responsibilities in this dialogue. They "have the responsibility to listen to each other and probe the answers they hear," as the Commandant of the U.S. Army War College explained.⁶⁷ Military leaders should also recognize that it is not disrespectful to be skeptical of all forms of advice, including military advice grounded in a personal opinion based on "forty years in uniform." Similarly, the verbs used in Dubik's description are apt; both civilian and military leaders must "push, probe and question" the other's thinking to ensure they "understand the outcomes they are co-responsible to attain, and why those outcomes are worth the potential costs and risks."⁶⁸ To do so effectively, military advice cannot be an excuse for failing to coordinate or share materials with one another. And it surely must not squelch debate. To the contrary, this broader dialogue would benefit from instituting periodic, time-based assessment processes, which would force all parties to diagnose progress to date—including surprises and unexpected consequences—and to jointly formulate policy prescriptions.⁶⁹

Third, both military and civilian officials need the capabilities, not just the will, to enable a meaningful decision-making process. On the uniformed side, developing a more practical view of civil-military dynamics is a good start—particularly by revising and requiring civil-military relations courses in professional military education. A more dynamic and adaptive military planning process would also be helpful.⁷⁰ Civilians have responsibilities, too. Janine Davidson recommends that the civilian side better educate itself on practical national security affairs, both through academics and experiential opportunities.⁷¹ Alice Hunt Friend suggests that

⁶⁶ Luis Martinez, "General Martin Dempsey Lays out U.S. Military Options for Syria," July 22, 2013, <http://abcnews.go.com/blogs/politics/2013/07/gen-martin-dempsey-lays-out-us-military-options-for-syria/>.

⁶⁷ Rapp, "Civil-Military Relations: The Role of Military Leaders in Strategy Making," p. 19.

⁶⁸ James M. Dubik, "Civilian, Military Both Morally Obligated to Make War Work."

⁶⁹ For more discussion on strategic assessments, see, Mara Karlin and Christopher Skaluba, "Strategic Guidance for Countering the Proliferation of Strategic Guidance," *War on the Rocks*, July 20, 2017, <https://warontherocks.com/2017/07/strategic-guidance-for-countering-the-proliferation-of-strategic-guidance/>.

⁷⁰ Davidson, et. al., "Mending the Broken Dialogue," p. 46.

⁷¹ Davidson, et. al., "Mending the Broken Dialogue," p. 41-42.

“best civilian guidance” can be developed by instilling clarity in national interests and how they can best be defended, looking across and accounting for the varying elements of national power, and placing clear lines limiting the parameters of military force.⁷² And the evergreen recommendations to establish trust and baseline expectations remain relevant.

Repairing the damage already caused by the best military advice construct is going to take real efforts by the military leadership. Like the pig in the erstwhile ham and eggs breakfast analogy, the uniformed leadership must be committed. And, its efforts to do so will have a crucial impact on the United States’ ability to effectively wrestle with national security challenges in the years ahead.



⁷² Alice Friend, “Best Civilian Guidance.” Unpublished article.

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Navigating Difficult Political Minefields

This deeply reported excerpt from a book provides an inside view of the relationship between President Trump and his top military advisers. Clearly there was deep disagreement and mistrust, even disrespect, on both sides. How do the actions of the military officers (active duty and retired) in this story square with civilian control of the military? Or building trust with their civilian bosses? How did these officers succeed in their assignments? What downsides were there? What would you have done in these situations?

<https://www.newyorker.com/magazine/2022/08/15/inside-the-war-between-trump-and-his-generals>



As the President's behavior grew increasingly erratic, General Mark Milley told his staff, "I will fight from the inside." Photo illustration by Klawe Rzczy; Source photographs from Getty; National Archives / Newsmakers

LETTER FROM WASHINGTON AUGUST 15, 2022 ISSUE

Inside the War Between Trump and His Generals

How Mark Milley and others in the Pentagon handled the national-security threat posed by their own Commander-in-Chief.

By Susan B. Glasser and Peter Baker

August 8, 2022

In the summer of 2017, after just half a year in the White House, Donald Trump flew to Paris for Bastille Day celebrations thrown by Emmanuel Macron, the new French President. Macron staged a spectacular martial display to commemorate the hundredth anniversary of the American entrance into the First World War. Vintage tanks rolled down the Champs-Élysées as fighter jets roared overhead. The event seemed to be calculated to appeal to Trump—his sense of showmanship and grandiosity—and he was visibly delighted. The French general in charge of the parade turned to one of his American counterparts and said, “You are going to be doing this next year.”

Sure enough, Trump returned to Washington determined to have his generals throw him the biggest, grandest military parade ever for the Fourth of July. The generals, to his bewilderment, reacted with disgust. “I’d rather swallow acid,” his Defense Secretary, James Mattis, said. Struggling to dissuade

Trump, officials pointed out that the parade would cost millions of dollars and tear up the streets of the capital.

But the gulf between Trump and the generals was not really about money or practicalities, just as their endless policy battles were not only about clashing views on whether to withdraw from Afghanistan or how to combat the nuclear threat posed by North Korea and Iran. The divide was also a matter of values, of how they viewed the United States itself. That was never clearer than when Trump told his new chief of staff, John Kelly—like Mattis, a retired Marine Corps general—about his vision for Independence Day. “Look, I don’t want any wounded guys in the parade,” Trump said. “This doesn’t look good for me.” He explained with distaste that at the Bastille Day parade there had been several formations of injured veterans, including wheelchair-bound soldiers who had lost limbs in battle.

Kelly could not believe what he was hearing. “Those are the heroes,” he told Trump. “In our society, there’s only one group of people who are more heroic than they are—and they are buried over in Arlington.” Kelly did not mention that his own son Robert, a lieutenant killed in action in Afghanistan, was among the dead interred there.

“I don’t want them,” Trump repeated. “It doesn’t look good for me.”

The subject came up again during an Oval Office briefing that included Trump, Kelly, and Paul Selva, an Air Force general and the vice-chairman of the Joint Chiefs of Staff. Kelly joked in his deadpan way about the parade. “Well, you know, General Selva is going to be in charge of organizing the Fourth of July parade,” he told the President. Trump did not understand that Kelly was being sarcastic. “So, what do you think of the parade?” Trump asked Selva. Instead of telling Trump what he wanted to hear, Selva was forthright.

“I didn’t grow up in the United States, I actually grew up in Portugal,” Selva said. “Portugal was a dictatorship—and parades were about showing the people who had the guns. And in this country, we don’t do that.” He added, “It’s not who we are.”

Even after this impassioned speech, Trump still did not get it. “So, you don’t like the idea?” he said, incredulous.

“No,” Selva said. “It’s what dictators do.”

The four years of the Trump Presidency were characterized by a fantastical degree of instability: fits of rage, late-night Twitter storms, abrupt dismissals. At first, Trump, who had dodged the draft by claiming to have bone spurs, seemed enamored with being Commander-in-Chief and with the national-security officials he’d either appointed or inherited. But Trump’s love affair with “my generals” was brief, and in a statement for this article the former President confirmed how much he had soured on them over time. “These were very untalented people and once I realized it, I did not rely on them, I relied on the real generals and admirals within the system,” he said.

It turned out that the generals had rules, standards, and expertise, not blind loyalty. The President's loud complaint to John Kelly one day was typical: "You fucking generals, why can't you be like the German generals?"

"Which generals?" Kelly asked.

"The German generals in World War II," Trump responded.

"You do know that they tried to kill Hitler three times and almost pulled it off?" Kelly said.

But, of course, Trump did not know that. "No, no, no, they were totally loyal to him," the President replied. In his version of history, the generals of the Third Reich had been completely subservient to Hitler; this was the model he wanted for his military. Kelly told Trump that there were no such American generals, but the President was determined to test the proposition.

By late 2018, Trump wanted his own handpicked chairman of the Joint Chiefs of Staff. He had tired of Joseph Dunford, a Marine general who had been appointed chairman by Barack Obama, and who worked closely with Mattis as they resisted some of Trump's more outlandish ideas. Never mind that Dunford still had most of a year to go in his term. For months, David Urban, a lobbyist who ran the winning 2016 Trump campaign in Pennsylvania, had been urging the President and his inner circle to replace Dunford with a more like-minded chairman, someone less aligned with Mattis, who had commanded both Dunford and Kelly in the Marines.

Mattis's candidate to succeed Dunford was David Goldfein, an Air Force general and a former F-16 fighter pilot who had been shot down in the Balkans and successfully evaded capture. No one could remember a President selecting a chairman over the objections of his Defense Secretary, but word came back to the Pentagon that there was no way Trump would accept just one recommendation. Two obvious contenders from the Army, however, declined to be considered: General Curtis Scaparrotti, the NATO Supreme Allied Commander in Europe, told fellow-officers that there was "no gas left in my tank" to deal with being Trump's chairman. General Joseph Votel, the Central Command chief, also begged off, telling a colleague he was not a good fit to work so closely with Mattis.

Urban, who had attended West Point with Trump's Secretary of State, Mike Pompeo, and remained an Army man at heart, backed Mark Milley, the chief of staff of the Army. Milley, who was then sixty, was the son of a Navy corpsman who had served with the 4th Marine Division, in Iwo Jima. He grew up outside Boston and played hockey at Princeton. As an Army officer, Milley commanded troops in Afghanistan and Iraq, led the 10th Mountain Division, and oversaw the Army Forces Command. A student of history who often carried a pile of the latest books on the Second World War with him, Milley was decidedly not a member of the close-knit Marine fraternity that had dominated national-security policy for Trump's first two years. Urban told the President that he would connect better with Milley, who was loquacious and blunt to the point of being rude, and who had the Ivy League pedigree that always impressed Trump.

Milley had already demonstrated those qualities in meetings with Trump as the Army chief of staff. “Milley would go right at why it’s important for the President to know this about the Army and why the Army is the service that wins all the nation’s wars. He had all those sort of elevator-speech punch lines,” a senior defense official recalled. “He would have that big bellowing voice and be right in his face with all the one-liners, and then he would take a breath and he would say, ‘Mr. President, our Army is here to serve you. Because you’re the Commander-in-Chief.’ It was a very different approach, and Trump liked that.” And, like Trump, Milley was not a subscriber to the legend of Mad Dog Mattis, whom he considered a “complete control freak.”

Mattis, for his part, seemed to believe that Milley was inappropriately campaigning for the job, and Milley recalled to others that Mattis confronted him at a reception that fall, saying, “Hey, you shouldn’t run for office. You shouldn’t run to be the chairman.” Milley later told people that he had replied sharply to Mattis, “I’m not lobbying for any fucking thing. I don’t do that.” Milley eventually raised the issue with Dunford. “Hey, Mattis has got this in his head,” Milley told him. “I’m telling you it ain’t me.” Milley even claimed that he had begged Urban to cease promoting his candidacy.

In November, 2018, the day before Milley was scheduled for an interview with Trump, he and Mattis had another barbed encounter at the Pentagon. In Milley’s recounting of the episode later to others, Mattis urged him to tell Trump that he wanted to be the next Supreme Allied Commander in Europe, rather than the chairman of the Joint Chiefs. Milley said he would not do that but would instead wait to hear what the President wanted him to do. This would end whatever relationship the two generals had.

When Milley arrived at the White House the next day, he was received by Kelly, who seemed to him unusually distraught. Before they headed into the Oval Office to meet with Trump, Milley asked Kelly what he thought.

“You should go to Europe and just get the fuck out of D.C.,” Kelly said. The White House was a cesspool: “Just get as far away as you can.”

In the Oval Office, Trump said right from the start that he was considering Milley for chairman of the Joint Chiefs. When Trump offered him the job, Milley replied, “Mr. President, I’ll do whatever you ask me to do.”

For the next hour, they talked about the state of the world. Immediately, there were points of profound disagreement. On Afghanistan, Milley said he believed that a complete withdrawal of American troops, as Trump wanted, would cause a serious new set of problems. And Milley had already spoken out publicly against the banning of transgender troops, which Trump was insisting on.

“Mattis tells me you are weak on transgender,” Trump said.

“No, I am not weak on transgender,” Milley replied. “I just don’t care who sleeps with who.”

There were other differences as well, but in the end Milley assured him, “Mr. President, you’re going to be making the decisions. All I can guarantee from me is I’m going to give you an honest answer, and I’m

not going to talk about it on the front page of the *Washington Post*. I'll give you an honest answer on everything I can. And you're going to make the decisions, and as long as they're legal I'll support it."

As long as they're legal. It was not clear how much that caveat even registered with Trump. The decision to name Milley was a rare chance, as Trump saw it, to get back at Mattis. Trump would confirm this years later, after falling out with both men, saying that he had picked Milley only because Mattis "could not stand him, had no respect for him, and would not recommend him."

Late on the evening of December 7th, Trump announced that he would reveal a big personnel decision having to do with the Joint Chiefs the next day, in Philadelphia, at the hundred-and-nineteenth annual Army-Navy football game. This was all the notice Dunford had that he was about to be publicly humiliated. The next morning, Dunford was standing with Milley at the game waiting for the President to arrive when Urban, the lobbyist, showed up. Urban hugged Milley. "We did it!" Urban said. "We did it!"

But Milley's appointment was not even the day's biggest news. As Trump walked to his helicopter to fly to the game, he dropped another surprise. "John Kelly will be leaving toward the end of the year," he told reporters. Kelly had lasted seventeen months in what he called "the worst fucking job in the world."

