Session 6

A look into the Future

30 August 2010

This session is scheduled to be a synthesis and review of the previous discussions. It will be a free-wheeling exercise in which participants can express their own opinions about our future. The fact that national will requires some amount of unity of effort raises the question of how much public criticism of our government policies can be allowed without paralyzing government action. This is especially critical in regard to our efforts to combat terrorism. The essay below on public dissent in wartime might be useful in generating some discussion on this issue. This is not intended to focus the discussion on that to the exclusion of other issues, especially the economic crisis, which I consider the most serious threat to our security.

Public Dissent in Wartime

30 August 2010

Introduction.

There is a great deal of debate on the nature of the terrorist threat and how to fight it, as the paper in session five points out (See "Terrorism: A War of Ideas" in session 5). Many believe that current policy as well as that in the Bush administration, relies too much on military power to meet this threat. It has been argued that not only is the reliance on military force ineffective, it is counter-productive. Not only can it create more enemies, it can bankrupt us in the process, preventing us from dealing with the second threat we are addressing in this course. I am in that camp. The issue in this paper is how far public dissent regarding this criticism is good for the national interest. When does public dissent become unpatriotic?

The recent publication of classified documents on the conduct of the Afghanistan War is only the last in a series of public criticism of foreign policy, especially war policies. Some have compared it to the leak of the "Pentagon Papers" in 1971. Historically, criticism of foreign policy, especially during wartime, was supposed to stop at the water's edge. Support of foreign policy by members of Congress was a patriotic duty once a decision had been made through the interaction of Congress and the Executive Branch. We also expected the media to support policy when it involved war. Public criticism by senior military officers, active or retired, was taboo.

Obviously, national will and cohesion are necessary for successful execution of wars. In fact, the show of national unity is an essential element in diplomatic negotiations to prevent war. Potential adversaries must perceive a credible willingness to use force if peaceful means are to be successful. This is sometimes referred to as "coercive diplomacy." In a democracy, such a unified effort can only be achieved by convincing the public of the necessity of war.

The quest for bipartisan support in wartime is more likely to be achievable when the policies and wars are based on a "clear and present danger" as the rationale. Try as they may in wars since WWII, this ideal has been elusive for each of the administrations involved. The Vietnam conflict was the most difficult in this regard. Clearly, public criticism of policy by influential people such as elected officials, senior military officers, and the media can undermine the support necessary for successful execution of foreign policy, especially wars.

On the other hand, stifling criticism is unacceptable in a democracy. The central issue, it seems to me, is to know the difference between loyal dissent and irresponsible, destructive criticism.

My Country, Right or Wrong.

In April 1816 naval commander Stephen Decatur toasted his victory over the Barbary pirates with these words**: "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong."** Carl Schurz, who was a Major General in the Union Army and later a Senator, revised the Quote in a speech to the Senate. His version is**, "Our country, right or wrong. When right, it ought be kept right; when wrong, to be put right."**

Senator Schurz may have had it more correct for a democracy than did Decatur. He went on to offer the following observation on patriotism:

> **The man who in times of popular excitement boldly and unflinchingly resists hot-tempered clamor for an unnecessary war, and thus exposes himself to the opprobrious imputation of a lack of patriotism or of courage, to the end of saving his country from a great calamity, is, as to "loving and faithfully serving his country," at least as good a patriot as the hero of the most daring feat of arms, and a far better one than those who, with an ostentatious pretense of superior patriotism, cry for war before it is needed, especially if then they let others do the fighting.**
> – Carl Schurz, *April, 1898*

The problem comes when a large segment of the nation perceives that "things are wrong and need to be put right." When and how does one go about putting things right without undermining national will and unity in general and more specifically without harming military morale of those fighting? When is it appropriate for influential members of the country to criticize policy publicly during wartime, and who judges the limits of this criticism? As I will argue below, certain policies regarding the response to terrorism in general, and the Iraq and Afghanistan Wars in particular, dictate "putting things right." In looking at the limits of such criticism, I will examine the three national institutions mentioned above—Congress, the military, and the media.

Vietnam as Prologue.

