

# Civil-Military Relations in the 21st Century: A Great Divide?

by

Ms. Karan L. Reidenbach  
Department of the Army



United States Army War College  
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USAWC STRATEGY RESEARCH PROJECT

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Ms. Karan L. Reidenbach  
Department of the Army

Professor William G. Braun, III  
Strategic Studies Institute  
Project Adviser

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013



## Abstract

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## **Civil-Military Relations in the 21st Century: A Great Divide?**

Over two successive administrations and more than a decade of war, two Secretaries of Defense fired numerous general officers. Despite the widely different leadership styles of Donald Rumsfeld and Robert Gates, intrusive monitoring actions taken by both Secretaries of Defense have negatively affected civil-military trust relationships in the United States.

While many discussions of civil-military relations center on a coup d'état, the direct seizure of political power by the military or overthrow of government by the military,<sup>1</sup> this does not appear to be a realistic threat in the United States today.<sup>2</sup> Rather, the challenge for civil-military relations in the twenty-first century is a growing mistrust between elected civilian leaders and the military. Actions by the military such as leaking information, performing end runs around a policy decision, and foot-dragging in carrying out actions contribute to this growing mistrust. Actions by civilian leaders such as inserting themselves in the military leaders' day-to-day business, requiring excessive reporting, and conducting invasive investigations or audits also contribute to the growing mistrust.

Civil-military relations theorists since the 1950s have tried to identify a solution to address this ongoing problem. In 1957, Samuel Huntington proposed professionalizing the military and giving them autonomy.<sup>3</sup> In 1960, Morris Janowitz advocated making the military a constabulary force.<sup>4</sup> In 2003, Peter Feaver proposed treating civil-military relations as a principal-agent relationship, with the civilian principal monitoring the actions of the military agent.<sup>5</sup> To address the civil-military relations challenge of the twenty-first century, this paper will review the history of civil-military relations, then

briefly examine the theories from Huntington and Janowitz before turning to an in-depth analysis of Feaver's agency theory. Using the explanatory power of Feaver's theory, the remainder of the paper will examine the actions taken by two Secretaries of Defense (Rumsfeld and Gates) as civilian principals over military agents and assess their effectiveness.

### History of Civil-Military Relations

History has shown there will be friction between the civilian leaders and military members in a democracy due to the inherent nature of their hierarchical relationship. The relationship is hierarchical because civilians hold a position of privilege, giving them legitimate authority over the military.<sup>6</sup> The basis of civilian control of the military in America goes back to the writing of the Constitution of United States of America. Over the past 230 years, additional laws and regulatory changes have strengthened the framers' original intention of ensuring civilian control over the military.

The framers of the Constitution ensured the military would be under civilian control, fearing the European example of a monarchy.<sup>7</sup> During the writing of the Constitution, the framers separated the responsibilities for the military and placed them firmly in civilian hands. The framers gave some responsibilities to the President and others to the Congress, thereby establishing a system of checks and balances between the branches of government. Specifically, Article I, Section 8 of the Constitution states that Congress shall have the power "to raise and support Armies . . . to provide and maintain a Navy" as well as "to declare war."<sup>8</sup> Article II, Section 2 states, "The President shall be the commander in chief of the Army and Navy of the United States, and of the militia of the several states when called into the actual service of the United States . . ."<sup>9</sup> By separating these responsibilities, the framers ensured the President and the

Congress had to work together to use the military.<sup>10</sup> When exercising these duties, civilians delegate certain responsibilities to the military, but maintain the role of monitoring to ensure the military carries out these responsibilities in accordance with the civilian's desires.<sup>11</sup>

In the twentieth century, several changes occurred which challenged civilian control of the military. America found itself engaged in two world wars thus requiring a shift in focus from domestic issues to international issues. The dawning of the Cold War placed the United States firmly in a global leadership position.<sup>12</sup> The technological revolution challenged the ability of the President to be well-informed of the necessary strategies and changing character of war.<sup>13</sup> The combination of technological changes and the increased participation in global affairs "required new governmental institutions to control, organize, and monitor the military forces and institutions."<sup>14</sup>

The National Security Act of 1947 created the National Security Council and the Central Intelligence Agency, as well as the position of Secretary of Defense.<sup>15</sup> This cabinet-level position, reporting directly to the President, was a vital link between the military and its civilian control.<sup>16</sup> However, the Secretary of Defense position was initially limited through significantly restricted powers and a small staff.<sup>17</sup> Over time there were several revisions to the legislation with the goal of strengthening the position.<sup>18</sup>

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. This act made sweeping changes to the Department of Defense by implementing a major reorganization, streamlining the military chain of command, and strengthening civilian authority in the Department of Defense to improve the military

advice provided to the President, the National Security Council, and the Secretary of Defense.<sup>19</sup>

### Theories of Civil-Military Relations

Acknowledging that a coup d'état is not a realistic threat in the United States today, Feaver proposed the study of civil-military relations should focus on the day-to-day interactions between civilians and the military. To do this, Feaver uses the principal-agent framework, "an approach developed by economists to analyze problems of agency, where one person has delegated authority to someone else to act on his behalf."<sup>20</sup> To distinguish his theory from other principal-agent theories, Feaver named his theory "agency theory"<sup>21</sup> and his theory provides the primary framework for this paper. However, there are two other well-known civil-military relations theorists worth covering briefly. They are Samuel Huntington and Morris Janowitz.

#### Samuel Huntington

Samuel Huntington was a political scientist who, in 1957, wrote *The Soldier and the State*. Those who study military history consider this book the "foundational" work on American civil-military relations.<sup>22</sup> In this book, Huntington prescribes objective civilian control of the military as the ideal form of civil-military relations.<sup>23</sup> This control achieves its effectiveness by professionalizing the military and giving them autonomy.<sup>24</sup> This is in contrast to subjective control, which involves placing legal and institutional restrictions on the military's autonomy.<sup>25</sup> Huntington makes three core claims: "(1) that there is a meaningful difference between civilian and military roles; (2) that the key to civilian control is professionalism; (3) that the key to professionalism is military autonomy."<sup>26</sup>

### Morris Janowitz

The second well-known theorist of civil-military relations is Morris Janowitz. Janowitz was a sociologist and American professor who published *The Professional Soldier* in 1960. In this book he expressed an uncertainty toward the military and their profession declaring “The military faces a crisis as a profession.”<sup>27</sup> Janowitz seemed to doubt the military’s ability to simultaneously adapt to rapid industrial changes while “redefining strategy, doctrine, and professional self-conceptions.”<sup>28</sup> When discussing the future of the military profession, Janowitz advocated a change to a “constabulary force” such that “it is continuously prepared to act, committed to the minimum use of force, and seeks viable international relations, rather than victory, because it has incorporated a protective military posture.”<sup>29</sup>