For Trump, the decision was a turning point. Instead of installing another strong-willed White House chief of staff who might have told him no, the President gravitated toward one who would basically go along with whatever he wanted. A week later, Kelly made an unsuccessful last-ditch effort to persuade Trump not to replace him with Mick Mulvaney, a former congressman from South Carolina who was serving as Trump's budget director. "You don't want to hire someone who's going to be a yes-man," Kelly told the President. "I don't give a shit anymore," Trump replied. "I want a yes-man!"

A little more than a week after that, Mattis was out, too, having quit in protest over Trump's order that the U.S. abruptly withdraw its forces from Syria right after Mattis had met with American allies fighting alongside the U.S. It was the first time in nearly four decades that a major Cabinet secretary had resigned over a national-security dispute with the President.

The so-called "axis of adults" was over. None of them had done nearly as much to restrain Trump as the President's critics thought they should have. But all of them—Kelly, Mattis, Dunford, plus H. R. McMaster, the national-security adviser, and Rex Tillerson, Trump's first Secretary of State—had served as guardrails in one way or another. Trump hoped to replace them with more malleable figures. As Mattis would put it, Trump was so out of his depth that he had decided to drain the pool.

On January 2, 2019, Kelly sent a farewell e-mail to the White House staff. He said that these were the people he would miss: "The selfless ones, who work for the American people so hard and never lowered themselves to wrestle in the mud with the pigs. The ones who stayed above the drama, put personal ambition and politics aside, and simply worked for our great country. The ones who were ethical, moral and always told their boss what he or she NEEDED to hear, as opposed to what they might have wanted to hear."

That same morning, Mulvaney showed up at the White House for his first official day as acting chief of staff. He called an all-hands meeting and made an announcement: O.K., we're going to do things differently. John Kelly's gone, and we're going to let the President be the President.

In the fall of 2019, nearly a year after Trump named him the next chairman of the Joint Chiefs, Milley finally took over the position from Dunford. Two weeks into the job, Milley sat at Trump's side in a meeting at the White House with congressional leaders to discuss a brewing crisis in the Middle East. Trump had again ordered the withdrawal of U.S. forces from Syria, imperilling America's Kurdish allies and effectively handing control of the territory over to the Syrian government and Russian military forces. The House—amid impeachment proceedings against the President for holding up nearly four hundred million dollars in security assistance to Ukraine as leverage to demand an investigation of his Democratic opponent—passed a nonbinding resolution rebuking Trump for the pullout. Even two-thirds of the House Republicans voted for it.

At the meeting, the Speaker of the House, Nancy Pelosi, pointed out the vote against the President. "Congratulations," Trump snapped sarcastically. He grew even angrier when the Senate Democratic leader, Chuck Schumer, read out a warning from Mattis that leaving Syria could result in the resurgence of the Islamic State. In response, Trump derided his former Defense Secretary as "the world's most overrated general. You know why I fired him? I fired him because he wasn't tough enough."

Eventually, Pelosi, in her frustration, stood and pointed at the President. "All roads with you lead to Putin," she said. "You gave Russia Ukraine and Syria."

"You're just a politician, a third-rate politician!" Trump shot back.

Finally, Steny Hoyer, the House Majority Leader and Pelosi's No. 2, had had enough. "This is not useful," he said, and stood up to leave with the Speaker.

"We'll see you at the polls," Trump shouted as they walked out.

When she exited the White House, Pelosi told reporters that she left because Trump was having a "meltdown." A few hours later, Trump tweeted a White House photograph of Pelosi standing over him, apparently thinking it would prove that she was the one having a meltdown. Instead, the image went viral as an example of Pelosi confronting Trump.

Milley could also be seen in the photograph, his hands clenched together, his head bowed low, looking as though he wanted to sink into the floor. To Pelosi, this was a sign of inexplicable weakness, and she would later say that she never understood why Milley had not been willing to stand up to Trump at that meeting. After all, she would point out, he was the nonpartisan leader of the military, not one of Trump's toadies. "Milley, you would have thought, would have had more independence," she told us, "but he just had his head down."

In fact, Milley was already quite wary of Trump. That night, he called Representative Adam Smith, a Washington Democrat and the chairman of the House Armed Services Committee, who had also been present. "Is that the way these things normally go?" Milley asked. As Smith later put it, "That was the

moment when Milley realized that the boss might have a screw or two loose.” There had been no honeymoon. “From pretty much his first day on the job as chairman of the Joint Chiefs,” Smith said, “he was very much aware of the fact that there was a challenge here that was not your normal challenge with a Commander-in-Chief.”

Early on the evening of June 1, 2020, Milley failed what he came to realize was the biggest test of his career: a short walk from the White House across Lafayette Square, minutes after it had been violently cleared of Black Lives Matter protesters. Dressed in combat fatigues, Milley marched behind Trump with a phalanx of the President’s advisers in a photo op, the most infamous of the Trump Presidency, that was meant to project a forceful response to the protests that had raged outside the White House and across the country since the killing, the week before, of George Floyd. Most of the demonstrations had been peaceful, but there were also eruptions of looting, street violence, and arson, including a small fire in St. John’s Church, across from the White House.

In the morning before the Lafayette Square photo op, Trump had clashed with Milley, Attorney General William Barr, and the Defense Secretary, Mark Esper, over his demands for a militarized show of force. “We look weak,” Trump told them. The President wanted to invoke the Insurrection Act of 1807 and use active-duty military to quell the protests. He wanted ten thousand troops in the streets and the 82nd Airborne called up. He demanded that Milley take personal charge. When Milley and the others resisted and said that the National Guard would be sufficient, Trump shouted, “You are all losers! You are all fucking losers!” Turning to Milley, Trump said, “Can’t you just shoot them? Just shoot them in the legs or something?”

Eventually, Trump was persuaded not to send in the military against American citizens. Barr, as the civilian head of law enforcement, was given the lead role in the protest response, and the National Guard was deployed to assist police. Hours later, Milley, Esper, and other officials were abruptly summoned back to the White House and sent marching across Lafayette Square. As they walked, with the scent of tear gas still in the air, Milley realized that he should not be there and made his exit, quietly peeling off to his waiting black Chevy Suburban. But the damage was done. No one would care or even remember that he was not present when Trump held up a Bible in front of the damaged church; people had already seen him striding with the President on live television in his battle dress, an image that seemed to signal that the United States under Trump was, finally, a nation at war with itself. Milley knew this was a misjudgment that would haunt him forever, a “road-to-Damascus moment,” as he would later put it. What would he do about it?

In the days after the Lafayette Square incident, Milley sat in his office at the Pentagon, writing and rewriting drafts of a letter of resignation. There were short versions of the letter; there were long versions. His preferred version was the one that read in its entirety:

I regret to inform you that I intend to resign as your Chairman of the Joint Chiefs of Staff. Thank you for the honor of appointing me as senior ranking officer. The events of the last couple weeks have caused me to do deep soul-searching, and I can no longer faithfully support and execute your orders as Chairman of the Joint Chiefs of Staff. It is my belief that you were doing great and irreparable harm to my country. I believe that you have made a concerted effort over time to politicize the United States military. I thought

that I could change that. I've come to the realization that I cannot, and I need to step aside and let someone else try to do that.

Second, you are using the military to create fear in the minds of the people—and we are trying to protect the American people. I cannot stand idly by and participate in that attack, verbally or otherwise, on the American people. The American people trust their military and they trust us to protect them against all enemies, foreign and domestic, and our military will do just that. We will not turn our back on the American people.

Third, I swore an oath to the Constitution of the United States and embodied within that Constitution is the idea that says that all men and women are created equal. All men and women are created equal, no matter who you are, whether you are white or Black, Asian, Indian, no matter the color of your skin, no matter if you're gay, straight or something in between. It doesn't matter if you're Catholic, Protestant, Muslim, Jew, or choose not to believe. None of that matters. It doesn't matter what country you came from, what your last name is—what matters is we're Americans. We're all Americans. That under these colors of red, white, and blue—the colors that my parents fought for in World War II—means something around the world. It's obvious to me that you don't think of those colors the same way I do. It's obvious to me that you don't hold those values dear and the cause that I serve.

And lastly it is my deeply held belief that you're ruining the international order, and causing significant damage to our country overseas, that was fought for so hard by the Greatest Generation that they instituted in 1945. Between 1914 and 1945, 150 million people were slaughtered in the conduct of war. They were slaughtered because of tyrannies and dictatorships. That generation, like every generation, has fought against that, has fought against fascism, has fought against Nazism, has fought against extremism. It's now obvious to me that you don't understand that world order. You don't understand what the war was all about. In fact, you subscribe to many of the principles that we fought against. And I cannot be a party to that. It is with deep regret that I hereby submit my letter of resignation.

The letter was dated June 8th, a full week after Lafayette Square, but Milley still was not sure if he should give it to Trump. He was sending up flares, seeking advice from a wide circle. He reached out to Dunford, and to mentors such as the retired Army general James Dubik, an expert on military ethics. He called political contacts as well, including members of Congress and former officials from the Bush and Obama Administrations. Most told him what Robert Gates, a former Secretary of Defense and C.I.A. chief, did: “Make them fire you. Don't resign.”

“My sense is Mark had a pretty accurate measure of the man pretty quickly,” Gates recalled later. “He would tell me over time, well before June 1st, some of the absolutely crazy notions that were put forward in the Oval Office, crazy ideas from the President, things about using or not using military force, the immediate withdrawal from Afghanistan, pulling out of South Korea. It just went on and on.”

Milley was not the only senior official to seek Gates's counsel. Several members of Trump's national-security team had made the pilgrimage out to his home in Washington State during the previous two years. Gates would pour them a drink, grill them some salmon, and help them wrestle with the latest Trump conundrum. “The problem with resignation is you can only fire that gun once,” he told them. All

the conversations were variations on a theme: “ ‘How do I walk us back from the ledge?’ ‘How do I keep this from happening, because it would be a terrible thing for the country?’ ”

After Lafayette Square, Gates told both Milley and Esper that, given Trump’s increasingly erratic and dangerous behavior, they needed to stay in the Pentagon as long as they could. “If you resign, it’s a one-day story,” Gates told them. “If you’re fired, it makes it clear you were standing up for the right thing.” Gates advised Milley that he had another important card and urged him to play it: “Keep the chiefs on board with you and make it clear to the White House that if you go they all go, so that the White House knows this isn’t just about firing Mark Milley. This is about the entire Joint Chiefs of Staff quitting in response.”

Publicly, Lafayette Square looked like a debacle for Milley. Several retired generals had condemned his participation, pointing out that the leader of a racially diverse military, with more than two hundred thousand active-duty Black troops, could not be seen opposing a movement for racial justice. Even Mattis, who had refrained from openly criticizing Trump, issued a statement about the “bizarre photo op.” The Washington *Post* reported that Mattis had been motivated to do so by his anger at the image of Milley parading through the square in his fatigues.

Whatever their personal differences, Mattis and Milley both knew that there was a tragic inevitability to the moment. Throughout his Presidency, Trump had sought to redefine the role of the military in American public life. In his 2016 campaign, he had spoken out in support of the use of torture and other practices that the military considered war crimes. Just before the 2018 midterms, he ordered thousands of troops to the southern border to combat a fake “invasion” by a caravan of migrants. In 2019, in a move that undermined military justice and the chain of command, he gave clemency to a Navy SEAL found guilty of posing with the dead body of a captive in Iraq.

Many considered Trump’s 2018 decision to use the military in his preelection border stunt to be “the predicate—or the harbinger—of 2020,” in the words of Peter Feaver, a Duke University expert on civil-military relations, who taught the subject to generals at command school. When Milley, who had been among Feaver’s students, called for advice after Lafayette Square, Feaver agreed that Milley should apologize but encouraged him not to resign. “It would have been a mistake,” Feaver said. “We have no tradition of resignation in protest amongst the military.”

Milley decided to apologize in a commencement address at the National Defense University that he was scheduled to deliver the week after the photo op. Feaver’s counsel was to own up to the error and make it clear that the mistake was his and not Trump’s. Presidents, after all, “are allowed to do political stunts,” Feaver said. “That’s part of being President.”

Milley’s apology was unequivocal. “I should not have been there,” he said in the address. He did not mention Trump. “My presence in that moment, and in that environment, created a perception of the military involved in domestic politics.” It was, he added, “a mistake that I have learned from.”

At the same time, Milley had finally come to a decision. He would not quit. “Fuck that shit,” he told his staff. “I’ll just fight him.” The challenge, as he saw it, was to stop Trump from doing any more damage,

while also acting in a way that was consistent with his obligation to carry out the orders of his Commander-in-Chief. Yet the Constitution offered no practical guide for a general faced with a rogue President. Never before since the position had been created, in 1949—or at least since Richard Nixon’s final days, in 1974—had a chairman of the Joint Chiefs encountered such a situation. “If they want to court-martial me, or put me in prison, have at it,” Milley told his staff. “But I will fight from the inside.”

Milley’s apology tour was private as well as public. With the upcoming election fuelling Trump’s sense of frenetic urgency, the chairman sought to get the message to Democrats that he would not go along with any further efforts by the President to deploy the machinery of war for domestic political ends. He called both Pelosi and Schumer. “After the Lafayette Square episode, Milley was extremely contrite and communicated to any number of people that he had no intention of playing Trump’s game any longer,” Bob Bauer, the former Obama White House counsel, who was then advising Joe Biden’s campaign and heard about the calls, said. “He was really burned by that experience. He was appalled. He apologized for it, and it was pretty clear he was digging his heels in.”

On Capitol Hill, however, some Democrats, including Pelosi, remained skeptical. To them, Lafayette Square proved that Milley had been a Trumpist all along. “There was a huge misunderstanding about Milley,” Adam Smith, the House Armed Services Committee chairman, recalled. “A lot of my Democratic colleagues after June 1st in particular were concerned about him.” Smith tried to assure other Democrats that “there was never a single solitary moment where it was possible that Milley was going to help Trump do anything that shouldn’t be done.”

