## Damned Either Way: An Existential Threat to the Military Professionalism?

***This stunning piece of reporting, published in mid-August 2022, and drawn from* Atlantic *editor Susan B. Glasser's and* New York Times *chief White House correspondent Peter Baker's forthcoming book,* The Divider: Trump in the White House, 2017-2021, *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 to their tenure? What alternatives do officers have in serving civilian superiors whom they do not trust? What would you have done in these situations?***

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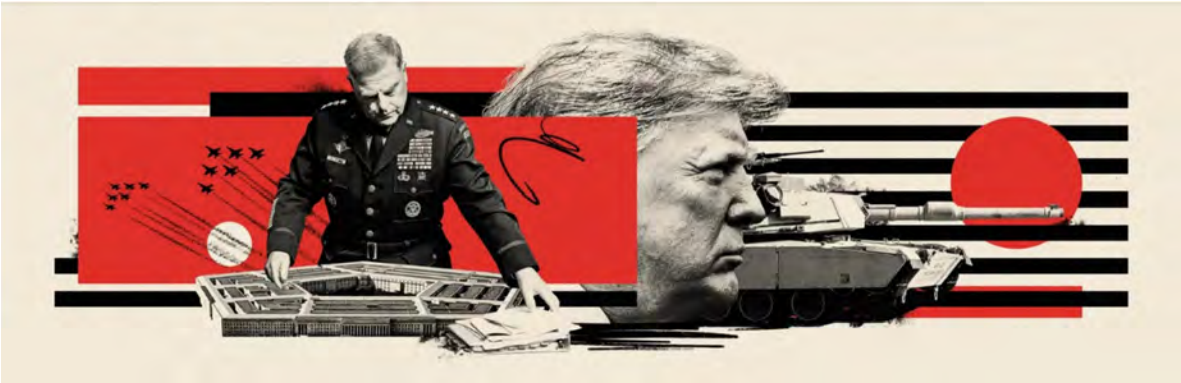

*As the President's behavior grew increasingly erratic, General Mark Milley told his staff, "I will fight from the inside."* Photo illustration by Klawe Rzeczy; Source photographs from Getty; National Archives / Newsmakers

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.*

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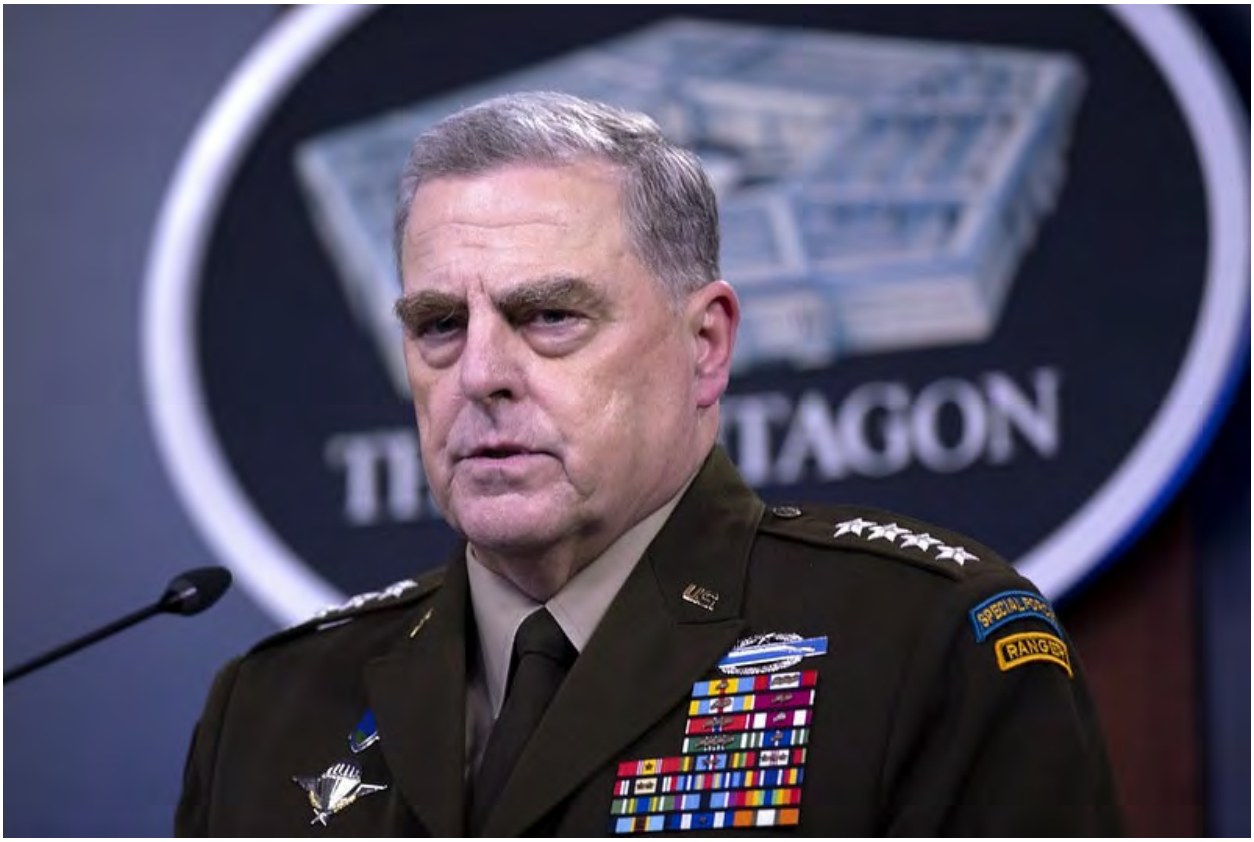
# A Duty to Disobey?

By Doyle Hodges Friday, August 19, 2022, 9:34 AM



Gen. Mark Miley (Department of Defense photo by Lisa Ferdinando, https://flic.kr/p/2mhQ1fq).

Among the many revelations in Susan Glasser and Peter Baker's recent article in the New Yorker about the last days of Trump's presidency was that Gen. Mark Milley, the chairman of the Joint Chiefs of Staff, resolved to thwart any orders he received from then-President Donald Trump to deploy troops domestically or to attack Iran without sufficient provocation. As the article details, "[Milley] 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."

As Trump's presidency drew to a close, according to the article, Milley spoke by phone each morning with the secretary of state, the attorney general, and the White House chief of staff. He frequently called the White House counsel, as well. The goal of these phone calls was to "land

the plane," that is, to ensure that Trump's presidency concluded with a peaceful transition of power, thereby achieving the four goals Milley had set for himself.

While the article portrayed Milley sympathetically, his actions to frustrate the policy desires of the president are problematic from a civil-military relations perspective. That isn't to say that the policy goals in question were ethical, legal, moral, or appropriate. Efforts to overturn a free and fair election are none of those things; neither would be orders to start an unprovoked foreign war. The problem is that the military is not the constitutionally prescribed mechanism to keep these things from happening.

Samuel Huntington, in his influential book "The Soldier and the State," wrote that "loyalty and obedience are the highest military virtues." In her book, "On Obedience," philosopher Pauline Shanks-Kaurin qualifies this somewhat: "[U]nreflective obedience is not a virtue and may in fact be a vice and counterproductive to the military function." How ought Milley's efforts to serve as a guardrail against what he perceived as Trump's dangerous impulses be judged in this context?

This question has at least four parts: How far ought the senior military officer go to shape a president's policy choices? What should the officer do if given an unlawful order? How should the officer respond if given an order that is "lawful but awful"? What other options were available to Milley, and what circumstances might have justified his acting on his own authority to stymie the actions of the president?

## The Role of the Chairman in Policy Formulation

The Goldwater-Nichols Act defines the modern role of the chairman of the Joint Chiefs of Staff as "the principal military advisor to the President, the National Security Council, and the Secretary of Defense." As such, the chairman is authorized (and required) to provide "the range of military advice and opinion" to those officials. The secretary of state, the attorney general, and the White House chief of staff are regular attendees of National Security Council (NSC) meetings, and thus Milley's advice to them on military matters would have been within the scope of his responsibility as chairman—if the discussions were held under the auspices of the NSC. The fact that other NSC members were not included in the discussions with these officials, however, casts doubt on whether Milley's daily conversations with them were legitimately part of his advisory responsibility to the NSC.

Whether the discussions related to military advice is also a thorny question. While the New Yorker article did not provide specifics, the implication is that the discussions had to do with a fundamentally political, rather than military, question: Would then-President Donald Trump acknowledge the validity of the 2020 election and peacefully turn over his office to President-elect Joe Biden? Even if the discussions were strictly related to the military's role in such matters, if conversations were focused on the question of how to keep a president from pursuing a particular course of action, that is a political question.

Such behavior would certainly fall into the category of what civil-military relations scholar Peter Feaver has called "shirking"—working to slow-roll or frustrate the known desires of the decision-maker. The chairman's role is to present his assessment of the merits and wisdom of

possible military responses, as well as to convey any dissenting views from other members of the joint chiefs. That responsibility may, at times, extend to advocating with a senior official for or against a particular course of military action, but discussions with NSC members of how to steer the president away from certain military policy choices is different from working with the president's high-level advisers outside of the NSC context on political issues—which Milley was apparently at least prepared to do.

Without specific knowledge of the content of the conversations, it's difficult to conclude definitively whether Milley exceeded his statutory mandate in conferring daily with Mike Pompeo, William Barr, and Mark Meadows. But if the conversations didn't veer into topics well beyond his opinion on military matters, it's puzzling why Milley felt it was important to tell reporters about them, and difficult to understand why these conversations would have continued daily during the postelection period.

### Actually, Superior Orders Usually *Are* a Defense.

Supposing Milley had failed to dissuade the president from ordering a rash military action, might he have had a legal or ethical responsibility to disobey the orders as unlawful? Not necessarily—and, in fact, it seems unlikely.

