

The Line Held: Civil-Military Relations in the Trump Administration

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Abstract

Despite legitimate concern about civil-military relations during the Trump presidency—and considerable efforts by the president to subvert US law and the norms of civil-military relations—this important guard-rail in American public life has withstood the pressure. Deference to civilian authority went unchallenged in relief of commanders and execution of policy. Where law and norms were broached, such as appointing a recently retired officer as defense secretary, Congress and the subsequent administration are equally liable. Military and veteran leaders have made mistakes, especially during the Black Lives Matter protests, but their acknowledgement and correction have strengthened the crucial prohibition on partisan political activity. President Trump did little structural damage to civil-military relations; the question remains whether his efforts have further politicized public attitudes about our military. Acceding to polarization would be terrible for our military, affecting recruiting, unit cohesion, and war-fighting competence. We will have a worse military and be less secure if that comes to pass.

The Trump administration affected two fundamental aspects of civil-military relations (CMR) in the United States: the expanse of civilian control and the military responsibility to preserve norms. However, despite consistent pressure on these aspects, the Trump administration does not appear to have damaged the foundation of US CMR. In fact, its clumsy attempts may well have strengthened the norms. Where the Trump administration has done serious damage to civil-military relations is in the perception of the military as a political actor. The United States military did a laudable job under considerable pressure, but we will all be worse off—and our military will be weaker—if future

administrations accede to Trump's precedent of treating the military as a political actor as a normal part of civil-military relations.

Maintaining Civilian Control

Civil-military relations in the United States is an unequal partnership in which the military remains firmly subordinate to elected and appointed civilians. Following the iconic example of General Washington, the American military's subjugation has only been challenged in fiction. The norm survives, and it is widely accepted that senior military commanders serve at the pleasure of the commander in chief. Since the all-volunteer professional military, presidents have relieved military commanders frequently and with impunity. They have adopted policies against military advice, and the military has not publicly objected even when popular commanders are relieved.

For example, internal to the military services there were a number of reliefs for cause, but there was only one significant firing of a commander during the Trump administration, that of Capt Brent Crozier commanding the USS *Theodore Roosevelt*.¹ Captain Crozier was relieved for publicizing concern about coronavirus spread on his ship and taking upon himself responsibility for determining the mission did not merit the risk to his crew. This decision properly resided at echelons above him (his superiors in the chain of command were reprimanded, but no further action was taken against them). The secretary of the Navy was also relieved after his comportment disrespected the officer and aggravated the situation. While the episode sparked considerable debate within the military community over whether the commander should have been relieved, there was no challenge to the secretary of defense's *legal authority* to relieve the commander.

Relatedly, there was considerable friction about the Pentagon's civilian leadership apparently stifling effective pandemic containment by military commands in 2020. US Forces Korea command established measures diametrically opposed to the president's description of what was occurring and what actions should be taken. Secretary of Defense Mark Esper rather adroitly navigated the civil-military difficulty. While he protected the right of commanders to take actions they thought appropriate, he also tried to dampen discussion of them beyond the military community to preserve the president's freedom of action in policy.

Shirking

Trump's special envoy for Syria made a serious allegation that the Pentagon undercut the president's policy decisions. Ambassador Jim Jeffrey claimed that "we were always playing shell games to not make clear to our leadership how many troops we had there."² Such an effort by the military to mislead the president to prevent policy implementation would be a serious violation of civil-military relations, something Peter Feaver describes as "shirking" responsibility.³ Jeffrey's allegation implicates not just the military but also State Department officials and the Pentagon's civilian leadership. It would also be a serious civil-military breach for military members to discount the secretary of defense and determine for themselves what the president intended. While Secretary James Mattis was a veteran, and by his own admission never stopped viewing himself as a general, he was scrupulous in establishing the president's intent even during his interview for the position and resigned when he could not support it.⁴ That is not behavior consistent with precluding the president from knowing what the Pentagon was doing. Moreover, Jeffrey himself admits that advocates of remaining in the ISIS fight brought "five better arguments" and persuaded the president, a very different circumstance and consistent with civil-military norms.

Public support for insubordination by military officers has been steadily increasing commensurate with partisanship. While civil-military regulation is designed narrowly to restrict political acts by active duty service members, senior officers continue to be governed by the Uniform Code of Military Justice even after retirement. There was considerable pressure from outside the administration for prominent military members and veterans serving in the administration to stall or undercut the president's clear policy preferences and the policies themselves. There were calls for Secretary Mattis, Lt Gen H. R. McMaster, and Chief of Staff John Kelly to be "the adults in the room" and discipline the president's inclinations.⁵ Kelly and Mattis have subsequently asserted that they prevented worse outcomes by persuading the president, but not by subterfuge. Despite public pressure, the system held.

