

Center for Strategic and International Studies

TRANSCRIPT

## Online Event

# “Schieffer Series: The Role of the Military During Times of Civil Discord”

RECORDING DATE

**Tuesday, June 9, 2020**

TIME

**1:00 p.m. EDT**

SPEAKERS

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*National Security Correspondent, Wall Street Journal*

**William Cohen,**

*Former Secretary of Defense*

**Jeh Johnson,**

*Former Secretary of Homeland Security*

**Mike Mullen,**

*Former Joint Chiefs of Staff Chairman*

CSIS EXPERTS

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John J. Hamre:

OK. Good afternoon, everybody. This is John Hamre. I'm the president of CSIS. And this is the – a virtual version of the Schieffer Series. The Schieffer Series is designed to be a medium where we bring journalists who ask questions of our most important policy leaders to talk about the big issues of our day. I'm grateful that Nancy Youssef is willing to be our moderator today. Thank you, Nancy. It's terrific of you to do that. Very sincere thanks to Secretary Cohen, Secretary Jeh Johnson, Chief of the Joint Chiefs Admiral Mike Mullen. It's great that you're willing to be with us.

When we were organizing this I did reach out to the administration to ask them to give us a candidate who was willing to participate today. We didn't get a response. We'll follow up. We'll have an opportunity. But today we're going to dig into the very deepest issues. How does a democracy deal with civil discourse? How does a democracy deal with a military establishment that brings order and direction to society? It's a big issue.

Nancy, why don't I turn to you? Thank you for organizing this.

Nancy Youssef:

Well, thank you for letting me be a part of such a wonderful conversation, and to moderate such an esteemed panel.

What I'd like to do is to ask each of our participants a question, then I would like to open it up to questions from everyone to chime in as you see fit. And, Admiral Mullen, if I may start with you, because you were the first of several general officers to come forward, as your piece is titled, that you couldn't remain silent. And I wonder if you could walk our audience through sort of your decisions. Specifically, why now? Your decision to name the president in your piece, which you hadn't done? And what you hoped would come of the publication of your piece?

Mike Mullen:

Well, I'll answer the last part first. I had no idea that the piece would sort of open the door, and that there would be this avalanche afterwards. I didn't coordinate with anybody. I didn't know General Mattis would come. Nothing like that. But I think the fact that so many did or have speak volumes about the pent-up desire to try to – to try to get this into a good position from the retired military types. Nancy, as you know, I've spoken out strongly about retired military-types speaking for a long time, because I think it has a chance – a significant chance to politicize the military, which is the last thing I want to see happen for the organization. And at the core of what I was observing the other day, as institution after institution in Washington has been politicized over time, and the military has been able to stay away from that. At its core, the turning of the active-duty troops on the American people had a way of – not way – was a direct path to politicization. And that's why I spoke out.

And, in fact, it reminded me of some 52 years ago when I was about to graduate from Annapolis, and Bobby Kennedy was killed the night that I graduated – the day that I graduated, sorry. Months before that, Martin Luther King was killed. I was actually dating my wife at the time. She wasn't my wife at the time, but we were dating. And Washington, D.C. was barricaded down, tanks in the street, National Guard deployed, and it was burning.

And so it was one of those – and the military had to work hard after 50 years, over 50 years, to restore the faith the American people had in it and trust tied to what was lost in the Vietnam War. And I saw the possibility of that getting changed in a flash by turning active-duty troops on the American people, in addition to addressing very clearly the right of the American people to peacefully protest, you know, as is laid out in our Constitution; and then, thirdly, the need to address the whole issue of racism in the country.

So it was a number of things, but principally it was to speak against what I saw as very possibly – a significant possibility of rapid politicization of our military by turning them loose in the streets against the American people.

Nancy Youssef: I wonder if you could reconcile for us, because what I'm hearing you say is one of the reasons to speak out was to keep the military apolitical. And yet the challenge is, in speaking out and entering – it's entering the political fray to remain apolitical. How do you reconcile that? How do you –

Mike Mullen: Yeah, I – it's a very difficult one to reconcile, one. It was a very – I did not take the step easily or lightly. And I saw the risk of politicizing the military associated with the events, the ongoing events, as a much higher risk than dealing with the fact that I'm a former – the risk associated with speaking out like that. It isn't like this is the beginning of a campaign over a long period of time. It was very focused on the issues that were very evident to me at the time.

And I'm also driven by, you know, the historic – the historic statements, if you will, of those who remain silent are actually acquiescent. And in my own way, I could not acquiesce to what was going on in that moment.

Nancy Youssef: Secretary Johnson, you know, in your capacities as – before secretary of homeland security, but before that as a DOD legal counsel, you've had an opportunity to review the issues around the events of the past few weeks from a number of different angles. And I was wondering if you could walk us through some of the legal issues that are – that have to be sort of met and answered before quick-reaction forces are put outside of the nation's capital.