Many people believe that the trials of Nazi leaders after World War II forever precluded superior orders as a defense against charges of illegal action. The International Military Tribunal at Nuremberg did reject the defense of superior orders, but only in the narrowest terms. In the High Command Cases, the tribunal wrote:

Orders are the basis upon which any army operates. It is basic to the discipline of an army that orders are issued to be carried out. Its discipline is built upon this principle. Without it, no army can be effective and it is certainly not incumbent upon a soldier in a subordinate position to screen the orders of superiors for questionable points of legality. Within certain limitations, he has the right to assume that the orders of his superiors and the State which he serves and which are issued to him are in conformity with International Law.

In practical terms, this guidance from the military tribunal and related dictates are generally understood globally to mean that members of the military must disobey an order that is "manifestly unlawful." But the standard for manifest unlawfulness is extraordinarily high. The Department of Defense Law of War Manual cites as an example an order to "machine gun" shipwreck survivors. Trump's threats to strike Iranian cultural sites, kill terrorists' families, or bring back "waterboarding and a hell of a lot worse" are other examples (although, as I have noted, this last example could be clouded by executive action changing U.S. interrogation guidance). Though these examples illustrate some of the limits imposed by law, a U.S. president can do a lot of mischief without ever issuing an order that is manifestly unlawful.

Milley's first goal, to "make sure Trump did not start an unnecessary war overseas," illustrates the challenge. The operative word is "unnecessary." On the one hand, Milley's grave concern that Trump would seek to distract from domestic issues and rally support by launching an attack on Iran or another country seems well founded. On the other hand, the president's war powers

are broad and sweeping, and the determination of whether or not a military action is "necessary" is ultimately a determination of the elected president. While not directly comparable, this is similar to the position affirmed by the Court in *Gillette v. United States* that a person subject to military service claiming conscientious objector status must oppose all war on religious grounds, rather than limiting their objection to one particular war. The military doesn't get to choose which wars it fights—that responsibility is left to civilians. As such, even the senior military officer doesn't get to determine whether or not a war is "necessary."

An order to deploy troops domestically under the Insurrection Act runs into a similar problem: 10 U.S.C. § 332 states, "Whenever *the President considers* that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may … use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion" (emphasis added). While Trump's desire to have troops "shoot protesters in the legs" almost certainly does rise to the level of manifest unlawfulness, as would an order to use force against peaceful political opponents, he clearly has a great deal of discretion in determining when the conditions allowing for the domestic deployment of troops have been met. In an environment such as that immediately following the election, when many Americans feared (or rooted for) a coup, the mere deployment of troops into the streets would have crossed a fateful line even if they were strictly constrained in their use of force. Gen. Milley could have strongly advised against such an order, and would have had a responsibility to craft the mission and rules governing the use of force in such a way that they did not violate domestic or international law, but it's not clear he would have had a legal basis to disobey.

The military's oath to "support and defend the Constitution of the United States against all enemies foreign and domestic" raises another possible source of legal objection to justify Milley's efforts to stymie Trump. But the Constitution and federal law charge other offices and institutions—including the Supreme Court, the Office of Legal Counsel, the Department of Defense general counsel, and the legal adviser to the chairman—with determining the legality and constitutionality of orders. Milley's expertise is in military matters, not constitutional law. If Milley consulted with any of these officials, it was not mentioned in the New Yorker story. None of these individuals or offices are mentioned as participants in the daily phone calls, or listed among those to whom Milley turned for advice and counsel. It is possible this omission reflects that his consultation was so routine that he didn't think it worth mentioning, but it is unusual that Milley cited no legal opinions from any of these sources in addressing a challenge with significant legal elements and implications.

Disobeying unlawful orders is a critical element of military professionalism and the rule of law. But the nature of presidential powers and authority surrounding the use of force makes it unclear when a hypothetical order by President Trump to attack a foreign power or deploy troops into the streets would rise to the standard of manifest unlawfulness required to trigger disobedience. And, in fact, a large part of the chairman's role (and that of the officials charged with ensuring the legality of executive action) would be to tailor the implementation of such an order to ensure that it complied with all relevant law.

## "Lawful but Awful": Handling Orders That Are Legal but Wrong

A stronger objection to Trump's presumed desire to use the military to prolong his tenure is that such orders—even if carefully tailored to avoid legal pitfalls—would be morally wrong. The question of the moral responsibility of military officers for the effects of orders they carry out is a difficult one.

On one end of the spectrum is the advice offered in Shakespeare's "Henry V." When on the eve of battle Henry moves in disguise among his men to gauge their spirit, he remarks to one of his men that the king's quarrel is "just and noble." One remarks, "that's more than we know," joined by another who adds, "Ay, or more than we should seek after, for we know enough if we know we are the King's subjects. If his cause be wrong, our obedience to the King wipes the crime of it out of us." At the other end of the spectrum, philosopher Jeff McMahan has written that soldiers who fight in an unjust war bear full moral responsibility for the killing and harm they do, since they commit these acts in the service of an unjust cause. Shanks-Kaurin's concept of "reflective obedience" seems to strike a balance between these two extremes, in that it asks officers not to blindly obey, but to consider the moral implications of obedience and disobedience, including the duty and presumption of obedience.

But what ought soldiers—especially one in a senior position such as the chairman—do if given an order they believe to be lawful, but morally wrong?

The options available to soldiers given an order are relatively limited. Boiled down to their essence, a soldier's options are to obey or disobey. If the order is lawful and moral, obedience is a relatively easy choice. If the order is manifestly unlawful, disobedience is hard, but necessary and justified. The more difficult case is when the order is lawful (or the lawfulness is unclear) but morally repugnant. At that point, as Huntington writes, "this comes down to a choice between his own conscience on the one hand, and the good of the state, plus the professional virtue of obedience on the other." If Milley had confronted such a situation, the balance would seem to tip toward disobedience, since in his judgment the moral objection to the order was that it would be dangerous to the state.

But disobedience in the military comes at a price, especially when it involves the military's most senior officer and the elected president. It is impossible to have a military subservient to civilian authority if the most senior military officer refuses to follow the orders of the most senior civilian, no matter the reason. As a consequence, many civil-military scholars argue that an officer confronted with this choice must resign. Unlike a civilian official who may consider "civil disobedience," so long as they are ready to accept any punishment that results, disobedience by the person who controls the military—which has the means to violently enforce its will if it chooses to—is not an acceptable option.

According to the article, Milley considered resignation, and went so far as to draft a resignation letter. However, he eventually decided that he had a responsibility to try to thwart Trump's actions rather than resign. "He would not quit. 'Fuck that shit,' [Milley] 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." Thus, the situation with Milley is complicated further by the fact that he didn't clearly receive unlawful or immoral orders. Instead, he was actively working with others without the president's knowledge to prevent such orders from being issued.

While Milley's rationale is laudable, his actions were not. Politicians are chosen and held accountable by election, impeachment, and political pressure. Generals are not. No one voted for Milley. So there are some decisions Milley didn't have the authority to make. Choosing to "fight" the president, rather than allowing the constitutionally mandated mechanisms of impeachment or replacement under the 25th Amendment was just such a decision. While Trump could have fired or court-martialed Milley, had Milley's insubordination been direct and clear, Milley's attempt to hide it from the president meant that the general was intentionally short-circuiting even that extreme mechanism of accountability. Milley's decision not to resign but, rather, to force the president to fire or punish him, was a stark departure from the military's fundamental duty to follow and execute lawful orders from civilian authorities.

It may seem that judging Milley harshly suffers from 20/20 hindsight. He was in an unprecedented predicament, and it's easy to condemn his actions once the crisis has been averted. Philosopher Michael Walzer helps to explain why such condemnation is necessary, even if Milley's actions may have been justified by the extreme conditions of the moment.

## Supreme Emergency and Its Consequences

Walzer's "Just and Unjust Wars" is a modern classic of moral philosophy, widely admired and cited. In addition to his clear and concise "war convention," Walzer introduces a controversial concept in the book: supreme emergency. There may be circumstances, Walzer argues, where the continued existence of a political community is in grave peril, and the only way for the community to survive is to commit an act that is ethically wrong. The example Walzer uses is the choice by British leaders during World War II to bomb German cities in order to avoid a Nazi takeover.

It's possible to consider Milley's actions in a similar light: The threat posed to the republic by Trump and the apparent unwillingness to act on the part of those constitutionally charged with checks on the presidency left him no other option. Whether or not this reading is accurate is a matter for debate. What Walzer says should follow supreme emergency, however, is not.

"What are we to say about those military commanders (or political leaders) who override the rules of war and kill innocent people in a 'supreme emergency'? … They have killed unjustly, let us say, for the sake of justice itself, but justice itself requires that unjust killing be condemned." In other words, an action itself can be unjust—and should be condemned—even if it is part of a broader military effort that is just.

A similar argument might be made regarding Milley's deliberate choice to undermine the norms of civilian control by choosing to "fight" the elected president. The circumstances were extraordinary. The stakes were high. His choice, at least on the account provided by the New Yorker article, appears to have been made from honorable motives. But the damage to norms of civilian control is real and serious. If the norms of civilian control of the military and military professionalism are to survive, such damage demands condemnation in some form.