From these examples of a commander's relief of duty, policies adopted for war, and military figures complying with regulations and norms together with an absence of counterexamples involving open insubordination, we can conclude that the fundamental element of civilian control of the military—uniformed subordination to elected leadership—remains firmly established.

Veterans' Preference

Prior military service, especially in high-ranking roles, is often helpful in government jobs. This is especially true when running large, complex organizations with multiple stakeholders and when defense policy expertise is critical because the consequences of error are so tragic. It would be perverse if military service were allowed to exclude candidates. But the American government was designed to be run with broad public participation, which is why it permits 4,000 political appointees to come into every new presidential administration. Congress enacted law over 70 years ago prohibiting the appointment of military retirees as secretary of defense within 10 years after leaving service. The law was promulgated to ensure that, with rare exceptions, military service was not the only experience candidates had. It was also intended to increase the likelihood that linkages with the active ranks were not current for the purpose of civilian control.

The Trump administration has been criticized for appointing high-ranking veterans to civilian positions, relaxing civilian oversight of operations, and reaching into the military justice system to issue pardons. None of these areas were affected in ways that merit concern for civil-military relations. While the Trump administration selected veterans from the most senior levels for major policy positions and the president himself reveled in talking about “his generals,” he did not instate more high-ranking veterans than had, for example, the Obama administration.⁶

James Mattis required a congressional waiver for recent military service, which the Congress granted, confirming him by a vote of 98–1. The nomination and the ease of congressional affirmation dented the law and norm of excluding the appointment of military officers retired less than seven years (based on a change of law in 2008). With the waiver for recently retired general Lloyd Austin, the norm has been effectively transgressed and unlikely to constrain future appointments.

Trump’s generals did not prove more pliable to presidential influence than other appointees. In the case of Secretary Mattis, quite the contrary. In fact, a solid case could be made that “the generals” were less aligned with the president’s policies than appointees *should* be. Further, while defense experts may prefer their proclivities, presidents have a right to senior political appointees who more enthusiastically work to carry out policies on which they campaigned and were elected.

A strong case could also be made that appointees with predominantly military experience are less adroit politicians than the portfolios require. For instance, General McMaster served the president poorly in attempting to spin the president’s sharing of allied classified information with the

Russians.⁷ His narrow, legalistic defense of the president failed to protect the president politically in the way a more experienced politico might have, and it damaged his own credibility. Howard Baker or James Baker could have gotten the president out of that ditch.

Operational Control

Sparring over the appropriate level of civilian involvement in military operations is standard, from criticism over Lyndon Johnson picking bombing targets during the Vietnam War, to restrictive rules of engagement by the Obama administration in Afghanistan, to complaints about “lawfare” tying military leaders’ hands for drone strikes. In the Trump administration, the president granted Secretary of Defense Mattis wider latitude to make decisions about troop levels and operational plans. That constituted a transfer of authority from one civilian to another, though, not a derogation of that authority. Moreover, even during Mattis’s tenure, national security advisors General McMaster and John Bolton contested the Pentagon’s independence of operational action. It is not clear that anything substantial has changed.⁸

Rough Justice

President Trump reached into military justice proceedings—during and after verdicts were decided—to issue pardons that sent worrisome signals about leniency toward war crimes. While uncommon for presidents to involve themselves in what Samuel Huntington considers the military’s “autonomy within a clearly defined military sphere,” President Trump did not exceed the standing authority of the commander in chief.⁹ Further, he did not issue more or different types of pardons to the military versus civilians. And while lacking intent to specifically damage the military does not preclude that result, the damage incurred is not in the realm of civilian control over the military. President Trump’s actions have expanded the sphere of civilian influence, not contracted it.

Where President Trump’s pardons hint at a disruption to civil-military relations is aligning himself with enlisted or noncommissioned or junior officers and denigrating the senior leadership. It is highly unusual for a president to demean active duty generals, as Trump did both publicly and privately.¹⁰ Nor does a president generally characterize military leaders’ policy advice as “one cold-hearted globalist betrayal after another.”¹¹ Trump vehemently condemned “the generals” who had departed the administration, active duty military advocacy for continuity of policy in wars

and alliances, and civilian and military leadership of the Pentagon for their opposition to invoking the Insurrection Act during the Black Lives Matter protests. His vituperation had strong undertones suggesting that troops had a personal loyalty to him that military leaders undermined.¹² There do not appear, however, to have been any instances of chain-of-command ruptures as a result of that presidential derogation.