### Peter Feaver

The most notable current civil-military relations theorist is Peter D. Feaver. According to Feaver, an American professor of political science and public policy at Duke University, when the military execute their duties in accordance with the civilian’s desires, they are working. When they do not, they are shirking.<sup>30</sup> In his book *Armed Servants*, published in 2003, Feaver proposes a new theory, agency theory, which treats civil-military relations as a principal-agent relationship, with the civilian executive (the principal) monitoring the actions of the military (the agent), the “armed servants” of the nation-state.<sup>31</sup> Feaver declares our military men and women to be “empowered but subordinate [to civil authority], capable of wielding astonishing levels of coercive force, but expected to wield it only within narrow confines dictated by others.”<sup>32</sup>

Feaver’s agency theory draws on “the principal-agent framework,” which is “designed to explore problems of agency, how political or economic actors in a superior

position (principals) control the behavior of political or economic actors in a subordinate position (agents).”<sup>33</sup> From this, Feaver states “the essence of civil-military relations is a strategic interaction between civilian principals and military agents.”<sup>34</sup> The interaction of conflicting viewpoints of the principal and agent creates tension. According to a Journal of Military History article regarding Feaver’s theory,

Civilians appoint, encourage, and monitor the military to bring about obedience that will assure the reaching of the security goals of the state. Influenced by the degree and nature of the civilian monitoring and encouraging, as well as by their own value system, the military work or shirk in varying degrees to fulfill or undermine civilian goals.<sup>35</sup>

Feaver emphasizes that shirking by the military does not imply laziness or treachery.<sup>36</sup>

Rather, “shirking” is a technical term that describes what happens when the military agent does something other than what the civilian principal asks him or her to do.<sup>37</sup>

According to Feaver, the “challenge is to reconcile having a military strong enough to do anything the civilians ask with a military subordinate to do only what civilians authorize.”<sup>38</sup>

In most civil-military situations, it is reasonable to expect that civilian principals and military agents want the same end state: “security for the state.”<sup>39</sup> However, they may disagree on the methods used to achieve that end state. This is where the agency problem of working and shirking occurs. This is primarily due to the inherent differences in the specific role of each player.<sup>40</sup> Civilian control of the military is a fundamental principle in American democracy. The framers of the Constitution defined the civilian role by using “balance, the diffusion of power, and shared responsibility—all basic elements of the new political system—to control the military.”<sup>41</sup> The role of senior military leaders is to provide military advice to civilian leaders. Section 151 of Title 10 of the United States Code codifies this role stating “The Chairman of the Joint Chiefs of Staff

is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.”<sup>42</sup>

### Forms of Shirking

When military agents conduct their responsibilities in accordance with the civilian principal’s desires, they are working. When they do not, they are shirking.<sup>43</sup> According to Feaver, shirking by the military generally takes one of three forms:

(1) Efforts to determine the outcome of a policy calculus by giving inflated estimates of what a military operation would cost; (2) efforts to determine the outcome of a policy calculus with ‘end runs,’ unauthorized public protest, leaks, or appeals to other political actors; (3) efforts to undermine a policy through bureaucratic foot-dragging and ‘slow rolling’ so that the undesired policy will never be implemented.<sup>44</sup>

The first type of shirking is evident in the Afghanistan planning efforts.

According to a *Center for a New American Security* article entitled “Obama vs. the Generals,” the author interviewed numerous military leaders who believed the Obama administration ignored the military’s recommendations. The military leaders interviewed said they felt the White House staff believed the military was risk averse and exaggerated “every difficulty and inflate[d] the request for troops or money.”<sup>45</sup> This was evident in negotiating sessions where the White House staff automatically cut recommended estimates from the military in half, because they believed any estimate “coming from the military was inflated.”<sup>46</sup> Over time, believing the White House would cut the military estimate in half, the military began to play the very game the White House staff believed they were playing and doubled their estimate, knowing that the White House was going to cut the estimate in half.<sup>47</sup>

The second form of shirking also occurred during the Afghan strategy review process in the fall of 2009. In a speech given by General Stanley McChrystal to the

International Institute for Strategic Studies, McChrystal answered a question regarding whether or not he agreed with Vice President Biden's strategy. McChrystal stated, "The short answer is 'no.'"<sup>48</sup> During that same speech, McChrystal also commented on President Obama's lengthy strategy review process, further alluding to a disconnect between Obama and McChrystal.<sup>49</sup> Further, President Obama's staff suspected military officers of McChrystal's staff leaked their position that sending less than 40,000 troops would result in mission failure.<sup>50</sup> Despite possible well-intentioned reasons for each of these actions, they still constituted shirking behavior as McChrystal was not conducting his responsibilities in accordance with the principal's desires.

General David McKiernan's actions in Afghanistan in 2009 are an example of the third form of shirking. McKiernan served as the top general in Afghanistan for just under one year when former Secretary of Defense Robert Gates requested his resignation.<sup>51</sup> Despite giving McKiernan praise for his service record, Gates stated a new strategy in Afghanistan required a new leader.<sup>52</sup> Others stated McKiernan was relieved because he was slow to adopt counterinsurgency tactics and warned that the war in Afghanistan could take as long as fourteen years.<sup>53</sup> In *Obama's Wars*, author Bob Woodward describes McKiernan as "too cautious, conservative to a fault. He preferred more conventional operations, a counterterrorist approach designed to kill Taliban fighters."<sup>54</sup> McKiernan's actions, or rather, his lack of action to implement the Obama administration's strategy in Afghanistan, was a form of shirking and cost McKiernan his job.

How do civilian principals ensure military agents accomplish the end states the principals direct them to do (work rather than shirk)? To answer this question requires

further examination into what Feaver calls monitoring. There are six different categories of monitoring mechanisms: contract incentives, screening and selection, fire alarms, institutional checks, police patrols, and revising delegation decision.<sup>55</sup> They range from very un-intrusive to very intrusive.

