

UC Riverside

UC Riverside Previously Published Works

Title

Military dissent in the United States: are there lessons from Latin america?

Permalink

<https://escholarship.org/uc/item/0mv8x580>

Journal

Defense and Security Analysis, 37(2)

ISSN

1475-1798

Authors

Berlin, David Pion

Ivey, Andrew

Publication Date

2021-04-03

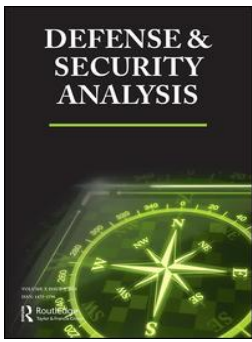
DOI

10.1080/14751798.2021.1919354

Copyright Information

This work is made available under the terms of a Creative Commons Attribution License, available at <https://creativecommons.org/licenses/by/4.0/>

Peer reviewed



Military dissent in the United States: are there lessons from Latin america?

David Pion Berlin & Andrew Ivey

To cite this article: David Pion Berlin & Andrew Ivey (2021): Military dissent in the United States: are there lessons from Latin america?, Defense & Security Analysis, DOI: [10.1080/14751798.2021.1919354](https://doi.org/10.1080/14751798.2021.1919354)

To link to this article: <https://doi.org/10.1080/14751798.2021.1919354>



Published online: 11 May 2021.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

ESSAY



Military dissent in the United States: are there lessons from Latin america?

David Pion Berlin and Andrew Ivey

Political Science, University of California Riverside, Riverside, United States

ABSTRACT

The civil–military relations of the Trump Presidency became increasingly troubled. The President attempted not only to involve the military in partisan politics, but also in counter-protest operations in the face of nationwide demonstrations. Such operations increase the likelihood of human rights abuses by the military, which prides itself on professionalism and public approval. How can officers resist a commander-in-chief pulling them into partisan politics, particularly when this endangers military professionalism and quite possibly democracy itself? This article finds that U.S. military commanders might turn to their counterparts across Latin America for examples and lessons. Commanders in Chile, Ecuador, Colombia and Brazil have found innovative ways to resist unwise Presidential orders and potentially save lives in the process. Critically, we find that these instances of justifiable dissent did not result in an erosion of civilian control.

KEYWORDS

Civil-military relations; Latin America; Donald Trump; Comparative Politics; military professionalism

Introduction

On June 1st, 2020, Chairman of the Joints Chief of Staff, General Mark A. Milley joined President Trump as he crossed the street from the White House to St. John’s Episcopal Church. Nearby, thousands of National Guardsmen prevented peaceful protesters from getting too close, as park police hurled tear-gas and wielded batons against the demonstrators. The president’s actions were widely criticised as a photo-op, with observers also wondering what the presence of General Milley and Secretary of Defense Mark Esper meant. Was this a tacit approval of the walk by the military, and did this mean that the two were in favour of using the National Guard as a counter-protest force?

Ten days later, General Milley apologised publicly, saying “I should not have been there.”¹ In the time between his apology and the initial D.C. deployment, guardsmen patrolled the streets of major cities, uncomfortable and confused as their commander-in-chief continued to use war-like rhetoric when describing protesters. Milley’s apology also offered no explanation for why he appeared in battle dress, when it is customary for generals meeting with the president to wear more formal uniforms. Yet, the

damage to the reputations of the National Guard, General Milley and the United States military was already done.

What could General Milley have done to prevent this damage? What can any professional soldier, loyal to a constitution, do in the face of a lawfully elected executive seeking to undermine military professionalism and politicise its soldiers? These are unenviable challenges; especially during the Trump Presidency, as the “right to be wrong,” which has become an accepted component of civil–military relations, was continually tested and abused. But in meeting these challenges, we find that U.S. defence and military leaders may turn to an unexpected source for examples: Latin America.

Latin American nations have faced far greater challenges to their respective civil–military relations than the United States. This includes powerful military “*fueros*,” which grant the military tribunals wide jurisdiction concerning insurgencies and civil wars which force the military to interact violently with citizens, mass protests both peaceful and violent, and finally and most importantly: coups. Indeed, Latin America’s experience with military dictatorships is no distant memory. Moreover, though many Latin American democracies may be consolidated, militaries in the region continue to wield influence. For this reason, one could reasonably fear that military dissidence could result in new political gains for the military, weakened civilian control, and worse still, democratic backsliding.

However, in the face of these challenges, Latin American militaries have adapted new forms of resisting the partisan pull of civilians who abuse the right to be wrong. This resistance has garnered no new powers for the military, nor has it eroded civilian supremacy. Ordered by presidents to deploy in ways harmful to their profession, officers have instead publicly dissented. In doing so, they have preserved military professionalism and even saved lives. If militaries may resist a partisan pull without weakening civilian control in nations with a history of military intervention and where democratic institutions are only decades old, they may certainly do so in a country where civilian control is a norm consolidated over centuries.

Through a comparative analysis of military behaviour in Latin American nations and the United States, we identify the following ways in which military leadership may resist ill-advised orders that endanger human rights, tarnish military professionalism, and drag the services into partisan politics. We draw on the recent example of Chile, where military leadership clarified a presidential declaration regarding the armed forces’ possible intervention to re-establish public order in the face of mass protests. They may also go further, as in Ecuador, where the armed forces actually modified orders; choosing not to fire on protestors, but rather adhered to their professional standards and human rights training, despite the urging of civilians in government to the contrary. In Colombia, officers became whistle-blowers in anticipation of potentially illegal orders in order to save lives. Facing dangerous, though not necessarily illegal orders, soldiers may alert the congress and the media and by doing so, send up a warning flair to other civilian principals. And in Brazil, we discovered that senior officers could be very outspoken when a lawfully elected civilian attempted to pull the military into partisan politics. They responded by rebuking and condemning those efforts, to assure the public that intervention into politics would not be supported.

Scholarship on military dissent

In an organisation as hierarchical as the military, which places a premium on command and compliance, it is easy to see why public dissent can be easily condemned.² Obedience is the prevailing norm, and disobedience can only be tolerated in the rarest of circumstances. Samuel Huntington helped set the standard in the social sciences, arguing that loyalty and obedience are the core of being a military professional.³ If a president is sending soldiers off to an unnecessary war, with disastrous consequences for national security, officers can express their strong opposition privately, but in the end, are still obligated to go. Huntington even claimed that morally questionable orders should usually be obeyed. For him, the dictates of a soldier's conscience can only rarely prevail over the norms of obedience.⁴

Huntington's pardon for a politician's bad judgment has given rise to the notion offered by Peter Feaver, that civilians have the "right to be wrong."⁵ Accordingly, this right allows for statesmen to prevail even as they make unwise decisions regarding national defence and security. Whilst normally used when discussing foreign and war policy, many civilian executives in the developing world use their militaries to impose internal order as well. Arguably, the right to be wrong could extend to those and similar cases as well in the developed democracies. If politicians are foolish, then the presumption is that they will be subject to the harsh judgment of voters at the next election. After all, the public, is the ultimate principal, a concept that goes back many decades.⁶ With the check of elections, there is no need for the armed forces to dissent, except in the most extreme cases, e.g. being given an illegal order.

The difficulty with this solution is that a president can be reckless with his powers, thoroughly abusing his right to be wrong. If these abuses lead to a dire scenario requiring urgent remedy, an election may be too long a wait.⁷ The burden would then fall on the congress—the branch of government capable of exerting checks against executive excesses. But congressional oversight may be non-functional when the legislature refuses to utilise the levers available to it. It is one thing to have strong democratic institutions like a congress. It is quite another to have congresspeople willing to wield the full powers at their disposal. And while the media can certainly call the president out, it may not be sufficiently powerful to compel change. Without a countervailing power to rein in an irresponsible president, considerable damage can be done in the short to medium term, not only to national security, but to civil–military relations and democratic norms and standards as well. It thus seems reasonable to suggest that in difficult circumstances, when professionalism and democracy can be harmed, the right to be wrong would not be inalienable, but rather subject to scrutiny or revision.