The Vietnam War should have taught us some lessons that put the current debate in perspective. During WWII, there was little public criticism by members of Congress and the media. There was none by senior members of the military. There was more criticism during the Korean conflict, and one senior military officer (MacArthur) went public while in uniform and after retirement.

Public dissent by members of Congress and the media increased dramatically during the Vietnam conflict, as will be detailed below. However, with a few exceptions, the military community, active and retired, remained silent. The difference between WWII and the last three wars (Vietnam, Iraq, Afghanistan) can be partially explained by the lack of a "clear and present danger" in the latter cases. In the case of the Vietnam and Iraq conflicts, however, part of the problem stemmed from the manner in which the people were persuaded to support the war.

It is fair to say that there was a great deal of deception by the Johnson administration, in particular the "Tonkin Gulf" incident, in getting congressional support for the war. In an effort to create a "clear and present danger," the public was told that if we didn't stop communism in Asia

we would find them on the California coast. Claims of "light at the end of the tunnel" were used to maintain support over the years. It is also fair to say that the public was kept in the dark on many other matters of the war, not the least of which was manipulation of the budget to have both "guns and butter."

One of the best accounts of the deceptive practices of the Johnson administration can be found in H.R. McMaster's (Now a Brigadier General in Afghanistan) 1995 book, Dereliction of Duty. The subtitle, "Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam," suggests the major conclusion of the book—the nation was deceived into going to war and misled as to the progress of the effort. McMaster accuses the top officials, both civilian and uniformed, of failing to protest wrong policies that needed to be put right.

These deceptive actions by the Johnson administration wore thin over the years as the costs in lives and dollars became evident. The public turned against the war and eventually Johnson lost the presidency because of his duplicity. It took years for the military, especially the Army, to recover from the damage to it as an institution and the public's trust in it. "The Vietnam Syndrome" also affected the public's willingness to support an aggressive foreign policy that relied on a credible threat to use force. **The American people had lost trust and confidence in their government, including the military.**

A few influential people had spoken out early against the Vietnam War, but they were in a distinct minority. Senator William Fulbright and Representative Pete McCloskey (R., CA) were outspoken critics of the war early on, but most politicians hid their reservations for fear of being branded "soft on communism," and failure to "support the troops".

While there were pockets of dissent in the media, it was only after Walter Cronkite announced in early 1968 that the war was "unwinnable" that the full force of the media made an impact. LBJ is reported to have said, "If I have lost Uncle Walter, we have lost the war." Shortly thereafter, Johnson announced that he would not be a candidate for re-election.

The military community had few public dissenters during this period. In 1971 Daniel Ellsberg, a former Marine and member of a highly classified study group, leaked what became known as the Pentagon Papers, which revealed official assessments that contradicted public statements of the administration. In the same year, ex-Navy Lieutenant John Kerry made allegations of widespread atrocities in Vietnam (A search of the National Archives will validate Kerry's allegations). Did the activities of Daniel Ellsberg and John Kerry in 1971 erode national will? Of course they did. A few respected leaders such as retired General David Shoup, former Commandant of the Marine Corps, also spoke out against the war (in the late sixties). They believed the policy was wrong and needed to be "put right."

Would it have been better for these events to be hidden from the public? Would it have been better if Walter Cronkite had suppressed his analysis and continued to report a rosy picture of the war? Would it have been better if Daniel Ellsberg had not revealed the secret study that questioned the war and contradicted the official version of events? The answer to those questions requires assumptions as to the role of public dissent in general, and the media in particular, in a democratic society during wartime.

If more prestigious people had spoken out against the Vietnam policy earlier, perhaps thousands of lives could have been saved. On the other hand, one could make the case that such public criticism was at best unpatriotic and perhaps treasonous. They certainly gave aid and comfort to the enemy and eroded national will. Would it have served the national interest to keep this information from the public? Many people hold that view and argue that we could have won the war absent these critics, especially the media. After all, there was extensive censorship and

manipulation of the media during WW II. Bad news from the battlefield was deliberately held back while government propaganda was designed to boost morale. Few can criticize those measures.