### Forms of Monitoring

Using Huntington's theory of objective control of the military, professionalizing the military and giving them autonomy serves as a contract incentive between the civilian principal and the military. To achieve this using Feaver's agency theory, the civilian principal must simply offer to use less intrusive monitoring.<sup>56</sup>

The next form of monitoring is screening and selection. The military uses this on themselves by establishing rules which assist in determining who can join the military and how.<sup>57</sup> However, the President and the Senate also have a say in who leads the Profession by controlling military officer appointments.<sup>58</sup> Further, upon joining the military, every service member takes an oath promising to "support and defend the Constitution of the United States against all enemies, foreign and domestic . . ." <sup>59</sup>

The next level of monitoring is fire alarms, or the use of "third parties to watch the agent and report on key outputs."<sup>60</sup> For the Department of Defense, this form of monitoring comes largely from the media. With this form of monitoring, the speed at which information travels in the twenty-first century presents a challenge. When news reporters around the world see a story reported in *The Washington Post* or hear a story aired on a news network, they can easily share it with their audiences, instantly increasing that story's coverage exponentially.<sup>61</sup> Information gets even wider dissemination via the numerous social media websites available today. Perhaps one of the most pertinent examples of this form of monitoring is the *Rolling Stone* article

published in June 2010 entitled, “Runaway General” which ultimately ended the career of General Stanley McChrystal. At the end of this incident, Army leadership did not find McChrystal nor his staff to be incompetent or failing to execute a strategy. However, their behavior was extremely unprofessional and many believed they were insubordinate.<sup>62</sup> The only way this behavior came to light was through the media.

Another monitoring mechanism related to fire alarms is the use of institutional checks. An institutional check is when “a separate agent, established by the principal [is] empowered with a veto to block action of the other agent.”<sup>63</sup> While the role of a fire alarm is to alert the principal something is wrong, an institutional check is something that actually blocks or stops behavior which the principal considers problematic or not in line with what the principal asked the agent to do.<sup>64</sup> A classic example of an institutional check is the separation of responsibilities for the military between the legislative and executive branches of government.<sup>65</sup> In addition, “the presence of senior civilian officials in the Department of Defense, over which Congress, through the Senate confirmation process, has some control, is also an institutional check.”<sup>66</sup>

Police patrols, or “regular investigations of the agent by the principal [to obtain] general information on what the agent is doing”<sup>67</sup> is the next level of intrusive monitoring, and multiple examples within DoD exist. One of the most obvious examples is the sheer number of reports that Congress requires the military to provide. For readiness reporting alone, the Chairman of the Joint Chiefs of Staff is required to provide: a monthly report on the capability of units to conduct wartime missions, an annual report on the capability of training establishments, an annual report on infrastructure, a monthly report on the critical warfighting deficiencies in unit capability,

an annual report on the critical warfighting deficiencies in training and infrastructure, a monthly report on the risk level to unit mission accomplishment, a quarterly report on cannibalization, and an annual report on the capability of operational contract support to meet current/future missions.<sup>68</sup>

The most intrusive form of monitoring mechanisms is “a decision to revisit the original decision to delegate authority to the military agent in the first place.”<sup>69</sup> The recent review of the provisions found in the Uniform Code of Military Justice (UCMJ) in relation to sexual assault and other sex-related offense cases is a prime example of this type of monitoring mechanism. Among other changes, commanders no longer have the authority to overturn a decision by a Judge Advocate General to refer a case to court martial. Service Secretaries must now review these cases.<sup>70</sup>

In most cases, the civilian principal would likely use several of the above-mentioned monitoring mechanisms together rather than relying on just one or two.<sup>71</sup> By using several of these mechanisms together, civilian principals increase the intrusiveness of the monitoring, ultimately giving the military less autonomy. The table below summarizes the monitoring mechanisms that Feaver identifies in *Armed Servants*.

Table 1: Summary of Monitoring Mechanisms in Ascending Order of Intrusiveness

<b>Monitoring Mechanism from Principal-Agent Literature</b>	<b>Civil-Military Analog</b>
Contract incentives	Offer by civilians to use less intrusive monitoring in exchange for obedience
Screening and selection	Skill requirements for entrance into military Loyalty oaths Other accession instruments Professionalism
Fire alarms	The news media

	Defense-oriented think tanks Interservice rivalry
Institutional checks	Militia system and National Guard Interservice rivalry (sometimes) Civilian staffs in Congress Atomic Energy Commission Confirmable civilian secretariat
Police patrols	Planning, Programming, and Budgeting System and the budget process Civilian secretariat and Office of Secretary of Defense Restrictive rules of engagement Restrictive standing or mission orders Limits on delegated authority Audits and investigations Inspectors General Congressional Budget Office, General Accounting Office, Office of Technical Assessment
Revising delegation decision	Intervening in a military operation to make a decision that was hitherto in the scope of delegated authority (e.g., picking bombing targets from the White House) <sup>72</sup>

In a principal-agent relationship, the military agent chooses whether to work or shirk once they have received the directions from the civilian principal. If the military agent chooses to shirk, despite monitoring actions, the civilian principal may not catch the military agent shirking. Feaver calls this, “the essence of the agency problem. The probability of being caught is a function of the monitoring system; the more intrusive the civilian monitors, the greater the likelihood that military shirking will be detected.”<sup>73</sup>

In the event the civilian principal does catch the military agent shirking, the civilian principal must then decide whether or not to punish the military agent.<sup>74</sup> Punishment of the military agent is not automatic. The civilian principal may not have the necessary power or desire to punish a popular military leader who shirks.<sup>75</sup> There

are several examples of civilians punishing the military, such as when former Secretary of Defense Robert Gates called for the resignation of General McKiernan in May 2009<sup>76</sup> and the forced retirement of General McChrystal following the *Rolling Stone* article in June 2010.<sup>77</sup> In the event a civilian principal decides to punish the military agent, agency theory offers five broad categories of punishment tools: “restrictive monitoring, material disincentives: current, material disincentives: future, military justice system, and extralegal action.”<sup>78</sup>

### Types of Punishment

Restrictive monitoring is similar to some of the more intrusive monitoring mechanisms. However, if the civilian principal begins restrictive monitoring after he or she finds a military agent shirking, then it is more accurate to describe the monitoring as a punishment rather than a monitoring mechanism.<sup>79</sup> An example of this type of monitoring is “mandating remedial training (as in sexual harassment training).”<sup>80</sup> The military has long required its members to take sexual harassment training; however, after several recent incidents of sex-related offenses in the military, a renewed focus on training and prevention occurred, culminating in a DoD-wide stand-down in the summer of 2013 during which every member of the Armed Services participated in sexual assault prevention and response training.<sup>81</sup>

The second category of punishment is “cutting budgets and reducing the perquisites enjoyed by the military.”<sup>82</sup> Due to fiscal realities driven primarily by the Budget Control Act of 2011, the U.S. Army must draw down to an active duty military force of 490,000 by the end of fiscal year (FY) 2015 and then to 450,000 by the end of FY 2017.<sup>83</sup> If sequestration continues, the final active duty force could be as low as 420,000 soldiers by the end of FY 2017.<sup>84</sup> It is unclear whether Congress passed the

Budget Control Act of 2011 as a punishment due to fractured civil-military relations or is simply fiscal reality. However, lately there does seem to be a disconnect between DoD and Congress when it comes to establishing an adequate budget and the resulting reductions the active duty military must take will feel like punishment.