It is now widely acknowledged and relatively non-controversial that the military should disobey manifestly illegal orders.⁸ After all, officers swear an oath to defend the constitution—the supreme law of the land— not to obey the commander-in-chief. In the post-My Lai world, following orders to commit crimes against humanity, including massacres of innocent civilians during war or peacetime, is not tolerated by international law or the Uniform Code of Military Justice..⁹ As recently as 2003, abuses committed by U.S. officers against detainees at the Abu Ghraib prison in Iraq were roundly condemned, and several abusers were court-martialled, convicted of crimes, and sentenced to prison

terms.¹⁰ If officers commit such crimes, then enlisted soldiers, who are sworn to obey their commanders and not the constitution, might follow suit.

The more interesting cases of dissent arise from orders that may be legal, or are legally ambiguous, but nonetheless objectionable on other grounds. Some scholars argue that because officers must live by a code of ethical conduct, they are granted moral autonomy. That is, they can exercise discretion and choose to disobey orders when they are immoral, and/or likely to cause great harm to the institution, its soldiers, and the nation.¹¹ As Andrew Milburn notes, civilian control does not relieve the military of its moral right, indeed its duty, to speak up if the political leaders are conducting themselves wrongly.¹² Others concur, but note that choice to dissent can also be based on professional knowledge, allowing officers, as experts, to do their work with a strong measure of autonomy in order to carry out their commitments to society.¹³

If there is a risk in exercising moral autonomy, it is that it could be pushed too far. Some armies have become convinced that they are all-knowing, morally as well as intellectually superior to the civilians who rule. That has, on numerous occasions in Latin America, led down a slippery slope to military intervention and coups.¹⁴ But even in the United States, where the threat of coup heretofore is non-existent, a military superiority complex can cause difficulties. As Risa Brooks points out, it is Huntington's own concept of objective control with its sharp division between military and civilian spheres of competence, that can inculcate norms of superiority, with officers convinced that civilians have no business meddling in affairs they do not understand. This can, as she argues, "create a mind-set among military officers that can foster resistance to civilian oversight and practices contrary to civilian control."¹⁵

Militaries, however, can dissent without arrogance, and need not be driven by morality though they can nonetheless act in ways that are morally beneficial. For instance, they are often motivated to disobey for professional reasons to prevent themselves from being dragged into missions they believe are incompatible with their standards and training which would harm their institutional reputations. Officers may also be driven by calculations of risks to their careers, as certain operations could result in legal charges being levelled against them, should they commit crimes that violate citizens' rights.¹⁶ In refusing to fully comply with orders to subdue civilian demonstrations, because they are not professionally suited for police like work (including crowd control), or because they wish to evade prosecution, armies have avoided clashes with protesters and in doing so, have prevented serious human rights abuses.¹⁷ Indeed, the likelihood that soldiers would violate the rights of peaceful protesters is high, precisely because they are so ill-equipped to handle such situations. The reason is clear: soldiers are trained to apply maximum force on the battlefield; they are not trained to practice restraint, as are police. These are two quite different mind sets. Therefore, dissent may even save lives.

In short, public dissent is not tantamount to disloyalty and can be reasonably predicated on numerous grounds, understanding that while sometimes justifiable, it is an action that should be used infrequently and cautiously. Governments still depend on the loyalty and compliance of their armed services, and cannot conduct defence policy without their full co-operation. Moreover, there are potential pitfalls associated with military dissent. Militaries are known to publicly advocate for policies based on narrow self-interest, to the detriment of more broadly calibrated policies that only civilian politicians can design.¹⁸ Dissent, if exerted too strongly, can act as a form of pressure,

subjecting political leaders to undue influence from a non-elected entity. Because so many militaries enjoy high public esteem, they can exert outsized influence over political leaders who feel compelled to adjust, or abandon positions only because voters defer to the military point of view.¹⁹ If military opposition becomes frequent, it runs the risk of normalising behaviour that should only be exercised occasionally. Finally, if officers or soldiers are insubordinate, meaning that they seriously disrupt or even sever the chain of command, directly undermining the president's authority— then civilian control is threatened.

This is why all forms of military dissent should be carefully contextualised. Do political, social, and security circumstances warrant such action? What is the gravity of the crisis at hand? Will the benefits of dissent clearly outweigh the costs? We believe that the conditions considered below do justify the forms of dissent undertaken. In all the Latin American cases reviewed, military disobedience, or outspokenness was intended to defend the constitution, expose, or avert serious human rights violations, or prevent the military from being used for harmful, partisan agendas. Not to have acted would have made the military complicit in political malfeasance, or unlawfulness, which could have very well challenged democratic norms as well.

The actions themselves are varied, but none rise to the level of insubordination. As will be shown below, some militaries have learned how to walk the line between full compliance and full defiance. There are scenarios where the armed forces hedge their bets, partially complying with, or partially defying presidential directives, as a way of averting complete insubordination to civilian control on the one hand, while mitigating conflict with their professional standards on the other.²⁰ Slow-rolling is a familiar example of this, where the military faithfully complies with an order, but drags the implementation out to register its opposition. In the examples below, Chilean and Ecuadorian militaries comply conditionally, either by clarifying or modifying executive orders in order to avoid being placed in situations that would potentially implicate them in wrongful behaviour.²¹ There was no damaging fallout to civil–military relations in either case. Other officers, such as those in Colombia, chose to blow the whistle on hidden malfeasance within the armed forces, again without harmful consequences to civilian control. And finally, public condemnations or rebukes of presidents have been issued in the past both in Latin America (e.g. Brazil) and the U.S. with no lasting ill effects on civil–military affairs caused by the military's dissent. None of these actions undermined civilian control to any degree, and in each instance the choice to use dissent came with less risks than silence. And all hold lessons for military dissent in the United States.

Chile: clarification of orders

Chile, unlike the United States, is a country marred by a long and dark episode of military authoritarian rule from 1973-1989. The Pinochet dictatorship was notorious for its brutal crackdown on political opponents, resulting in thousands of detentions, deaths, and disappearances. When democracy was restored to Chile in 1990, the military still retained ample reserves of power which it used to press for institutional benefits and legal immunity from prosecution, sometimes threatening to return to office should it not get its way. Chile was the prototypical tutelary democracy, one

designed to protect the corporate interests of its military first, and only then attend to the needs of its citizens.²²

In the twenty first century, the military has been much more observant of civilian authority and the need to remain subordinate, though it has *not* been shorn of political clout. Thus, when officers occasionally push back against civilian orders, the fear is that this could weaken civilian control and perhaps accrue additional political power for the armed forces. It turns out this is not true, as will be recounted below. If indeed Chilean governments can withstand military dissent without damaging civil–military relations—and they have—then certainly the same could occur in the United States, where the tradition of military subordination to civilian authority is much more firmly embedded.

Sparked by an increase in metro fares while reflecting a deeper underlying malaise over the neo-liberal economic model and the profound inequalities it had generated, mass protests were ignited in Chile in October of 2019. Enormous demonstrations occurred nation-wide, with more than one million participating in Santiago alone. The mostly non-violent protests were punctuated by pockets of violence, arson, and looting. Caught completely by surprise over this enormous collective outpouring, President Sebastián Piñera at first declared Chile to be “at war with a powerful enemy” against “delinquents.”²³ To counter this perceived threat, he ordered tens of thousands of police and soldiers to the streets to confront demonstrators. Under a constitutional state of emergency provision, military commanders established their authority and imposed curfews in major cities. President Piñera’s casting of the protestors as powerful enemies and the insecurity as a “war,” could have been a green light for the armed forces to use any and all means to crush demonstrations. Such harsh rhetoric had not been used since the Pinochet dictatorship, and conjured up frightening reminders of state terror.