The Watergate scandal further eroded trust and confidence in the government in the 1970s. Once again, it was investigative reporting that exposed the unconstitutional actions of President Nixon and other high-level officials. As was the case with the Pentagon Papers, a "whistleblower" aided the media in exposing the crime. As was also the case with Ellsberg and Kerry, many label Mark Felt a traitor and a large segment of the public denounces such betrayal of confidence. Nixon's tapes reflect this attitude. In a tape of a conversation with John Dean, Nixon commented "…the informer is not wanted in our society…either way, that's the one thing people do sort of line up against…everybody, would treat him as a pariah…" Unfortunately, Nixon was correct—the public does not condone "ratfinks"—unless it supports their cause.

Congressional Dissent.

Many will argue that the only legitimate dissent in wartime should be within the confines of the political process. Narrowly defined, this could be interpreted to go something like this: The Constitution establishes a process for going to war. The president is given authority to provide national security, but only Congress can declare war. The people elect their government representatives. Those people debate the issues and decide on policy. Once this policy is decided, all should get behind the effort and cease public criticism. This applies especially to the Congress and the military. Otherwise, it is difficult, if not impossible, to prosecute a war. Not only does public dissent weaken national will and hurt military morale, it gives aid and comfort to the enemy. This is a murky area and recent conflicts have been "undeclared," with congressional approval expressed through war power "resolutions."

In ideal circumstances, that process is valid, but only if the voters have enough knowledge to make informed decisions. Unfortunately, current circumstances regarding our foreign policy in general, and the Iraq and Afghanistan Wars in particular, are not ideal. The shock of 9-11 changed the political process significantly. The 9-11 shock aroused the public to a "clear and present danger"—terrorism was brought to our homeland in a stark manner. We circled the wagons and for some time had national unity—and the sympathy and support of the world community. Congress and the American public overwhelmingly supported President Bush in his response to this danger, but did they do so in an informed manner? In effect, Congress and the American people gave President Bush complete authority to do what he thought was best to protect the nation. The decision to go into Afghanistan received domestic and international approval, to include UN approval. The decision to invade Iraq was quite different.

When the president convinced the American public that Iraq represented the front line of terrorism, the American people supported the decision (78%) to go to war in Iraq. Not only did President Bush convince the American people that Iraq had Weapons of Mass Destruction (WMD) that were an immediate threat, he also convinced them that Iraq had a direct link to Osama bin Laden and the 9-11 attack. The public perceived a "clear and present danger."

In a show of unity, the American people, and their elected representatives, gave Bush free reign to use whatever force he deemed appropriate against Iraq. Congress passed a resolution authorizing the use of force, *contingent on certain circumstances.* If one reads the resolution carefully, it is evident that the resolution was designed to strengthen President Bush's bargaining power to use diplomatic means to force Saddam to allow UN inspectors into Iraq. Whether the

resolution gave President Bush authority to go to war without further authorization from Congress, or the United Nations, is open to debate.

Congressional criticism of the Iraq War was politically dangerous even when the polls showed the public was against continuing that war. This was due partly to the militaristic attitude among the American people and the knowledge that the American culture is supportive of an aggressive use of military power. Andrew Bacevich describes this culture in his 2005 book, The New American Militarism. At the end of WWII, we were enamored with military power, but the Korean War tempered that fervor somewhat. The Vietnam War shattered it. Several groups, particularly the neo conservatives, were dedicated to reviving that culture and take it one step further—to use it to establish hegemony over the globe.

It is very difficult for an elected official to separate criticism of policy and support for the troops in this climate. Consequently, the normal political process is not working and it is difficult for Congress to "put wrong policy right" without being accused of "not supporting the troops." Are members of Congress merely "playing politics" when they criticize these policies? Are we having a repeat in the current debate on the Afghanistan War?

Loyal dissent by military leaders.

"Putting wrong policy right" presents a special dilemma for military officers, both active and retired. To adopt the original Decatur phrase suggests one should salute and cease to question policy, whether it is right or wrong. That is precisely the approach taken by the Germans and Japanese leaders in WWII. They made a credible plea that they were loyal military that carried out the government's policies. The Nuremberg trials rejected that argument and set an international norm against blind obedience to policy.