And yet Pelosi, among others, also distrusted Milley because of an incident earlier that year in which Trump ordered the killing of the Iranian commander Qassem Suleimani without briefing congressional leaders in advance. Smith said Pelosi believed that the chairman had been “evasive” and disrespectful to Congress. Milley, for his part, felt he could not disregard Trump’s insistence that lawmakers not be notified—a breach that was due to the President’s pique over the impeachment proceedings against him. “The navigation of Trumpworld was more difficult for Milley than Nancy gives him credit for,” Smith said. He vouched for the chairman but never managed to convince Pelosi.

How long could this standoff between the Pentagon and the President go on? For the next few months, Milley woke up each morning not knowing whether he would be fired before the day was over. His wife told him she was shocked that he had not been cashiered outright when he made his apology.

Esper was also on notice. Two days after Lafayette Square, the Defense Secretary had gone to the Pentagon pressroom and offered his own apology, even revealing his opposition to Trump’s demands to invoke the Insurrection Act and use the active-duty military. Such a step, Esper said, should be reserved only for “the most urgent and dire of situations.” Trump later exploded at Esper in the Oval Office about the criticism, delivering what Milley would recall as “the worst reaming out” he had ever heard.

The next day, Trump’s latest chief of staff, Mark Meadows, called the Defense Secretary at home—three times—to get him to recant his opposition to invoking the Insurrection Act. When he refused, Meadows took “the Tony Soprano approach,” as Esper later put it, and began threatening him, before eventually backing off. (A spokesperson for Meadows disputed Esper’s account.) Esper resolved to stay in office as

long as he could, “to endure all the shit and run the clock out,” as he put it. He felt that he had a particular responsibility to hold on. By law, the only person authorized to deploy troops other than the President is the Secretary of Defense. Esper was determined not to hand that power off to satraps such as Robert O’Brien, who had become Trump’s fourth and final national-security adviser, or Ric Grenell, a former public-relations man who had been serving as acting director of National Intelligence.

Both Esper and Milley found new purpose in waiting out the President. They resisted him throughout the summer, as Trump repeatedly demanded that active-duty troops quash ongoing protests, threatened to invoke the Insurrection Act, and tried to stop the military from renaming bases honoring Confederate generals. “They both expected, literally on a daily basis, to be fired,” Gates recalled. Milley “would call me and essentially say, ‘I may not last until tomorrow night.’ And he was comfortable with that. He felt like he knew he was going to support the Constitution, and there were no two ways about it.”

Milley put away the resignation letter in his desk and drew up a plan, a guide for how to get through the next few months. He settled on four goals: First, make sure Trump did not start an unnecessary war overseas. Second, make sure the military was not used in the streets against the American people for the purpose of keeping Trump in power. Third, maintain the military’s integrity. And, fourth, maintain his own integrity. In the months to come, Milley would refer back to the plan more times than he could count.

Even in June, Milley understood that it was not just a matter of holding off Trump until after the Presidential election, on November 3rd. He knew that Election Day might well mark merely the beginning, not the end, of the challenges Trump would pose. The portents were worrisome. Barely one week before Lafayette Square, Trump had posted a tweet that would soon become a refrain. The 2020 Presidential race, he warned for the first time, would end up as “the greatest Rigged Election in history.”

By the evening of Monday, November 9th, Milley’s fears about a volatile post-election period unlike anything America had seen before seemed to be coming true. News organizations had called the election for Biden, but Trump refused to acknowledge that he had lost by millions of votes. The peaceful transition of power—a cornerstone of liberal democracy—was now in doubt. Sitting at home that night at around nine, the chairman received an urgent phone call from the Secretary of State, Mike Pompeo. With the possible exception of Vice-President Mike Pence, no one had been more slavishly loyal in public, or more privately obsequious, to Trump than Pompeo. But even he could not take it anymore.

“We’ve got to talk,” Pompeo told Milley, who was at home in Quarters Six, the red brick house that has been the official residence of chairmen of the Joint Chiefs since the early nineteen-sixties. “Can I come over?”

Milley invited Pompeo to visit immediately.

“The crazies have taken over,” Pompeo told him when they sat down at Milley’s kitchen table. Not only was Trump surrounded by the crazies; they were, in fact, ascendant in the White House and, as of that afternoon, inside the Pentagon itself. Just a few hours earlier, on the first workday after the election was called for Biden, Trump had finally fired Esper. Milley and Pompeo were alarmed that the Defense Secretary was being replaced by Christopher Miller, until recently an obscure mid-level counterterrorism

official at Trump's National Security Council, who had arrived at the Pentagon flanked by a team of what appeared to be Trump's political minders.

For Milley, this was an ominous development. From the beginning, he understood that "if the idea was to seize power," as he told his staff, "you are not going to do this without the military." Milley had studied the history of coups. They invariably required the takeover of what he referred to as the "power ministries"—the military, the national police, and the interior forces.

As soon as he'd heard about Esper's ouster, Milley had rushed upstairs to the Secretary's office. "This is complete bullshit," he told Esper. Milley said that he would resign in protest. "You can't," Esper insisted. "You're the only one left." Once he cooled off, Milley agreed.

In the coming weeks, Milley would repeatedly convene the Joint Chiefs, to bolster their resolve to resist any dangerous political schemes from the White House now that Esper was out. He quoted Benjamin Franklin to them on the virtues of hanging together rather than hanging separately. He told his staff that, if need be, he and all the chiefs were prepared to "put on their uniforms and go across the river together"—to threaten to quit en masse—to prevent Trump from trying to use the military to stay in power illegally.

Soon after Miller arrived at the Pentagon, Milley met with him. "First things first here," he told the new acting Defense Secretary, who had spent the previous few months running the National Counterterrorism Center. "You are one of two people in the United States now with the capability to launch nuclear weapons."

A Pentagon official who had worked closely with Miller had heard a rumor about him potentially replacing Esper more than a week before the election. "My first instinct was this is the most preposterous thing I've ever heard," the official recalled. But then he remembered how Miller had changed in the Trump White House. "He's inclined to be a bit of a sail, and as the wind blows he will flap in that direction," the official said. "He's not an ideologue. He's just a guy willing to do their bidding." By coincidence, the official happened to be walking into the Pentagon just as Miller was entering—a video of Miller tripping on the stairs soon made the rounds. Accompanying him were three men who would, for a few weeks, at least, have immense influence over the most powerful military in the world: Kash Patel, Miller's new chief of staff; Ezra Cohen, who would ascend to acting Under-Secretary of Defense for Intelligence and Security; and Anthony Tata, a retired general and a talking head on Fox News, who would become the Pentagon's acting head of policy.

It was an extraordinary trio. Tata's claims to fame were calling Obama a "terrorist leader"—an assertion he later retracted—and alleging that a former C.I.A. director had threatened to assassinate Trump. Patel, a former aide to Devin Nunes, the top Republican on the House Intelligence Committee, had been accused of spreading conspiracy theories claiming that Ukraine, not Russia, had interfered in the 2016 election. Both Trump's third national-security adviser, John Bolton, and Bolton's deputy, Charles Kupperman, had vociferously objected to putting Patel on the National Security Council staff, backing down only when told that it was a personal, "must-hire" order from the President. Still, Patel found his way around them to deal with Trump directly, feeding him packets of information on Ukraine, which was outside his portfolio, according to testimony during Trump's first impeachment. (In a statement for this article, Patel

called the allegations a “total fabrication.”) Eventually, Patel was sent to help Ric Grenell carry out a White House-ordered purge of the intelligence community.

Cohen, who had worked earlier in his career at the Defense Intelligence Agency under Michael Flynn, had initially been hired at the Trump National Security Council in 2017 but was pushed out after Flynn’s swift implosion as Trump’s first national-security adviser. When efforts were later made to rehire Cohen in the White House, Bolton’s deputy vowed to “put my badge on the table” and quit. “I am not going to hire somebody that is going to be another cancer in the organization, and Ezra is cancer,” Kupperman bluntly told Trump. In the spring of 2020, Cohen landed at the Pentagon, and following Trump’s post-election shakeup he assumed the top intelligence post at the Pentagon.

Milley had firsthand reason to be wary of these new Pentagon advisers. Just before the election, he and Pompeo were infuriated when a top-secret Navy SEAL Team 6 rescue mission to free an American hostage held in Nigeria nearly had to be cancelled at the last minute. The Nigerians had not formally approved the mission in advance, as required, despite Patel’s assurances. “Planes were already in the air and we didn’t have the approvals,” a senior State Department official recalled. The rescue team was kept circling while diplomats tried to track down their Nigerian counterparts. They managed to find them only minutes before the planes would have had to turn back. As a result, the official said, both Pompeo and Milley, who believed he had been personally lied to, “assigned ill will to that whole cabal.” The C.I.A. refused to have anything to do with Patel, Pompeo recalled to his State Department staff, and they should be cautious as well. “The Secretary thought these people were just wackadoodles, nuts, and dangerous,” a second senior State Department official said. (Patel denied their accounts, asserting, “I caused no delay at all.”)

After Esper’s firing, Milley summoned Patel and Cohen separately to his office to deliver stern lectures. Whatever machinations they were up to, he told each of them, “life looks really shitty from behind bars. And, whether you want to realize it or not, there’s going to be a President at exactly 1200 hours on the twentieth and his name is Joe Biden. And, if you guys do anything that’s illegal, I don’t mind having you in prison.” Cohen denied that Milley said this to him, insisting it was a “very friendly, positive conversation.” Patel also denied it, asserting, “He worked for me, not the other way around.” But Milley told his staff that he warned both Cohen and Patel that they were being watched: “Don’t do it, don’t even try to do it. I can smell it. I can see it. And so can a lot of other people. And, by the way, the military will have no part of this shit.”

Part of the new team’s agenda soon became clear: making sure Trump fulfilled his 2016 campaign promise to withdraw American troops from the “endless wars” overseas. Two days after Esper was fired, Patel slid a piece of paper across the desk to Milley during a meeting with him and Miller. It was an order, with Trump’s trademark signature in black Sharpie, decreeing that all four thousand five hundred remaining troops in Afghanistan be withdrawn by January 15th, and that a contingent of fewer than a thousand troops on a counterterrorism mission in Somalia be pulled out by December 31st.

Milley was stunned. “Where’d you get this?” he said.

Patel said that it had just come from the White House.

“Did you advise the President to do this?” he asked Patel, who said no.

“Did you advise the President to do this?” he asked Miller, who said no.

“Well, then, who advised the President to do it?” Milley asked. “By law, I’m the President’s adviser on military action. How does this happen without me rendering my military opinion and advice?”

With that, he announced that he was putting on his dress uniform and going to the White House, where Milley and the others ended up in the office of the national-security adviser, Robert O’Brien.

“Where did this come from?” Milley demanded, putting the withdrawal order on O’Brien’s desk.

“I don’t know. I’ve never seen that before,” O’Brien said. “It doesn’t look like a White House memo.”

Keith Kellogg, a retired general serving as Pence’s national-security adviser, asked to see the document. “This is not the President,” he said. “The format’s not right. This is not done right.”

“Keith, you’ve got to be kidding me,” Milley said. “You’re telling me that someone’s forging the President of the United States’ signature?”

The order, it turned out, was not fake. It was the work of a rogue operation inside Trump’s White House overseen by Johnny McEntee, Trump’s thirty-year-old personnel chief, and supported by the President himself. The order had been drafted by Douglas Macgregor, a retired colonel and a Trump favorite from his television appearances, working with a junior McEntee aide. The order was then brought to the President, bypassing the national-security apparatus and Trump’s own senior officials, to get him to sign it.

Macgregor often appeared on Fox News demanding an exit from Afghanistan and accused Trump’s advisers of blocking the President from doing what he wanted. “He needs to send everyone out of the Oval Office who keeps telling him, ‘If you do that and something bad happens, it’s going to be blamed on you, Mr. President,’ ” Macgregor had told Tucker Carlson in January. “He needs to say, ‘I don’t give a damn.’ ”

On the day that Esper was fired, McEntee had invited Macgregor to his office, offered him a job as the new acting Defense Secretary’s senior adviser, and handed him a handwritten list of four priorities that, as Axios reported, McEntee claimed had come directly from Trump:

1. Get us out of Afghanistan.
2. Get us out of Iraq and Syria.
3. Complete the withdrawal from Germany.
4. Get us out of Africa.

Once the Afghanistan order was discovered, Trump’s advisers persuaded the President to back off, reminding him that he had already approved a plan for leaving over the following few months. “Why do

we need a new plan?” Pompeo asked. Trump relented, and O’Brien then told the rest of the rattled national-security leadership that the order was “null and void.”

The compromise, however, was a new order that codified the drawdown to twenty-five hundred troops in Afghanistan by mid-January, which Milley and Esper had been resisting, and a reduction in the remaining three thousand troops in Iraq as well. The State Department was given one hour to notify leaders of those countries before the order was released.

Two nightmare scenarios kept running through Milley’s mind. One was that Trump might spark an external crisis, such as a war with Iran, to divert attention or to create a pretext for a power grab at home. The other was that Trump would manufacture a domestic crisis to justify ordering the military into the streets to prevent the transfer of power. Milley feared that Trump’s “Hitler-like” embrace of his own lies about the election would lead him to seek a “Reichstag moment.” In 1933, Hitler had seized on a fire in the German parliament to take control of the country. Milley now envisioned a declaration of martial law or a Presidential invocation of the Insurrection Act, with Trumpian Brown Shirts fomenting violence.