The third category of punishment is by far the most common. It involves “variations on forced detachment from the military—the military equivalent of firing.”<sup>85</sup> The forced resignations of Generals McKiernan and McChrystal are two examples of this type of punishment.

The fourth category of punishment is the military justice system. While the UCMJ functions first and foremost as an “instrument for maintaining command discipline *within* the military—that is, as a tool for the senior military commanders to use in controlling the behavior of their military subordinates . . . civilian leaders determine which behaviors are proscribed by law and which areas are left to commanders’ discretion . . .”<sup>86</sup> This type of punishment is evident in the pending legislation regarding sex-related offenses in the military.

The fifth and final category of punishment is extralegal action civilian principals take against military agents.<sup>87</sup> This type of punishment ranges from private chastising to “a situation in which the military advisor is publicly reprimanded or denied access to the civilian leader because that leader has lost confidence in him.”<sup>88</sup> An example of this occurred in March 2007 during the Walter Reed Medical Center’s neglect scandal. Then Secretary of the Army, Francis J. Harvey, stated he had “lost trust and confidence” in the Medical Center’s administrator, Major General George W. Weightman, and fired him.<sup>89</sup>

This detailed examination of Feaver's agency theory provides an appreciation of the roles of the civilian principals and the military agents.

### Case Studies

The remainder of this paper examines the behavior of Secretaries Rumsfeld and Gates as civilian principals over military agents and uses the explanatory power of Feaver's theory to assess their effectiveness.

#### Donald Rumsfeld

Donald Rumsfeld served as the 21<sup>st</sup> Secretary of Defense from 2001-2006 under the George W. Bush Administration. According to Rumsfeld's biography on the Department of Defense website, his service to the Department of Defense began in the United States Navy when he was a pilot from 1954-1957. In 1962, the citizens from the State of Illinois elected him to the U.S. House of Representatives. In 1969, he resigned from Congress and went on to serve in a variety of positions in the President's Cabinet and as a U.S. Ambassador to the North Atlantic Treaty Organization in Brussels, Belgium. In 1975, President Gerald Ford nominated and the Senate appointed him as the 13<sup>th</sup> Secretary of Defense. At 30 years of age, he was the youngest person to ever serve in this role and he served until 1977. At that point he returned to private industry until returning to DoD as the 21<sup>st</sup> Secretary of Defense in 2001 making him also the oldest person to ever serve in this role.<sup>90</sup>

#### Rumsfeld's Leadership Style

Christopher Gibson, a Congressman from New York, characterized Rumsfeld's tenure as one of dysfunction, particularly because Rumsfeld dominated then Chairman of the Joint Chiefs, General Richard Myers.<sup>91</sup> Richard Kohn, a specialist in American military history and civil-military relations, compared Rumsfeld to former Secretary of

Defense Robert S. McNamara, characterizing both officials as ones who “alienated, disparaged, and to some extent ignored Congress and the uniformed military.”<sup>92</sup>

Rumsfeld’s aggressive personality served as a distinguishing trait throughout his governmental career. As Secretary of Defense, he had difficult relations with Congress and in 2006 there was a “so-called revolt of the Generals. . . [when] a half-dozen retired general officers demanded his resignation.”<sup>93</sup> According to retired Army General Barry McCaffery, “The man is capable of raking down all opposition, and has an astonishing ability not to listen to experts.”<sup>94</sup>

#### Examples of Rumsfeld Conducting Intrusive Monitoring

Credited with beginning the transformation of the Pentagon bureaucracy, Rumsfeld immediately began “to reassert civilian control over the military.”<sup>95</sup> He conducted a comprehensive review of the military’s contingency plans and started personally interviewing military officers for promotion at the most senior levels. This created resentment within the military.<sup>96</sup> As a result of his comprehensive review, Rumsfeld initiated his version of “Revolution in Military Affairs (RMA), an overall transformation of how the military is organized and managed.”<sup>97</sup> When Operation Enduring Freedom kicked off in October 2001, Rumsfeld remained front and center with the media “by giving daily, televised press conferences about the war’s progress . . .”<sup>98</sup> These briefings “[made] it clear that Rumsfeld, not the uniformed military, [was] in charge.”<sup>99</sup>

In October 2002, Rumsfeld ordered everyone within DoD to stop using the term Commander in Chief and the acronym, CINC.<sup>100</sup> Instead, Rumsfeld directed the use of the term combatant commander, or simply commander, when referring to a regional

commander.<sup>101</sup> This was because the Constitution provided for only one Commander in Chief, the President.<sup>102</sup> This action reinforced civilian control over the military.

In 2003, Rumsfeld announced changes to the Department's budgeting system. This system, originally introduced in 1962 by then Secretary of Defense Robert McNamara, was the Planning, Programming, and Budgeting System (PPBS). In 2003, Rumsfeld changed the system and added an Execution phase, renaming it Planning, Programming, Budgeting, and Execution System (PPBES).<sup>103</sup> According to a RAND report,

The stated intent [of the change] included improving discipline (ensuring that decisions were faithfully reflected in programs across services and agencies); reducing unnecessary process; better integrating strategy, requirements, resourcing, and acquisition; increasing influence on programs of the combatant commands (COCOMs); modernizing, as with integrated databases; and, more generally, improving agility.<sup>104</sup>

#### Examples of Rumsfeld Exerting Punishment

In an article by Matthew Moten entitled "Broken Dialogue," Moten outlined several disagreements between Army General Eric Shinseki and Rumsfeld which occurred from 2000 to 2003. These disagreements ranged from the force structure of the Army to the type and number of forces required in Afghanistan and in Iraq.<sup>105</sup> However, in April 2002, their relationship had deteriorated to the point where, with more than a year of Shinseki's tour as the Army Chief of Staff left, a story in the *Washington Post* reported that "Rumsfeld had decided to nominate Army Vice Chief of Staff John Keane to succeed Shinseki."<sup>106</sup> This effectively marginalized Shinseki for the remainder of his tour.