How does a professional military officer go about this task without public criticism that may weaken national will, give aid and comfort to the enemy, and damage troop morale? The answer is relatively simple for active duty officers—they provide loyal dissent in the decision-making process, and then salute and carry out the decision without hesitation. In rare occasions, whistle blowing is justified. If one can't execute policy because of moral qualms, he/she should resign before he expresses his views in public. General McChrystal violated this rule.

The dilemma is hazier for retired military officers. Some have criticized people such as those mentioned above for speaking out against our current foreign policy in general and the Iraq and Afghanistan Wars in particular. This criticism is similar to that leveled at dissenters during the Vietnam era. The implication is that such public dissent is unpatriotic at best and perhaps treasonous. Does this criticism argue that we should adhere to a totalitarian model? If so, how do we "put things right" in a democratic society? Clearly, public dissent of this kind has the negative consequences listed above—it does weaken national will, give aid and comfort to the enemy, and hurt troop morale. But to deny dissent altogether is to create a totalitarian state. Where is the balance?

Some retired military consider current national security policy, the Iraq and Afghanistan Wars in particular, to be tragic mistakes that need to be "put right." Most have refrained from public criticism for the simple reason that they hesitate to undermine national will and more importantly, hurt troop morale. Our military is doing an outstanding job doing what the public and their elected leaders have asked them to do. However, some believe that refrain from public criticism of the policies is not patriotism at its best. They believe that policy will be "put right" only through public awareness that it is wrong.

There is a fine line between patriotism (loyalty to one's nation when it is morally right),

chauvinism (militant glorification of one's country; vainglorious patriotism; unreasoning attachment and bias towards one's nation) and jingoism (boasting of one's patriotism and favoring an aggressive foreign policy). Schurz's concept offers the formula for drawing this line. Those who adopt the creed of blindly following wrong policy fit the chauvinistic/jingoistic category.

Schurz argued that true patriots make an effort to "put things right" when they conclude a policy is wrong. The nation will be divided on which terms to apply to each specific circumstance and it will be a controversial issue in wars that are not in response to a "clear and present danger." Even if there is a genuine danger, it is often difficult to generate national will that requires self-sacrifice if that danger is ill defined. Thus, leaders are tempted to manufacture a "clear and present danger," as many believe was done by the administration in gaining support for the Iraq War. Should this kind of subterfuge go unchallenged?

Some believe the public was aroused to support the Iraq War through deliberate subterfuge to create the "clear and present danger." The 9-11 attacks prepared the public for this subterfuge. Those of that persuasion believed the patriotic thing to do was to "put things right." How best to have done that is open to debate. This is a real dilemma, even in the present case where many believe firmly that we need to "put it right." Most reject absolutist models that relegate us to a totalitarian model of no dissent. On the other hand, most are bothered by the effect of public dissent on troop morale. This dilemma is one of the prices of democracy.

Media responsibility in times of emergency.

Regardless of how one feels about the wisdom of our policies and the conduct of the various wars, we can all agree that it behooves us to present a united front to the enemy if we can do so in good conscience. Anything that undercuts that unity will give aid and comfort to the enemy. This was true in the Korean War and the Vietnam conflict. Did the exposure of the My Lai massacre give aid and comfort to the enemy and undermine our unity? Of course it did.

The media as watchdogs for democracy can be very irritating. This is especially true during periods of national emergency when national unity is critical for success. This is the price of a democratic society. To eliminate this freedom would turn us into a totalitarian state. Few would call for that. The problem then, is where to draw the line. Many Americans expressed little concern over the torture of prisoners when it was exposed. Some, including several senators, were "outraged at the outrage" over the incidents. Surveys show that fewer Americans are concerned now than when the events were exposed. Did the public disclosure hurt our efforts? Of course it did! Would we rather not know about such behavior?

As on other issues discussed by the public, the line each person draws on judging the media tends to reflect his or her philosophical orientation. For those who endorse the current policies and resent criticism of it, the line is sharply drawn; any criticism is tantamount to treason. One commentator asked that we remember that we are all at war against terrorism, implying that any criticism of our effort is unpatriotic. I submit the basic problem is that loyal citizens differ among themselves on basic policies; should the critics remain silent because it gives "aid and comfort to the enemy?"