By late November, amid Trump’s escalating attacks on the election, Milley and Pompeo’s cooperation had deepened—a fact that the Secretary of State revealed to Attorney General Bill Barr over dinner on the night of December 1st. Barr had just publicly broken with Trump, telling the Associated Press in an interview that there was no evidence of election fraud sufficient to overturn the results. As they ate at an Italian restaurant in a Virginia strip mall, Barr recounted for Pompeo what he called “an eventful day.” And Pompeo told Barr about the extraordinary arrangement he had proposed to Milley to make sure that the country was in steady hands until the Inauguration: they would hold daily morning phone calls with Mark Meadows. Pompeo and Milley soon took to calling them the “land the plane” phone calls.

“Our job is to land this plane safely and to do a peaceful transfer of power the twentieth of January,” Milley told his staff. “This is our obligation to this nation.” There was a problem, however. “Both engines are out, the landing gear are stuck. We’re in an emergency situation.”

In public, Pompeo remained his staunchly pro-Trump self. The day after his secret visit to Milley’s house to commiserate about “the crazies” taking over, in fact, he refused to acknowledge Trump’s defeat, snidely telling reporters, “There will be a smooth transition—to a second Trump Administration.” Behind the scenes, however, Pompeo accepted that the election was over and made it clear that he would not help overturn the result. “He was totally against it,” a senior State Department official recalled. Pompeo cynically justified this jarring contrast between what he said in public and in private. “It was important for him to not get fired at the end, too, to be there to the bitter end,” the senior official said.

Both Milley and Pompeo were angered by the bumbling team of ideologues that Trump had sent to the Pentagon after the firing of Esper, a West Point classmate of Pompeo’s. The two, who were “already converging as fellow-travellers,” as one of the State officials put it, worked even more closely together as their alarm about Trump’s post-election conduct grew, although Milley was under no illusions about the Secretary of State. He believed that Pompeo, a longtime enabler of Trump who aspired to run for President himself, wanted “a second political life,” but that Trump’s final descent into denialism was the line that, at last, he would not cross. “At the end, he wouldn’t be a party to that craziness,” Milley told his

staff. By early December, as they were holding their 8 A.M. land-the-plane calls, Milley was confident that Pompeo was genuinely trying to achieve a peaceful handover of power to Biden. But he was never sure what to make of Meadows. Was the chief of staff trying to land the plane or to hijack it?

Most days, Milley would also call the White House counsel, Pat Cipollone, who was hardly a usual interlocutor for a chairman of the Joint Chiefs. In the final weeks of the Administration, Cipollone, a true believer in Trump's conservative agenda, was a principal actor in the near-daily drama over Trump's various schemes to overturn his election defeat. After getting off one call with Cipollone, Milley told a visitor that the White House counsel was "constructive," "not crazy," and a force for "trying to keep guardrails around the President."

Milley continued to reach out to Democrats close to Biden to assure them that he would not allow the military to be misused to keep Trump in power. One regular contact was Susan Rice, the former Obama national-security adviser, dubbed by Democrats the Rice Channel. He also spoke several times with Senator Angus King, an Independent from Maine. "My conversations with him were about the danger of some attempt to use the military to declare martial law," King said. He took it upon himself to reassure fellow-senators. "I can't tell you why I know this," but the military will absolutely do the right thing, he would tell them, citing Milley's "character and honesty."

Milley had increasing reason to fear that such a choice might actually be forced upon him. In late November, Trump pardoned Michael Flynn, who had pleaded guilty to charges of lying to the F.B.I. about his contacts with Russia. Soon afterward, Flynn publicly suggested several extreme options for Trump: he could invoke martial law, appoint a special counsel, and authorize the military to "rerun" an election in the swing states. On December 18th, Trump hosted Flynn and a group of other election deniers in the Oval Office, where, for the first time in American history, a President would seriously entertain using the military to overturn an election. They brought with them a draft of a proposed Presidential order requiring the acting Defense Secretary—Christopher Miller—to "seize, collect, retain and analyze" voting machines and provide a final assessment of any findings in sixty days, well after the Inauguration was to take place. Later that night, Trump sent out a tweet beckoning his followers to descend on the capital to help him hold on to office. "Big protest in D.C. on January 6th," he wrote at 1:42 A.M. "Be there, will be wild!"

Milley's fears of a coup no longer seemed far-fetched.

While Trump was being lobbied by "the crazies" to order troops to intervene at home, Milley and his fellow-generals were concerned that he would authorize a strike against Iran. For much of his Presidency, Trump's foreign-policy hawks had agitated for a showdown with Iran; they accelerated their efforts when they realized that Trump might lose the election. In early 2020, when Mike Pence advocated taking tough measures, Milley asked why. "Because they are evil," Pence said. Milley recalled replying, "Mr. Vice-President, there's a lot of evil in the world, but we don't go to war against all of it." Milley grew even more nervous before the election, when he heard a senior official tell Trump that if he lost he should strike Iran's nuclear program. At the time, Milley told his staff that it was a "What the fuck are these guys talking about?" moment. Now it seemed frighteningly possible.

Robert O'Brien, the national-security adviser, had been another frequent cheerleader for tough measures: "Mr. President, we should hit 'em hard, hit 'em hard with everything we have." Esper, in his memoir, called "hit them hard" O'Brien's "tedious signature phrase." (O'Brien disputed this, saying, "The quote attributed to me is not accurate.")

In the week of Esper's firing, Milley was called to the White House to present various military options for attacking Iran and encountered a disturbing performance by Miller, the new acting Defense Secretary. Miller later told Jonathan Karl, of ABC, that he had intentionally acted like a "fucking madman" at the meeting, just three days into his tenure, pushing various escalatory scenarios for responding to Iran's breakout nuclear capacities.

Miller's behavior did not look intentional so much as unhelpful to Milley, as Trump kept asking for alternatives, including an attack inside Iran on its ballistic-weapons sites. Milley explained that this would be an illegal preemptive act: "If you attack the mainland of Iran, you will be starting a war." During another clash with Trump's more militant advisers, when Trump was not present, Milley was even more explicit. "If we do what you're saying," he said, "we are all going to be tried as war criminals in The Hague."

Trump often seemed more bluster than bite, and the Pentagon brass still believed that he did not want an all-out war, yet he continued pushing for a missile strike on Iran even after that November meeting. If Trump said it once, Milley told his staff, he said it a thousand times. "The thing he was most worried about was Iran," a senior Biden adviser who spoke with Milley recalled. "Milley had had the experience more than once of having to walk the President off the ledge when it came to retaliating."

The biggest fear was that Iran would provoke Trump, and, using an array of diplomatic and military channels, American officials warned the Iranians not to exploit the volatile domestic situation in the U.S. "There was a distinct concern that Iran would take advantage of this to strike at us in some way," Adam Smith, the House Armed Services chairman, recalled.

Among those pushing the President to hit Iran before Biden's Inauguration, Milley believed, was the Israeli Prime Minister, Benjamin Netanyahu. On December 18th, the same day that Trump met with Flynn to discuss instituting martial law, Milley met with Netanyahu at his home in Jerusalem to personally urge him to back off with Trump. "If you do this, you're gonna have a fucking war," Milley told him.

Two days later, on December 20th, Iranian-backed militias in Iraq fired nearly two dozen rockets at the American Embassy in Baghdad. Trump responded by publicly blaming Iran and threatening major retaliation if so much as a single American was killed. It was the largest attack on the Green Zone in more than a decade, and exactly the sort of provocation Milley had been dreading.

During the holidays, tensions with Iran escalated even more as the first anniversary of the American killing of Suleimani approached. Ayatollah Ali Khamenei warned that "those who ordered the murder of General Soleimani" would "be punished." Late on the afternoon of Sunday, January 3rd, Trump met with Milley, Miller, and his other national-security advisers on Iran. Pompeo and Milley discussed a

worrisome new report from the International Atomic Energy Agency. But, by the end, even Pompeo and O'Brien, the Iran hawks, opposed a military strike at this late hour in Trump's Presidency. "He realized the clock ran out," Milley told his staff. Trump, consumed with his election fight, backed off.

At the end of the meeting with his security chiefs, the President pulled Miller aside and asked him if he was ready for the upcoming January 6th protest. "It's going to be a big deal," Milley heard Trump tell Miller. "You've got enough people to make sure it's safe for my people, right?" Miller assured him he did. This was the last time that Milley would ever see Trump.

On January 6th, Milley was in his office at the Pentagon meeting with Christine Wormuth, the lead Biden transition official for the Defense Department. In the weeks since the election, Milley had started displaying four networks at once on a large monitor across from the round table where he and Wormuth sat: CNN and Fox News, as well as the small pro-Trump outlets Newsmax and One America News Network, which had been airing election disinformation that even Fox would not broadcast. "You've got to know what the enemy is up to," Milley had joked when Wormuth noticed his viewing habits at one of their meetings.

Milley and Wormuth that day were supposed to discuss the Pentagon's plans to draw down U.S. troops in Afghanistan, as well as the Biden team's hopes to mobilize large-scale COVID vaccination sites around the country. But, as they realized in horror what was transpiring on the screen in front of them, Milley was summoned to an urgent meeting with Miller and Ryan McCarthy, the Secretary of the Army. They had not landed the plane, after all. The plane was crashing.

Milley entered the Defense Secretary's office at 2:30 P.M., and they discussed deploying the D.C. National Guard and mobilizing National Guard units from nearby states and federal agents under the umbrella of the Justice Department. Miller issued an order at 3:04 p.m. to send in the D.C. Guard.

But it was too late to prevent the humiliation: Congress had been overwhelmed by a mob of election deniers, white-supremacist militia members, conspiracy theorists, and Trump loyalists. Milley worried that this truly was Trump's "Reichstag moment," the crisis that would allow the President to invoke martial law and maintain his grip on power.

From the secure facility at Fort McNair, where they had been brought by their protective details, congressional leaders called on the Pentagon to send forces to the Capitol immediately. Nancy Pelosi and Chuck Schumer were suspicious of Miller: Whose side was this unknown Trump appointee on? Milley tried to reassure the Democratic leadership that the uniformed military was on the case, and not there to do Trump's bidding. The Guard, he told them, was coming.

It was already after three-thirty by then, however, and the congressional leaders were furious that it was taking so long. They also spoke with Mike Pence, who offered to call the Pentagon as well. He reached Miller around 4 P.M., with Milley still in his office listening in. "Clear the Capitol," Pence ordered.

Although it was the Vice-President who was seeking to defend the Capitol, Meadows wanted to pretend that Trump was the one taking action. He called Milley, telling him, "We have to kill the narrative that the

Vice-President is making all the decisions. We need to establish the narrative that the President is still in charge.” Milley later dismissed Meadows, whose spokesperson denied Milley’s account, as playing “politics, politics, politics.”

The Guard finally arrived at the Capitol by 5:40 P.M., “sprint speed” for the military, as Milley would put it, but not nearly fast enough for some members of Congress, who would spend months investigating why it took so long. By 7 P.M., a perimeter had been set up outside the Capitol, and F.B.I. and A.T.F. agents were going door to door in the Capitol’s many hideaways and narrow corridors, searching for any remaining rioters.

That night, waiting for Congress to return and formally ratify Trump’s electoral defeat, Milley called one of his contacts on the Biden team. He explained that he had spoken with Meadows and Pat Cipollone at the White House, and that he had been on the phone with Pence and the congressional leaders as well. But Milley never heard from the Commander-in-Chief, on a day when the Capitol was overrun by a hostile force for the first time since the War of 1812. Trump, he said, was both “shameful” and “complicit.”

Later, Milley would often think back to that awful day. “It was a very close-run thing,” the historically minded chairman would say, invoking the famous line of the Duke of Wellington after he had only narrowly defeated Napoleon at Waterloo. Trump and his men had failed in their execution of the plot, failed in part by failing to understand that Milley and the others had never been Trump’s generals and never would be. But their attack on the election had exposed a system with glaring weaknesses. “They shook the very Republic to the core,” Milley would eventually reflect. “Can you imagine what a group of people who are much more capable could have done?” ♦

This is drawn from “The Divider: Trump in the White House, 2017-2021.”

An earlier version of this article mistakenly attributed a quote to Mark Esper’s book.

Published in the print edition of the August 15, 2022, issue, with the headline “Trump’s Last General.”

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Are retired general and flag officers still part of the military profession? Should they be bound by the same normative constraints regarding political speech that those on active duty are bound by? These articles explore how retired general and flag officers weigh normative considerations regarding their political speech and examine how retired officer political activism impacts public confidence in the military.

<https://warontherocks.com/2018/08/danger-close-military-politicization-and-elite-credibility/>

WAR ON THE ROCKS

DANGER CLOSE: MILITARY POLITICIZATION AND ELITE CREDIBILITY

MICHAEL A. ROBINSON

AUGUST 21, 2018

COMMENTARY

Speaking at a National Guard leadership conference in 2011, then-Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey mused on a request he made to U.S. Army War College leaders to explain why the military was so popular: “Maybe if I knew what it would take to screw it up, I could avoid it.” If the ongoing debate over retired officers and the partisan political sphere is to be believed, the general can stop searching. Retired general and flag officers have risen lead the Pentagon, White House staff, the National Security Council staff — even a misfire attempt at Veterans’ Affairs — and become outspoken voices as commentators, analysts, and activists. What’s also risen is a concern over how an increasingly visible military presence in politics might affect the credibility of the military institution.