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**Afghanistan: Failure and Withdrawal**

***"What might have been" is a question that has bedeviled humanity since the beginning of time. Yet its value is limited because it is impossible to know, once one imagines something different in the past, what alternative history would have ensued had one or more different decisions or pathways been taken earlier. Yet what historians call the "counterfactual" has value for people in the present; it helps to identify turning points, mistakes, and successes that lead to the present.***

***These two readings, one by the scholar, former State Department official, and political-military adviser Carter Malkasian and the other an interview with retired CENTCOM commander General Frank McKenzie, provide first a short background look at the Afghanistan campaign since 2001, and the choices made at the end in the summer of 2021.***

***Malkasian's is the best independent analysis done to date, based on years of research in records, his own and others' interviews, visits to the country, and his experience as an adviser to the Chairman of the JCS. The article is a condensation of his 576 page book The American War in Afghanistan: A History published in June 2021, his second book on the Afghanistan conflict. The article was published in Foreign Affairs in the spring of 2020 and thus did not include the last year of the campaign and the withdrawal.***

***General McKenzie's interview captures some of the civil-military relations difficulties he faced as he implemented the president's decision to withdraw all American forces in August 2021.***

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# How the Good War Went Bad

## America's Slow-Motion Failure in Afghanistan

BY CARTER MALKASIAN

CARTER MALKASIAN is the author of *War Comes to Garmser: Thirty Years of Conflict on the Afghan Frontier.* From 2015 to 2019, he was Senior Adviser to U.S. General Joseph Dunford, then Chairman of the Joint Chiefs of Staff.

The United States has been fighting a war in Afghanistan for over 18 years. More than 2,300 U.S. military personnel have lost their lives there; more than 20,000 others have been wounded. At least half a million Afghans—government forces, Taliban fighters, and civilians—have been killed or wounded. Washington has spent close to $1 trillion on the war. Although the al Qaeda leader Osama bin Laden is dead and no major attack on the

U.S. homeland has been carried out by a terrorist group based in Afghanistan since 9/11, the United States has been unable to end the violence or hand off the war to the Afghan authorities, and the Afghan government cannot survive without U.S. military backing.

At the end of 2019, *The Washington Post* published a series titled "The Afghanistan Papers," a collection of U.S. government documents that included notes of interviews conducted by the special inspector general for Afghanistan reconstruction. In those interviews, numerous U.S. officials conceded that they had long seen the war as unwinnable. Polls have found that a majority of Americans now view the war as a failure. Every U.S. president since 2001 has sought to reach a point in Afghanistan when the violence would be sufficiently low or the Afghan government strong enough to allow U.S. military forces to withdraw without significantly increasing the risk of a resurgent terrorist threat. That day has not come. In that sense, whatever the future brings, for 18 years the United States has been unable to prevail.

The obstacles to success in Afghanistan were daunting: widespread corruption, intense grievances, Pakistani meddling, and deep-rooted resistance to foreign occupation. Yet there were also fleeting opportunities to find peace, or at least a more sustainable, less costly, and less violent stalemate. American leaders failed to grasp those chances, thanks to unjustified overconfidence following U.S. military victories and thanks to their fear of being held responsible if terrorists based in Afghanistan once again attacked the United States. Above all, officials in Washington clung too long to their preconceived notions of how the war would play out and neglected opportunities and options that did not fit their biases. Winning in Afghanistan was always going to be difficult. Avoidable errors made it impossible.

## A BRIEF HISTORY OF A LONG WAR

On October 7, 2001, U.S. President George W. Bush launched an invasion of Afghanistan in retaliation for the 9/11 attacks. In the months that followed, U.S. and allied forces and their partners in the Northern Alliance, an Afghan faction, chased out al Qaeda and upended the Taliban regime. Bin Laden fled to Pakistan; the leader of the Taliban, Mullah Omar, went to the mountains. Taliban commanders and fighters returned to their homes or escaped to safe havens in Pakistan. Skillful diplomatic efforts spearheaded by a U.S. special envoy, Zalmay Khalilzad, established a process that created a new Afghan government led by the conciliatory Hamid Karzai.

For the next four years, Afghanistan was deceptively peaceful. The U.S. military deaths during that time represent just a tenth of the total that have occurred during the war. Bush maintained a light U.S. military footprint in the country (around 8,000 troops in 2002, increasing to about 20,000 by the end of 2005) aimed at completing the defeat of al Qaeda and the Taliban and helping set up a new democracy that could prevent terrorists from coming back. The idea was to withdraw eventually, but there was no clear plan for how to make that happen, other than killing or capturing al Qaeda and Taliban leaders. Still, political progress encouraged optimism. In January 2004, an Afghan loya jirga, or grand council, approved a new constitution. Presidential and then parliamentary elections followed. All the while, Karzai strove to bring the country's many factions together.

But in Pakistan, the Taliban were rebuilding. In early 2003, Mullah Omar, still in hiding, sent a voice recording to his subordinates calling on them to reorganize the movement and prepare for a major offensive within a few years. Key Taliban figures founded a leadership council known as the Quetta Shura, after the Pakistani city where they assembled. Training and recruitment moved forward. Cadres infiltrated back into Afghanistan. In Washington, however, the narrative of success continued to hold sway, and Pakistan was still seen as a valuable partner.

Violence increased slowly; then, in February 2006, the Taliban pounced. Thousands of insurgents overran entire districts and surrounded provincial capitals. The Quetta Shura built what amounted to a rival regime. Over the course of the next three years, the Taliban captured most of the country's south and much of its east. U.S. forces and their NATO allies were sucked into heavy fighting. By the end of 2008, U.S. troop levels had risen to over 30,000 without stemming the tide. Yet the overall strategy did not change. Bush remained determined to defeat the Taliban and win what he deemed "a victory for the forces of liberty."

President Barack Obama came into office in January 2009 promising to turn around what many of his advisers and supporters saw as "the good war" in Afghanistan (as opposed to "the bad war" in Iraq, which they mostly saw as a lost cause). After a protracted debate, he opted to send reinforcements to Afghanistan: 21,000 troops in March and then, more reluctantly, another 30,000 or so in December, putting the total number of U.S. troops in the country at close to 100,000. Wary of overinvesting, he limited the goals of this "surge"—modeled on the one that had turned around the U.S. war in Iraq a few years earlier—to removing the terrorist threat to the American homeland. Gone was Bush's intent to defeat the Taliban no matter what, even though the group could not be trusted to stop terrorists from using Afghanistan as a refuge. Instead, the United States would deny al Qaeda a safe haven, reverse the Taliban's momentum, and strengthen the Afghan government and its security forces. The plan was to begin a drawdown of the surge forces in mid-2011 and eventually hand off full responsibility for the country's security to the Afghan government.

Over the next three years, the surge stabilized the most important cities and districts, vitalized the Afghan army and police, and rallied support for the government. The threat from al Qaeda fell after the 2011 death of bin Laden at the hands of U.S. special operations forces in Pakistan. Yet the costs of the surge outweighed the gains. Between 2009 and 2012, more than 1,500 U.S. military personnel were killed and over 15,000 were wounded—more American casualties than during the entire rest of the 18-year war. At the height of the surge, the United States was spending approximately $110 billion per year in Afghanistan, roughly 50 percent more than annual U.S. federal spending on education. Obama came to see the war effort as unsustainable. In a series of announcements between 2010 and 2014, he laid out a schedule to draw down U.S. military forces to zero (excluding a small embassy presence) by the end of 2016.

By 2013, more than 350,000 Afghan soldiers and police had been trained, armed, and deployed. Their performance was mixed, marred by corruption and by "insider attacks"

carried out on American and allied advisers. Many units depended on U.S. advisers and air support to defeat the Taliban in battle.

By 2015, just 9,800 U.S. troops were left in Afghanistan. As the withdrawal continued, they focused on counterterrorism and on advising and training the Afghans. That fall, the Taliban mounted a series of well-planned offensives that became one of the most decisive events of the war. In the province of Kunduz, 500 Taliban fighters routed some 3,000 Afghan soldiers and police and captured a provincial capital for the first time. In Helmand Province, around 1,800 Taliban fighters defeated some 4,500 Afghan soldiers and police and recaptured almost all the ground the group had lost in the surge. “They ran!” cried an angry Omar Jan, the most talented Afghan frontline commander in Helmand, when I spoke to him in early 2016. “Two thousand men. They had everything they needed—numbers, arms, ammunition—and they gave up!” Only last-minute reinforcements from U.S. and Afghan special operations forces saved the provinces.

In battle after battle, numerically superior and well-supplied soldiers and police in intact defensive positions made a collective decision to throw in the towel rather than go another round against the Taliban. Those who did stay to fight often paid dearly for their courage: some 14,000 Afghan soldiers and police were killed in 2015 and 2016. By 2016, the Afghan government, now headed by Ashraf Ghani, was weaker than ever before. The Taliban held more ground than at any time since 2001. In July of that year, Obama suspended the drawdown.

When President Donald Trump took office in January 2017, the war raged on. He initially approved an increase of U.S. forces in Afghanistan to roughly 14,000. Trump disliked the war, however, and, looking for an exit, started negotiations with the Taliban in 2018. Those negotiations have yet to bear fruit, and the level of violence and Afghan casualties rates in 2019 were on par with those of recent years.

## THE INSPIRATION GAP

Why did things go wrong? One crucial factor is that the Afghan government and its warlord allies were corrupt and treated Afghans poorly, fomenting grievances and inspiring an insurgency. They stole land, distributed government jobs as patronage, and often tricked U.S. special operations forces into targeting their political rivals. This mistreatment pushed certain tribes into the Taliban’s arms, providing the movement with fighters, a support network, and territory from which to attack. The experience of Raees Baghrani, a respected Alizai tribal leader, is typical. In 2005, after a Karzai-backed warlord disarmed him and stole some of his land and that of his tribesmen, Baghrani surrendered the rest of his territory in Helmand to the Taliban. Many others like him felt forced into similar choices.

Washington could have done more to address the corruption and the grievances that Afghans felt under the new regime and the U.S. occupation, such as pushing Karzai to remove the worst-offending officials from their positions, making all forms of U.S. assistance contingent on reforms, and reducing special operations raids and the mistaken targeting of innocent Afghans. That said, the complexity of addressing

corruption and grievances should not be underestimated. No comprehensive solution existed that could have denied the Taliban a support base.