But the day after the President’s remarks, Army Commander General Javier Iturriaga, clarified, “the truth is, I am not at war with anyone.”²⁴ This clarification then led to Chile’s civilian Minister of Defence, Alberto Espina, reaffirming that troops were constrained by an existing framework of law which limited how they could and could not engage protestors. He then imparted instructions to his commanders to remain calm and not fire on protestors.²⁵ While some soldiers did harm civilians, especially those in detention, the armed forces concentrated on supporting civilian law enforcement by protecting critical infrastructure during the protests. This freed up the Chilean police, or *Carabineros*, to conduct riot-control operations. Because of this, it was the police who inflicted most of the violence on protestors, not the armed forces.

The military’s clarification of the President’s rhetoric undoubtedly saved lives, avoiding much greater confrontations with protests that could have resulted in massive bloodshed. In addition, by its actions it did *not* accrue any political power for itself. If anything, the military’s public image has probably been tarnished by the mere fact that it was deployed at all.²⁶ The deployment of troops during manifestations has been interpreted as a grim reminder of the Pinochet dictatorship and the military’s role in that regime, leading to renewed scrutiny and public criticism of the institution. But the Chilean armed forces remain under firm civilian control to this day.

General Iturriaga’s clarification of presidential rhetoric raises the question of whether U.S. military leaders should have done the same, without any ill effects on the civil–military relation. Like President Piñera, President Trump used bellicose language

when describing demonstrators. He referred to demonstrators in Minneapolis over the police murder of George Floyd as “thugs.” In a tweet, he claimed to have spoken with Minnesota’s governor, Tim Waltz, and assured the governor that “The military is with him [Waltz] all the way.” He categorised protesters tearing down statues of confederate generals and slave owners as “terrorists” promising retribution against them.²⁷ This was said notwithstanding the fact that the president has no legal authority to label any domestic individuals or groups as terrorists— a designation reserved only for foreign perpetrators.²⁸ This labelling of protesters would make it easier to justify the use of force against them. Indeed, when speaking of dissent in Minneapolis, the President said, “Any difficulty [*sic*] and we will assume control but when the looting starts, the shooting starts.”²⁹ The president chided certain governors for being weak, saying that they must “dominate” the situation, or if not, he will call on the military to do so.

This is an occasion when active duty officers and defence leaders should have pushed back but did not. Instead, Secretary of Defence Mark Esper simply echoed the message and thus enabled Trump, by saying in a call with governors, in which the participation of a Secretary of Defence was wholly inappropriate, that they should “dominate the battle space,” in reference to dealing with civil unrest triggered by police brutality.³⁰ This, said former Navy Secretary Ray Mabus is “equating Americans to an enemy and waging war on your own citizens.”³¹ Esper later regretted having made the comment, but this was too little too late, as the President persisted in his use of war-like rhetoric.

U.S. Army General and Chairman of the Joint Chief of Staff, Mark A. Milley should have also pushed back against this inflammatory rhetoric at the outset, as did General Iturriaga in Chile. Instead, he chose to remain silent, and only later spoke about soldiers respecting first amendment rights, while delaying ten days in issuing an apology. Risa Brooks reminds us that in these circumstances, “silence or avoidance can suggest complicity.”³² When presidential rhetoric sets the stage for military deployment within its own borders, military commanders are within their right—even duty bound—to dissent respectfully by clarifying that those in the streets are not thugs, or terrorists, but citizens exercising their rights of free speech and assembly. Those rights are enshrined in the constitution which the military is sworn to uphold.

That kind of clarification could give a president pause when even contemplating the use of the Insurrection Act of 1807 to justify calling up active duty soldiers for domestic law enforcement. That act was intended for exceptional circumstances, when state authorities refuse to enforce the law, or when civilian unrest reaches such magnitude that they are unable to do so.³³ Neither was the case in the events swirling around the death of George Floyd in Minneapolis. Military clarifications could have dissuaded the president from overreacting, instilling in him some qualms about deploying troops for inappropriate purposes.

Ecuador: modification of orders

Like Chile, Ecuador has been a victim of military coups and intervention. Several military governments ruled the country during the 1960s and 1970s. The military has reserved the right to re-intervene, though it has not done so. But what it has done is to exert another form of leverage by withdrawing support for Presidents under siege from an angry

public. In 1997, 2000, and 2005, presidents who fuelled popular protests fell from power once the generals signalled they would no longer back the incumbents.³⁴

These examples of military activism in the past raise concerns as to whether officers today could dissent from government-mandated missions without undermining civilian leaders, and damaging the civil–military relation. The evidence presented below indicates that Ecuador’s democratic governments can in fact withstand certain forms of military dissent and still remain firmly in control of their armed forces.

In October of 2019, massive indigenous protests erupted in Ecuador against austerity measures and the cancellation of governmental fuel subsidies. In response, President Lenin Moreno declared a state of exception and curfews in major cities, ordering security forces to re-establish order. The defence minister, retired General Oswaldo Jarrín, publicly interpreted the mandate given by the President as a call for the military to use all means necessary, reminding the protesters they would be facing warfighting troops.³⁵ While these orders were strictly legal, having fallen under the constitution’s state of exception clause, they were also troubling, having the potential to unleash excessive violence against largely defenceless protesters. Moreover, these orders required the military to violate their own professional standards and human rights training. Commanders were not at all pleased with those directives.

The military deployed as instructed, but rather than blindly follow orders, its commanders revised tactics, limiting soldiers to supporting roles while leaving the repression to the police. In some instances, the military secured the perimeter in commercial areas and roads, using tear gas against the protesters only on rare occasions.³⁶ Troops even clashed with police to guard the protesters.³⁷ Army Commander, General Javier Pérez, declared in his farewell speech that there was no shame or regret in responding with caution to protester attacks on the armed forces. In keeping with its professional standards, the military, he noted proudly, acted with “maximum prudence and extreme tolerance”, and that if instead, it had resorted to force, soldiers “would be recovering body bags, and that is not their mission.”³⁸

This post-deployment adjustment has not weakened civilian control at all in Ecuador, nor caused the military to gain additional political leverage—this in a country where military subordination is not as deeply and historically ingrained as in the United States. Evidence of military compliance lies in the fact that the President, bothered by the military’s failure to suppress the uprisings, and having had to negotiate personally with indigenous protesters to assuage their concerns, relieved General Pérez of his duties, without incident.³⁹ The transfer of authority to a new army chief occurred smoothly and peacefully, with no threats of retaliation on the part of the armed forces, then or since. Are there lessons for the U.S. military and its relations with a president?