Why does the public credibility of the military matter? Aside from the inherent value of the public’s trusting an essential arm of their government, military leaders are critical sources of information. While many dispute the virtue of military figures engaging in opinion-shaping, even the most traditional civil-military scholars should accept that a military institution perceived as trustworthy is in the best interest of civilian leaders who rely on it for advice. But the public at large also benefits from a trusted military. When citizens need information or cues on how to think about subjects as diverse as torture, lesbian, gay, bisexual, and transgender rights, foreign intervention, and relations with the press, they will likely seek out trusted voices in the discourse.

But if preserving a trustworthy voice is important, does using it damage the institution? The discussion over this question has largely depended on subjective critiques and conjecture. Dempsey’s remarks were in response to a 2011 Gallup survey on trust in institutions that ranked the military favorably, a trend that has not changed considerably since. If trust among the public has not shifted, do we have anything to fear about the military losing credibility? I argue that the answer is yes, by analyzing this question with a data-driven focus. If partisan activism is to threaten military credibility, there is likely to be two indicators: first, a loss of generalized trustworthiness when speaking on military issues, and, second, the loss of a broad audience.

To the first point, I discuss the results of original survey experimentation I conducted in a working paper probing how knowledge of a retired military officer's partisan history affected their influence. In order to examine the second idea, I explore the social media follower networks of several prominent retired military leaders and the ideologies of the audiences they cultivate. As Heidi Urben details at length, the realm of social media is one of the ungoverned spaces where military partisan expression is widespread. Across both domains, we can gain some visibility on a threat that, for many, has existed so far as normative alarmism.

How to Lose Trust and Politicize People

Senior retired military officials can have a significant effect on how the public receives and interprets information on pressing issues. Being out of uniform has little bearing on their influence, as their credibility as a speaker comes from their erstwhile career: "Like princes of the church", historian and civil-military scholar Richard Kohn remarks, "They represent the culture and the profession just as authoritatively as their counterparts on active duty." But how does public knowledge of political activism affect their influence as a source of political information?

As part of my own research, I examined some of this question through several experimental survey instruments measuring public attitudes on the military and elite credibility. Over 1,000 respondents were given a short biography about a retired senior military officer whose background after service included either non-partisan research or a history of candidate endorsements and commentary on partisan cable networks. It then measured impressions of credibility for the general on a battery of questions regarding the individual's trustworthiness and expertise.

The study revealed several key patterns regarding how partisan generals fared against their non-partisan counterparts. Activist generals were seen as less credible, but only by those on the other side of the political spectrum. Co-partisans — those on the same political side as the activist general — actually found political generals to be slightly more credible. In a working paper based on this research, I find that generals who endorsed the other side scored considerably lower than the non-partisan in terms of credibility, even if both had identical qualifications. Exposure to a partisan general from across the aisle also damaged individual impressions of the military's trustworthiness and expertise, compounding the credibility problem.

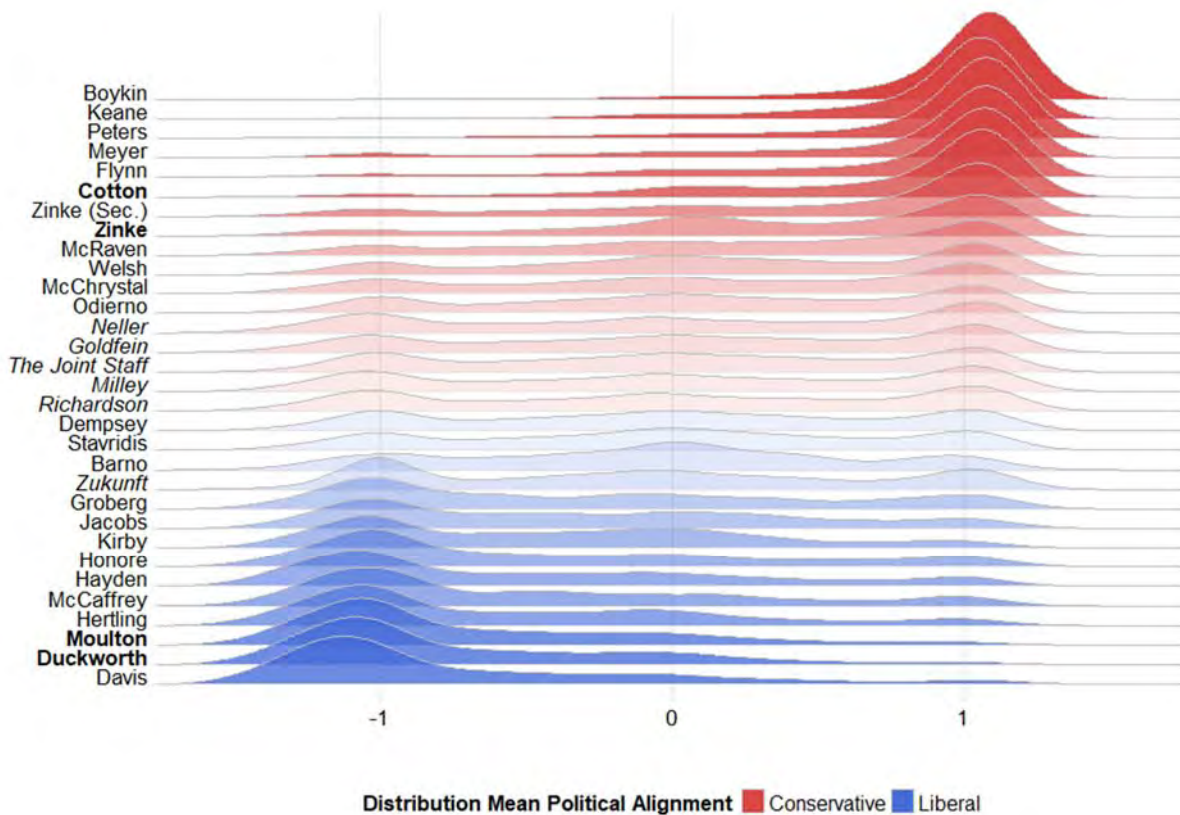
These voices were also far less effective when providing information to the public on policies within their expertise. The respondents were told that the figure they had seen endorsed a pre-emptive strike on North Korea's nuclear weapons program. Compared to hearing an endorsement from the non-partisan, public support for the policy was significantly degraded if it was being endorsed by a military officer with a history of activism. In addition to losing considerable credibility with a large portion of the country, the public's receptiveness to a perceived subject matter expert was curtailed. If information on foreign intervention can only be seen through partisan lenses, foreign policy attitudes will become polarized along partisan lines, with a multitude of negative consequences for coherent and wise policy.

Retired officers who are perceived as partisans risk the very credibility they leverage when speaking publicly. This is not to suggest these figures should remain out of expert debates on policy; to argue that several decades of hard-won subject matter expertise and experience should remain closeted benefits the American people none at all. But the effectiveness of that counsel is conditional on maintaining a non-partisan image for themselves and the military institution. As some of my own research suggests, failing to do incurs a high cost: an authoritative and credible voice in the information space.

More Partisan than Partisans

In order to explore what I argue is the second element of credibility decay, loss of a broad audience, I examined how different retired officers at different levels of activism or commentary draw varied ideological distributions. To this end, I collected information on the social media follower networks of nearly three dozen high-profile military elites in November 2017, ranging from the active service chiefs to retired officers in academia, commentary, and activism. Using political ideology scores assigned from Adam Bonica's Database on Ideology, Money in Politics, and Elections dataset, the result is an ideological distribution of the Twitter follower audiences from each, ranging from very liberal (-1.5) to very conservative (+1.5). For reference, the bold-faced names in Figure 1 indicate actual politicians whose principal pre-Congressional careers were in the military, including Sens. Tammy Duckworth (D-IL) and Tom Cotton (R-AR). Rep. Seth Moulton (D-MA), and the Congressional account for Interior Secretary Ryan Zinke (R-MT).

Figure 1: Ideological Distribution of Military Elite Follower Networks



The data reflect ideology scores of the followers for military elite Twitter accounts with at least 1,000 followers, subsetting to those followers who tracked at least two American politicians. Ideology score provided by Adam Bonica’s CF dataset. Twitter follower data collected October–November 2017, with exception of Kirby (April 2018) and Peters (July 2018). Ideology score re-scaled to between -1.5 (most liberal) to 1.5 (most conservative) with height of the distribution re-scaled to represent min-max. Bold names indicate members of Congress whose principal prior career was in the military. The italicized names indicate active service chiefs.

Do activist or politically visible retired officers lose a broad audience? The short answer is yes. Those with regular media presence on cable news channels, such as retired Lt. Gen. Mark Hertling (CNN), retired Col. Morris Davis (MSNBC), retired Gen. Jack Keane (Fox), and retired Lt. Col. Ralph Peters (Fox), are among the most one-sided in the sample. Though these networks have decidedly partisan audiences, to see those ideological skews manifest in the follower networks of these military figures is particularly telling. Peters made headlines earlier this year when he left Fox News over the

network's "propagandizing for the Trump administration." Further analysis of his follower network in the future will reveal if doing so lent him a new audience among administration critics or cost him one among Fox die-hards.

Retired officials who have waded into turbulent political waters exhibit these one-sided audiences as well. Retired Lt. Gen. William Boykin, whose unabashed anti-Islamic comments created considerable turmoil in both civilian and military circles, captures among the most partisan audiences in the sample. President Trump's first national security adviser, retired Lt. Gen. Mike Flynn cultivates a similar audience, not unexpectedly given his close identification with the administration's inner circle. Though less severe in skew, similarly one-sided audiences emerge under retired Lt. Gen. Russel Honore, retired Gen. Barry McCaffrey (MSNBC), and retired Gen. Michael Hayden, who clashed with the administration over Hurricane Maria relief, Russia relations, and treatment of U.S. intelligence agencies, respectively.

While it is somewhat evident that the active service chiefs maintain broad audiences, politicizing forces still act on them. This is because the political floor has shifted considerably under the feet of the military, making some actions seem partisan by mere comparison. One example of this came in the social media response following the Charlottesville rally in 2017, in which the service chiefs issued near-simultaneous statements denouncing intolerance and racial extremism. This response was interpreted by many as an "unusually public move," likely because of the relative position of their sentiment to that of the White House, which was decidedly non-committal. The abruptness of the White House's new policy on transgender service members placed the chiefs in a similarly precarious situation following the previous administration's approval of their open service. Though in both cases senior leadership issued arguably uncontroversial statements, their sentiment relative to that being espoused by civilian leadership put them in the headlines.

But these voices, ones with more balanced audiences around the political center, can be some of the most influential. In this regard, it is important to note that though partisan activism might be damaging, honest subject matter expertise can be constructive to our discourse. Retired Adm. William McRaven's recent op-ed opposing the Trump administration's "McCarthy-era" revocation of former CIA director John Brennan's security clearance seized precisely on the legitimate need for "voices of criticism." A host of former intelligence professionals — including retired Gen. David Petraeus — quickly rallied around the rebuke. Their letter made specific mention of the fact that

though these intelligence professionals had chosen to “be more circumspect in [their] public pronouncements” on administration policy than Brennan, the circumstances demanded their public outcry. When officers with little record of partisan activism or media visibility speak on issues in their subject matter expertise, actual persuasion of public attitudes might be possible.

But for those closely aligned with a partisan establishment or media environments with strong partisan audiences, the opposite is likely true. What analysis of these audiences can tell us is that retired officers who engage in partisan activism, whether perceived or actual, may sacrifice a broad audience of Americans in favor of a narrow, ideologically coherent one. Taken together with results from the survey wherein individuals actually felt that co-partisan generals were in some cases *more* credible for engaging in politics, this creates an environment ripe for potential opportunism among those seeking a post-service career in that arena. Access to a public audience doesn’t require a long career of establishing qualifications and expertise; rather, simply aligning with a major partisan establishment can garner that following, even if it comes at the expense of a broadly authoritative voice.

The Future of Military Credibility

The debate over retired officers and their activity in the political arena has typically focused on the implications such behavior has on civil-military relations, democratic norms, and organizational attitudes within the military. Heidi Urban finds that service members themselves are far more tolerant of political activism by retired officers than their active duty counterparts. My own findings suggest that the public may also be tolerant of such activity — conditional on such sentiment being in line with their own ideology. This is compounded by the fact that even if servicemembers see a difference between active and retired officials when it comes to activism, the public likely does not. The implications of such a slowly-unfolding trend are manifold.

First, future appeals to military elites may be limited in their effectiveness. If there is a breakdown in the American political discourse, it is in large part due to a similar breakdown in mechanisms of persuasion. Political scientists have long argued that the public looks for credible voices to help them find a position on policy; these voices provide the mental signposts required to reach a reasoned opinion without having to become an expert themselves. However, this process may in many ways be backward: Rather than credible voices leading us to reasoned opinions, pre-existing opinions dictate who is “credible” by their conforming or deviating from it. Policymakers would do well to note what this means for opinion shaping. High profile appointments of

retired officers to positions in government or consideration of them for a partisan ticket are often motivated by a desire to draw credibility from an apolitical institution. What I argue here is that rather than make politicians seem more like the military, it serves only to make the military seem more like politicians.

Second, even if senior leaders in the active force redouble efforts to curtail partisanship among the ranks online or in public, they will continue to have little influence over a retired community that is arguably far more visible. While my own research shows that engaging in the partisan debate costs them credibility with roughly half of the public, this is the environment most suited for opportunism. If retired officers believe that engaging in activism after the end of their career can earn them a die-hard audience of followers, they are more susceptible to shaping a political “afterlife” while they are still in uniform, as many including retired Lt. Gen. David Barno have feared.