In January 2004, Major General Antonio M. Taguba initiated an investigation into reported abuse at Abu Ghraib prison.<sup>107</sup> In May 2004, one day before Rumsfeld was to

testify before Congress regarding Abu Ghraib, Taguba went to Rumsfeld's office for a meeting.<sup>108</sup> Much controversy followed this meeting and Rumsfeld's subsequent testimony. Taguba believed his reassignment to a position in the Pentagon, rather than given a promotion to be the Commander of Third Army Headquarters in Fort McPherson, Georgia, was a result of this controversy.<sup>109</sup> According to an article in *The New Yorker*, "A retired four-star Army general later told Taguba that he had been sent to the job in the Pentagon so that he could 'be watched.' Taguba realized that his career was at a dead end."<sup>110</sup> In January 2006, Taguba received a phone call from the Vice Chief of Staff of the Army who asked him to retire by January 2007.<sup>111</sup>

### Robert M. Gates

Robert Gates served as the 22<sup>nd</sup> Secretary of Defense from 2006-2011.<sup>112</sup> During this time, he became the first Secretary of Defense to serve under Presidents of both parties.<sup>113</sup> In 1966, he became an employee of the Central Intelligence Agency and in 1991 he became the Director of the Agency.<sup>114</sup> From 1999 to 2001 "he served as Interim Dean of the George Bush School of Government and Public Service at Texas A&M."<sup>115</sup> From 2002 to 2006 Gates served as the President of Texas A&M University.<sup>116</sup> Gates also served as an officer in the United States Air Force.<sup>117</sup>

### Gates' Leadership Style

Comments regarding Gates' leadership style are overwhelmingly positive. Gates earned a reputation for open and honest dialogue, and listening to advice from military leaders.<sup>118</sup> Katie Couric dubbed Gates the "Soldiers' Secretary" during a May 15, 2011 *60 Minutes* news segment.<sup>119</sup> Couric stated Gates "developed a reputation for being diplomatic, yet direct, in his relationships with both foreign leaders and Presidents."<sup>120</sup> In

an article published by *The Daily Journalist*, the author characterized Gates as a “‘smart’ leader, a ‘good’ boss and a ‘noble’ public servant.”<sup>121</sup>

#### Examples of Gates Conducting Intrusive Monitoring

In Gates’ book *Duty*, he discussed the challenges he faced to transform “a department organized to plan for war into one that could wage war. . . .”<sup>122</sup> To do this, Gates had to personally insert himself in much of the day-to-day business of the military in order to ensure what he wanted done was done. Nowhere was this more evident than with the Mine-Resistant, Ambush Protected (MRAP) vehicle. Despite opposition from military leaders, in May 2007 Gates issued a directive making

The MRAP program the highest-priority Department of Defense acquisition program . . . This directive began an all-out push to produce MRAPs, an effort that would become the first major military procurement program to go from decision to full industrial production in less than a year since World War II.<sup>123</sup>

Another example of Gates inserting himself in the day-to-day business of the military was to ensure service members injured while in Afghanistan got medical attention within one hour, what the military call “the Golden Hour.”<sup>124</sup> Gates discovered that service members injured in Iraq were receiving initial medical treatment within one hour, but it was taking close to two hours for service members wounded in Afghanistan to get the same care.<sup>125</sup> To address this issue, Gates “directed that the number of helicopters assigned to medical evacuation in Afghanistan be increased by about 25 percent.”<sup>126</sup>

Similar to Rumsfeld, Gates made changes to the Department’s budgeting system, PPBES. In April 2010, Gates “established a single document, the Defense Planning and Programming Guidance as guidance for building the POM [Program Objective Memorandum]. He changed the POM planning years from six years to five

years. He eliminated the two-year budgeting process and established single year budgeting.”<sup>127</sup>

#### Examples of Gates Exerting Punishment

Gates’ direct leadership style extended to how he dealt with challenges facing the Department which required him to relieve a number of senior ranking officials, including civilians and military. In March 2007, during the Walter Reed Army Medical Center neglect scandal, Gates fired then Secretary of the Army, Francis J. Harvey, and requested the resignation of the Army’s Surgeon General, Lieutenant General Kevin Kiley.<sup>128</sup> This was the first in a long list of military general officers fired by Gates and signaled a shift from the Rumsfeld era “when few senior officers were fired for incompetence.”<sup>129</sup>

In March 2008, Gates accepted the resignation of then Secretary of the Air Force, Michael W. Wynne, and then Chief of the Air Force, T. Michael “Buzz” Moseley, following the results of an investigation regarding nuclear oversight.<sup>130</sup> The results revealed an

Overall decline in Air Force nuclear stewardship. . . Both the Minot-Barksdale nuclear weapons transfer incident and the Taiwan misshipment, while different in specifics, have a common origin: the gradual erosion of nuclear standards and a lack of effective oversight by Air Force leadership.<sup>131</sup>

As a result of these incidents, Gates established a senior-level task force to “recommend improvements necessary to ensure that the highest levels of accountability and control are maintained in the stewardship and operation of nuclear weapons, delivery vehicles and sensitive components.”<sup>132</sup>

In May 2009, Gates asked for the resignation of General David D. McKiernan, the top general in Afghanistan and replaced him with Lieutenant General Stanley A.

McChrystal.<sup>133</sup> McKiernan had been in his position less than one year, and the removal of a wartime general was exceptional. According to a senior Pentagon official, “This is the first time since MacArthur was called back during the Korean War that a four-star commanding general was relieved in the middle of a war.”<sup>134</sup>

### Analysis of Civilian Monitoring by Rumsfeld

The actions taken by Rumsfeld early in his tenure as the 21<sup>st</sup> Secretary of Defense are classic forms of monitoring conducted by principals. Right from the start, Rumsfeld’s primary objective was to exert civilian control over the military. He came to the Department of Defense after the end of the Clinton administration, which many civil-military relations observers characterized as a period of “crisis.”<sup>135</sup> Rumsfeld’s intrusive monitoring actions, coupled with his aggressive personality and difficult leadership style, created a rocky period of civil-military relations at the start of the twenty-first century.

By personally interviewing military candidates for promotion at the highest levels, he was inserting himself in the screening and selection process, the second least intrusive form of monitoring. His comprehensive review of the military’s contingency plans is a form of institutional check, an example of the next higher intrusive form of monitoring. Rumsfeld’s “Revolution in Military Affairs,” the transformation effort for how the military was organized and managed, is an example of police patrols, the second highest intrusive form of monitoring. At this point, the military felt under attack and a significant “rift form[ed] between the civilian and military leadership at the Pentagon . . .”<sup>136</sup>

Supporters of Rumsfeld will counter that these types of actions were exactly what Rumsfeld needed to do. He had to be strong and aggressive to address the civil-military relations crisis. Further, it is the Secretary of Defense’s job to monitor the military.