Another major factor in the U.S. failure was Pakistan's influence. Pakistan's strategy in Afghanistan has always been shaped in large part by the Indian-Pakistani rivalry. In 2001, Pakistani President Pervez Musharraf officially cut off support for the Taliban at the behest of the Bush administration. But he soon feared that India was gaining influence in Afghanistan. In 2004, he reopened assistance to the Taliban, as he later admitted to *The Guardian* in 2015, because Karzai, he alleged, had "helped India stab Pakistan in the back" by allowing anti-Pakistan Tajiks to play a large role in his government and by fostering good relations with India. The Pakistani military funded the Taliban, granted them a safe haven, ran training camps, and advised them on war planning. The critical mass of recruits for the 2006 offensive came from Afghan refugees in Pakistan. A long succession of U.S. leaders tried to change Pakistani policy, all to no avail: it is unlikely that there was anything Washington could have done to convince Pakistan's leaders to take steps that would have risked their influence in Afghanistan.

Underneath these factors, something more fundamental was at play. The Taliban exemplified an idea—an idea that runs deep in Afghan culture, that inspired their fighters, that made them powerful in battle, and that, in the eyes of many Afghans, defines an individual's worth. In simple terms, that idea is resistance to occupation. The very presence of Americans in Afghanistan was an assault on what it meant to be Afghan. It inspired Afghans to defend their honor, their religion, and their homeland. The importance of this cultural factor has been confirmed and reconfirmed by multiple surveys of Taliban fighters since 2007 conducted by a range of researchers.

The Afghan government, tainted by its alignment with foreign occupiers, could not inspire the same devotion. In 2015, a survey of 1,657 police officers in 11 provinces conducted by the Afghan Institute for Strategic Studies found that only 11 percent of respondents had joined the force specifically to fight the Taliban; most of them had joined to serve their country or to earn a salary, motivations that did not necessarily warrant fighting, much less dying. Many interviewees agreed with the claim that police "rank and file are not convinced that they are fighting for a just cause." There can be little doubt that a far larger percentage of Taliban fighters had joined the group specifically to confront the United States and the Afghans who were cooperating with the Americans.

This asymmetry in commitment explains why, at so many decisive moments, Afghan security forces retreated without putting up much of a fight despite their numerical superiority and their having at least an equal amount of ammunition and supplies. As a Taliban religious scholar from Kandahar told me in January 2019, "The Taliban fight for belief, for *jannat* [heaven] and *ghazi* [killing infidels]. . . . The army and police fight for money. . . . The Taliban are willing to lose their heads to fight. . . . How can the army and police compete with the Taliban?" The Taliban had an edge in inspiration. Many Afghans were willing to kill and be killed on behalf of the Taliban. That made all the difference.

## MISSION ACCOMPLISHED

These powerful factors have kept the United States and the Afghan government from prevailing. But failure was not inevitable. The best opportunities to succeed appeared early on, between 2001 and 2005. The Taliban were in disarray. Popular support for the new Afghan government was relatively high, as was patience with the foreign presence. Unfortunately, U.S. decisions during that time foreclosed paths that might have avoided the years of war that followed.

The first mistake was the Bush administration's decision to exclude the Taliban from the postinvasion political settlement. Senior Taliban leaders tried to negotiate a peace deal with Karzai in December 2001. They were willing to lay down their arms and recognize Karzai as the country's legitimate leader. But U.S. Secretary of Defense Donald Rumsfeld shot down the deal—in a press conference, no less. After that, between 2002 and 2004, Taliban leaders continued to reach out to Karzai to ask to be allowed to participate in the political process. Karzai brought up these overtures to U.S. officials only to have the Bush administration respond by banning negotiations with any top Taliban figures. In the end, the new government was established without the Taliban getting a seat at the table. Whether or not the entire group would have compromised, enough senior leaders were interested that future violence could have been lessened.

After pushing the Taliban back to war, Bush and his team then moved far too slowly in building up the Afghan security forces. After the initial invasion, a year passed before Washington committed to building and funding a small national army of 70,000. Recruitment and training then proceeded haltingly. By 2006, only 26,000 Afghan army soldiers had been trained. So when the Taliban struck back that year, there was little to stop them. In his memoir, Bush concedes the error. "In an attempt to keep the Afghan government from taking on an unsustainable expense," he writes, "we had kept the army too small."

The Bush administration thus missed the two best opportunities to find peace. An inclusive settlement could have won over key Taliban leaders, and capable armed forces could have held off the holdouts. Overconfidence prevented the Bush team from seeing this. The administration presumed that the Taliban had been defeated. Barely two years after the Taliban regime fell, U.S. Central Command labeled the group a "spent force." Rumsfeld announced at a news conference in early 2003: "We clearly have moved from major combat activity to a period of stability and stabilization and reconstruction activities. . . . The bulk of the country today is permissive; it's secure." In other words, "Mission accomplished."

The ease of the initial invasion in 2001 distorted Washington's perceptions. The administration disregarded arguments by Karzai, Khalilzad, U.S. Lieutenant General Karl Eikenberry (then the senior U.S. general in Afghanistan), Ronald Neumann (at the time the U.S. ambassador to Afghanistan), and others that the insurgents were staging a comeback. Believing they had already won the war in Afghanistan, Bush and his team turned their attention to Iraq. And although the fiasco in Iraq was not a cause of the failure in Afghanistan, it compounded the errors in U.S. strategy by diverting the scarce time and attention of key decision-makers.

## "I DO NOT NEED ADVISERS"

After 2006, the odds of a better outcome narrowed. The reemergence of the Taliban catalyzed further resistance to the occupation. U.S. airstrikes and night raids heightened a sense of oppression among Afghans and triggered in many an obligation to resist. After the Taliban offensive that year, it is hard to see how any strategy could have resulted in victory for the United States and the Afghan government. Nevertheless, a few points stand out when Washington might have cleared a way to a less bad outcome.

The surge was one of them. In retrospect, the United States would have been better off if it had never surged at all. If his campaign promises obligated some number of reinforcements, Obama still might have deployed fewer troops than he did—perhaps just the initial tranche of 21,000. But General Stanley McChrystal, the top U.S. commander in Afghanistan, and General David Petraeus, the commander of U.S. Central Command, did not present the president with that kind of option: all their proposals involved further increases in the number of U.S. military personnel deployed to Afghanistan. Both generals believed that escalation was warranted owing to the threat posed by the possible reestablishment of Afghanistan as a safe haven for terrorists. Both had witnessed how a counterinsurgency strategy and unswerving resolve had turned things around in Iraq, and both thought the same could be done in Afghanistan. Their case that something had to be done and their overconfidence in counterinsurgency crowded out the practical alternative of forgoing further reinforcements. Had Obama done less, U.S. casualties and expenses would likely have been far lower and still the conditions would have changed little.

It is worth noting that the much-criticized 18-month deadline that Obama attached to the surge, although unnecessary, was not itself a major missed opportunity. There is scant evidence to support the charge that if Obama had given no timeline, the Taliban would have been more exhausted by the surge and would have given up or negotiated a settlement.

But Obama did err when it came to placing restrictions on U.S. forces. Prior to 2014, U.S. airstrikes had been used when necessary to strike enemy targets, and commanders took steps to avoid civilian casualties. That year, however, as part of the drawdown process, it was decided that U.S. airstrikes in support of the Afghan army and police would be employed only "in extremis"—when a strategic location or major Afghan formation was in danger of imminent annihilation. The idea was to disentangle U.S. forces from combat and, to a lesser extent, to reduce civilian casualties. As a result of the change, there was a pronounced reduction in the number of U.S. strikes, even as the Taliban gained strength. Into 2016, U.S. forces carried out an average of 80 airstrikes per month, less than a quarter of the monthly average for 2012. Meanwhile, over 500 airstrikes per month were being conducted in Iraq and Syria against a comparable adversary. "If America just helps with airstrikes and . . . supplies, we can win," pleaded Omar Jan, the frontline commander in Helmand, in 2016. "My weapons are worn from shooting. My ammunition stocks are low. I do not need advisers. I just need someone to call when things are really bad." The decision to use airstrikes only in extremis virtually ensured defeat. Obama had purchased too little insurance on his withdrawal policy. When the unexpected happened, he was unprepared.

Bush had enjoyed the freedom to maneuver in Afghanistan for half his presidency and had still passed up significant opportunities. Facing far greater constraints, Obama had to play the cards he had been dealt. The Afghan government had been formed, violence had returned, and a spirit of resistance had arisen in the Afghan people. Obama's errors derived less from a willful refusal to take advantage of clear opportunities than from oversights and miscalculations made under pressure. They nevertheless had major consequences.

## FEAR OF TERROR

Given the high costs and slim benefits of the war, why hasn't the United States simply left Afghanistan? The answer is the combination of terrorism and U.S. electoral politics. In the post-9/11 world, U.S. presidents have had to choose between spending resources in places of very low geostrategic value and accepting some unknown risk of a terrorist attack, worried that voters will never forgive them or their party if they underestimate the threat. Nowhere has that dynamic been more evident than in Afghanistan.

In the early years after the 9/11 attacks, the political atmosphere in the United States was charged with fears of another assault. Throughout 2002, various Gallup polls showed that a majority of Americans believed that another attack on the United States was likely. That is one reason why Bush, after having overseen the initial defeat of al Qaeda and the Taliban, never considered simply declaring victory and bringing the troops home. He has said that an option of "attack, destroy the Taliban, destroy al Qaeda as best we could, and leave" was never appealing because "that would have created a vacuum [in] which . . . radicalism could become even stronger."

The terrorist threat receded during the first half of Obama's presidency, yet he, too, could not ignore it, and its persistence took the prospect of a full withdrawal from Afghanistan off the table in the run-up to the surge. According to the available evidence, at no point during the debate over the surge did any high-level Obama administration official advocate such a move. One concern was that withdrawing completely would have opened up the administration to intense criticism, possibly disrupting Obama's domestic agenda, which was focused on reviving the U.S. economy after the financial crisis of 2008 and the subsequent recession.