Instead, retired senior leaders should see these findings as some evidence that repeated entrance into the political debate is inherently self-defeating. While doing so can earn them a small, dedicated audience of potential ideologues, they do so at the cost of generalized credibility and access to a broad audience. Furthermore, they lose the ability to affect opinions among precisely those members of the public they need to: people who don’t already agree with them. Rather than oblige the service chiefs to pressure the retired community into silence, these results will hopefully convince that community that activism has real costs, for themselves and the institution.

In this respect, civil-military scholars and policymakers concerned about military politicization are not alarmists. The partisan polarization that has gripped so much of the public’s trust in institutions in government and private society has not left the military unharmed. Senior military leaders have continued to warn the active force and the public about these forces, even if they are largely outside the direct management of the organization. The intensity of the domestic political climate is likely to continue to draw the military into uncharted and uncertain waters. More importantly, the influence of retired activists will similarly continue to become fixtures of informational media. However, those same elites should heed this insight into the process of how the public views voices as “credible”. Those who want to cultivate broad audiences with credibility subvert those efforts by engaging in the partisan sphere — that way lies madness.

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<https://www.lawfaremedia.org/article/generally-speaking-assessing-political-speech-by-retired-general-and-flag-officers>

LAWFARE

Generally Speaking: Assessing Political Speech by Retired General and Flag Officers

Risa Brooks, Michael A. Robinson, Heidi A. Urben

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Do retired generals think they should speak out on political issues? Most favor restraint—but how much and when is up for debate.



Former Defense Secretary James Mattis (U.S. Secretary of Defense, <https://www.flickr.com/photos/secdef/34718600986/>, CC BY 2.0 DEED)

Editor's Note: Recent years have seen a surge in partisan speeches and other political activities by retired general and flag officers. What do other officers themselves think about this surge in political activity? Marquette's Risa Brooks and my Georgetown colleagues Michael A. Robinson and Heidi Urben discuss the tension they found between traditional, apolitical civil-military relations and the officers' concerns about threats to the constitution and other grave concerns.

- Dan Byman

Since the 1990s, campaigns have regularly solicited endorsements from retired generals and admirals. But this phenomenon has surged in recent years, as high-profile retirees are speaking out more during elections or over controversial issues in U.S. politics.

Both political parties in 2016 featured retired generals speaking at their political conventions. Under the Trump presidency, some prominent retired generals and admirals, alarmed by what they perceived as the former president's anti-democratic inclinations, spoke out, including when retired Marine general and former Secretary of Defense James Mattis warned against using the military against protesters in June 2020. On the other side, Trump has had his own allies among the retiree ranks, including former Army intelligence officer Michael Flynn, who pleaded guilty to lying to federal investigators about his Russian contacts in 2017. Today, Flynn routinely makes pro-Trump speeches and is likely to be a regular on the campaign trail in the 2024 election.

These actions have sparked significant commentary and debate among civil-military relations scholars about the appropriateness of retiree political speech. Yet, for all that controversy, we know little about what retired generals and admirals themselves actually think about the norms governing their political activism—whether they perceive that there should be limits to political speech and when and if they think it is ever appropriate to violate those conventions. Understanding these norms is important, because although retired officers remain bound by certain Department of Defense regulations regarding their political activity, such behavior is governed largely by norms—social conventions about what behaviors befit a former officer.

Research we published last month in the Texas National Security Review helps address this question with a novel survey of retired general and flag officers. (The specific ranks in the survey included O7-O10, while skewing toward the more senior ranking general and flag officers, O9s and O10s.) We asked them about the forms of political activism they had engaged in—such as statements to the press and campaign endorsements—and whether they viewed such activities as appropriate or controversial.

Our results shed light on what we conclude is a contested norm of political speech by retired generals and admirals. On the one hand, almost all the respondents agreed that there is and should be a norm governing political activism by retirees and that it should remain limited. On the other hand, they disagreed significantly about the precise boundaries of that norm. Pairing those responses with an analysis of the empirical record of political activism by retirees over the past 35 years led us to conclude that there is no clear consensus among retirees about when and whether it is appropriate for them to speak out or engage in other forms of activism in relation to contentious issues in U.S. domestic politics. The norm exists, but how that translates into practical behavior is sometimes murky and often controversial among retirees themselves.

A Contested and Deteriorating Norm

The first signs of that contestation date to the late 1980s—long before the current pressures of social media and the hyperpolarization that defines political discourse today. Marine Corps Commandant Gen. P.X. Kelley endorsed then-candidate George H.W. Bush in a primary after which former Chairman of the Joint Chiefs Adm. William J. Crowe endorsed Bill Clinton during the 1992 presidential election. Since then, campaign endorsements by retired general and flag officers have grown in number and become a regular feature of campaigns on both sides of the aisle. At the same time, there has also been an increase in partisan commentary in op-eds, on cable news, and on social media by retired officers.

While many civil-military analysts contend that political speech is damaging to the maintenance of a nonpartisan force, there are some who believe otherwise, arguing that senior officers, once retired, should be able to speak their minds. Proponents of such speech contend that retired general officers and flag officers can provide important context about different issues to the public, given their decades of public service, pointing to the fact that retired generals like Grant and Eisenhower became partisan political fixtures in their own times. Some point to the current environment and perceived existential stakes to the political system, alongside the competing obligations that officers must navigate, to justify such speech.

Others worry about the long-term damage to democratic civil-military relations that can result from political activism becoming widespread and generally acceptable. They note that retirees are associated with the institution and may be seen by the public as speaking on behalf of the military as a whole. These former officers thus play an important role in protecting the nonpartisan status of the institution and maintaining the institution's credibility as a neutral force in U.S. politics. Empirical research also underscores the limited effectiveness of such speech in actually changing anyone's mind. Because the public is getting information within curated partisan media environments, retired officers' comments on political issues rarely persuade audiences whose views are often fixed. As a result, such speech can sometimes trigger backlash among the public rather than meaningful reflection.

What Retired Generals and Admirals Really Think

Despite the high-profile nature of retired officer political speech, we have had only limited grasp about how retired generals and admirals actually think about the decision to engage in public political commentary. Other surveys and empirical studies have provided insights into the attitudes of active-duty service members, including at the midgrade and junior officer level. But there have been comparably fewer prior efforts to systematically explore retired general and flag officer beliefs and rationale on these issues in an anonymized setting.

During December 2020 and January 2021, we surveyed 23 retired generals and admirals—principally at the three- and four-star level—on the types of political activities in which they have engaged and their thoughts on the appropriateness of such activities. The small sample limits our ability to generalize our findings across all retired general and flag officers—at any given time, there are about 7,500 retired general and flag officers. Still, the responses from this unique, difficult-to-reach sample, including their open-ended text answers, provide intriguing insights about the views of retired officers toward the norm of nonpartisanship and political speech.

We found that the retired general and flag officers we surveyed were aware and supportive of the norm with implications for their behavior in retirement. For example, 79 percent of our survey respondents felt the standards governing political commentary for retired officers should be different from those on active duty. Most respondents indicated retired officers should exercise caution when considering speaking out on political matters; however, most also bristled at outright prohibitions on retired officer political speech.

The retired generals and admirals we surveyed remarked that some of their senior retired officer peers had pressured them to either engage in political activism or refrain from such advocacy. However, they also dismissed peer pressure as an influence on their decision-making to speak out when asked about their motivations. We question the degree to which senior retired officers are, in fact, immune to such peer pressure given the importance they attach to their social

networks of fellow retired general and flag officers—their responses likely reflect some degree of social desirability bias. Still, the fact that they saw their decisions as stemming from highly personal calculations and convictions was intriguing.

While sensitive to the norm against partisan speech by retirees, many questioned its limits. Some even supported openly violating it under certain conditions. To justify such actions, many pointed to their individual moral obligations, as well as support for the Constitution and democratic processes. Some also cited specific controversial events in U.S. domestic politics and political circumstances during the Trump presidency, such as the use of force to disperse peaceful protesters in Lafayette Square, to explain why they thought speaking out was warranted.

What Lies Ahead

Given the current political environment and what is likely to be an extraordinarily tense and high-stakes campaign season, we may yet see more commentary by retirees. As the survey suggests, retirees often perceive that they are bound by conflicting obligations, which puts a professional norm of self-censorship about political matters into tension with support for democratic governance. Indeed, while electoral preferences or personal gain might motivate some speakers, our findings suggest that retired generals and admirals may calculate in good faith that the dictates of their oath require them to speak out, and that adherence to civil-military norms should not constitute “a suicide pact.”

But our and other scholars’ research nonetheless offers a warning of what is at stake in such speech. Retired officer speech is one expression of a dilemma facing many professions today that strive to remain outside the partisan fray, such as lawyers and academics. Supporting democracy requires adhering to democratic norms. This includes limiting partisan-laden speech by retirees, given its potential to erode overall perceptions within the public that the military *is* and *should be* a nonpartisan actor in a democratic country. In other words, it is hard to make the case that democracy is worth upholding if one is not abiding by its norms and showing that they matter. Partisan speech, over time, can corrode the fabric of democratic civil-military relations. Perhaps most importantly though, such speech may bolster the mistaken belief among many Americans that the military can and should uphold democracy for them.

The views expressed in this article are those of the authors and do not reflect the position of the U.S. Army, the Department of State, the Department of Defense, or any part of the U.S. government.

IT'S TIME TO REVISE GUIDANCE ON POLITICAL ACTIVITIES FOR MEMBERS OF THE U.S. MILITARY

JOHN CHILDRESS, DAVE RICHARDSON, AND HEIDI URBEN

JULY 6, 2023

COMMENTARY



When the Department of Defense last updated its directive that regulates the political activities of servicemembers, the social media platforms TikTok, Instagram, and WhatsApp had not yet been created. Twitter was two years old, and Facebook had only been open to the public for 18 months. The current directive was published exactly two weeks after Super Tuesday in the 2008 presidential primaries, a time when political polarization was starting to gain more attention on the national landscape. As the Department of Defense wrestles with how to preserve the military's nonpartisanship in what is clearly now an exceptional period of polarization, it relies on an outdated

directive that fails to address the contemporary challenges the military services face regarding partisan political speech and behavior by those in uniform.

It is critical that the Department of Defense develop and publish a significant revision to the outdated directive that currently guides the political activities of U.S. military members before the November 2024 presidential election. However, a new and updated directive is not enough. The U.S. military should also commit to training the force on both the content of the new directive and the reasons why norms and rules surrounding political activities are so important to the health of U.S. democratic norms.

Military Personnel and Rules of Political Behavior

The military's status as a trusted servant of the state certainly faces external pressures. The military's nonpartisan ethic depends on a combination of healthy norms — informal practices that guide behavior in a profession — and applicable, enforceable rules for its members to abide by. In general, professions prefer to regulate their members' behavior through norms, as rules typically outline the bare minimum requirements or standards of conduct. Norms speak to a deeper professional commitment, while rules often signify basic compliance. However, norms work best when backstopped by complementary rules.

The contemporary rules for political behavior have their roots in the 1939 Hatch Act, which codified the limits of political activities for federal employees and remains in effect today. Of note, the Hatch Act applies to civilian Department of Defense employees but not to the uniformed members of the military. The nonpartisan ethic in the military was maintained in the early decades of the Cold War by the strength of norms — not a set of codified rules that all servicemembers had to follow. George C. Marshall represented the quintessential nonpartisan military officer in this era, carrying on a tradition established by William Tecumseh Sherman and other senior military leaders after the Civil War.

Three decades after the adoption of the Hatch Act, detailed guidance to members of the military finally emerged in 1969 with the issuance of the first version of Department of Defense Directive 1344.10, titled "Political Activities by Members of the Armed Forces." Minor revisions of the directive were issued in 1986, 1990, 2004, and 2008, notably all timed in election years. These minor updates over four decades did little to alter the substance of the document first signed at the height of the Vietnam War. If anything, the 1969 version of Department of Defense Directive 1344.10 is more direct and easier to digest than the current version. The 2008 directive is longer due to the inclusion of four modifications, and it is written in a multilayered subparagraph structure, a format with little consideration for the U.S. military members expected to read, digest, and ultimately follow the nuanced guidance.

In broad terms, the directive details three things. The first is a list of definitions for a few basic terms (including the meanings of partisan and nonpartisan political activity, active duty, and civil office). Second, there is a short list of permitted political activities. And,

third, there is a much longer list of political activities that are *not* permitted. Nowhere in the directive is even a brief explanation for why the nature of political activities by those who wear the cloth of the nation is important, or even why the nonpartisan ethic of the U.S. military exists in the first place. A policy document that focuses on such a critical and nuanced topic that fails to give this brief context is arguably deficient. The same policy document that also fails to provide updated guidance on something so ubiquitous in the current world of political activity as the use of social media is woefully inadequate.

This points to the most glaring issue with adhering to a 2008 directive — its silence on social media during an age in which servicemembers tweet, post updates on Facebook, maintain LinkedIn profiles, upload videos to TikTok, and play online games. The Department of Defense's formal ambiguity about social media behavior diminishes its ability to both educate the force and enforce a nonpartisan ethic. In the past three years, servicemembers have used social media to disparage politicians and elected leaders and trumpet their personal political opinions. Stronger, enforceable guidelines could have arguably deterred some of these behaviors or even prevented partisan comments on some anonymous accounts claiming military affiliation. Even general officers have been caught up in the uncertainty about how to use and interpret social media posts. As the United States enters another presidential election season, the pressures and temptations to use social media will only increase.

What Changes Need to Be Made?

The Department of Defense should not let another election cycle pass without updating Department of Defense Directive 1344.10. It should do so by the end of this calendar year in order to sensitize servicemembers to key tenets of nonpartisanship before the 2024 election. Revisions to Department of Defense Directive 1344.10 should address the following gaps.