Rumsfeld must have been the right person for the job since he had been in that position before.

While all of that may be true, the way Rumsfeld went about his transformation efforts and exerting civilian control was a bit heavy handed, and therefore ineffective. Recent literature regarding effective strategic leader skills identifies three broad categories of competencies: conceptual, technical, and interpersonal.<sup>137</sup> The interpersonal competency is the area in which Rumsfeld was the weakest. This competency includes “the ability to build consensus within the organization, the ability to negotiate . . . in an attempt to shape or influence the external environment, and the ability to communicate internally and externally.”<sup>138</sup> According to General (Retired) Hugh Shelton, former Chairman of the Joint Chiefs of Staff, Rumsfeld’s leadership style was the worst he had ever seen.<sup>139</sup>

#### Analysis of Civilian Monitoring by Gates

The actions taken by Gates’ are less classic forms of monitoring than those taken by Rumsfeld. However, Gates was clearly interceding into the military’s business in order to acquire Mine-Resistant, Ambush Protected vehicles (MRAPs) and directing actions to ensure timely medical care for wounded servicemembers in Afghanistan. In many ways, these actions were a very intrusive form of monitoring. When Gates personally directed the military to take these actions, he was revisiting the original decision to delegate authority to the military. After several failed attempts to get the military to handle these specific situations, Gates had to personally intervene.

Supporters of Gates will counter that he only intervened because he clearly had the servicemembers’ health and safety in mind. Gates was known as the “Soldiers’ Secretary” and in his book *Duty*, he stated he came to love the troops and felt an

“overwhelming sense of personal responsibility” for them.<sup>140</sup> In addition, his challenge as Secretary of Defense was greater than ever because he was the only Secretary of Defense “asked to remain in the position by a newly elected president, let alone one of a different political party.”<sup>141</sup>

Gates’ love for the troops was very apparent, but it was this deep affection that ultimately had Gates admitting he had gotten too close to the military and had lost his objectivity.<sup>142</sup> Further, Gates faced a serious dilemma during his tenure in the Obama administration. Early on he observed the administration’s “suspicion and distrust of senior military officers by senior White House officials — including the president and vice president.”<sup>143</sup> This suspicion and distrust put Gates in a challenging position while he attempted to “manage the relationship between the commander in chief and his military leaders.”<sup>144</sup>

#### Analysis of Military Shirking during Rumsfeld and Gates Eras

The examples of military shirking fall into three general categories: giving inflated estimates of what a military operation would cost; attempting to determine the outcome of a policy by conducting end runs, leaking information, or appealing to other political actors; and undermining a policy by foot-dragging or slow-rolling.<sup>145</sup> In two of the three examples of shirking behavior, the military general officers involved were ultimately relieved from duty (McChrystal and McKiernan).

In McChrystal’s case, it would have been better for him to provide his expert military advice in private, rather than in the public forums he used. McChrystal’s outspoken comments provided during his speech to the International Institute for Strategic Studies and the Obama administration’s suspicion that his staff leaked their position during the Afghan strategy review process created a relationship of mistrust

between McChrystal and the Obama administration. Supporters of McChrystal will likely counter that he was simply answering questions posed to him and he had every right to do so. Further, some supporters have stated McChrystal was “guilty of bad judgment, not policy insubordination.”<sup>146</sup> While that may be true, as a general officer he had a responsibility to show public respect for his elected political leadership and McChrystal failed to do that. This was especially evident in the *Rolling Stone* article. According to Mackubin Thomas Owens, a well-known author of civil-military relations issues, “This episode illustrates that U.S. civil-military relations remain problematic. The real danger is not a threat to civilian control of the military, but the lack of trust between civilians and the military. This is a problem on both sides.”<sup>147</sup>

In McKiernan’s case, it was his inability to carry out a policy that got him fired. This case is harder to understand than McChrystal’s and the Obama administration’s actions seem to be a bit of an overreaction. There does not appear to be any public disputes or issues with the administration to indicate there was distrust or suspicion of anything untoward happening. When reporters asked Gates what McKiernan had done wrong, Gates stated, “Nothing went wrong, there was nothing specific.”<sup>148</sup> However, because McKiernan was too slow in adopting the stated strategy or policy, he was shirking and relieved of duty. Supporters of McKiernan believe Gates was unjust in his decision to fire McKiernan. He had been the top general in Afghanistan for under a year so he did not yet have time to execute the required strategy. His supporters claim McKiernan was a “scapegoat for the military’s broader difficulties in Afghanistan.”<sup>149</sup> Whether or not these counterpoints are true, the administration had every right to

change the leadership. Gates' direct style was well known and he did not hesitate to relieve leaders from duty when he believed it was necessary to do so.

### Conclusions and Recommendations

A civil-military relations problem does exist in the twenty-first century and the relations appear to be worse than in the past. Military "shirking" behavior did not precipitate this problem. The problem is the result of intrusive monitoring and mutual distrust between civilian principals and military agents. However, the shirking behavior by military agents exacerbated additional monitoring actions by civilian principals. This was true over two Secretary of Defense Administrations (Rumsfeld and Gates), each with disparate leadership styles.

In the Defense Management course at the United States Army War College, students learn that defense management is a study in tensions.<sup>150</sup> There is tension at all levels and a Secretary of Defense experiences this tension when trying to develop military strategy, secure the necessary resources to achieve that strategy, and in ensuring the Department of Defense has the necessary capabilities.<sup>151</sup> Perhaps these tensions are most evident in the struggle to achieve and maintain control – control between the civilian and military leadership, as well as the struggle for control between the executive and legislative branches.

What actions can future Secretaries of Defense and military leaders take to reduce these tensions, to achieve an effective balance where our civilian and military leaders work collaboratively, thus bridging a potential "great divide"? There are two paths to improved civil-military relations: (1) restrict intrusive monitoring mechanisms, and (2) improve military leader communication skills to foster trust.

