

# **Civilian Control of the Armed Forces**

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I appreciate the opportunity to appear before the Committee on this important topic. What follows reflects my views as both a scholar of civil-military relations, and my experience as a senior government official who routinely dealt with general and flag officers, and issues of war and peace.<sup>1</sup>

My bottom line on the issue of the day is simple. I strongly support the law that prohibits individuals who have served in the military from becoming Secretary of Defense within seven years of leaving the service. At the same time, I favor an amendment to permit General James Mattis, USMC (ret.) to serve in that office despite failing to meet the seven year cooling off period.

To explain these positions, let me begin with some basic propositions about our country's experience with civil-military relations.

The principle of civilian control of the military – not collaboration with it, as some have put it, or mere direction of it – is central to the American experience

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<sup>1</sup> *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Free Press, 2002) and more recently, *The Big Stick: The Limits of Soft Power and the Necessity of Military Force* (New York: Basic Books, 2017). From 2007-2008 I served as Counselor of the Department of State with particular responsibility for strategic issues, including the wars in Iraq and Afghanistan.

since colonial times. The bill of particulars directed at King George III in the Declaration of Independence reads, among other things, that “*He has affected to render the Military independent of and superior to the Civil Power.*” For a century before the Constitution, and certainly throughout the history of the Republic, firm civilian control has been a matter of American consensus, challenged only on rare occasions such as the Truman-MacArthur controversy in 1951, and then resolved unambiguously in favor of civilian authority.

Some degree of civil-military tension has always existed in our country, and that has usually been a good thing – a source of productive divergence of views about everything from strategy to internal administration. At times the differences of view have been acrimonious as, for example, during the famous standoff between Abraham Lincoln and General George McClellan during the Civil War, or in the late 1940’s turmoil over desegregation of the armed forces, or the dispute over ending the draft in the early 1970’s. In these cases, the civilian political view properly and beneficially prevailed.

The firm practice, embodied in Section 113 (a) of Title 10 of the US Code, of having a civilian Secretary of Defense stemmed from this history and these values. It embodies four sets of concerns:

First, it reflects the notion that control over the largest bureaucracy in our government, with the largest budget and with enormous power in many dimensions including potentially over the lives of our own citizens, must rest with someone who represents the American citizenry – not a military elite, which in the nature of things is appropriately self-selected, along military lines until the very top ranks.

Second, it stems from the belief that there is a breadth of view and perspective essential to running the military and making war that is not likely to be found in someone who has spent thirty or forty years in uniform. The armed forces are what one sociologist has called “a total institution,” comparable to priesthood in the Catholic Church. A career of military service affects every feature of one’s life, down to how one wears one’s hair. Living in such an institution at a remove from civil society throughout the prime of one’s life can be a narrowing as well as a broadening experience, and it leaves an indelible mark. It is one reason why, in a certain sense, generals never truly retire.

Third, , having a recently retired general officer as Secretary of Defense poses all kinds of practical problems: would they be inclined to favor the Joint Chiefs of Staff (military) over the Office of the Secretary of Defense (civilian)? Would they be inclined to favor their own service over the others? Would they bypass the Chairman of the Joint Chiefs of Staff as the senior military adviser to the President? Would they allow the normal rivalries or close friendships of their military career to affect their position of civilian head of the department? Even the appearance of such biases, let alone their reality, would make effective leadership of the Department of Defense difficult or impossible.

Fourth, the Secretary of Defense is in many ways the chief interlocutor between the military and society, the President being too busy and burdened with many other responsibilities. It is he or she who represents the concerns, values and interests of the armed forces to politicians and to society. In turn, he or she

guarantees that democratic values, attitudes and needs will inform and shape the American military.