First, the directive should open with a very brief section that provides context for members of the military on the importance of maintaining healthy norms of nonpartisanship. This introduction should touch on the reasons behind servicemembers properly exercising permitted political activities and the damage that can occur if activities that are not permitted are not avoided. While this sort of context is arguably not the norm for directives in the Department of Defense, it would serve to remind servicemembers that these rules establish a baseline level of compliance only in a very complex, nuanced topic. The commitment to professional norms, including the norm of nonpartisanship, requires servicemembers to reflect upon whether certain political activities are appropriate, even when they are allowable. This sort of brief introduction providing context would also serve to frame the associated training for members of the military that we outline below.

Second, Department of Defense Directive 1344.10 must be updated to address the particular harm associated with servicemembers' unregulated partisan speech on social media. Each service maintains its own social media guide but refers to Department of

Defense Directive 1344.10 when addressing political speech. However, the current version of Department of Defense Directive 1344.10 has no references to social media whatsoever, leaving unit commanders to interpret what constitutes partisan political activity on social media. In August 2022, the Department of Defense issued its first instruction on the use of social media, aimed at providing guidelines for the use of official social media accounts. Unfortunately, its discussion of political activity is cursory, including the obvious restriction that official social media accounts are prohibited from engaging in political activity and that Department of Defense personnel may not use their personal accounts for political purposes while on duty and while in the workplace. The instruction says little else on the matter and provides a link to the website for the Department of Defense Standards of Conduct Office, an ethics website with no straightforward guidance about political activity, while also failing to mention Department of Defense Directive 1344.10 at all.

Third, Department of Defense Directive 1344.10 should be updated to require servicemembers to post a disclaimer on all of their personal social media accounts that their views do not reflect those of the U.S. military or Department of Defense. The department should also consider a prohibition on active-duty servicemembers liking, sharing, retweeting, or posting partisan content on their personal social media accounts. By its very nature, social media is today's public town square, where content has a written, lasting record and exponential reach. Posting on social media is an inherently public act. Therefore, partisan commentary on social media should be prohibited in the same way the current version of the directive precludes servicemembers from speaking before a partisan political gathering or participating in partisan discussion on the radio, television, or other program.

Posting on social media is not akin to writing an op-ed, which is an allowable form of non-social media expression under the current guidelines. An op-ed must meet certain publication and editorial standards, and military organizations often require servicemembers to submit them for a public affairs and operational security review prior to publication, even when they include the department's standard disclaimer. Tweets or posts face no such scrutiny or review and can be unlimited in their volume. We realize that this injunction against all partisan related social media activity will strike some as too strong, but given the public nature of this form of political expression, it is necessary for reinforcing the military's nonpartisan ethic.

Fourth, the directive should expand the section that refers to Article 88 of the Uniform Code of Military Justice, which prohibits officers from using contemptuous words against certain elected and appointed officials. Survey research has shown that a sizable portion of active-duty officers have observed their peers make rude and disdainful comments about the president and other elected officials on social media — during both the Obama and Trump administrations — so the directive should make it clear that Article 88 applies to social media as well. Not only should Department of Defense Directive 1344.10 list which officials are protected by Article 88, but it should also include the reminder that enlisted servicemembers who use contemptuous words

against elected and appointed officials can be punished under Article 134 as a violation of good order and discipline.

Fifth, any new revision to the current directives must be accompanied by purposeful training and education efforts across the military, both at the unit level and across professional military education to better sensitize servicemembers to the importance of nonpartisanship and reversing the perception that the U.S. military has become politicized. One of us has authored a guide on how to teach and instill the nonpartisan ethic at the unit level, which includes guided discussion questions, prompts, and recommended readings that can be adopted by unit commanders at the lieutenant colonel and colonel levels. Absent such a framework, discussions at the small unit level on how the military should avoid politicization run the risk of uneven implementation, as some critics characterized the Department of Defense's extremism stand-down in 2021.

Finally, the department should better enforce the provisions already contained in Department of Defense Directive 1344.10. Retired servicemembers and currently serving members of the Reserves and National Guard running for elected office have come under increased criticism for appearing to violate the directive in their campaign advertisements. Some have failed to include a disclaimer that use of military photographs does not imply endorsement by the U.S. military or Defense Department, while other ads appear to misrepresent the candidate's military service and imply official endorsement. While many ads do contain disclaimers, several push the envelope on the prohibition that photographs of them in uniform cannot be the "primary graphic representation" in an advertisement. While the department lacks jurisdiction over veterans, it should not hesitate to take action to curb ads that violate the spirit and intent of Department of Defense Directive 1344.10.

The Risks of Inaction

Certainly, there are some incentives against updating Department of Defense Directive 1344.10 by the end of the calendar year. Some critics might label this as an attempt by the current administration to infringe upon servicemembers' right to free speech or argue that placing increased restrictions on servicemembers' political activities is a partisan act in and of itself. While it is true that these new changes to the regulations may limit and revise servicemembers' speech on social media, it is equally true that servicemembers have already given up specific rights to partisan speech in the public domain that no one disputes based on existing regulations. The basis of these suggested revisions is simply to clearly outline how existing norms and rules apply to social media — an area currently unregulated to the detriment of the nonpartisan military ethic.

Similarly, the secretary of defense may wish to tread carefully and avoid such perceptions, given the already strained relationship with some in Congress. However, revisions to Department of Defense Directive 1344.10 do not favor one party over the other and should be something both parties can rally around. Regardless of one's

political predispositions, providing the military services greater clarity on what constitutes prohibited partisan activity is a prudent step toward thwarting politicization.

Additionally, some will be concerned that any social media regulations will be outdated before they are officially approved. If, for example, the regulations stipulated specific guidance about using Facebook's "like" feature, a reader may interpret the absence of guidance relating to yet-to-be-developed tools as license for their use. In addition, it is not clear how evolving technologies such as artificial intelligence and the Metaverse will impact social and political experience. These concerns should provide useful cautions about an update to Department of Defense Directive 1344.10 that focuses too closely on the specific features or any technology. Likewise, these concerns should only serve to further encourage the Department of Defense to include a short introduction in the revised directive that provides context and at least some thoughtful discussion about the importance of both rules and norms in the maintenance of the nonpartisan ethic that is currently under attack.

While concerns about taking action immediately and before the next election cycle are understandable, the risks of inaction are too great to dismiss. The words to all members of the military from then-Chairman of the Joint Chiefs of Staff Adm. Mike Mullen at the time of the 2008 presidential election cycle when the directive was last updated resonate even more today: As the Nation prepares to elect a new President, we would all do well to remember the promises we made: to obey civilian authority, to support and defend the Constitution, and to do our duty at all times. Keeping our politics private is a good first step. The only things we should be wearing on our sleeves are our military insignia.

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Image: Army photo by Capt. Mike Manougian

How does the Supreme Court's recent immunity ruling impact civil-military relations? This article explores the impact that unlawful and "lawful but awful" orders can have on the military and civil-military relations.



FOREIGN AFFAIRS

Don't Ask the U.S. Military to Save American Democracy

Why the Armed Forces Would Struggle to Rein In Trump

BY PETER D. FEAVER AND HEIDI URBEN

September 13, 2024

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As former U.S. President Donald Trump takes another run at the White House, many observers worry about how his second term could shape civil-military relations. The Constitution enshrines civilian control over the military, but this relationship has at times been fraught. During Trump's first term, senior military leaders, both active and recently retired, helped talk the president out of his most dangerous ideas. Critics of the Trump administration were grateful for the way these officers served as the "adults in the room," but Trump's supporters, and Trump himself, believe that the military thwarted him from accomplishing all that he wanted to do.

Trump has made it clear that he won't let that happen again. If he is elected in November, the United States will face a serious test of its system of civilian control over the armed forces. Trump has, for instance, said he would fire the "woke generals at the top" if reelected and that he would consider using the National Guard and the active-duty military to perform sweeping deportations of undocumented migrants. Trump's impact on civil-military relations is likely to be far greater and more corrosive than it was during his first presidency because he has gained a better understanding of how he can push the military to do his bidding and is more likely to surround himself with officials who fall in line.

Indeed, the conditions are ripe for Trump or future presidents to upset the balance of civil-

military relations. A recent Supreme Court ruling that granted presidents considerable immunity from prosecution could encourage Trump to act more recklessly. Trump himself has expressed the desire to use the military in irresponsible ways, breaking with norms that have long guided the military's deployment and use. Americans must learn—as so many other peoples around the world have—that the military by itself cannot save democracy from a reckless president.

AWFUL BUT LAWFUL

In July, the Supreme Court delivered a ruling that threatens the relationship between civilians and the military. It ruled in *Trump v. United States* that former presidents are immune from prosecution for “official acts.” Many legal minds, including the Supreme Court justice Sonya Sotomayor, worry that the decision might allow presidents to compel the military to engage in illegal activity. In her dissent, Sotomayor concluded that the majority opinion all but guarantees that a president would be immune from prosecution for ordering SEAL Team Six to assassinate a political rival. (Chief Justice John Roberts dismissed her concern as “fear mongering on the basis of extreme hypotheticals.”)

Regardless of what the immunity ruling means for the president, it changes nothing for the armed forces on a legal level. The military is still required to follow lawful orders and to resist unlawful ones. Moreover, presidential immunity is not conferred down the chain of command. Even if a president cannot be prosecuted for issuing a dubious order to the military, military officials who implement an unlawful order can and should be held accountable through the Uniform Code of Military Justice, the law that governs the conduct of service members.

The immunity ruling does, however, damage civil-military relations because it could embolden presidents to test the boundaries of unlawful orders. Commanders in chief may now feel less constrained in their decision-making and may pressure the U.S. military to act in ways contrary to democratic norms and traditions. Moreover, the way that presidents transmit policy and instructions to the military—the “regular order” system—is designed so that the military can presume that orders from the president through the chain of command are legal and must be implemented. It is not the case that the military assumes all orders are illegal until proven otherwise by a team rendering a second opinion. Should a president issue an unlawful or potentially unlawful order, the military would face intense pressure from the administration to carry it out before opposition coalesces in the legislative or judicial branches. The immunity ruling thus introduces more doubt and confusion into the regular

process of transmitting and receiving orders. Other misunderstandings about the military's obligations could compound the negative effects of the immunity ruling. Some senior officers mistakenly believe that the military is obligated to resist orders that are unethical or immoral. In reality, the military should resist only overtly illegal orders. It is not within their purview to determine whether an order is immoral or unethical. Members of the military are certainly guided by professional ethics, but they have limited moral autonomy—much less than the American public probably thinks they do. In many cases, an order may be unethical and immoral but ultimately legal, and the military is obligated to follow it (after letting political leaders understand their concerns). Some senior military officers, for example, opposed President Franklin Roosevelt's order to intern Japanese Americans during World War II and communicated their disagreement to Roosevelt, but they couldn't refuse to carry out the order because the Supreme Court ruled it legal. These lawful but awful orders are more likely to emerge if presidents, emboldened by their own sense of impunity, increasingly test the limits of their power.

CALL IN THE TROOPS?

Should Trump become president, he may try to push the boundaries by deploying the military within the United States. Of course, using the military domestically for humanitarian work after natural disasters is familiar and uncontroversial. But in June 2020, the president wanted to use troops to put down Black Lives Matter protests in Washington, DC. (According to former Defense Secretary Mike Esper, Trump asked his advisers whether the armed forces could “just shoot [the protesters] in the legs or something.”) On the campaign trail, he has repeatedly indicated he would use not only the National Guard but also active-duty military troops to quell protests, conduct mass deportations of undocumented migrants, and fight crime within the United States. Since 1878, the Posse Comitatus Act has held that the military cannot be used for law enforcement purposes unless expressly authorized by Congress or the Constitution. But in practice, Posse Comitatus has not been very restrictive, in part because Congress has authorized loopholes. One workaround is the Insurrection Act of 1807, a controversial law that gives the president broad authority to use military force on U.S. soil.

Many presidents have used the armed forces for missions that involve law enforcement, which may be legal but put the military in a situation for which they are inadequately trained. What Trump and his team want to do (and what Trump wanted to do in spring 2020) is not unprecedented. President Warren Harding deployed the army to put down striking miners

in West Virginia in 1921 and President Dwight Eisenhower sent troops from the 101st Airborne Division to Little Rock, Arkansas, to enforce school desegregation in 1957. President George H. W. Bush invoked the Insurrection Act to deploy soldiers and marines to manage the riots in Los Angeles after the Rodney King verdict in 1992, at the request of California's governor.

In almost every case, the operations were fraught, and the regular military hoped never to have to do it again. Members of the regular military are, in general, not well trained to carry out police work, and the public doesn't like it when they do. Research by Jessica Blankshain, Lindsay Cohn, and Danielle Lupton shows that Americans prefer that the police rather than the military respond to political protests. And the military might fracture if its members are directed to use force against their fellow Americans in response to domestic partisan frictions—that is neither what service members signed up for nor what they are trained to do. The active-duty force is less experienced than the National Guard in responding to civil disturbances, creating the potential for mistakes in a pressure-charged environment. Such a deployment would also cause public confidence in the military to plummet and could also harm the military by exacerbating recruitment and retention problems in an all-volunteer force. In the worst case, deploying the military in a nakedly partisan fashion could cause fissures within the rank and file and perhaps even split the military itself along partisan lines.

The Insurrection Act is poorly written and gives an extraordinary amount of discretion to the president. It is doubtful the courts would block the president from invoking it to deploy troops to quash demonstrations within the United States. The president would be on shakier legal ground if he were to use the army to round up and deport undocumented immigrants. Such a move would invite political backlash and a number of court challenges and would erode cohesion within the army. It would not, however, change the bottom line: the U.S. military would be obligated to follow the order unless the courts intervened decisively.