As mentioned, on June 1, 2020, General Mark Milley complied with President Trump’s request to accompany him in his walk from the White House to St. John’s Episcopal Church. Just a stone throws away, 5,000 national guardsmen had been deployed to clear the area to permit the President’s passage, by blocking thousands who were peacefully demonstrating. General Milley, dressed in battle fatigues, claimed that he was only accompanying the President to assure that the national guard (NG) acted appropriately.⁴⁰ Though separate from the regular United States Army, the Army National Guard is also a reserve branch of the military which can

be deployed both internally and externally by governors and by the President, if federalised.⁴¹ But reportedly, army leaders pressed the National Guard to act aggressively, to prove they could do the job and General Milley himself warned if they did not, the President might call upon the 82nd Airborne Division to do the job.⁴² And national guard helicopter pilots said they were told by senior army officials to fly low to disrupt the demonstrations.⁴³

General Milley should not have approached the National Guard in the first place, since he is not in the chain of command and has no official authority over them.⁴⁴ Second, no army leader, let alone the Chairman of the Joint Chiefs of Staff, should ever advise or warn guard units to be aggressive or disruptive when confronting peaceful, unarmed demonstrators. Instead, following the lead of the Ecuadorian military commanders, the NG commander could have instructed his own troops to revise their tactics by having them react with the utmost restraint, not aggression. Indeed, doing so would have been in accord with the guidelines that all National Guard units are required to follow. Those units are subject to Rules of Force (RUF) guidelines that instruct them to practice scalable deterrence.⁴⁵ Training schools for handling civil disturbances specify that the Guard first establish a presence followed by verbal persuasion and passing out handbills encouraging protesters to disperse, followed by graduated displays—not utilisation—of force.⁴⁶ Such advice would have not only been strictly followed, but would have likely gone over well with the D.C. National Guard, many of whom expressed great unease about even being there in the first place.⁴⁷

Instinctively, U.S. military commanders fall in line when the president issues a lawful order, fearful that not to do so would leave them legally liable, and would be seen as a threat to civilian control and to its long-standing tradition of remaining aloof from politics. But ironically, Milley's compliance undercut that tradition, by appearing to have aided the president in his effort to impress his political base that he was a tough law-and-order president who could face down protesters. Milley much later regretted his actions, admitting that they created a perception that the "military [had been] involved in domestic politics."⁴⁸ We must uphold the principle of an apolitical military that is so deeply rooted in the very essence of our Republic," he said.⁴⁹ But Milley would have been better advised to heed his own words spoken on May 4, 2017, when he said that "disciplined disobedience" by soldiers could be justified under the right conditions to achieve a goal, so long as one is "morally and ethically correct" and uses sound judgment.⁵⁰

If this applies to soldiers down the chain of command, should it not also apply to senior commanders who disagree with their president? Certainly, disciplined disobedience is not something that senior officers should make frequent use of. Dissent can, and must be, reserved for difficult circumstances, when remaining compliant carries costs that clearly outweigh the benefits of public dissent. However, creative dissent can, at times, be a necessary antidote to a President who abuses his authority by treating the military, as a pliable domestic political instrument, putting the armed forces in untenable, perhaps illegal predicaments. Conversely, inaction can, as Risa Brooks points out, "suggest to the public that the military supports controversial civilian policies or that it is the president's partisan ally."⁵¹ Beyond avoidance of partisanship, dissent can steer the armed forces away from actions that could otherwise place the lives of innocent American citizens at risk.

Colombia: military whistleblowing

Along with clarifying military doctrine and modifying orders, militaries can also send out a warning to other civilian principals about dangerous, or potentially criminal conduct. Where silence would mean being implicated in serious malfeasance, officers may come forward to blow the whistle, preventing damage to the military's professionalism in doing so. Consider the case of Colombia.

Since 1957 Colombia has been democratic and its military subject to civilian control. But there are meaningful differences between it and the United States. Whilst the United States military has traditionally focused on external threats, the Colombian military has historically turned inward.⁵² Since 1964, the Colombian armed forces have fought leftist insurgencies (such the FARC, ELN and M-19), heavily-armed drug cartels with military-like capacities and various right-wing paramilitary organisations. Because they have fought inside their own borders, they have confronted armed opponents who can blend in with the citizenry. This complicates the struggle, creating situations where unintentionally *or* intentionally innocent civilians are trapped in the conflict, resulting in human rights abuses and destruction of evidence. This makes military whistle-blowers all the more important in preventing and thwarting military malfeasance.

In 2019, military co-operated with journalists to reveal a troubling internal policy within the ministry of defence that would have awarded bonuses based on the number of enemy combatants killed.⁵³ These policies mirrored those which contributed to the "False Positives" scandal that erupted under the Álvaro Uribe presidency in 2008. Frustrated at the slow progress in defeating the FARC, the Uribe government also gave bonuses to soldiers to produce more combat kills. Unable to inflict a sufficient number of casualties on actual insurgents, the armed forces (in co-operation with paramilitary groups) lured non-combatants with the promise of work, executed them, and dressed them as enemy combatants.⁵⁴ Estimates of the death toll range from five to ten thousand falsely reported casualties.

Seeing orders which could have resulted in similar human rights abuses, a number of alarmed active duty officers came forward with their concerns to the media. Their testimony painted a damning picture. Not only had they been asked to "double their results" regarding captures and combat kills, but also been given a green light to initiate operations based on faulty intelligence and secret consultations with paramilitary groups. One officer, speaking under the condition of anonymity, told the *New York Times* that "we were going back to the way things were before."⁵⁵ The fears of co-operating officers proved well-founded, as the Colombian Newspaper *El Semana* reported that journalists and their military informants were being stalked and threatened by individuals believed associated with counter-intelligence cells in the army.⁵⁶

This whistle-blowing produced quick results. First, it forced President Iván Duque Márquez through his embattled army commander General Nicacio Martínez, to admit publicly to the orders' existence. Then, the government reversed its orders entirely, saying that soldiers would receive no bonuses affiliated with combat deaths.⁵⁷ Through the media, concerned officers found a mechanism to pressure the chain of command and reverse a disastrous course, saving the lives of citizens and the dignity of soldiers.

The duty of these Colombian officers to protect their institution and their countrymen has parallels with the case of Lieutenant-Colonel Alexander Vindman in the United

States. As Director for European Affairs for the United States National Security Council, Lt. Col. Vindman was privy to a phone conversation between President Trump and his Ukrainian counterpart, President Zelenksy. In the call, Lt. Col. Vindman was disturbed by what he perceived to be inappropriate pressure exerted by Trump on a foreign government to investigate the President's political rival, current President Joe Biden.

As with the discussed Colombian officers, Lt. Col. Vindman had pertinent information of a potential crime. As with these officers, he had first-hand knowledge of events that transpired away from the public eye and had an obligation to report them. In testifying during the House's impeachment investigation, Lt. Col. Vindman validated many concerns of the investigators, saying that he viewed Trump's call to be an effort to pressure a foreign government to investigate a political rival.⁵⁸

And as in Colombia, Lt. Col. Vindman faced risks in testifying, though of a different nature. He was publicly degraded by Trump partisans during and after the trial, who questioned his loyalty to the country because he was an immigrant from the Soviet Union. One officer, writing in an op-ed, went so far as to compare the smear campaign against Lt. Col. Vindman to the Dreyfus affair.⁵⁹ General John Kelly claimed that Lt. Col. Vindman was right to be concerned about the call and right to report it through his chain of command prior to his congressional testimony. Kelly said that when Lt. Col. Vindman heard the president tell President Zelenksy that he wanted an investigation into the Biden family, that this was tantamount to receiving "an illegal order." "We teach them, 'don't follow an illegal order. And if you're given one, you'll raise it to whoever gives it to you that this is an illegal order, and then tell your boss.'" ⁶⁰ Ultimately, it was not for him or Lt. Col. Vindman to determine to legality or illegality of the phone call. But Lt. Col. Vindman justifiably passed along information to the only other entity that could put a check on presidential malfeasance: the U.S. Congress.

In the case of Colombia, President Duque was responding to pressure from the Trump administration, to "produce results" in the war on drugs.⁶¹ Likewise, Trump pressured Colonel Vindman, through tweets, to not testify before congress. In both instances, military members faced pressure stemming from civilian commanders. And, illustrating the dangers faced by whistleblowers, both Vindman and Colombian officers were harassed after their testimonies.