Militarization

Another area of concern about civilian control is the influence accorded civilians appointed to policy-making positions in the defense establishment. The bipartisan National Defense Strategy Commission criticized the Trump Pentagon in 2018 because “civilian voices have been relatively muted on issues at the center of U.S. defense and national security policy, undermining the concept of civilian control.”¹³

Positioning civilian appointees in the Trump administration was a slow process. First, the president’s team was not prepared for transition to governing. Second, many establishment Republicans refused to join a Trump administration, thinning the pool of experienced potential civilian appointees. As well, the White House Personnel Office was understandably disinclined to include those who actively worked against the president’s election. The only area in which Secretary Mattis might merit criticism in delaying the appointment process is in attempting to make bipartisan appointments. Even there, he had support from the White House but was opposed by congressional Republicans.¹⁴

It is also not clear that the career civilians and political appointees in the Office of the Secretary of Defense (OSD) were not influential, even with an exceptionally high rate of turnover. The signature achievement of the Trump Pentagon—the National Defense Strategy (NDS)—was wholly conceived by civilians in the OSD, which would seem to refute the criticism. The NDS Commission was particularly concerned about the chairman of the Joint Chiefs of Staff being accorded authority to apportion forces. But those force apportionments are still subject to the secretary’s and president’s approval. The real objection the commission seems to have is the atrophying of the civilian OSD staff. The commission considers civil-military issues to be on an “unhealthy trend.” But that trend did not commence in the Trump administration. Since at least the early 1990s when Goldwater-Nichols defense reforms strengthened the Joint Staff and combatant command staffs by requiring joint assignments for attaining flag rank, those military staffs have been outpacing their OSD

counterpart. The service staffs have also declined, blurring a clear civilian-to-military comparison.

Politicizing and Perceiving the US Military

It was clear from the first week of Donald Trump's presidency that he had no compunction about politicizing the military. The White House elected to sign the president's controversial Muslim ban at the Pentagon—in the Medal of Honor recipients' Hall of Heroes, no less—to associate the military with his policies. A retired four-star veteran who was then the civilian secretary of defense—and had publicly spoken against such a policy—stood smiling next to the president as he signed the executive order (that would be overturned by the courts as an unconstitutional religious restriction).¹⁵ While the military had no role in developing or executing the policy (and the president signed another order that was properly military business), the president succeeded in visually conveying military support for a deeply divisive policy.

Politicization

Secretary Mattis subsequently attempted to shield the military. He sustained strong relationships in Congress, discouraged presidential troop visits, and was absent at presidential troop visits that did occur. He refused some of the most virulent of the White House personnel appointments and spoke to reporters only informally and off the record rather than holding press conferences. Some of these preventative measures caused problems of their own. There was concern about Pentagon accountability without on-the-record statements and the lost opportunities to strengthen public support for the war efforts.

The Lafayette Square incident was an even more worrisome example of military participation in politics. During the widespread protests over police brutality toward Black Americans, President Trump wanted military enforcement of government decisions on handing protesters. He considered invoking the Insurrection Act of 1807 to permit him authority to deploy active duty troops as law enforcement—even over the objections of mayors and governors. While that option was under consideration, the defense secretary talked to governors about the need to “dominate the battlefield,” and both the secretary and the chairman of the Joint Chiefs of Staff paraded with the president through a public space that had been forcibly cleared of peaceful protesters.¹⁶

The secretary and chairman initially defended their mistakes, expressing surprise to have been thrust into a politicized role by the White House. In neither case did, nor should, those explanations exculpate their choices. Lafayette Square occurred three and a half years into the Trump administration, with the president willfully encroaching on the apolitical reputation of the military at virtually every step along the way. These steps included signing the Muslim ban at the Pentagon, giving campaign speeches before military audiences, encouraging active duty troops to don campaign hats and fly Trump flags from military vehicles, and having pardoned service members invited to White House events and speaking at campaign events. The secretary and the chairman simply ought to have anticipated Trump's actions and been prepared to protect the institution. Anticipation of potential problems and preparation to minimize their destruction are hallmarks of military planning.

The secretary, being a political appointee, committed no civil-military infraction by his participation in the Lafayette Square incident, although his "battlefield" comments were interpreted as supporting the president's militarizing policy. General Milley's appearance, especially in combat uniform, was widely condemned by former secretaries of defense, chairmen of the Joint Chiefs of Staff, and civil society groups. The objections that weighed most heavily were from other military leaders and veterans' groups; it is the military commitment to apolitical comportment that defines the profession.

To their credit, both Secretary Esper and General Milley recovered from their mistakes in ways that strengthened the norms of civil-military relations. While policy was still being decided, Secretary Esper held a press conference apologizing for his "dominate the battlefield" language and giving his assessment that the protests did not rise to the standard of concern that would merit invoking the Insurrection Act.¹⁷ That act by the secretary significantly increased the political cost to the president of invoking the Insurrection Act, and it positioned General Milley's subsequent abject apology as supporting his immediate civilian superior. Substantively, General Milley's argument that the military's primary obligation is to uphold the Constitution drew a bright, clear line about where responsibility to the commander in chief ends.¹⁸ But those corrections were visible mostly to the expert community. The public, particularly the inattentive public, may well remember the march through Lafayette Square but not the apologies.