### Restrict Intrusive Monitoring

In order to reduce tensions evident in civil-military relations, civilian leaders must restrict intrusive monitoring mechanisms. By “wiping the slate clean” and avoiding aggressive actions like those taken by Rumsfeld upon taking office, civilian leaders ease the tensions evident in the struggle to achieve and maintain control. One area which would benefit from less monitoring is in the training and reporting requirements civilians require of the military. In a recent report by the United States Army War College Strategic Studies Institute titled “Lying to Ourselves: Dishonesty in the Army Profession,” the authors found that the overwhelming number of mandatory training requirements greatly exceed the amount of time individuals and units have to complete them.<sup>152</sup> This fact, combined with the Army’s culture of zero defects, caused officers to fabricate reports going up the chain of command.<sup>153</sup> Civilian leaders must revisit the reporting requirements and determine which ones are truly mandatory.

### Improve Communication Skills

Huntington and others refer to the civil-military relationship as a bargain, where the “state will respect the military as a professional institution if the military will be subordinate to the civilian political leadership.”<sup>154</sup> Feaver calls the relationship an interaction “because the choices civilians make are contingent on their expectations of what the military is likely to do, and vice versa.”<sup>155</sup> Regardless of the terminology, civil-military relations at their core are relationships. Effective relationships require concentrated focus and effort to develop and maintain. Key to the success of the civil-military relationship is effective communication and the development and maintenance of trust.

In the civil-military relationship, communication is an “unequal dialogue.” According to Eliot Cohen, it is “a dialogue, in that both [the civilian and military] sides expressed their views bluntly, indeed, sometimes offensively, and not once but repeatedly—and [an] unequal [one], in that the final authority of the civilian leader was unambiguous and unquestioned.”<sup>156</sup> Military leaders must communicate their best military advice, candidly and without hesitation, to the civilian leader. However, as was evidenced in the McChrystal example, military leaders should communicate this advice in private<sup>157</sup> to avoid misunderstandings and to ensure the preservation of trust within the relationship.

According to Stephen M.R. Covey, a well-known keynote speaker and advisor on trust, leadership, and ethics, trust is the one thing which if lost, or removed from a relationship, “will destroy the most powerful government, the most successful business, the most thriving economy, the most influential leadership . . . but if developed and leveraged, that one thing has the potential to create unparalleled success and prosperity in every dimension of life.”<sup>158</sup> Consequently, the Army leadership has identified trust as the “bedrock” of the Army Profession.<sup>159</sup> Unfortunately, all too often the civil-military relationship in the twenty-first century has been fraught with distrust, or suspicion. This was evident in the Walter Reed scandal, the actions of McChrystal highlighted in the *Rolling Stone* article, and in the disagreements between Rumsfeld and Shinseki.

Fortunately, according to Covey, for those in a relationship where trust has devolved into distrust, the parties of that relationship have the ability to restore trust. To do this requires focusing on character and competence.<sup>160</sup> Character is integrity, motive,

and intent with people.<sup>161</sup> Competence is skills, results, and track record.<sup>162</sup> Both of these components are fundamental to ensuring there is trust in a relationship and both civilian and military leaders must focus on developing these characteristics in themselves.

By focusing on restricting intrusive monitoring mechanisms and on improving communication skills, civilian and military leaders will be well on their way to reducing the tensions which existed during the tenures of Rumsfeld and Gates while serving as Secretaries of Defense. In addition, focusing on these areas will help those involved to restore feelings of trust and achieve an effective balance where civilian and military leaders can work collaboratively. This will effectively aid in closing the civil-military relations “great divide” of the 21<sup>st</sup> century.

#### Endnotes

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<sup>2</sup> Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2003), 11.

<sup>3</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: The Belknap Press of Harvard University Press, 1957), 7, 16.

<sup>4</sup> Morris Janowitz, *The Professional Soldier* (New York: The Free Press, 1960), 418.

<sup>5</sup> Feaver, *Armed Servants*, 1.

<sup>6</sup> *Ibid.*, 54.

<sup>7</sup> Jim Garamone, “Why Civilian Control of the Military?” May 2, 2001, <http://www.defense.gov/news/newsarticle.aspx?id=45870> (accessed February 3, 2015).

<sup>8</sup> U.S. Constitution, art. 1, sec. 8, <http://www.law.cornell.edu/constitution/articlei> (accessed February 4, 2015).

<sup>9</sup> U.S. Constitution, art. 2, sec. 2, <http://www.law.cornell.edu/constitution/articleii> (accessed February 4, 2015).

<sup>10</sup> Garamone, "Why Civilian Control of the Military?"

<sup>11</sup> Feaver, *Armed Servants*, 55.

<sup>12</sup> Michael F. Cairo, "Civilian Control of the Military," <http://www.ait.org.tw/infousa/zhtw/DOCS/Demopaper/dmpaper12.html> (accessed March 22, 2015).

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Charles A. Stevenson, *SECDEF: The Nearly Impossible Job of Secretary of Defense* (Dulles, VA: Potomac Books, 2006), 8.

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<sup>17</sup> James R. Locher III, "Has it Worked? The Goldwater-Nichols Reorganization Act," *Naval War College Review* 54, no. 4 (Autumn 2001): 97-98, <https://www.usnwc.edu/getattachment/744b0f7d-4a3f-4473-8a27-c5b444c2ea27/Has-It-Worked-The-Goldwater-Nichols-Reorganizatio> (accessed March 22, 2015).

<sup>18</sup> Ibid.

<sup>19</sup> *Goldwater-Nichols Department of Defense Reorganization Act of 1986*, Public Law 99-43, 99<sup>th</sup> Cong. (October 1, 1986), <http://www.gpo.gov/fdsys/pkg/STATUTE-100/pdf/STATUTE-100-Pg992.pdf>

<sup>20</sup> Feaver, *Armed Servants*, 54-55.

<sup>21</sup> Ibid., 2.

<sup>22</sup> COL Murf Clark, *Officership and Civil-Military Relations: A Brief Summary of Huntington and Janowitz*, Faculty Instructor Paper (Carlisle Barracks, PA: U.S. Army War College, September 2010), 2.

<sup>23</sup> Huntington, *The Soldier and the State*, 83.

<sup>24</sup> Ibid.

<sup>25</sup> Eliot A. Cohen, "The Soldier and the State: The Theory and Politics of Civil-Military Relations; The Professional Soldier: A Social and Political Portrait," *Foreign Affairs*, September/October 1997, <http://www.foreignaffairs.com/articles/53283/eliot-a-cohen/the-soldier-and-the-state-the-theory-and-politics-of-civil-milit> (accessed February 3, 2015).

<sup>26</sup> Feaver, *Armed Servants*, 7.

<sup>27</sup> Janowitz, *The Professional Soldier*, lvi.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., 418.