Only after the surge and the death of bin Laden did a "zero option" become conceivable. Days after bin Laden was captured and killed, in May 2011, a Gallup poll showed that 59 percent of Americans believed the U.S. mission in Afghanistan had been accomplished. "It is time to focus on nation building here at home," Obama announced in his June 2011 address on the drawdown. Even so, concerns about the ability of the Afghan government to contain the residual terrorist threat defeated proposals, backed by some members of the administration, to fully withdraw more quickly. Then, in 2014, the rise of the Islamic State (or ISIS) in Iraq and Syria and a subsequent string of high-profile terrorist attacks in Europe and the United States made even the original, modest drawdown schedule less strategically and politically feasible. After the setbacks of 2015, the U.S. intelligence community assessed that if the drawdown went forward on schedule, security could deteriorate to the point where terrorist groups could once again establish safe havens in Afghanistan. Confronted with that finding, Obama essentially

accepted the advice of his top generals to keep U.S. forces there, provide greater air support to the Afghan army and police, and continue counterterrorism operations in the country. The intention to get out had met reality and blinked.

So far, a similar fate has befallen Trump, the U.S. president with the least patience for the mission in Afghanistan. With Trump agitating for an exit, substantive talks between the Taliban and the United States commenced in 2018. An earlier effort between 2010 and 2013 had failed because the conditions were not ripe: the White House was occupied with other issues, negotiating teams were not in place, and Mullah Omar, the Taliban's leader, was in seclusion—and then died in 2013. By 2019, those obstacles no longer stood in the way, and Trump was uniquely determined to leave. The result was the closest the United States has come to ending the war.

Khalilzad, once again serving as a special envoy, made quick progress by offering a timeline for the complete withdrawal of U.S. forces in return for the Taliban engaging in negotiations with the Afghan government, reducing violence as the two sides worked toward a comprehensive cease-fire, and not aiding al Qaeda or other terrorist groups. Over the course of nine rounds of talks, the two sides developed a draft agreement. The Taliban representatives in the talks and the group's senior leaders refused to meet all of Khalilzad's conditions. But the initial agreement was a real opportunity for Trump to get the United States out of Afghanistan and still have a chance at peace.

It fell apart. Although Trump toyed with the idea of holding a dramatic summit to announce a deal at Camp David in September 2019, he was torn between his campaign promise to end "endless wars" and the possibility of a resurgent terrorist threat, which could harm him politically. During an interview with Fox News in August, he was distinctly noncommittal about fully withdrawing. "We're going down to 8,600 [troops], and then we'll make a determination from there," he said, adding that a "high intelligence presence" would stay in the country. So when the Taliban drastically escalated their attacks in the run-up to a possible announcement, killing one American soldier and wounding many more, Trump concluded that he was getting a bad deal and called off the negotiations, blasting the Taliban as untrustworthy. Trump, like Obama before him, would not risk a withdrawal that might someday make him vulnerable to the charge of willingly unlocking the terrorist threat. And so yet another chance to end the war slipped away.

The notion that the United States should have just left Afghanistan presumes that a U.S. president was free to pull the plug as he pleased. In reality, getting out was nearly as difficult as prevailing. It was one thing to boldly promise that the United States would leave in the near future. It was quite another to peer over the edge when the moment arrived, see the uncertainties, weigh the political fallout of a terrorist attack, and still take the leap.

## EXPECT THE BAD, PREPARE FOR THE WORST

The United States failed in Afghanistan largely because of intractable grievances, Pakistan's meddling, and an intense Afghan commitment to resisting occupiers, and it

stayed largely because of unrelenting terrorist threats and their effect on U.S. electoral politics. There were few chances to prevail and few chances to get out.

In this situation, a better outcome demanded an especially well-managed strategy. Perhaps the most important lesson is the value of forethought: considering a variety of outcomes rather than focusing on the preferred one. U.S. presidents and generals repeatedly saw their plans fall short when what they expected to happen did not: for Bush, when the Taliban turned out not to be defeated; for McChrystal and Petraeus, when the surge proved unsustainable; for Obama, when the terrorist threat returned; for Trump, when the political costs of leaving proved steeper than he had assumed. If U.S. leaders had thought more about the different ways that things could play out, the United States and Afghanistan might have experienced a less costly, less violent war, or even found peace.

This lack of forethought is not disconnected from the revelation in *The Washington Post*'s "Afghanistan Papers" that U.S. leaders misled the American people. A single-minded focus on preferred outcomes had the unhealthy side effect of sidelining inconvenient evidence. In most cases, determined U.S. leaders did this inadvertently, or because they truly believed things were going well. At times, however, evidence of failure was purposefully swept under the rug.

Afghanistan's past may not be its future. Just because the war has been difficult to end does not mean it will go on indefinitely. Last November, Trump reopened talks with the Taliban. A chance exists that Khalilzad will conjure a political settlement. If not, Trump may decide to get out anyway. Trump has committed to reducing force levels to roughly the same number that Obama had in place at the end of his term. Further reductions could be pending. Great-power competition is the rising concern in Washington. With the death last year of ISIS's leader, Abu Bakr al-Baghdadi, the shadow of 9/11 might at last recede, and the specter of terrorism might lose some of its influence on U.S. politics. At the same time, the roiling U.S. confrontation with Iran is a wild card that could alter the nature of the Afghan war, including by re-entrenching the American presence.

But none of that can change the past 18 years. Afghanistan will still be the United States' longest war. Americans can best learn its lessons by studying the missed opportunities that kept the United States from making progress. Ultimately, the war should be understood neither as an avoidable folly nor as an inevitable tragedy but rather as an unresolved dilemma.

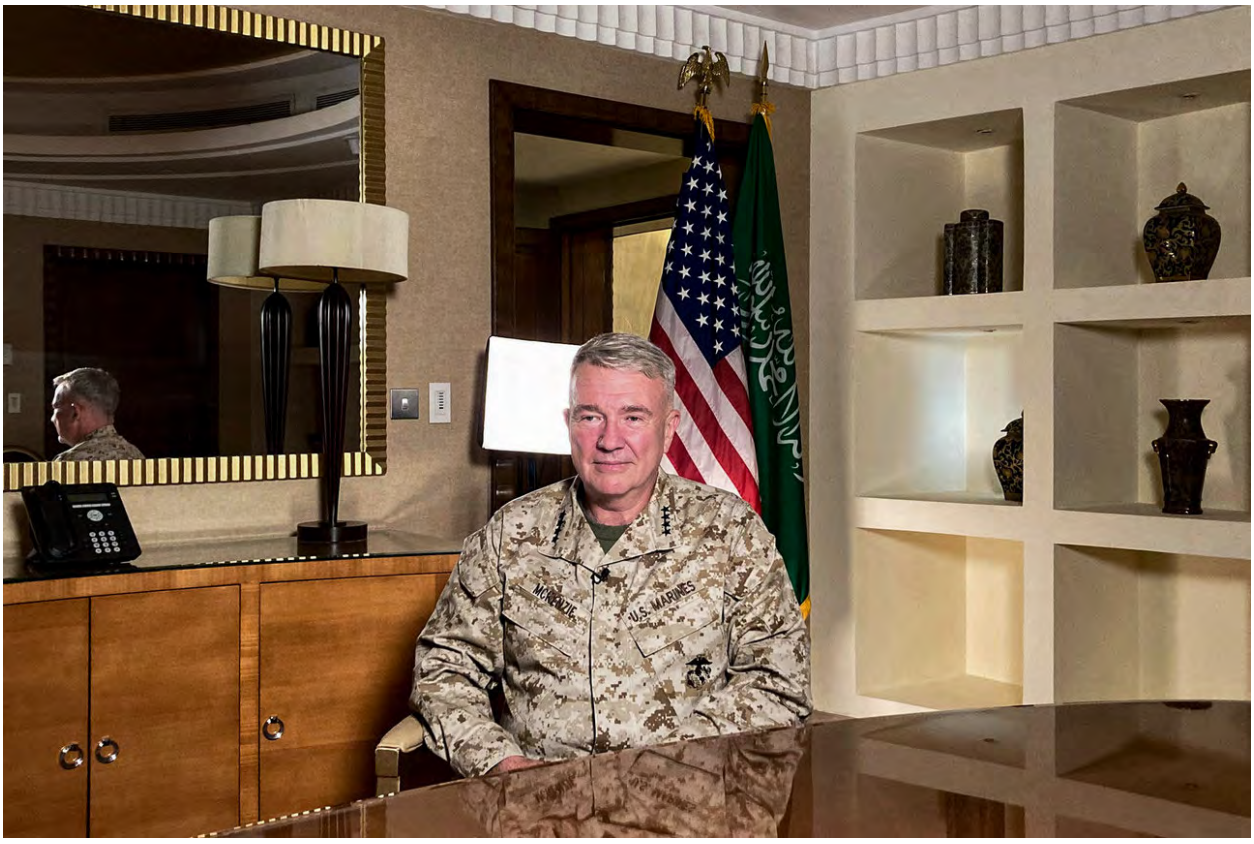
Lara Seligman, "The Afghanistan Deal that Never Happened: A Q&A with General Frank McKenzie, one year after his negotiations with the Taliban and the chaotic American withdrawal," *Politico,* August 11, 2022,

https://www.politico.com/news/magazine/2022/08/11/the-afghanistan-deal-00050916

**WAR ROOM**

# The Afghanistan Deal that Never Happened

A Q&A with General Frank McKenzie, one year after his negotiations with the Taliban and the chaotic American withdrawal.




Marine Gen. Frank McKenzie speaks with journalists in Riyadh, Saudi Arabia on May 23, 2021. | Lolita Baldor/AP Photo

By **LARA SELIGMAN**
08/11/2022 04:30 AM EDT

General Frank McKenzie was on his way to negotiate with the Taliban when he got the call that Kabul had already fallen.