In both cases, whistleblowing yielded direct results. The order incentivising increased body count in Colombia was reversed, and in the United States Democrats in the House of Representatives case for impeachment was strengthened by Lt. Col Vindman's testimony. And, importantly, in neither case did the political power of the military increase. In Colombia, troop revelations to the media actually resulted in a loss of military clout, as critics claimed the scandal was more evidence of General Martínez's supposed corruption and malfeasance.⁶² Though veterans rushed to the defence of Lt. Col. Vindman, it cannot be argued that civilian control was consequently damaged, as indicated by his discharge from the White House and eventual early retirement, due to the White House's refusal to agree his promotion to substantive colonel. In both countries, testifying officers brought their concerns to the principal which has perhaps the greatest ability to exert pressure on their civilian commander in chief: the public. Though whistle-blower revelations may come with risks, remaining silent comes with the greater risk of eroding both the professionalism of the armed forces and the democratic nature of the framework which governs them.

Brazil: public rebukes

In discussing scenarios where civilians themselves promote partisanship and political participation within the armed forces, we turn to the Latin American executive who is most compared to Donald Trump: President Jair Bolsonaro of Brazil. Of all contemporary Latin American heads-of-state, Bolsonaro provides the most illuminating example of how much a civilian principal can abuse the right to be wrong.

There were early indications that President Bolsonaro would endanger civil–military norms in Brazil. Once elected, he delivered on a troubling campaign promise by stacking his government with active and retired officers. Beyond Vice President Hamilton Mourão, himself a retired general who has made troubling comments about the possible re-insertion of the military into politics,⁶³ Bolsonaro has, to date, appointed 7 military officers to his cabinet, two active and five retired.⁶⁴ Equally, if not more concerning, was Bolsonaro’s rhetoric about Brazil’s past military dictatorship. He has claimed that the military did not kill enough people during its control of the state, arguing that “The mistake of the dictatorship was that it tortured, but did not kill.”⁶⁵ He has likewise praised the “self-coup” of Peruvian president Alberto Fujimori, citing it as an example of how the military could be reinserted back into state politics.⁶⁶

An outspoken supporter of past military intervention, Bolsonaro has on multiple occasions joined protestors supportive of both his government and a potential future coup. Protestors have called for a military intervention for a variety of reasons, first due to strict COVID-19 restrictions set by governors and mayors, and then in response to corruption investigations of Bolsonaro and his sons.⁶⁷ Bolsonaro supporters have identified a potential self-coup as being beneficial to their President, and by standing with them Bolsonaro has implicitly endorsed the idea.

Experts might then expect that the armed forces would whole-heartedly embrace this agenda, particularly when support from both the executive and a sizeable portion of the public exists. However, there was immediate backlash from retired officers in Brazil. General Carlos dos Santos Cruz, a member of Bolsonaro’s cabinet prior to a falling out with the President’s sons, argued: “The idea of putting the armed forces in the middle of a dispute between branches of the state, authorities and political interests is completely out of place. It is a lack of respect for the armed forces.”⁶⁸ Congressman Roberto Pertenelli, a former General and member of Bolsonaro’s party, said any order to intervene into politics would be illegal and unconstitutional. Brazil’s Defence Minister, General Fernando Azevedo e Silva, went so far as to issue a public statement affirming that the army was dedicated to the constitution and human rights, and that the military had no interest in a coup.⁶⁹

The military in Brazil has gained no new political positions or power from this dissent. President Bolsonaro’s prior military cabinet appointments are unrelated to the line drawn by officers against their civilian executive. That Bolsonaro has so consistently catered to the military makes these rebukes all the more surprising. Nonetheless, those rebukes have not undermined civilian supremacy, but are instead preventing civilian sabotage of military professional standards. If these Brazilian officers can rebuke a commander in chief without causing an erosion of civilian supremacy, United States officers may do the same.

To be sure, rebukes from military officers are not something to be encouraged under normal circumstances. Military leadership is expected to adhere to the chain of the command as part of their professional duty as active duty officers. Publicly condemning the actions of a commander-in-chief would erode confidence in the chain of command and in the military's own professionalism. General McChrystal's criticisms of President Obama, for instance, were inappropriate because they were made while he was on active duty.⁷⁰ Retired officers, however, have far more leeway. Indeed, they are outside the chain of command, but having served in the past, they then become powerful symbolic advocates for those who are still serving. Generals criticising Secretary of Defence Donald Rumsfeld's mismanagement of the Iraq war, for example, was a more justifiable series of public rebukes because these commanders were no longer charged with carrying out policy for civilian principals.⁷¹

Commanders freed from the chain of command may feel compelled by moral and professional obligations to speak out against what they see as wholly inappropriate, partisan-motivated orders by a president. James Mattis, much like Brazilian General Carlos dos Santos Cruz in that he was a high-level cabinet appointee prior to leaving the Trump administration, heavily criticised both his successor Secretary of Defence Mark Esper and the President after witnessing the deployment of the National Guard to Washington D.C. General Mattis wrote:

We must reject any thinking of our cities as a 'battle space' that our uniformed military is called upon to "dominate." At home, we should use our military only when requested to do so, on exceedingly rare occasions, by state governors. Militarizing our response, as we witnessed in Washington, D.C. sets up a conflict—a false conflict—between the military and civilian society.⁷²

Retired Joints Chief of Staff General Dempsey added, "America is not a battleground, our citizens are not the enemy."⁷³ And seemingly on behalf of guardsmen themselves, General John Kelly said: "The troops hate it [deployment against protestors], they don't see it as their job, they don't want to be used in that way."⁷⁴

These officers were right to come forward to criticise a dangerous agenda from their commander-in-chief, which would identify protestors as "enemies." Doing so prevented the military from violating human rights, but did not increase its political power. To be sure, these sorts of rebukes come with risks. Soldiers may become confused by public disputes between military officers and the commander-in-chief. They could also become demoralised, doubting their self-image as armed servants of their country. However, as General Kelly indicated, using U.S. soldiers to repress protestors is far riskier and would do even more damage to the morale, confidence, and internal cohesion of the armed forces than a public rebuke from military leadership. If anything, military condemnations are more like assurances to the rank and file that the military's leadership understands the unenviable position the President has placed them in, and has their back.

In fact, it may be argued that officers in the Brazilian military have gone far, but not far enough, in rebuking a coup on Bolsonaro's behalf. A few retired Generals in Bolsonaro's cabinet have behaved troublingly in defending the President from civilian checks. His national security advisor has warned of "unpredictable consequences for national stability" when Supreme Court investigations into Bolsonaro's supporters were authorised, and the same defence minister who clarified that the military would not support a

coup has suggested that the police ignore orders to investigate the President.⁷⁵ Though General Azevedo e Silva had made clear the military would not support a coup, he has not disavowed Bolsonaro's partisan agenda.⁷⁶ Rebukes must come with a clear and consistent affirmation of military disinterest in partisan politics, and though the rejection of a coup by some in the Brazilian armed forces is encouraging, the outspokenness of the pro-Bolsonaro faction demonstrates that the President's partisan pull has at least succeeded in part. Should officers wish to rebuke a commander in chief to avert the formation of a partisan military faction in the United States, they would do well to observe the Brazilian case.

Conclusion

This study has contended that public military dissent, even against the executive, has its place in U.S. civil–military relations. When used judiciously in the right context, dissent can serve to protect military professionalism, norms of legal behaviour, and the rights and freedoms of citizens. It can help to restrain a President who has abused his right to be wrong, when other checks on executive excesses are absent. Examples from Latin America make this abundantly clear. It is, unexpectedly, a region that does hold lessons for the United States and for other democracies. If soldiers can disobey without undermining the authority of political leaders, in a region that had once been rife with military intervention and where democratic institutions are only decades old, then they certainly can do so in a country with a tradition of civilian control that goes back more than two centuries.