<sup>30</sup> Feaver, *Armed Servants*, 59.

<sup>31</sup> *Ibid.*, 1.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*, 12.

<sup>34</sup> *Ibid.*, 2.

<sup>35</sup> Russell Frank Weigley, "Armed Agents: Agency, Oversight, and Civil-Military Relations (Review)," *Journal of Military History*, January 2004, [http://www.researchgate.net/publication/236761635\\_Armed\\_Agents\\_Agency\\_Oversight\\_and\\_Civil-Military\\_Relations\\_\(review\)](http://www.researchgate.net/publication/236761635_Armed_Agents_Agency_Oversight_and_Civil-Military_Relations_(review)) (accessed February 7, 2015).

<sup>36</sup> Feaver, *Armed Servants*, 3.

<sup>37</sup> *Ibid.*, 55.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, 59.

<sup>40</sup> *Ibid.*, 60.

<sup>41</sup> Douglas Johnson and Steven Metz, *American Civil-Military Relations: New Issues, Enduring Problems* (Carlisle Barracks, PA: U.S. Army War College, April 24, 1995,) 3, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=287> (accessed March 19, 2015).

<sup>42</sup> "U.S. Code 10, Section 151- Joint Chiefs of Staff: Composition; Functions," <https://www.law.cornell.edu/uscode/text/10/151> (accessed March 19, 2015).

<sup>43</sup> Feaver, *Armed Servants*, 59.

<sup>44</sup> *Ibid.*, 68.

<sup>45</sup> Rosa Brooks, "Obama vs. the Generals," November 14, 2013, <http://www.cnas.org/content/obama-vs-generals#.VOn5P2f303w> (accessed February 22, 2015).

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> Dr. Marybeth Ulrich, "The General Stanley McChystal Affair: A Case Study in Civil-Military Relations," *Parameters*, Spring 2011, 89, <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2011spring/Ulrich.pdf> (accessed February 7, 2015).

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> Ann Scott Tyson, "Gen. David McKiernan Ousted as Top U.S. Commander in Afghanistan," *The Washington Post Online*, May 12, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/11/AR2009051101864.html> (accessed February 8, 2015).

<sup>52</sup> *Ibid.*

<sup>53</sup> Simon Tisdall, "The Curious Sacking of Gen McKiernan," *The Guardian*, May 12, 2009, <http://www.theguardian.com/commentisfree/cifamerica/2009/may/12/david-mckiernan-afghanistan> (accessed March 21, 2015).

<sup>54</sup> Bob Woodward, *Obama's Wars* (New York: Simon & Schuster, 2010), 83.

<sup>55</sup> Feaver, *Armed Servants*, 86.

<sup>56</sup> *Ibid.*, 78.

<sup>57</sup> *Ibid.*, 79.

<sup>58</sup> "10 U.S. Code, Section 531- Original Appointments of Commissioned Officers," <http://www.law.cornell.edu/uscode/text/10/531> (accessed February 7, 2015). According to Section 531 of Title 10 of the United States Code, "Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy shall be made by the President alone . . . Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of lieutenant commander, commander, and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate."

<sup>59</sup> "Be Ready to Raise Your Right Hand," <http://www.military.com/join-armed-forces/swearing-in-for-military-service.html> (accessed February 7, 2015).

<sup>60</sup> Feaver, *Armed Servants*, 80

<sup>61</sup> Thom Shanker and Major General Mark Hertling, "The Military-Media Relationship: A Dysfunctional Marriage?" *Military Review*, September-October 2009, [http://www.au.af.mil/au/awc/awcgate/milreview/shanker\\_mil\\_media.pdf](http://www.au.af.mil/au/awc/awcgate/milreview/shanker_mil_media.pdf) (accessed February 7, 2015).

<sup>62</sup> Ulrich, "The General Stanley McChrystal Affair," 86.

<sup>63</sup> Feaver, *Armed Servants*, 81.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*, 81-82.

<sup>67</sup> *Ibid.*, 84.

<sup>68</sup> “Title 10, United States Code Armed Forces,” section 17, [http://armedservices.house.gov/index.cfm/files/serve?File\\_id=8f86265a-e2dd-482c-a4f6-72b9a0e1b2d9](http://armedservices.house.gov/index.cfm/files/serve?File_id=8f86265a-e2dd-482c-a4f6-72b9a0e1b2d9) (accessed February 7, 2015).

<sup>69</sup> Feaver, *Armed Servants*, 85.

<sup>70</sup> Edwin Mora, “DoD and Gillibrand At Odds over Commander’s Role in Military Justice System,” January 12, 2015, <http://www.breitbart.com/national-security/2015/01/12/dod-and-gillibrand-at-odds-over-commanders-role-in-military-justice-system/> (accessed February 8, 2015). The National Defense Authorization Act for 2014 “includes at least 16 separate military justice provisions . . . [these include] adding sexual assault to the list of offenses with no statute of limitations; eliminating the accused’s character and military service as factors to be considered by the commander when making a case disposition decision under the UCMJ; requiring that Service secretaries review sex offense cases in which Staff Judge Advocates recommend referral to court martial, but the convening authority elected not to do so; and mandatory dishonorable discharge or dismissal if convicted of certain sex offenses.”

<sup>71</sup> Feaver, *Armed Servants*, 85.

<sup>72</sup> *Ibid.*, 86.

<sup>73</sup> *Ibid.*, 102.

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> Tyson, “Gen. David McKiernan Ousted as Top U.S. Commander in Afghanistan.”

<sup>77</sup> Helene Cooper and David E. Sanger, “Obama Says Afghan Policy Won’t Change after Dismissal,” *The New York Times Online*, June 23, 2010, <http://www.nytimes.com/2010/06/24/us/politics/24mcchystal.html?pagewanted=all> (accessed February 8, 2015).

<sup>78</sup> Feaver, *Armed Servants*, 94.

<sup>79</sup> *Ibid.*, 91.

<sup>80</sup> *Ibid.*, 94.

<sup>81</sup> Major General Gary S. Patton, “Director’s Message,” September 2013, <http://sapr.mil/public/saprsources201309.html> (accessed February 8, 2015).

<sup>82</sup> Feaver, *Armed Servants*, 91.

<sup>83</sup> Michelle Tan, “Army Leaders Now Hope to Slow the Drawdown,” *Army Times Online*, January 22, 2015, <http://www.armytimes.com/story/military/pentagon/2015/01/22/army-secretary-john-mchugh-slow-drawdown-sequestration-challenges/22162247/> (accessed February 9, 2015).

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