Furthermore, countries that have routinely installed generals as Ministers of War or Defense have often had problematic patterns of civil-military relations, and suffered military failures as well. France and Germany in the late nineteenth and early twentieth centuries and Japan during the 1930's and World War II are examples of this. Such is the practice in recent years in Russia, as it was in the Soviet Union. Even democracies who have gone down this route have suffered from the politicization of the senior officer corps by the routine appointment of retired military figures to this top civilian position. A prime case is Israel, whose politics are often roiled by maneuvering among active duty and retired generals – a point often noticed by American generals familiar with that country and well documented by Israeli scholars.<sup>2</sup>

The law in question, therefore, makes eminent sense. But it was amended in September 1950 to allow for the appointment of General George C. Marshall as Secretary of Defense for two reasons.

The first had to do with the sense of national emergency. The Korean war had gone on for three bitter months; the Inchon landings were about to begin and with them a bloody campaign to reunify the peninsula in the face of warnings of Chinese intervention. At the same time, the United States was sending four

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<sup>2</sup> See the work of one of Israel's most thoughtful scholars of civil-military relations, Yoram Peri, *Generals in the Cabinet Room: How the Military Shapes Israeli Policy* (Washington, DC: United States Institute of Peace, 2006). By far the most successful of Israel's defense ministers – David Ben Gurion, founding father of the Israel Defense Forces - had minimal military experience.

additional divisions to reinforce the two already in Europe - our first peacetime commitment of substantial armed forces abroad. War with the Soviet Union, which had only a year before stunned the world by testing a nuclear weapon, seemed a real possibility. In this setting, and having lost confidence in Secretary of Defense Louis Johnson, President Truman correctly believed that he needed an exceptional leader for the relatively new Department of Defense. Truman had tremendous trust in Marshall because of the general's character and judgment, as well as the exceptional breadth of experience of a man who had, after all, been an important Secretary of State as well as one of the architects of the greatest coalition in military history.

Second, and this clearly influenced Congress as well as President Truman, was the desire to reassure the American people in extremely difficult times. American political leaders correctly believed that General Marshall, a revered figure because of his monumental role as Chief of Staff of the Army during World War II could do that.

Congress therefore amended the law reluctantly, insisting that by so doing it was not creating a precedent, and advising that this not be repeated in the future. I believe, however, that our current circumstances warrant taking this extraordinary step a second time.

I have known General Mattis for over a decade. He is probably the most widely read and reflective officer I know. He is a writing general too, the co-editor of an important recent book on civil-military relations. More importantly, he has proven himself to be a man of exceptional character and judgment, and exemplary

commitment to legal and Constitutional norms. I would trust him to conceive and execute policy as any of us would wish. He is not General Marshall – but he is indeed a man of similar integrity and soundness, and of very wide experience.

Much as I admire and respect him, however, I would not advocate this change were it not for two other aspects of the question. We face a world that may not be quite as dangerous as that of 1950, but has deeply troubling similarities to it. We are waging our third war in Iraq in a generation. We are not close to ending the Afghan war. We face a contest with jihadi elements seeking to inflict violence and destroy regimes across broad swathes of the globe. We must deal with a rising China with hegemonic aspirations in Asia; a revanchist Russia that has committed blatant aggression against its neighbors and even interfered in our elections; an Iran that has paused but not halted its drive for nuclear weapons and regional ascendancy. We will soon be looking at a North Korea that has built intercontinental ballistic missiles that can hit the United States with nuclear weapons. Ours is a dangerous world that could tip into crisis with very little notice.

Even this sense of danger, however, would not bring me to the point of urging a revision of the law were it not for my views of the incoming administration. I have sharply criticized President Obama's policies, but my concerns pale in comparison with the sense of alarm I feel about the judgment and dispositions of the incoming White House team. In such a setting, there is no question in my mind that a Secretary Mattis would be a stabilizing and moderating force, preventing wildly stupid, dangerous, or illegal things from happening, and over time, helping to steer American foreign and security policy in a sound and sensible direction.

Under these conditions, then, I urge you to amend the law to permit the appointment of General Mattis – but at the same time I urge you equally strongly to keep the law on the books, even restoring, if it seems proper to you, the ten year cooling off period. The principle of civilian control of the military is precious, and essential to our form of government. Making an exception twice in nearly seventy years, while keeping the fundamental legislation intact and reaffirming the arguments behind it, will not, in my judgment, threaten that principle but rather reinforce it.