If anything, developments in the United States and across the world highlight the problem of executives abusing their right to be wrong, and in doing so eroding civil–military relations and democracy. The problem of an executive abusing his authority and attempting to pull the military into inappropriate missions and situations is one which is likely to repeat itself. For this reason, scholars and policy-makers need frameworks to analyse the sorts of justifiable dissent which are available to military leaders when a commander-in-chief begins abusing their power, and those which should be avoided.

For instance, observers who are wary of military dissent may have been alarmed to learn General Milley had a private “shouting match” with the President about the prospect of using combat troops against protestors.⁷⁷ They may have been further alarmed when US Secretary of Defence, Mark Esper, publicly declared that he did not support President Trump's idea of using the Insurrection Act to send National Guard troops to cities without the invitation of mayors and governors.⁷⁸ However, evidence from Latin America suggests that (1) Secretary Esper's actions were hardly a death knell to civilian control and (2) that General Milley could have made his objections public without harming civilian control. If anything, an earlier, louder statement to troops and the public that the US military had no interest in getting involved in counter-protest operations could have prevented the infamous walk to St. John's Church, and even undercut the President's idea of using the 82nd Airborne division which apparently so spooked Secretary Esper and General Milley that they felt no alternative but to utilise the national guard.

Scholars in the future serve themselves and the wider public well in developing a typology of justifiable dissent. Recent lessons show that the cost of blind military compliance

can indeed be more costly than silence. A framework of justifiable dissent would map out then not only the sorts of dissent available, but their costs relative to benefits, and to other available options. Justifiable dissent does indeed, as we said earlier, need to be heavily contextualised, and thus scholars should pose plausible scenarios in order to better theorise this potential problem before it becomes an immediate crisis for officers.

Notes

1. Helene Cooper, 'General Milley Apologizes for Trump Photo Op Role - The New York Times', *The New York Times*. June 11, 2020, <https://www.nytimes.com/2020/06/11/us/politics/trump-milley-military-protests-lafayette-square.html> (accessed July 24, 2020)
2. As Feaver has pointed out, raising objections to policy in private, through normal channels is appropriate military conduct. See Feaver. 'Resign or Protest? A Curse Worse Than Most Diseases', *Armed Forces & Society*, (43, no. 1, 2017): 29-40.
3. Samuel P. Huntington, *The Soldier and The State: The Theory and Politics of Civil-Military Relations*. (Cambridge, MA: Harvard University Press, 1957), p. 73.
4. *Ibid.*, p. 78.
5. Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*. (Cambridge, MA: Harvard University Press, 2003), p. 6.
6. "Fidelity, faithfulness to the Constitution, binds the officer to the Nation and the *people* the officer serves," Found in Richard M. Swain and Albert C. Pierce, *The Armed Forces Officer*. (National Defense University, 2017), p. 4.
7. And even if it is not a long wait, an election may end an incumbent's term in office, but not necessarily deliver a new president who is more knowledgeable enough about defence, security, and civil-military affairs. Thus, serious abuses of the right to be wrong could be repeated.
8. Mark Osiel. *Obeying Orders: Atrocity, Military Discipline & the Law of War*. (New Brunswick: Transaction Publishers, 1999) Some like Osiel would maintain that officers should also face charges when they are "unreasonably mistaken" in their belief that a superior's orders were lawful, when they were not, and resulted in atrocities.
9. National Guardsmen are only subject to the UCMJ when federalized' which applies to the D.C. National Guard. Otherwise, they are subject to their respective state codes of military justice. See Domestic Operational Law 2018 Handbook for Judge Advocates. https://www.loc.gov/rr/frd/Military_Law/pdf/domestic-law-handbook-2018.pdf.
10. Associated Press, 'Soldiers convicted in Abu Ghraib scandal,' *The Baltimore Sun*. October 6, 2006 <https://www.baltimoresun.com/news/bal-ghraib-story.html> (accessed July 24, 2020)
11. Andrew Milburn, 'Breaking Ranks: Dissent and the Military Professional', *Joint Forces Quarterly*, 59, no. 4 (2010).
12. *Ibid.*, p. 107.
13. Donald Snider. 'Dissent, Resignation and the Moral Agency of Senior Military Professionals', *Armed Forces & Society* 43, no. 1 (2017): 5-16.
14. See Frederick M. Nunn. *Yesterday's Soldiers: European Military Professionalism in South America, 1890-1940*. (Lincoln, NB: University of Nebraska Press, 1983).
15. Risa Brooks, 'Paradoxes of Professionalism: Rethinking Civil-Military Relations in the United States', *International Security* 44, no. 4 (Spring 2020): 29.
16. David Pion-Berlin and Harold Trinkunas, 'Civilian Praetorianism and Military Shirking during Constitutional Crises in Latin America', *Comparative Politics* 42, no. 4 (2010): 395-411.
17. The Arab Spring literature has highlighted the professional and institutional reasons why militaries have defected from regimes that ordered them to repress the opposition. See Eva Bellin, 'Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab', *Comparative Politics* 44, no. 2 (2012): 127-49; Risa Brooks,