Even though the military is obligated to disobey an unlawful order, it is easier said than done. There is little precedent in the United States to draw from. Any commander would probably want reassurance from legal authorities that the order is indeed invalid before refusing to follow it, but he could receive contrary legal guidance from general counsels at the White House and the Department of Defense. If one office says the order is legal and the other disagrees, military officials might opt to follow the legal advice they prefer. If that advice rubs against the president's wishes, a civil-military crisis may emerge. A determined president could replace an officer who defied an order with one more pliable, or even fire

officers en masse until he found someone unscrupulous enough to carry out the unlawful act. Although military officers understand that they must resist unlawful orders, they would do so at considerable personal risk.

MENDING TIES

Once the civil-military relationship begins to break down, the problems are compounded. The tenth lawful but awful order would feel different than the first because Americans would become desensitized to controversial uses of the military and might be less willing to mobilize against them. And if an unprincipled president began his tenure by firing senior military officers for partisan political reasons, the military would lose trust in the executive branch and tensions would grow between the two sides. As has happened in many countries around the world—but not yet in the United States—the president might keep firing anyone who is suspected of insufficient personal loyalty and eventually there may be fewer people left willing to refuse an illegal order.

Given that the immunity ruling strains civil-military relations, it is important for civilian leaders to take steps that will build trust with the armed forces. For instance, politicians can help by changing how they approach the military in their campaigns. They should avoid engaging in petty partisan fights about military records. It is unhelpful, for example, that the vice presidential candidate JD Vance accused his opponent, Tim Walz, of “stolen valor” because Walz was sloppy in describing his rank. And it is unhelpful for Walz’s defenders to denigrate Vance’s service as trivial because he was in a public affairs role. The campaigns would be better advised to celebrate the fact that each ticket features someone who volunteered to serve in uniform, and then use that as a springboard for serious debate about how to make the all-volunteer force sustainable.

Congress, for its part, should limit the use of the Insurrection Act, and courts must move swiftly to adjudicate messy cases that might arise because of the Supreme Court’s ruling in *Trump v. United States*. Politicians and the courts must do everything in their power to protect the military from a wayward executive because it is not the military’s job to do so.

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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.

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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?

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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.

Harvard graduate Peter D. Feaver is Professor of Political Science and Public Policy at Duke University and author of Thanks For Your Service: The Causes and Consequences of Public Confidence in the US Military (Oxford University Press, 2023). Feaver was also a member of the National Security Council during the Clinton and Bush administrations.

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FOREIGN AFFAIRS

The Creeping Politicization of the U.S. Military

How Republicans' Loyalty Tests Erode National Security

By [Risa Brooks](#)

March 20, 2024



Senator Eric Schmitt speaking to U.S. Air Force General Charles Q. Brown, Jr., Washington, D.C., July 2023
Kevin Wurm / Reuters

When Tommy Tubberville finally lifted his blanket hold on promotions for 440 senior military officers last December, many in the Pentagon breathed a sigh of relief. The Alabama Republican had blocked the promotions to protest a Biden administration policy granting paid leave and travel reimbursement for abortion services to military personnel based in states where the procedure is illegal. For nearly ten months, officers awaiting promotion were prevented from taking on new assignments, creating bottlenecks in the chain of command and disrupting the

lives of service members and their families. With the hold lifted, many may have hoped that things could finally get back to normal.

In fact, politicization of the military may soon get even worse, especially if some in the right wing of the Republican Party have their way. In the past, politicians often used service members as political props and military policies as wedge issues to appeal to voters, with the military as bystander in its own politicization. In the next phase, politicians may seek to impose ideological litmus tests in promotions and appointments of senior officers. If successful, such tactics would transform the military from the nonpartisan force it is today to an ally of one faction of the GOP.

The result would be profound damage to national security. Today, military leaders strive to be impartial in offering advice to the president, lawmakers, and other civilian officials about the use of force. In the future, they may instead tailor their recommendations to the interests of their preferred political party. Apart from undermining the rigor of the advisory process, such internal politicization would erode the overall unity of the military as partisan tensions spread through the ranks. And the American people's trust in the military would decline as they came to see it as just another politicized institution, as many already see the Supreme Court.

None of this is inevitable, however, if enough politicians in both parties work to stop the military's politicization. Republicans especially must push back on their colleagues' efforts to drag the military into policy disputes; they should warn their party of the dangers of turning the military into a partisan force. Military officers, meanwhile, should bolster their profession's ethic of nonpartisanship while resisting being drawn into the partisan fray themselves.

THE NEXT PHASE OF POLITICIZATION

Since the 1990s, politicians have sought to capitalize on the military's popularity—for example, by using soldiers as a backdrop for their foreign policy speeches. Politicians have occasionally wielded statements by military leaders as a cudgel against the opposing party or relied on popular military leaders to sell their wartime policies to the public.

In recent years, this brand of politicization has taken an ugly turn. While officer promotions have occasionally been delayed, Tuberville's sweeping effort to hold the military hostage in protest of the Biden administration's policies is unprecedented. In the past, politicians praised the military for partisan advantage. Now, many Republicans criticize it for the same reason; one way they do so is by disparaging Pentagon policies that help bring the demographics of the military closer to those of society. Senator Marco Rubio of Florida, Senator Ted Cruz of Texas, and Representative Chip Roy of Texas have even claimed that the military is weak because its senior leaders are "woke."

The next variant of politicization could be even worse. Rather than using the military merely to curry favor with voters, politicians may manipulate appointments and promotions to install

a military leadership willing to harness its resources and personnel to advance the agenda of the right wing of the Republican party, regardless of what that means for the well-being of the organization, let alone the country's security.

Such an outcome would be a dramatic departure from current conventions. Today, military leaders strive to be nonpartisan in their interactions with political appointees and elected officials, as well as with the public. Norms and rules, including Defense Department regulations, limit service members' partisan activity—barring them from campaigning for politicians or publicly endorsing them during elections, for example. Officers subject to partisan litmus tests might be inclined to bend those rules. Even if they do not explicitly campaign on behalf of their party, they might make public statements supporting its views on, say, Pentagon personnel policy, the use of the military for immigration enforcement, or the country's relations with allies—or advocate that party's preferred approach when giving Congressional testimony.

Republicans must push back on their colleagues' efforts to drag the military into policy disputes.

Fortunately, this kind of transformation would be hard to accomplish, given senior officers' current commitment to nonpartisanship. But the politicization of appointments and promotions is a powerful tool for breaking down that tradition. Making advancement in the institution contingent on one's ideological leanings would send a strong signal to officers that they should act like partisan allies of the president, or at least keep quiet when others do.

The right wing is already scrutinizing the views of military officers, regardless of the skill and experience they bring to their jobs. The American Accountability Foundation, a far-right nonprofit organization, has circulated the names of several generals and admirals singled out for their allegedly "woke" agendas and questioned their qualifications on those grounds alone. Last August, Tuberville reposted a message from the American Accountability Foundation describing one army nominee for promotion to brigadier general as an "Ivy League Social Justice Warrior." Even after Tuberville allowed an up-or-down vote on military promotions in December, another Republican senator, Eric Schmitt, stalled the promotion of an air force colonel who had written an op-ed about the pernicious effects of racism in the ranks.

Perhaps the most sobering example of the effort to inject partisan politics into military appointments is the right's treatment of Charles Q. Brown, Jr., an air force general who

now serves as chairman of the Joint Chiefs of Staff. Prior to becoming chairman, Brown was confirmed as air force chief of staff in 2020 in a Senate vote of 98-0. Then, last July, leaders of 30 political groups on the right signed an open letter opposing Brown's appointment as chairman. Despite his accomplished career as fighter pilot, 11 Republican senators voted against him when he was confirmed as chairman of the Joint Chiefs of Staff last year. The number of "no" votes for the chairmanship was unprecedented, as were the stated reasons for them. Tuberville attributed his "no" vote to the general's support for "equal opportunity" in the military. Senator Mike Braun, an Indiana Republican, asserted that the general, who is

Black, had favored “woke policy initiatives” over effectiveness in the air force.

Should Donald Trump win the presidency in November, these dynamics are sure to intensify. The former president has said that he will make Pentagon leaders—both civilian and military—fully deferential to him. Trump’s actions in his final months in office foreshadow how that process could unfold. After he lost the 2020 election to Joe Biden, Trump appointed close political allies with limited experience and qualifications to top Pentagon jobs. He also fired Mark Esper, the secretary of defense, in part because Esper had pushed back on some of Trump’s controversial proposals, including using active-duty troops to quell protests over the killing of George Floyd by police officers in Minneapolis in the spring of 2020.

In his final days in office, Esper was so worried that Trump would veto appointments of two women to senior leadership roles in the military solely because of their gender that he delayed putting their names forward until Biden took office. Esper later warned that if his replacement was “a real yes man ... then God help us.” If elected, Trump will likely install close political allies on the Pentagon’s civilian side, especially in the offices of the secretary of defense and the secretaries of the army, navy, and air force.

Making advancement in the military contingent on one’s ideological leanings.

To be sure, political appointees are supposed to translate administration priorities into Pentagon policies. But they are also tasked by the American people to protect the country’s national security, not just the parochial interests of the president. The appointment of civilian leaders who do the latter would be another departure from convention, paving the way for the politicization of the uniformed side as well.

If elected, Trump may seek to appoint a pliable general to replace Brown as chairman of the Joint Chiefs of Staff. It is customary for secretaries of defense to compile a list of potential candidates from which a president chooses a chairman. A healthy rapport between the president and a candidate for chairman is usually an important criterion for selection. The candidate’s party affiliation is not. That norm might be one of the first to go.

The secretary of defense or other Pentagon officials might then move to ensure the political fealty of other senior officers. While a mass firing of officers is unlikely, there are other ways in which a new administration could signal that partisan alignment is a priority. A handful of military leaders viewed as ideologically suspect or insufficiently compliant could be moved to dead-end jobs, pressured to retire early, or asked to resign on the grounds that the president has lost confidence in them. If any senior officers failed to leave, the president could seek to fire them, paving the way for more ideologically aligned officers to assume key positions. Others might preemptively retire early—a dynamic that could spread throughout the officer corps and eventually even to the rank and file.

The Senate could push back on efforts to engineer promotions on the basis of political loyalty. But if a partisan tug of war over officer promotions were to ensue, restraint on both sides could erode even further, since it would become risky to respect the military’s nonpartisan ethic when the other party did not. In the future, both political parties might

work to ensure that the military—especially its senior leadership—shares their partisan views.

PUSHING BACK

The United States has much to lose if the military abandons its nonpartisanship. Its national security would suffer because of how politicization would warp military advice. Senior military leaders, especially the Joint Chiefs of Staff, regularly advise civilian officials about the use of force, Pentagon policy, and other national security concerns. The president depends on their impartial views to make tough informed decisions. But if a president chose political allies for top roles in the military's senior leadership, he would no longer receive neutral military advice. The consequences would be grave, be the president a Republican or Democrat. If aligned with the GOP, senior officers might feel pressured to conform their advice to a Republican president's preferred options—or might fail to offer counterarguments or to outline risks. Alternatively, a Democratic president might place his or her own partisan officers in top positions, with similarly devastating effects on the quality of advice offered. This could be especially dangerous in any future debate about major policy shifts, such as pulling out of NATO or committing forces to a new war.

Politicization of the military could also have downstream effects on its unity. If service members felt free to express partisan views on the job, tensions over political differences could become endemic in the ranks. This could undermine trust among service members, which is the linchpin of the U.S. military's effectiveness. Citizens will also lose confidence in the military if they believe that its officers prioritize the interests of a political party over those of the country. Indeed, the military's reputation has already suffered in recent years, partly because of its creeping politicization.

Congress should consider adopting new legislation to insulate the military from efforts to turn it into a partisan force.

Reversing this trend will be difficult, but the stakes are too high not to try. Members of both political parties must resist the right's efforts to politicize appointments and promotions. It

Is heartening that some Republicans, alarmed by the damage wrought by Tuberville's hold on promotions, pressured the senator to end it. Still, the right's misplaced criticism of the


military has often gone unanswered by the rest of the Republican Party. If members of Congress have concerns about personnel policy in the Pentagon, there are ways to address it other than publicly lambasting senior military leaders—such as by exercising their regular oversight responsibilities through committees tasked with monitoring the armed forces.

Meanwhile, Democrats should temper their rhetoric when responding to the right's tactics to avoid drawing the military deeper into partisan fights and worsening its politicization in the process.

Beyond pushing the Pentagon to better enforce existing regulations, members of Congress

from both sides should consider adopting new legislation to insulate the military from efforts to turn it into a partisan force. This kind of restraint and bipartisanship may seem idealistic, given today's fractious politics, but while there are officials in Congress willing to violate norms for their own advantage, there are also many in both parties who want to do the right thing.

The military, too, needs to ensure its house is in order. Senior officers should remind one another of the necessity of keeping the military out of domestic politics. They should educate their subordinates about the nonpartisan ethic, and the Pentagon's civilian leaders should support those efforts. Surveys of military personnel have long shown that many do not fully grasp the reasons for the norm, even as they comply with it. If military leaders instead neglect the nonpartisan ethic or, worse still, violate it themselves, such as by publicly praising politicians or their policies, adherence throughout the force could rapidly decline.

Military leaders must take seriously the challenges posed by civilian efforts to politicize the armed forces. Paradoxically, because of their commitment to the nonpartisan ethic, not to mention the responsibilities of their jobs, many are unaccustomed to thinking about their role in protecting the institution from being pulled into partisan politics. As understandable as that may be, it is a luxury that the country can no longer afford. 

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