It was Aug. 15, 2021, and the then-commander of U.S. Central Command had watched anxiously for weeks as the group seized provincial capitals across Afghanistan in one of the most stunning guerilla campaigns in modern history.

McKenzie was flying to Doha, Qatar that day to offer the Taliban a deal: Keep your forces outside the capital so the U.S. can evacuate tens of thousands of Americans and Afghans from the city, and we won't fight you.

But by the time McKenzie landed, the offer was DOA. Taliban fighters were already inside the presidential palace, and Afghanistan's president, Ashraf Ghani, had fled the city. The Afghan government the United States had worked so hard to keep afloat for 20 years had collapsed in a matter of hours.

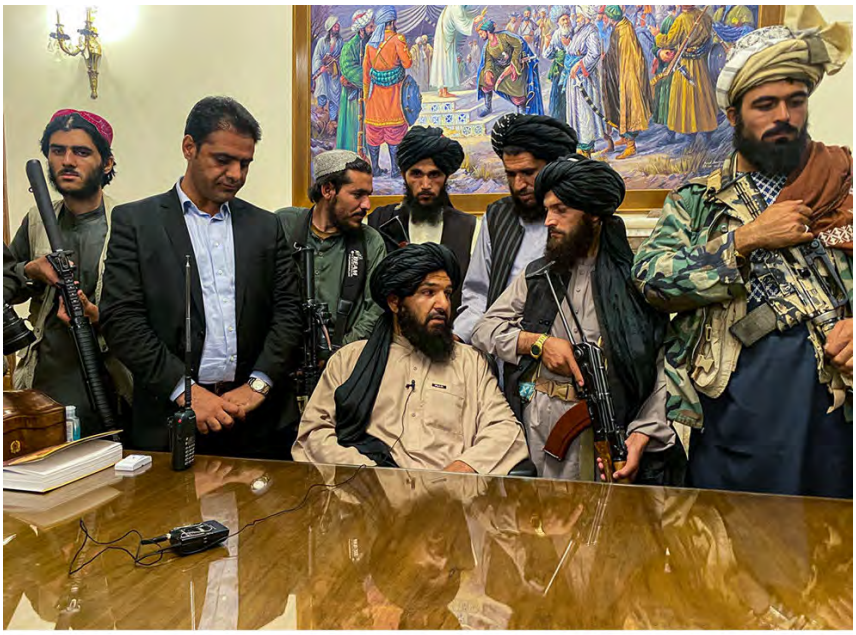
McKenzie had to think fast. His mission, to conduct a massive air evacuation from Kabul's one functioning airport, had not changed. So, on the way to Doha's Ritz Carlton, he came up with a new proposal. Don't interfere with the airlift, he told the Taliban's co-founder, Mullah Abdul Ghani Baradar, and we won't strike.

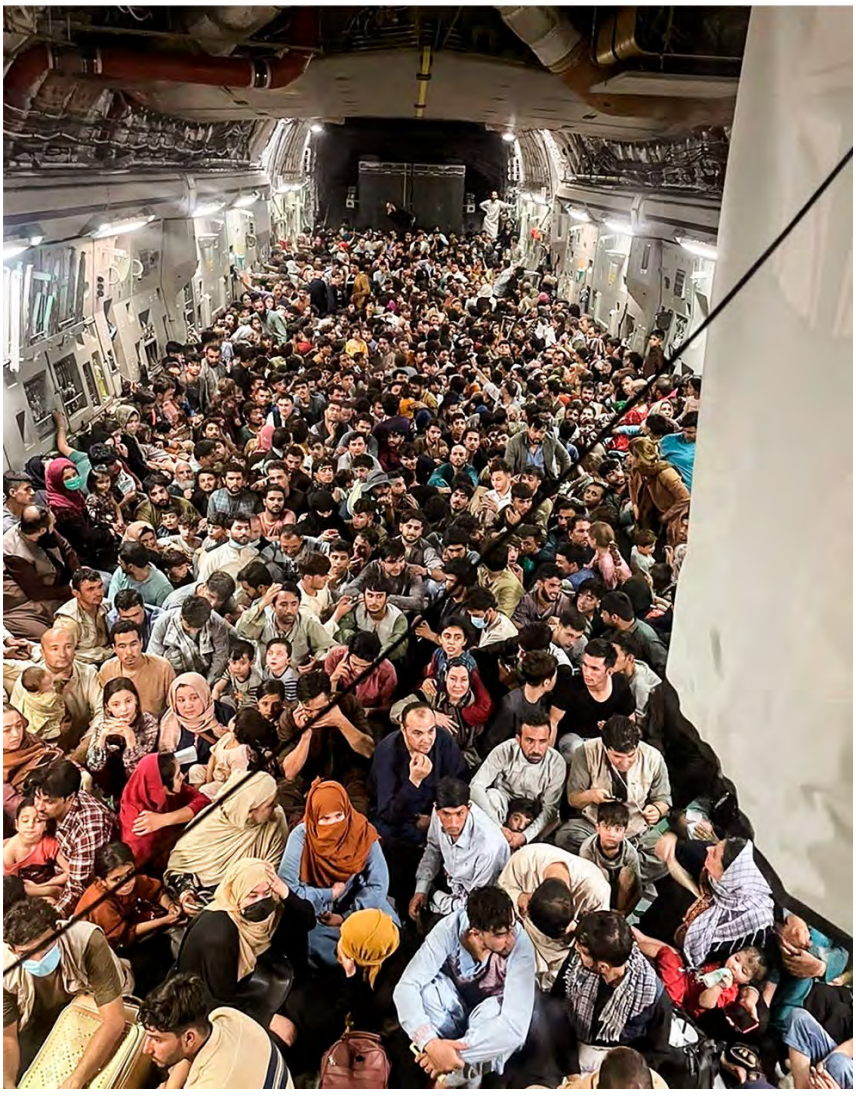
The general, who spoke to POLITICO Magazine by video call almost exactly one year after the fall of Kabul, walked away from the meeting with a deal that would allow the U.S. military to control the airport while they undertook the largest air evacuation in U.S. history, flying out more than 120,000 people in the span of two weeks.

But during the meeting, he also made what critics say was a strategic mistake that contributed to what became a chaotic, deadly evacuation: refusing the Taliban's offer to let the U.S. military secure Afghanistan's capital city.

McKenzie defended his decision during the interview, noting that he did not believe it was a serious proposal, and in any case securing the city would have required a massive influx of American troops, which could have triggered more fighting with the Taliban.

At the end of the day, the U.S. military didn't have many good choices.





*Top: Taliban fighters take control of Afghanistan presidential palace in Kabul on Aug. 15, 2021. Bottom: Afghan citizens pack inside a U.S. Air Force C-17 Globemaster III, as they are transported from Hamid Karzai International Airport on Aug. 15, 2021. | Zabi Karimi/AP Photo and Capt. Chris Herbert/U.S. Air Force via AP*

Does McKenzie think the withdrawal from Afghanistan was a mistake? Yes – but it wasn't his decision to make.

"My belief is we should have stayed. I believe that everything that happened flowed from that basic decision," says McKenzie, who retired from the military on April 1. "My recommendation was that we keep a small presence where we could maintain a level of support for the Afghans. That was not the advice that was taken."

*This interview has been edited for length and clarity.*

**Seligman:** It's the week before Kabul falls. What is happening? What are you thinking? Set the scene for me.

**McKenzie:** In the last formal intelligence assessment I sent up on the 8th of August, I said, 'It is my judgment that Kabul is going to fall.' I did not think it was going to fall that weekend. I thought it might last a little bit longer, 30 days or so. But I felt Kabul would be surrounded in the immediate short term.

On Thursday or Friday, I got the direction to go to Doha to talk to the Taliban. What we wanted was about a 30-kilometer exclusion zone: You guys stay out of there while we do the evacuation. And if you stay out of there, we will not strike you anywhere in Afghanistan.

I got on the airplane on Sunday morning. While I was on the airplane over, I was getting reports that the Taliban is in downtown Kabul, they've actually overrun the city. By the time I met with them, they had significant forces inside the city. So I said, 'Look, we can still have a solution here. We're going to conduct an evacuation. If you don't interfere with the evacuation, we won't strike.'

Mullah Baradar said, off the cuff, 'Why don't you come in and secure the city?' But that was just not feasible. It would have taken me putting in another division to do that. And I believe that was a flippant remark. And now we know in the fullness of time that Mullah Baradar wasn't actually speaking for the hard-line Taliban. I don't know if he could have delivered, even if he was serious about it.

