

# The Civil-Military Crisis Is Here

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To capture a democratic nation, authoritarians must control three sources of power: the intelligence agencies, the justice system, and the military. President Donald Trump and his circle of would-be autocrats have made rapid progress toward seizing these institutions and detaching them from the Constitution and rule of law. The [intelligence community](#) has effectively been muzzled, and the nation's top [lawyers](#) and [cops](#) are being purged and replaced with loyalist [hacks](#).

Only the military remains outside Trump's grip. Despite the [firing](#) of several top officers—and Trump's [threat](#) to fire more—the U.S. armed forces are still led by generals and admirals whose oath is to the Constitution, not the commander in chief. But for how long?

Trump and his valet at the Defense Department, Secretary of [Physical Training](#) Pete Hegseth, are now making a dedicated run at turning the men and women of the armed forces into Trump's personal and partisan army. In his [first term](#), Trump regularly violated the sacred American tradition of the military's political neutrality, but people around him—including retired and active-duty [generals](#) such as James [Mattis](#), John Kelly, and [Mark Milley](#)—restrained some of his worst impulses. Now no one is left to stop him: The president learned from his first-term struggles and this time has surrounded himself with a Cabinet of sycophants and ideologues rather than advisers, especially those at the [Pentagon](#). He has declared war on Chicago; called Portland, Oregon, a "[war zone](#)"; and referred to his political opponents as "[the enemy from within](#)." Trump clearly wants to use military power to exert more control over the American people, and soon, top U.S.-military commanders may have to decide whether they will refuse such orders from the commander in chief. The greatest crisis of American civil-military relations in modern history is now under way.

I write these words with great trepidation. When I was a professor at the Naval War College, I gave lectures to American military officers about the sturdiness of civil-military relations in the United States, a remarkable [historical achievement](#) that has allowed the most powerful military in the world to serve democracy without being a threat to it. I so revered this system that I went to Moscow just before the fall of the U.S.S.R. and told an audience of Soviet military officers that they should look to the American military as a model for how to disentangle themselves from the Communist Party and Kremlin politics. I regularly reminded both my military students and civilian audiences that they had good reason to have faith in American institutions and the constitutional loyalty of U.S. civilian and military leaders.

This new and dangerous moment has arrived for many reasons, including Trump's antics in front of young soldiers and sailors, through which he has succeeded in pulling many of them into displays of partisan behavior that are both an insult to American civil-military traditions and a violation of military regulations. Senior military leaders should have stepped in to prevent Trump from turning addresses at [Fort Bragg](#) and [Naval Station Norfolk](#) into political rallies; the silence of the Army and Navy secretaries, the Joint Chiefs of Staff, and some top generals and admirals is appalling. To their credit, those same [officers listened impassively](#) as Trump and Hegseth subjected them to political rants during a meeting at [Quantico](#) last week. But young enlisted people and their immediate superiors take their cues from the top, and one day of decorum from the high command cannot reverse Trump's influence on the rank and file.

Trump's rhetoric in his speeches to the military has been awful—he has ridiculed former [commanders in chief](#), castigated sitting [elected officials](#), and told the members of America's armed forces that other Americans are their enemies. But his actions are worse. In deploying troops to American cities, he has set

up a [confrontation](#) in which military commanders may soon have to choose between obeying the president and obeying the law. “This is a nation of Constitutional law, not martial law,” Judge [Karin Immergut](#)—a conservative Trump appointee—[wrote](#) last week when she blocked Trump’s attempt to send troops to Portland. The White House aide [Stephen Miller](#) likely foreshadowed Trump’s next moves, including possibly ignoring such rulings, when he lashed out at Immergut’s decision. Miller, a man who hates being called a [fascist](#), made the fascistic [accusation](#) that a “large and growing movement of leftwing terrorism in this country” is being “shielded by far-left Democrat judges, prosecutors and attorneys general.”

Trump’s attempt to [militarize](#) America’s cities is still being tested in court. But he has already issued other orders that are likely illegal. The president has determined—on his own—that he can go to [war](#) against “narco-terrorists,” and he has furthermore decided that he can order the military to blow up these suspected drug runners at will. Several boats have been destroyed and many people have been killed, but neither [American law](#) nor international law (including agreements signed by the United States) allow the president to declare a fugazy drug war and then direct the summary execution of people who are not in actual hostilities with the United States and who pose no imminent threat to American lives.

The Pentagon keeps fulfilling these orders, but [reports](#) are already surfacing that some military commanders are trying to figure out if they face legal exposure for acting as Trump’s personal hit squad. Their questions are likely more difficult to answer since Trump and Hegseth fired the top [military lawyers](#) who would have helped field such queries.

Trump, of course, doesn’t care all that much about Venezuelan speedboats or costumed pranksters in [Portland](#). He cares about *power*, which is why he is determined to flex military muscle on the streets of American cities. As opposition grows and his [popularity](#) falls, Trump may be tempted to issue orders to the military that will be aimed at suppressing dissent, or disrupting elections, or [detaining political figures](#); he has already floated the idea of invoking the [Insurrection Act](#), which could enable such actions. He may even become desperate enough to launch a foreign war—as he seems to be trying to do right now with [Venezuela](#). If more of these orders come, how should the leaders of America’s armed forces respond?

Back in 2017, Air Force General [John Hyten](#), then the head of the U.S. Strategic Command (which controls the American nuclear arsenal), was asked what he would do if a president gave him an illegal order. His answer now sounds quaint:

He’ll tell me what to do, and if it’s illegal, guess what’s going to happen? I’m gonna say, “Mr. President, that’s illegal.” And guess what he’s going to do? He’s gonna say, “What would be legal?” And we’ll come up with options of a mix of capabilities to respond to whatever the situation is, and that’s the way it works. It’s not that complicated.

Unfortunately, it is that complicated, especially now that the president has been blessed by the Supreme Court with monarchical [immunity](#). Nothing would prevent Trump from saying: *Forget the lawyers. Do it. I’ll cover you.* (After all, he’s already said that to his faithful [rally goers](#), and he put that promise into action when he pardoned the January 6 insurrectionists.) Even if one officer declines an illegal order, Trump can just keep firing people until he gets to another officer who is enough of a coward, or opportunist, or true MAGA believer, to carry out the order. The officer who finally says yes after the others say no would bring shame upon the U.S. armed forces, endanger U.S. citizens, and undermine the Constitution, but eventually, Trump will find that person.

This is why America’s senior military officers, including the Chairman of the Joint Chiefs of Staff, General Dan Caine, must approach Trump now and make clear to him that they will not obey illegal orders to act against American citizens or disrupt the American political process. (They should not bother talking to Hegseth, who has no real political agency and would most likely do whatever he is told to do by the White House.) Congress, so far, has been useless in restraining Trump: The Democrats are too timid, and the Republicans are too compromised. Only by standing together can the senior military officials warn Trump away from leading America into a full-blown civil-military confrontation.

Military officers are human beings, not Vulcans or robots. Even the most virtuous young officer may

tremble at the idea of refusing a direct order—especially one from the president of the United States. Others may be tempted to abandon their oath, either by ideology or a misplaced sense of obedience, and they should recall Hyten’s warning from 2017: “If you execute an unlawful order, you will go to jail. You could go to jail for the rest of your life.” Most American military personnel, however, need no reminder of their constitutional duty. But they *do* need some reassurance that they have support from their chain of command to resist illegal orders. And the rest of us, whether we’re elected officials or ordinary citizens, should do everything we can to let our fellow Americans in uniform know that if they risk their careers and even their freedom to protect the Constitution, we will stand with them.