- 'Abandoned at the Palace: Why the Tunisian Military Defected from the Ben Ali Regime in January 2011', *Journal of Strategic Studies* 36, no. 2 (April 2013): 205–20; Zoltan Barany, *How Armies Respond to Revolutions and Why* (Princeton, NJ: Princeton University Press, 2016). For Latin American views, see Maiah Jaskoski, *Military Politics & Democracy in the Andes* (Baltimore: John Hopkins University Press, 2013); Pion-Berlin and Trinkunas, 'Civilian praetorianism and military shirking', *Comparative Politics* 42, no. 4 (2010): 395–411.
18. This goes back to Eric Nordlinger's observation that coups have been most commonly triggered by the military's selfish defence of its corporate interests. See Eric Nordlinger. *Soldiers in Politics: Military Coups and Governments*. (Englewood Cliffs, NJ: Prentice-Hall. 1977).
 19. According to survey results, a large majority in the U.S. of non-veteran civilian masses believe presidents should follow the advice of the generals when force is used in conducting foreign policy. See Jim Golby, Lindsay P. Cohn and Peter D. Feaver, 'Thanks for your Service: Civilian and Veteran Attitudes after Fifteen Years of War,' in K. Schake and J. Mattis, *Warriors and Citizens*, (Hoover Press: 2016) pp. 98–141; Risa Brooks, 'Militaries and Political Activity in Democracies', in S. C. Nielsen and D. Snider, eds. *American Civil-Military Relations: The Soldier and the State in a New Era*. (Johns Hopkins University Press, 2009) pp. 232–33.
 20. See David Pion-Berlin and Igor Acacio, 'Varieties of Military Behavior in Democratic Latin America', *Journal of Democracy*. 31, no. 4 (2020): 151–165.
 21. These are not disguised, covert forms of dissent that are normally associated with shirking. These are clearly visible, even provocative actions but ones that do not weaken civilian control. On shirking, see Feaver, *Armed Servants*.
 22. Brian Loveman, 'Misión Cumplida? Civil-Military Relations and the Chilean Political Transition', *Journal of Interamerican Studies and World Affairs*, 33 (1991): 35–74.
 23. 'Chile: the unexpected powder-keg', *Latin American Weekly Report*, 24, October 2019.
 24. Héctor Basoalto, "'La Verdad Es Que No Estoy En Guerra Con Nadie": General Iturriaga Se Desmarca de Dichos Del Presidente Piñera', *La Tercera*. October 21, 2019. <https://www.latercera.com/nacional/noticia/la-verdad-no-estoy-guerra-nadie-general-iturriaga-se-desmarca-dichos-del-presidente-pinera/870824/> (accessed July 24, 2020).
 25. Sebastián Vedoya and Sebastián Minay, '¿Cómo Los Militares Pueden Usar La Fuerza Ante Civiles? Qué Se Sabe (y Qué No)', *La Tercera*. October 24, 2019. <https://www.latercera.com/la-tercera-pm/noticia/los-militares-pueden-usar-la-fuerza-ante-civiles-se-sabe-no/876127/> (accessed July 24, 2020).
 26. Marcos Robledo, 'Rabia y Movilización En La Cuna Del Neoliberalismo: La Crisis de La Globalización En Clave Chilena,' *Análisis Carolina*, no. 26 (2019): 1–12, https://doi.org/10.33960/AC_26.2019.
 27. Jordan Muller, 'Trump calls protesters terrorists, pledges retribution for tearing down statues', *Politico*. June 26, 2020. <https://www.politico.com/news/2020/06/26/trump-retribution-protesters-statues-340957> (accessed July 24, 2020)
 28. Maggie Haberman and Charlie Savage, 'Trump, Lacking Clear Authority, Says U.S. Will Declare Antifa a Terrorist Group', *New York Times*. June, 21 2020. <https://www.nytimes.com/2020/05/31/us/politics/trump-antifa-terrorist-group.html>. (accessed July 24, 2020).
 29. Quint Forgy, 'Trump threatens to unleash gunfire on Minnesota protesters', *Politico*. May 29, 2020. <https://www.politico.com/news/2020/05/29/trump-threatens-to-unleash-gunfire-on-minnesota-protesters-288406> (accessed July 24, 2020)
 30. Amanda Macias, 'Esper Regrets Using the Term 'Battle Space' When Describing Protests', *CNBC News*. June 3, 2020. <https://www.cnn.com/2020/06/03/esper-regrets-using-the-term-battle-space-when-describing-protests.html> (accessed July 24, 2020)
 31. Lara Seligman, 'In Crisis Mode, Trump Again Leans on the Military', *Politico*. June 2, 2020, <https://www.politico.com/news/2020/06/01/trump-deploy-federal-assets-protests-294298> (accessed July 24, 2020).
 32. Risa Brooks, 'What Can Military and Civilian Leaders Do to Prevent the Military's Politicization?', *War on the Rocks*. April, 27 2020, <https://warontherocks.com/2020/04/>

- what-can-military-and-civilian-leaders-do-to-prevent-the-militarys-politicization (accessed July 24, 20)
33. Christine Hauser, 'What Is the Insurrection Act? Trump Threatened to Use It to Deploy the Military', *The New York Times*. June 2, 2020, <https://www.nytimes.com/article/insurrection-act.html?searchResultPosition=1> (accessed July 24, 2020).
 34. Maiah Jaskoski. *Military Politics and Democracy in the Andes*. (Johns Hopkins University Press, 2013), pp. 34–36.
 35. "Paro: La Represión Policial Bajo La Lupa | Plan V," Plan V, November 2019.
 36. In other instances, the military observed maximum restraint, going unarmed, avoiding confrontation at the expense of the destruction of military equipment, the injury of eighty servicemembers and the capture of 255 troops by protesters. See: *El Mostrador*. October 10, 2019. 'Tensión Máxima En Ecuador: Militares y Policías Se Enfrentan En Plena Manifestación.'
 37. Asamblea Nacional de la República del Ecuador. 'Informe de Los Hechos Relacionados Con El Paro Nacional Del 02 Al 13 de Octubre de 2019.' Quito 2019.
 38. 'Discurso Del General Javier Pérez Sobre La Actuación Del Ejército Durante Las Protestas de Octubre.' *TeleAmazonas*. November 15, 2019.
 39. Diego Carranza Jimenez, 'Presidente de Ecuador Destituyó Al Jefe Del Comando Conjunto y Al Comandante Del Ejército', Agencia Andolu, October 15, 2019. <https://www.aa.com.tr/es/mundo/presidente-de-ecuador-destituyó-al-jefe-del-comando-conjunto-y-al-comandante-del-ejército/1615127> (accessed July 24, 2020)
 40. Dan Spinelli, 'Top General Defends His Actions After Appearing in Trump Photo Op', Mother Jones. June 2, 2020 <https://www.motherjones.com/politics/2020/06/top-general-defends-his-actions-after-appearing-in-trump-photo-op> (accessed July 24, 2020).
 41. 'About the Guard,' <https://www.nationalguard.mil/About-the-Guard/Army-National-Guard/About-Us/> (accessed August 19, 2020)
 42. Helene Cooper and others, 'Aggressive Tactics by National Guard, Ordered to Appease Trump, Wounded the Military, Too', *The New York Times*. June 10, 2020, <https://www.nytimes.com/2020/06/10/us/politics/national-guardprotests.html?searchResultPosition=1> (accessed July 24, 2020)
 43. Ibid.
 44. The D.C. National guard is unique, in that it does not answer to the governor of a state, but rather to the President, through a chain of command that runs up through the Army Secretary and then the Secretary of Defense.
 45. Rules of Force for National Guardsmen can be found at National Guard Domestic Law Enforcement Operations Guide, August, 2010. [publicintelligence.net/national-guard-domestic-law-enforcement-operations-guide/#:~:text=\(ROE%2FRUF\)-,a.,the%20use%20of%20force%20instead.&text=Rules%20for%20the%20use%20of%20force%20will%20be%20developed%20by,in%20accordance%20with%20state%20law.](http://publicintelligence.net/national-guard-domestic-law-enforcement-operations-guide/#:~:text=(ROE%2FRUF)-,a.,the%20use%20of%20force%20instead.&text=Rules%20for%20the%20use%20of%20force%20will%20be%20developed%20by,in%20accordance%20with%20state%20law.) Training guidelines
 46. United States Army, 'Civil Disturbance Operations,' United States Army Military Police School, 2006, <https://info.publicintelligence.net/USAMPS-CivilDisturbanceOps.pdf>.
 47. Daniel Lippman, "'What I Saw Was Just Absolutely Wrong': National Guardsmen Struggle with Their Role in Controlling Protests", *Politico*. June 9, 2020, <https://www.politico.com/news/2020/06/09/national-guard-protests-309932> (accessed July 24, 2020).
 48. Helene Cooper. 'General Milley Apologizes for Trump Photo Op Role - The New York Times', *The New York Times*. June 11, 2020 <https://www.nytimes.com/2020/06/11/us/politics/trump-milley-military-protests-lafayette-square.html> (July 24, 2020).
 49. Morgan Chalfant, 'Trump Shrugs off Apology from Top US General over St. John's Photo-Op,' *The Hill*. June 12, 2020, <https://thehill.com/homenews/administration/502417-trump-shrugs-off-apology-from-top-us-general-over-st-johns-photo-op> (accessed July 24, 2020).
 50. Sydney Freedberg Jr, 'Let Leaders Off The Electronic Leash: CSA Milley', *Breaking Defense*. May 5, 2017. <https://breakingdefense.com/2017/05/let-leaders-off-the-electronic-leash-csa-milley/> (accessed July 24, 2020).