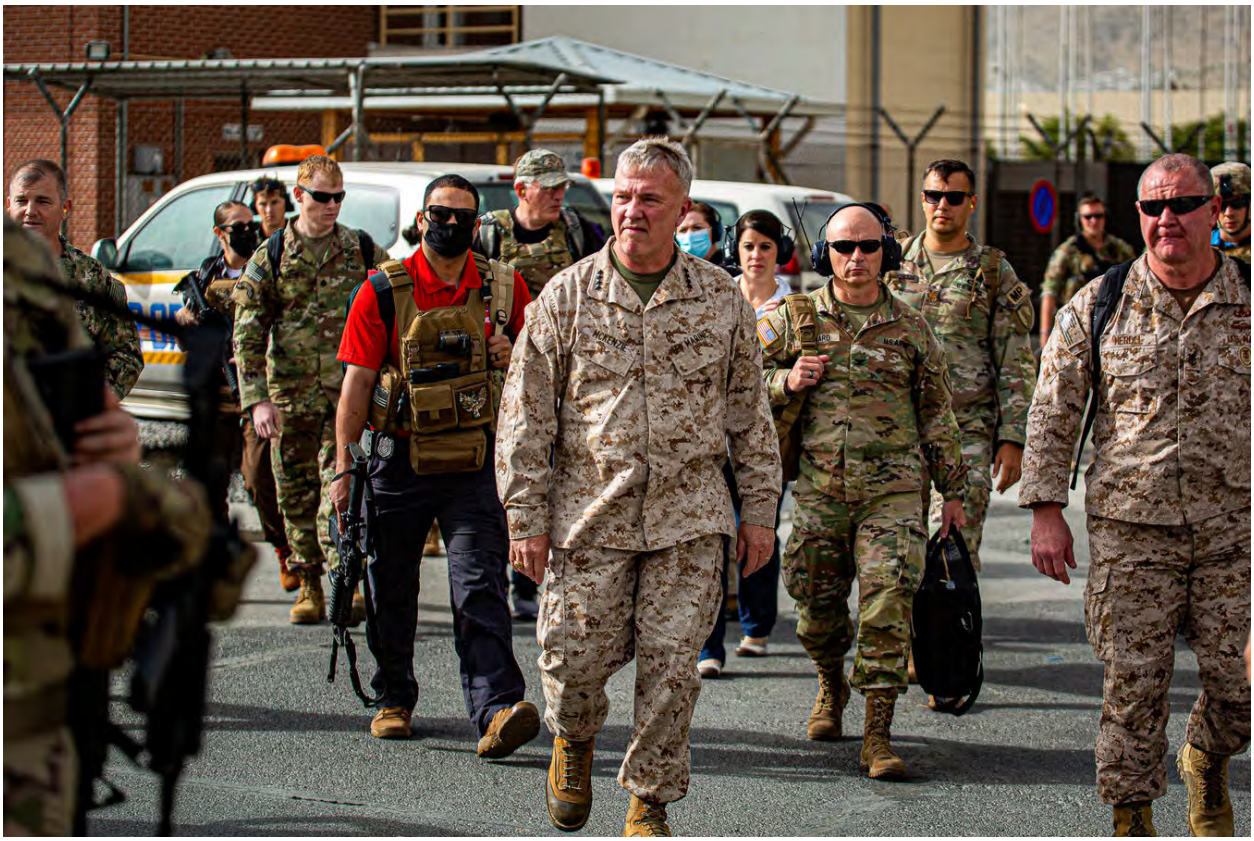
I felt in my best judgment that it wasn't a genuine offer. And it was not a practical military operation. That's why they pay me, that's why I'm there.

By and large, the Taliban were helpful in our departure. They did not oppose us. They did do some external security work. There was a downside of that external security work, and it probably prevented some Afghans from getting to Kabul airport as we would have liked. But that was a risk that I was willing to run.

**Seligman:** So after Kabul fell, the evacuation began. What happened next?

**McKenzie:** The next day, Aug. 16 it was my plan to fly to Kabul. But the airfield, the runway, was overrun by people coming in from the south. It took us about 16 hours to

bring that under control — a combination of us, the Afghan commandos and the Taliban. We had 400 Taliban fighters beating people with sticks. It's not what you want, but you're in the land of bad choices now. It let the commander on the ground regain control of the airfield, and we never lost control again after that. But that was certainly intense.



McKenzie (center) tours an evacuation control center at Hamid Karzai International Airport in Kabul on Aug. 17, 2021. | 1st Lt. Mark Andries/U.S. Marine Corps

**Seligman:** Had you personally warned the president at any point that Afghanistan would almost certainly collapse if U.S. troops left?

**McKenzie:** I wrote a number of letters over the course of the fall and into the spring, saying if we withdraw our forces precipitously, collapse is likely to occur. I was in a number of meetings with the president, the commander of U.S. forces in Afghanistan, the chairman of the Joint Chiefs of Staff and the secretary of Defense. We all had an opportunity to express our opinions on that.

It was my opinion that if we went from 2,500 to zero, the government of Afghanistan would not be able to sustain itself and would collapse. It was initially my recommendation that we should stay at 4,500. They went below that. Then it was my recommendation we stay at 2,500.

**Seligman:** Indefinitely?

**McKenzie:** Indefinitely. I know the criticism: the Taliban are going to come after you and you're going to have to beef up your forces. The commander on the ground and I didn't believe that was necessarily the case. For one thing, at 2,500 we were down to a pretty lean combat capability, not a lot of attack surface there for the Taliban to get at. Two, we would have coupled the 2,500 presence with a strong diplomatic campaign to put pressure on the Taliban.

What would have happened if we stayed at 2,500? It's just difficult to know that. Here's what we do know as a matter of history — if you go to zero, they collapse.

**Seligman:** Why did they collapse? We spent so long training the Afghans and then as soon as we were gone, they fell. How did that happen?

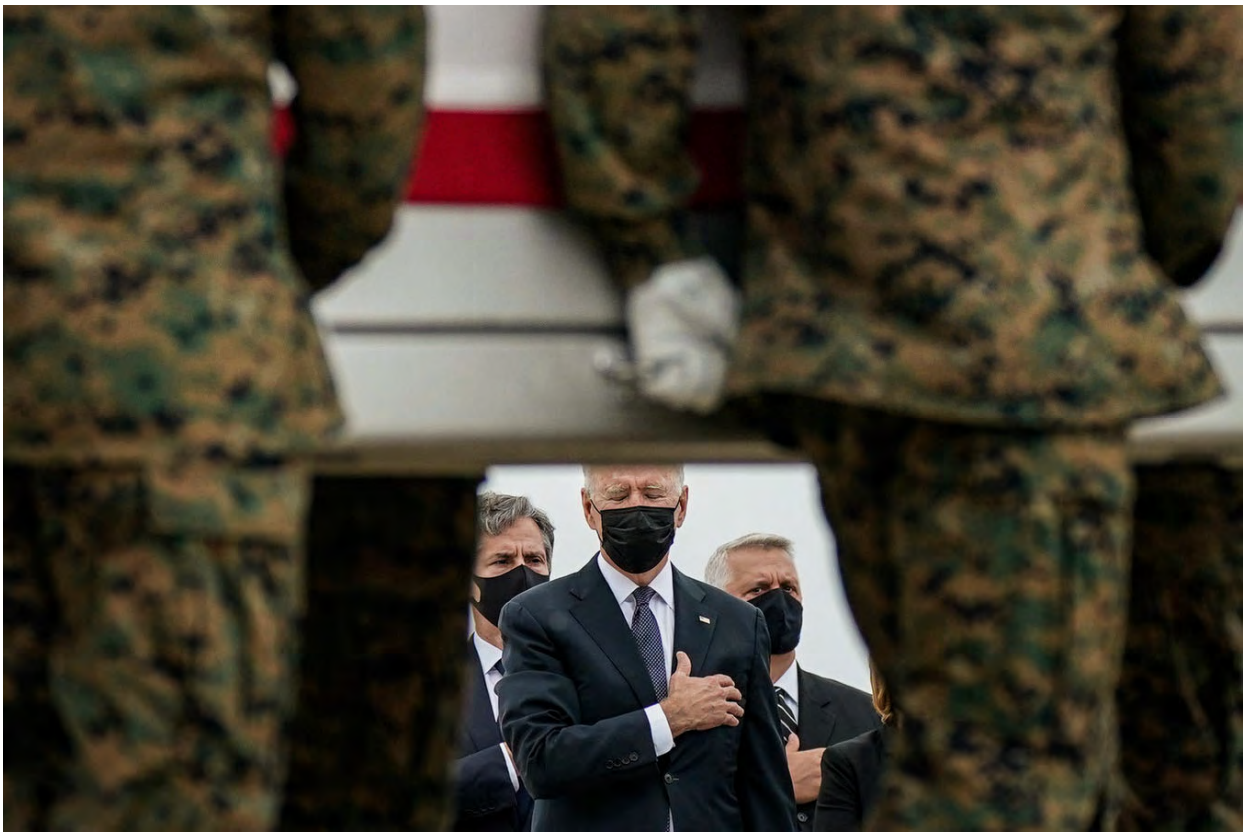
**McKenzie:** I believe the proximate defeat mechanism was the Doha negotiations [on a peace deal]. I believe that the Afghan government began to believe we were getting ready to leave. As a result, I think it took a lot of the will to fight out of them.

**Seligman:** Do you blame the Trump administration for what happened?

**McKenzie:** It goes even back beyond that. You can go back to the very beginning of the campaign, when we had an opportunity to get Osama bin Laden in 2001, 2002 and we didn't do that. The fact that we never satisfactorily solved the problem of safe havens in Pakistan for the Taliban. There are so many things over the 20-year period that contributed to it.

But yes, I believe that the straw that broke the camel's back and brought it to the conclusion that we saw was the Doha process and the agreements that were reached there.

It's convenient to blame the military commanders that were there. But it was the government of Afghanistan that failed. The government of the United States also failed.



*President Joe Biden watches as a carry team moves a transfer case containing the remains of Marine Corps Lance Cpl. Kareem M. Nikoui during a casualty return on Aug. 29, 2021, at Dover Air Force Base. Nikoui died in an attack at the Kabul airport, along with 12 other U.S. service members. | Carolyn Kaster/AP Photo*

**Seligman:** It was a political decision to leave. How much blame should the Biden administration get for the collapse?

**McKenzie:** Well, I think both administrations wanted to leave Afghanistan, that's just a fact. But look, that's a decision presidents get to make. I recommended something different. But they get to make that decision. I don't get to make that decision. We are where we are as a result of that. They both ultimately wanted out.

**Seligman:** After the evacuation, did you see a reemergence of al Qaeda or other terrorist elements after we left?

**McKenzie:** Clearly. It's very hard to see in Afghanistan after we left. We had 1 or 2 or 3 percent of the intelligence-gathering capability that we had before we left. All our intelligence told us that the Taliban would probably allow space for al Qaeda to reassert itself and at the same time, they're unable to get rid of ISIS. I think both are going to be entities that are going to grow.

The fact that al Qaeda leader Al-Zawahri was in downtown Kabul should give us pause. It tells you first of all, that the Taliban obviously negotiated the Doha accord in complete bad faith. They said they wouldn't provide a safe haven for al Qaeda. What's the definition of a safe haven if it's not the leader in your capital city?