The Lafayette Square incident so alarmed members of the military establishment that it got the Pentagon thinking and planning for how the

president might seek to manipulate or use the military during a contested presidential election. Quiet planning for how to prevent those outcomes and consultations with the *other* civilian control, namely the Congress, served to foreclose the military's involvement in the even more dangerous and potentially damaging circumstances of President Trump refusing to concede the election. Civil-military relations were strengthened because the military was nowhere to be seen during President Trump's fulminations of election fraud. This low profile also actively distanced the force from suggestions by Trump supporters that the military should oversee a rerun of the election—even though retired general Michael Flynn was among those stridently advocating for military election supervision. Active duty military leaders were clear and consistent in repeating that the American military has no role in elections.

In fact, so concerned were the military and elected local officials in the District of Columbia about military involvement in the summer's protests that support was impeded during the 6 January 2021 insurgency at the Capitol. The Pentagon offered assistance in advance. However, that assistance was declined by DC mayor Muriel Browser, and the military didn't press the case.¹⁹ There were unreasonable expectations of how quickly National Guard forces could be mobilized and assist (itself an interesting civil-military issue) and also the special circumstances of command authority for the District of Columbia not being a state-created concern. Nevertheless, the presence of the Guard reinforced civic peace in the aftermath.

On balance, the DOD's civilian and military leadership did an admirable job against a four-year maelstrom of attempts at norm-corroding politicization by the Trump administration. As a result, President Trump did little structural damage to civil-military relations. Where he may have done greater harm is in public perceptions of the military.

Denigration

President Trump insulted Gold Star families and Senator John McCain during and after the 2016 campaign, shocking the sensibilities of a military community accustomed to respect from our broader society. As president, he denigrated leaders and experts and also promoted himself as the tribune of the downtrodden—a particularly dangerous game where the purveyors of state-sanctioned violence are concerned. President Trump repeatedly suggested that he had a direct connection with troops that the military's senior officers did not. During the Afghanistan policy process, he countered the Pentagon's positions by saying the Soldiers didn't sup-

port them.²⁰ After Secretary Mattis's resignation, the president unleashed a vitriolic tirade against him and again during the Lafayette Park incident when Mattis made public statements critical of the administration and encouraging the military leadership not to damage its relationship with the American public. When news broke that the president had called fallen Soldiers "losers" and "suckers," President Trump tried to deflect by stating, "I'm not saying the military's in love with me. The soldiers are. The top people in the Pentagon probably aren't because they want to do nothing but fight wars so all of those wonderful companies that make the bombs and make the planes and make everything else stay happy."²¹

The president's tirades appeared to affect public attitudes about the president rather than the military.²² But as the work of Peter Feaver and Jim Golby has shown, American public attitudes have for some time been trending toward seeing the military as just another faction in our politics. The public is beginning to perceive the military the way it perceives the Supreme Court, as something to favor when it supports your political beliefs and to oppose on the same basis.

That is, attitudes about the military are polarizing just as our politics are polarizing. The president's denigration may well have had political salience with his partisans as did his views on other policy issues. But even that influence was not particularly enduring. Survey data from the Chicago Council on Global Affairs indicates that the president's signature opposition to immigration, trade, and alliances initially garnered support. Nevertheless, his policies in office alienated many of those initially supportive of his rhetoric, and public attitudes have since rebounded to be even more favorable toward international engagement than the pre-Trump status quo.²³

Conclusion

Although President Trump did not weaken the underlying structures of civilian control, he politicized the military by attempting to draw it into the fold as a loyal political actor. While Trump's actions in this sphere were appalling, they were not entirely new. Service members have been caricatured as everything from heroes who leap tall buildings in a single bound, to moral exemplars, to objects of pity lacking employment opportunities or having the potential for violence due to post-traumatic stress. Political polarization may leaven those views and help Americans to consider their military as a reflection of society as a whole—no better, maybe, but also no worse. In a twisted way, it may be good for civil-military relations since it

would level the military's long-standing advantage over other institutions in American government and civic life.

The precedent Trump set in so overtly treating the military as a political ally was harmful, but it is not irreversible and need not be lasting. Acceding to polarization would be terrible for our military, affecting recruiting, unit cohesion, and war-fighting competence. Selecting senior military officers based on their politics rather than their military experience would diminish trust with elected officials. It would also weaken our international standing and ability to attract allies. We will have a worse military and be less secure if that comes to pass. **SSQ**

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