Opinion

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Gen. Mark Milley, chairman of the Joint Chiefs of Staff, briefs reporters Pentagon July 21 as the U.S. military neared the formal end of its mission in Afghanistan. He is on the hot seat amid reports he might have gone outside the chain of command when he reached out to his Chinese counterpart to assure him not to worry about then-President Donald Trump starting a war. (CNS/Reuters/Ken Cedeno)



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Gen. Mark Milley, chairman of the Joint Chiefs of Staff, is in the hot seat over reporting in Bob Woodward's and Robert Costa's new book, *Peril*, that Milley might have gone outside the chain of command when he twice reached out to his Chinese counterpart to assure him not to worry about then-President Donald Trump starting a war. The book details the dangers to democracy posed by the former president in the last months of his tenure.

If Milley did, in fact, exceed his constitutional role, it should be investigated. Sen. Josh Hawley of Missouri, always looking to glom on to the latest conservative cause, told Fox News' Laura Ingraham that Milley should be fired if he does not resign. Hawley should be careful what he asks for. Any investigation will also necessarily

detail what Trump was doing at this time and, if you believe what Woodward and Costa are reporting, that might not be reassuring to the senator's supporters.

Not all Milley's critics are the usual Fox News suspects willing to complain about anyone associated with President Joe Biden. Alexander Vindman, the retired Army officer who testified against Trump at his first impeachment trial, has called for Milley to step down, saying the general "usurped civilian authority, broke Chain of Command, and violated the sacrosanct principle of civilian control over the military."

Gen. Wesley Clark told CNN that there was nothing out of the ordinary about the reported calls to the Chinese. "Well, look, the senior military leaders all talk to each other internationally all of the time," the former Supreme Allied Commander of NATO said. "There's a continuing network of consultation, just as Jamie [Gangel, a CNN analyst] said. And I totally understand the balance of Milley's responsibility to reach out to other military leaders, both those who are friends and those who are potential adversaries, and check the temperature, tell them what it feels like to him, and keep that relationship going. We want our military to have international relationships." [Full disclosure: When Clark sought the Democratic nomination for president in 2004 I worked on his campaign.]

So it is not entirely clear whether Milley did or did not violate a constitutional norm and some kind of investigation is warranted. Democrats have spent much of the past six years worrying about democratic norms and we cannot simply look the other way when those norms might have been violated by someone we otherwise admire and even trust.

The most famous case of a military commander ignoring the chain of command was that of Gen. Douglas MacArthur. In 1951, during the Korean War, it had become increasingly obvious that MacArthur's views were out of step with those of the both the military and civilian advisers to President Harry Truman and that his statements to the press sent mixed messages to ally and adversary alike. MacArthur wanted to bomb the Chinese military bases in Manchuria after that nation had sent its troops to aid the North Korean forces. Gen. Omar Bradley said later, "To have extended the fighting to the mainland of Asia would have been the wrong war, at the wrong time, and in the wrong place." Truman wrote in his memoirs:

> *In the first place, of course, he [MacArthur] was wrong. If his advice had been taken, then or later, and if we had gone ahead and bombed the Manchurian bases, we would have been openly at war with Red China and, not improbably, with Russia. World War III might very well have been on.*

On March 24, 1951, despite an order for no government or military official to comment on foreign policy without authorization from the State Department, MacArthur issued a press statement suggesting victory was at hand despite his knowledge that Truman was planning to issue a statement calling for negotiations to reach a settlement and a truce. On April 5, U.S. Rep. Joseph Martin, the House minority leader, read a letter MacArthur had sent him in which the general contradicted Truman's decision not to use Chinese Nationalist troops in the Korean battle. It was the straw that broke the camel's back. After consulting with his advisers, Truman relieved MacArthur of his command on April 11.

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In his memoirs, Truman recalls the other most famous chain of command confrontation, that between Abraham Lincoln and Gen. George McClellan. In that crisis, however, the policy roles were reversed: Truman feared MacArthur was willing to risk World War III by expanding the war while Lincoln could not get McClellan to fight a battle. "My dear McClellan: If you don't want to use the Army I should like to borrow it for a while," the president wrote his commander. Shortly after, McClellan was relieved of command.

Unlike the MacArthur and McClellan situations, the Milley case is not about a difference over the direction or implementation of policy. At issue is a president whose emotional stability was in question and who seemed intent on finding a way to thwart the peaceful transfer of power. The only historic analogy in American history was Secretary of Defense James Schlesinger's instruction to the nation’s military commanders in 1974 to check with him before executing any order that came directly from an increasingly depressed, often drunk President Richard Nixon. The secretary of defense is in the chain of command, however.

Christopher Miller, acting secretary in the last months of the Trump tenure, has denied authorizing Milley to make his calls. A spokesperson for Milley said the calls

were undertaken in consultation with the Department of Defense.

It is easy to see how we can all be grateful Schlesinger took the step he did, and we might also be grateful to Milley. But here is the rub: In highly complicated, fraught situations, when the circumstances are murky, when competing moral goods are at stake and the stakes are high, it becomes all too easy to do something really, really wrong. If that something also sets a very unhealthy precedent, it warrants an examination. A complication can become an excuse, and an excuse transforms into a lesson, and from a lesson into a conviction and, pretty soon, you are halfway down the slope you were trying to avoid in the first place. Some slopes really are slippery.

Congress should authorize a select committee to investigate what did and did not happen. If Gen. Milley violated a constitutional norm, even if the goal was to protect the world from war, he should be prepared to accept responsibility for the violation. His actions may have been noble in this instance, but the long, long history of military commanders interfering in politics usually leads to disaster.