***This reading—a mid-August 2022 "scoop" by Axios of draft warring memos between Republicans and Democrats over the August 2021 withdrawal of American and NATO troops from Afghanistan—illustrates the political divisions at the heart of civil-military relations today and in the future. Both sides seek to put the blame for withdrawal on the other, marshalling the history of the American campaign in that country, the mistakes (diplomatic and military), the comments by senior military leaders, and more. Military leaders know their actions and comments suffer partisan uses and distortion, but it nonetheless contributes to the partisan politicization of national security. Is there any solution to this problem, or does it just "come with the territory" in a democratic republic?***

https://www.axios.com/2022/08/14/scoop-white-house-to-circulate-afghanistan-memo-defending-us-withdrawal?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top

Aug 14, 2022 - Politics & Policy

# Scoop: White House to circulate Afghanistan memo defending U.S. withdrawal

Alayna Treene, author of Axios Sneak Peek

The White House is planning to circulate a new memo on Capitol Hill defending President Biden's decision to withdraw troops from Afghanistan and claiming the move strengthened national security by freeing up critical military and intelligence agents, according to a copy of the document obtained by Axios.

**Why it matters:** The memo comes as many across Washington are still seeking answers about the flawed evacuation. Republicans in particular are planning to use the one-year anniversary to reexamine the failures that led to the Afghan capital swiftly falling into the hands of the Taliban.

**Driving the news:** The memo was written by National Security Council spokesperson Adrienne Watson in part as an attempt to preempt criticism from Republicans who are releasing an interim report on Sunday outlining what they see as the failures of the administration's preparations for the evacuation.

- The GOP report, led by Rep. Michael McCaul (R-Texas), ranking member of the House Foreign Affairs Committee and the likely chair of the panel if Republicans take back the majority next year, claims the Biden administration left key

decisions on how to evacuate civilians from Kabul until the final hours before the city fell to the Taliban**.**

- "There was a complete lack and a failure to plan. There was no plan and there was no plan executed," McCaul said on CBS' "Face the Nation" on Sunday morning.

**Details:** The memo argues the GOP report is "riddled with false claims" and puts the onus on former President Trump for striking a 2020 deal with the Taliban — known as the "Doha agreement" — to evacuate the U.S. from the region by May 2021.

- The White House argues top intelligence professionals assessed the U.S. would "ultimately need to send *more* American troops into harm's way just to keep the stalemate in a 20-year war from degrading," and Biden refused to do that.
- The White House also touts the recent strike that killed al-Qaeda leader Ayman al-Zawahiri as evidence the U.S. does not need a permanent troop presence to defend against terrorism.

**The bottom line:** The diverging documents represent the split screen we'll see in the coming days of how Democrats and Republicans will recount what happened last year.

- Democrats and the White House are eager to portray the withdrawal as a necessary move that kept U.S. troops safe and ended the 20-year war in the region.
- Republicans, meanwhile, are still hoping to reexamine the mistakes the administration made in the lead up to and after the evacuation, and plan to make Afghanistan a key focus of investigations if they reclaim power in Congress next year

Read the Memo [https://s3.documentcloud.org/documents/22135674/one-year-afghanistan-memo-white-house.pdf]

**TO: Interested Parties**
**FROM: National Security Council Spokesperson Adrienne Watson**
**RE: Recently Released Partisan Report on the Afghanistan Withdrawal**

• This partisan report is riddled with inaccurate characterizations, cherry-picked information, and false claims. It advocates for endless war and for sending even more American troops to Afghanistan. And it ignores the impacts of the flawed deal that former President Trump struck with the Taliban.

• When President Biden took office, he was faced with a choice: ramp up the war and put even more American troops at risk, or finally end the United States' longest war after two decades of American presidents sending U.S. troops to fight and die in Afghanistan and $2 trillion spent. The President refused to send another generation of Americans to fight a war that should have ended long ago – and we fundamentally disagree with those who advocated for miring the United States' fighting men and women in an indefinite war with no exit strategy.

• Bringing our troops home strengthened our national security by better positioning us to confront the challenges of the future and put the United States in a stronger place to lead the world. It freed up critical military, intelligence, and other resources to ensure we are better poised to respond to today's threats to international peace and stability – whether that be Russia's brutal and unprovoked assault on Ukraine, China's increasingly assertive moves in the Indo-Pacific and around the world, or a persistent terrorist threat that's gone global and not constrained to Afghanistan.

• The United States does not need a permanent troop presence on the ground in harm's way to remain vigilant against terrorism threats or to remove the world's most wanted terrorist from the battlefield. We just demonstrated unequivocally in the recent Zawahiri strike to take out the leader of Al Qaeda.

**What We Inherited:**

• Former President Trump's 2020 agreement with the Taliban empowered the Taliban, weakened our partners in the Afghan government, and committed to withdrawing our troops a few months after President Biden's inauguration – with no clear plan for what should come next.

• As CENTCOM Commander General McKenzie – who served under both Presidents Trump and Biden – testified: "The signing of the Doha agreement had a really pernicious effect on the government of Afghanistan and on its military — psychological more than anything else, but we set a date-certain for when we were going to leave and when they could expect all assistance to end."

• When we took office, the Taliban was in its strongest military position since 2001, former President Trump had released thousands of Taliban fighters from prison, and we had the smallest number of U.S. troops on the ground. Yet the Trump Administration had dismantled our nation's refugee programs and SIV interviews had been halted for nearly a year by the previous administration, allowing a massive backlog of SIV applications to build. No preparations had been made to begin evacuating our Afghan allies.

**False Choice: Maintaining Status Quo Wasn't an Option**

• Our top intelligence professionals assessed – and recent history had shown – that we'd ultimately need to send more American troops into harm's way just to keep the stalemate in a 20-year war from degrading. The President rejected the impossible notion that a so called low-grade effort could have maintained a stalemate. There's nothing low-grade, low-risk, or low-cost about any war – and there were no signs that even more time, funds, or even more importantly Americans at risk in Afghanistan, would have yielded different results.

**Fact Check:**

**Claim:** We could have kept 2,500 troops in Afghanistan and that would have been sufficient
**Reality:** As Secretary Austin and Chairman Milley said in congressional testimony last fall, the tough decision the President faced when taking office ultimately wasn't to stay or go: it

was go or risk having to send even more U.S. troops to fight in a newly intensified 20-year civil war. They testified we would have had to deploy more forces in order to protect ourselves and accomplish any missions they would have been assigned.

Chairman Milley 9/29/21**: "There's a reasonable prospect we would have to increase forces past 2500, given the Taliban very likely was going to start attacking us."**

Secretary Austin 9/28/21: **"If you stayed [in Afghanistan] at a force posture of 2,500, certainly you'd be in a fight with the Taliban, and you'd have to reinforce yourself."**

- Remember, when the Trump administration came into office, there were 8,400 troops in Afghanistan and he had to add thousands more just to keep the situation from deteriorating further, bringing the total U.S. forces to more than 14,500. During the final year of his presidency, after signing a deal with the Taliban that committed us to leave Afghanistan, former President Trump withdrew 10,000 U.S. troops from Afghanistan and released 5,000 Taliban prisoners. When President Biden took office, we had the fewest U.S. troops in two decades in Afghanistan and the Taliban was at their strongest position in nearly 20 years. The speed with which the Taliban took over the country shows why maintaining 2,500 troops was not going to cut it and would not have sustained a stable, peaceful Afghanistan.

**Claim:** We are less safe today because of the withdrawal because Al Qaeda has reconstituted and Afghanistan has become a terrorist haven.

**Reality:** The Intelligence Community assesses that al-Qa'ida has not reconstituted its presence in Afghanistan since the U.S. departure in August 2021 – and that Ayman al-Zawahiri was the only key al-Qa'ida figure who attempted to reestablish their presence in country. They also assess that:

- Al-Qa'ida does not have a capability to launch attacks against the U.S. or its interests abroad from Afghanistan;
- There are less than a dozen al-Qa'ida core members who remain in Afghanistan and they probably were located there prior to the fall of Kabul;
- Neither the few remaining al-Qa'ida core members nor its regional affiliate are plotting to attack the Homeland, and we have no indication that these individuals are involved in external attack plotting.

**Claim:** The Biden administration was not prepared for the speed of the Taliban retaking Kabul and an evacuation.

**Reality:** Former President Trump's 2020 agreement with the Taliban:

- Agreed to withdraw all troops from Afghanistan by May 1 2021, without conditions
- Released 5,000 Taliban fighters from prison
- Invited the Taliban to Camp David

This agreement empowered the Taliban and weakened our partners in the Afghan government. When we took office, the Taliban was in its strongest military position since 2001 – and we had the smallest number of U.S. troops on the ground. The Trump Administration had not conducted SIV interviews for nearly a year and made no preparations to evacuate our Afghan allies.

We surged resources into improving the SIV program and approved a record number of SIVs in the months leading up to the fall of Kabul. We did extensive contingency planning throughout the spring and summer of 2021 and pre-positioned troops in the region, which enabled us to facilitate the evacuation of more than 120,000 people – including more than 70,000 Afghans who we have welcomed to communities across our country through a whole-of-government effort called Operation Allies Welcome.

**Claim:** America has less credibility on the world stage because of the Afghanistan withdrawal and our adversaries are emboldened

**Reality:** President Biden has rebuilt our alliances and restored our credibility on the world stage after four years of former President Trump's presidency damaged America's reputation and left us increasingly isolated internationally and from our allies and partners. Look no further than our response to Russia's war on Ukraine and how President Biden has rallied the world and built a coalition of countries to support Ukraine and support measures to hold Russia accountable.

## Military Cooperation and Trust

***The literature on Civil-Military Relations often leaves professional officers and political leaders in a state of uncertainty. Scholars, observers, and practitioners often disagree. What are the essential issues that 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?***

### 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 politicos, 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.