

# US military will not be involved in election crisis, top general claims

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General Mark Milley, chairman of the Joint Chiefs of Staff, the highest-ranking US military officer, issued a statement Friday declaring that the US military would have no role in resolving any disputes that arise from the 2020 presidential election.

Responding to a letter from two Democratic members of the House of Representatives, Elissa Slotkin of Michigan and Mikie Sherrill of New Jersey, Milley wrote: “In the event of a dispute over some aspect of the elections, by law U.S. courts and the U.S. Congress are required to resolve any disputes, not the U.S. military. ... I foresee no role for the U.S. Armed Forces in this process.

“I and every member of the Armed Forces take an oath to support and defend the Constitution of the United States, and to follow the lawful orders of the chain of command,” his statement continues. “We will not turn our backs on the Constitution of the United States.”

Slotkin and Sherrill sent letters to General Milley and Secretary of Defense Mark Esper after a hearing before the House Armed Services Committee in July over Trump’s threat to appeal to the military to suppress the protests which erupted after the murder of George Floyd by Minneapolis police on May 25.

On June 1 Trump threatened to invoke the Insurrection Act of 1807 and send the military onto the streets of American cities to suppress the protests. After encountering resistance from Esper, Milley and top military officers, both active and retired—because they regarded a military intervention as unprepared politically and practically—Trump pulled back and did not invoke the 1807 law, although he did have troops deployed to Washington, D.C. for several days.

That the top general should feel it necessary to issue a declaration “for the record,” so to speak, that the military will not decide the outcome of the 2020 presidential election, is an extraordinary manifestation of the political tensions in the United States.

Trump has repeatedly suggested that he will not accept an unfavorable outcome of the November 3 vote, and his Democratic rival, former Vice President Joe Biden, has said that the military might have to remove Trump from the White House on Inauguration Day, January 20, 2021, should he refuse to leave.

Biden’s comments and the posture of his supporters like Slotkin and Sherrill make the military, not the American people, the final arbiters of the 2020 election. This by itself demonstrates that neither capitalist party, Democratic or Republican, has any serious commitment to the preservation of democratic forms of rule.

As far as they go, Milley’s comments portrayed the military as adhering to constitutional procedures. “The Constitution and laws of the U.S. and the states establish procedures for carrying out elections, and for resolving disputes over the outcome of elections,” he wrote. “State and federal governments have qualified officials who oversee these processes according to those laws. We are a nation of laws. We follow the rule of law and have done so with regard to past elections, and will continue to do so in the future.”

Under the Constitution, President Trump has no role in determining the outcome of the 2020 election. The votes are counted under the supervision of state governments, not the federal government, and electors for the winning candidate in each state meet in each state capital in December to cast their votes. Each state’s electoral votes are formally counted by the new Congress in early January, and the winner of the Electoral College is sworn in as president on January 20.

There are numerous potential disruptions to this process. If the popular vote in a state is close, or if there is a claimed conflict between the in-person voting and the mail-in voting—highly likely given the nonstop vilification of mail ballots from the White House—the winner of the state’s electoral votes may be in dispute.

This is particularly the case in those states where control of the state government is divided, or where the party controlling the state government backs the candidate who lost the popular vote in that state. Among those states whose results could be in question are Pennsylvania, Michigan, Wisconsin, and North Carolina, all with Democratic governors and Republican state legislatures, and Ohio, Iowa, Florida, Georgia and Texas, with Republican-controlled state governments but Democrat Biden leading or tied in the polls.

The final decision on accepting the state electoral vote counts rests with the House of Representatives, which is controlled by the Democratic Party. In the event that the Electoral College is deadlocked, the House would select the president, but in a ballot in which each state's delegation casts one vote, regardless of its size. Currently, despite their minority status, the Republicans control 26 state delegations to 22 for the Democrats, with two states divided evenly.

As this discussion makes clear, there are innumerable opportunities in this process for right-wing forces, working through both capitalist parties as well as outside them, to intervene and seek to manipulate the outcome.

The questions posed by Slotkin and Sherrill touch on some of these potential land mines. They asked Milley about the fact that the Uniform Code of Military Justice “criminalizes mutiny and sedition” and the requirement that the military follows only legitimate orders.

Milley replied, “I recognize that there is only one legitimate president of the United States at a time.” This begs the question of how the military would identify the “legitimate president,” since that is the very issue posed in the election and the transitional period from election to inauguration.

The top US general was also responding indirectly to an open letter issued by two well-known former officers, John Nagl and Paul Yingling, published August 11 in *Defense One*, which warned that Trump “is actively subverting our electoral system, threatening to remain in office in defiance of our Constitution” and appealed to Milley to prevent “the once-unthinkable scenario of authoritarian rule.”

Nagl and Yingling are hardly paragons of democracy. They came to prominence as lieutenant-colonels during the Iraq War, when they issued a scathing internal criticism of the rigidity and inflexibility of senior officers in the face of a mounting insurgency in the Iraqi population. Nagl went on to draft the Army's official counterinsurgency manual under the direction of General

David Petraeus.

Representatives Slotkin and Sherrill issued a brief statement welcoming Milley's response. Their role in this exchange is politically significant. They are 2 of the 11 new Democratic members of Congress who came directly from the military-intelligence apparatus into the House of Representatives in the 2018 elections.

These CIA Democrats, as the WSWS has termed them, have played an increasingly prominent role in party affairs, first in providing a decisive push in favor of impeaching Trump over his delaying military aid to Ukraine for its war with Russian-backed separatists, then in backing Biden for the presidential nomination against more liberal rivals.

Slotkin, a longtime CIA officer who deployed three times to Iraq, cited her experience with the agency in making an assessment of how “the president, since late April or early May, has been laying down these seeds of doubt in the outcome of our elections,” adding, “There's a long history and a dark history of having law enforcement, or uniform military present at the polls ...”

In other words, what the CIA has helped to organize in dozens of countries around the world—the use of the military and police to suppress democratic rights and overthrow governments—the former CIA agent now describes as the direction of US government policy under Trump.

The conflict between Trump and Slotkin is not about democracy vs. dictatorship, but about which form of authoritarianism is to be imposed on the American people: the personalist dictatorship of the would-be Mussolini, or a Democratic administration based on the backing of the military-intelligence apparatus and oriented toward war with Russia, China or both.



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