One can make the case that the exposure of documents in the Department of Justice, the White House, and the Department of Defense—documents that revealed the policy regarding torture—did far more damage to our moral standing than did the Abu Ghraib photos. Without the revelation of those policy documents, the Pentagon might have been able to make a persuasive case that those specific events were the isolated actions of a "few bad apples." They tried to do

that anyway, but did not make a credible case. The media did a credible job of exposing the attempt to cover up these actions.

With respect to the media's reporting of incidents that weaken the moral standing of the United States, certainly the publicity on torture damaged our standing in the world and gave aid and comfort to the enemy. Once again, Seymour Hersh, the reporter who publicly exposed the My Lai atrocities, was the catalyst for exposing atrocities in Iraq. Some criticized him for both exposures. Release of pictures showing Saddam in his underwear added compounded the criticism of the conduct of guards supervising prisoners. Should the reporters who had this knowledge have suppressed it? Many argue that o have done so would have violated their constitutional and moral duty to the American people.

One can argue that in the case of a "clear and present danger," as existed in WW II, suspension of freedom of the press is justified. Suspension of constitutional protections has occurred numerous times during periods of national emergency, beginning with the "Alien and Sedition Act" in the late 1790s. Lincoln suspended certain features of the Constitution during the Civil War and similar actions were taken in WW I and WW II. After each emergency was over, constitutional protections were restored.

Formal government legislation is only the extreme form of action to manage freedom of the media. Other measures include use of the powers of the White House to intimidate the media. All administrations have used this power, some more blatant than others.

Summary

When a government uses deception to go to war, as LBJ did in the Vietnam conflict and Bush was alleged to have done to gather support for the Iraq war, it is difficult to make a case for uncritical support for that venture when the going gets tough. Apparently the Bush administration believed the conflict would be short and sweet like the 1991 Gulf War. If indeed the "Mission Accomplished" boast had been valid, there is no doubt Bush would have been immune from criticism.

I and many of my colleagues in the retired military community anguish over the duty to "support the troops" while disagreeing fundamentally with our foreign policy in general and the Iraqi and Afghanistan Wars in particular. Many of us believe the Iraq War had nothing to do with the war on terrorism, except that it exacerbated it. How do we express our dissent without undermining the morale of those who are putting their lives on the line because they believe they are fighting in the front line of terrorism? In regard to the Afghanistan, the issue is not the justification for action; rather, it is that the current strategy, e.g. COIN, is mission impossible.

As was the case during the Vietnam conflict, do we retired military stand silent even though we are convinced that we are in the midst of misguided policy that has long-term negative consequences? By giving uncritical endorsement of policy, we in effect jump into the hole we have dug and help shovel deeper. Or do we believe the American public needs to hear our dissent so they can make a more informed decision? This is not an easy dilemma to solve, but some have decided it is patriotic to speak out.

The media, which have a constitutional duty to inform the public and act as the watchdog over the government, share the dilemma of military officers. Personally, I believe the media in general erred in favor of endorsing government actions that have led this country into a quagmire in Iraq that has alienated most of the world and squandered the good will that we enjoyed in the aftermath of 9-11. Afghanistan promises to be another quagmire and many of the media elements that beat the drums for intervention in Iraq are repeating that mistake.

While some insist that now that we are at war everyone should refrain from criticism, I would argue that such acquiescence is tantamount to aiding and abetting those who refuse to learn from their mistakes. If we as a people—and the media in particular—follow that advice, we surrender our right to live in a democracy.

Who decides when there is a "clear and present danger" that warrants the suspension of constitutional guarantees of freedom of the media and freedom for critics to oppose policy? While the Patriot Act does not go as far as those previous actions, it does have the potential to curb freedom in a way that is disturbing to many. The act has been under review and it will be interesting to see if fundamental changes are made to address those concerns. As I write this paper, I read that the Obama administration is asking for more authority to wire tap without court orders. I have no position on this; we always restrict freedom in times of crisis.

The most important lesson I draw from this debate is that our leaders should be careful of how they go about leading the people into war. In the age of instantaneous communication, the truth will come out. The media must be the watchdog for the public. How far they go in discharging this duty is open to debate. The same is true for members of Congress and retired military.