51. Risa Brooks, 'Paradoxes of Professionalism: Rethinking Civil-Military Relations in the United States', *International Security* 44, no. 4 (Spring 2020): 24.
52. Aljeo Vargas Velásquez, *Las Fuerzas Armadas en el Conflicto Colombiano: Antecedentes y Perspectivas*, (Bogotá: Intermedio Editores, 2002).
53. Nicholas Casey, 'Colombia Army's New Kill Orders Send Chills Down Ranks', *The New York Times*. May 5, 2018, <https://www.nytimes.com/2019/05/18/world/americas/colombian-army-killings.html> (accessed July 24, 2020); 'Operación Silencio: Amenazas y Presiones Sobre Los Militares Que Hablan de Falsos Positivos En La JEP', *La Semana*. June 23, 2019, <https://www.semana.com/nacion/articulo/operacion-silencio-amenazas-y-presiones-sobre-los-militares-que-hablan-de-falsos-positivos-en-la-jep/620661> (accessed July 24, 2020).
54. Joe Parkin Daniels, 'Colombian Army Killed Thousands More Civilians than Reported, Study Claims', *The Guardian*. May 8, 2018, <https://www.theguardian.com/world/2018/may/08/colombia-false-positives-scandal-casualties-higher-thought-study>.
55. Nicholas Casey, *The New York Times*, 2020.
56. "Operación Silencio," *La Semana*, 2019.
57. *ibid*
58. Kaitlin Collins and Kevin Liptk, 'Alexander Vindman, Top Ukraine Expert, Has No Intention of Leaving', *CNN*. November 7, 2019. <https://www.cnn.com/2019/11/07/politics/alexander-vindman-national-security-council-work/index.html> (accessed July 24, 2020).
59. R.D. Hooker Jr., 'Alexander Vindman Is a Patriot. This Country Should Treat Him like One', *The Washington Post*. February 18, 2020, https://www.washingtonpost.com/opinions/alexander-vindman-is-a-patriot-this-country-should-treat-him-like-one/2020/02/18/9a5ea20e-5272-11ea-b119-4faabac6674f_story.html (accessed July 24, 2020).
60. Peter Nicholas, 'John Kelly Finally Lets Loose on Trump', *The Atlantic*. February 13, 2020, <https://www.theatlantic.com/politics/archive/2020/02/john-kelly-alexander-vindman-north-korea-and-trump/606496/> (accessed July 24, 2020).
61. Nicholas Casey, *New York Times*, 2020.
62. Nicacio Martínez had himself been accused of being involved in the False Positives scandal prior to being appointed to Army Commander by President Duque. See: Associated Press, 'Evidence Links Colombia Army Chief to Civilian Slayings', *The New York Times*. May 5, 25 2019, <https://www.nytimes.com/2019/05/25/world/americas/evidence-links-colombia-army-chief-to-civilian-slayings.html>.
63. Chico Marés, 'Quem é o General Mourão, Que Falou Em Intervenção Militar,' *Gazeta do Povo*. September 18, 2017, <https://www.gazetadopovo.com.br/politica/republica/quem-e-o-general-que-falou-em-intervencao-militar-para-resolver-crise-politica-do-pais-cf8v1mx7i60rnreu8b40mrirs/> (accessed July 24, 2020).
64. Anthony Boadle, 'Brazil's Bolsonaro Militarizes His Inner Cabinet', *Reuters*. February 13, 2020, <https://www.reuters.com/article/us-brazil-politics/brazils-bolsonaro-militarizes-his-inner-cabinet-idUSKBN2072S5>.
65. 'Defensor Da Ditadura, Jair Bolsonaro Reforça Frase Polêmica: 'O Erro Foi Torturar e Não Matar'', *Jovem Pan*. August 7, 2016, <https://jovempan.com.br/programas/panico/defensor-da-ditadura-jair-bolsonaro-reforca-frase-polemica-o-erro-foi-torturar-e-nao-matar.html> (accessed July 24, 2020).
66. James Brooke, 'Conversations/Jair Bolsonaro; A Soldier Turned Politician Wants To Give Brazil Back to Army Rule - The New York Times', *The New York Times*. July 25, 1993, <https://www.nytimes.com/1993/07/25/weekinreview/conversations-jair-bolsonaro-soldier-turned-politician-wants-give-brazil-back.html> (accessed July 24, 2020); Ana Pompeu, 'As Frases Polêmicas de Jair Bolsonaro', *Congresso em Foco*, August 5, 2017. <https://congressoemfoco.uol.com.br/especial/noticias/as-frases-polemicas-de-jair-bolsonaro/> (accessed July 24, 2020).
67. Pedro Fonseca and Gram Slattery, 'Brazil's Defense Ministry Says Committed to Democracy, Rejects pro-Coup Protests', *Reuters*. May 4, 2020, <https://www.reuters.com/article/>

- us-brazil-democracy/brazils-defense-ministry-says-committed-to-democracy-rejects-pro-coup-protests-idUSKBN22G2EX (accessed July 24, 2020).
68. Anthony Boadle, 'Threat of Brazil Military Coup Unfounded, Retired Generals Say - Reuters', *Reuters*. June 22, 2020, <https://www.reuters.com/article/us-brazil-politics-military-analysis/threat-of-brazil-military-coup-unfounded-retired-generals-say-idUSKBN23T1JW> (accessed July 24, 2020).
 69. Fonseca and Slattery, 'Brazil's Defense Minister Dedicated to Democracy', *Reuters* 2020
 70. Jonathan Weisman, 'Decision to Dismiss McChrystal Came Swiftly,' *The Wall Street Journal*. June 24, 2010, <https://www.wsj.com/articles/SB10001424052748704629804575324673218719434> (accessed July 24, 2020)
 71. David S. Cloud, Eric Schmitt and Thom Shanker, 'Rumsfeld Faces Growing Revolt by Retired Generals', *The New York Times*. April 13, 2006, <https://www.nytimes.com/2006/04/13/washington/rumsfeld-faces-growing-revolt-by-retired-generals.html> (accessed July 24, 2020).
 72. Jeffrey Goldberg, 'James Mattis Denounces Trump as Threat to Constitution', *The Atlantic*. June 3, 2020, <https://www.theatlantic.com/politics/archive/2020/06/james-mattis-denounces-trump-protests-militarization/612640/> (accessed July 24, 2020).
 73. Thomas Gibbons-Neff and Others, 'Former Commanders Fault Trump's Use of Troops Against Protesters', *The New York Times*, June 2, 2020, <https://www.nytimes.com/2020/06/02/us/politics/military-national-guard-trump-protests.html> (accessed July 24, 2020).
 74. Macias, "The Troops Hate it," *CNBC* 2020
 75. Fonseca and Slattery, "Brazil's Defense Minister Dedicated to Democracy," *Reuters* 2020
 76. 'Coronavirus: Defense Minister Tries Pacification in Conversation with Moraes', *Explica*. June 2, 2020, <https://www.explica.co/defense-minister-tries-pacification-in-conversation-with-moraes/> (accessed July 24, 2020)
 77. John Walcot, 'Trump or the Troops? Why 2 Top Military Leaders May Be Forced to Choose,' *Time*. June 26, 2020. <https://time.com/5860398/esper-milley-trump-loyalty/> (accessed August 19, 2020)
 78. Zachary Cohen and Others, 'Mark Esper: Pentagon Chief on Shaky Ground with White House after Breaking with Trump over Protest Response', *CNN*. June 3, 2020, <https://www.cnn.com/2020/06/03/politics/esper-insurrection-act-protests/index.html> (accessed July 24, 2020).

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributors

David Pion-Berlin is a Distinguished Professor of Political Science at the University of California, Riverside. His research focuses on civil–military relations, defence and security. His recent articles have appeared in *The Journal of Democracy*, *Democratisation* and *Comparative Politics*.

Andrew Ivey is a PhD candidate with the Department of Political Science at the University of California Riverside. His research concerns civil–military relations, insurgency, police–military relations and democratisation. His previous research has appeared in the journal, *Democratisation*.