And do you think this week's events demand a reexamination of the Insurrection Act, particularly its applicability to Washington, D.C., where there isn't a governor to give permission or to intervene in a way that the states have?

Jeh Johnson: Good afternoon, Nancy. Good afternoon, everybody.

First, I have to say this. Allow me to just pay tribute to my two co-panelists, Secretary Cohen and Admiral Mullen. I feel very much like the guppy in the pond with these two distinguished Americans alongside me.

I have to tell one short story. First time I served in the Pentagon was 1998, when I was general counsel of the Air Force. Secretary Cohen was secretary of

defense at the time. I was sort of a third-tier political appointee. But I had a fabulous parking spot that was in the front row, right off the river entrance, just a few feet away from the river entrance.

The problem with having such a fabulous parking spot is if I went out in the middle of the day to, like, a parent-teacher conference and I came back, somebody would take the spot and I'd end up having to park out in Rosslyn somewhere. And it happened yet again, one more time. I got really angry. I told my military assistant, find out who put their car in my parking spot. We're going to tow them away. And so the Mil-A took the license plate down, and he had the presence of mind to run the name first before he had the Pentagon police tow the car away. And he came back to me, and he said, Sir, the car is registered to somebody by the name of Janet Cohen. And I said, Uh, OK, never mind – the result of which is that I got to go on to two other presidential appointments.

But anyway –

Nancy Youssef:

(Laughs.)

Jeh Johnson:

So there's been a lot of discussion this week about posse comitatus and the Insurrection Act. In general, the law says – the 1878 statute says that the military will not act as a posse comitatus except upon explicit authorization by the Congress and the Constitution. So that's the general rule, which is ingrained in every military officer's bones. They all know that.

There is an exception to that called the Insurrection Act of 1807, signed into law by Thomas Jefferson at a time when we didn't have a real robust law enforcement in the states and when there was no standing army. Fairly read, the Insurrection Act of 1807 is an act of last resort. I have said it all last week. It's when all state government has failed, when state government is refusing to abide by federal court orders, when the whole thing has melted down – it's an act of last resort. And I was pleased that the secretary of Defense in the middle of last week said exactly that.

Now in response to that – and I don't believe we came anywhere near in the situation last week in Lafayette Park or anyplace else to a circumstance where the Insurrection Act was appropriate to be invoked. We were nowhere near a total meltdown. This was something that the governors and the mayors, coupled with their national guard, under state-level control, were able to handle.

Now lots of people come back and say, well, the Insurrection Act has been invoked a number of times. It was invoked during Eisenhower. It was invoked in 1992 in the Rodney King demonstrations in California. And the most honest answer any lawyer can give you to that – and by the way, my interpretation of the Insurrection Act is the same you'll get from the ACLU and I believe the federal society across the board, so act of last resort. But the most honest explanation that anybody can give you for those prior invocations is, in the hands of a mature, responsible actor, like a Dwight Eisenhower or a George

H.W. Bush, nobody gets really excited about the possibility of invoking the Insurrection Act of 1807. It's only when someone who uses the invocations of these laws as a demonstration of authority that we all become very, very concerned.

I don't believe the Insurrection Act should be revised in any way. It's an age-old law, but we have to understand to be circumspect in the invocation of it. And I was very pleased to see Admiral Mullen, General Dempsey, General Allen, General Mattis, Admiral McRaven and so many others come out against the invocation of this because it's in their fiber. You don't need to be a law professor to know it's wrong to put active duty military on the streets of Washington, D.C. It's in the culture, it's in their bones, it's in – it's day one academy curriculum. And so I was so pleased to see our distinguished retired military come out against this.

Nancy Youssef:

I wanted to – you mentioned some of the comments that Secretary Esper made earlier this week, and that leads me to a question I was interested in posing to Secretary Cohen.

One of the things Secretary Esper said was that he – in a press conference last week, he said that he aims to be apolitical. But the reality is he is a political appointee, and so I think he was trying to communicate keeping the military apolitical.

But I wonder if you could walk us through how to thread that needle. How does someone who is leading a department like the Pentagon, which aims to be apolitical, do that while in a political appointee position like Secretary of Defense?

William Cohen:

Nancy, thanks very much.

First let me respond to Jeh Johnson – Secretary Johnson – that my wife, Janet, is deeply grateful for him forbearing for towing her car away. She worked every day at the Pentagon, and so she was able to get there and get a front-row parking spot. But she remains deeply grateful to this day and admires him a great deal.

Another comment about Bush 41 that Jeh Johnson just invoked, when the Rodney King rebellion or riot, however you want to characterize it, broke out in California, President Bush came over to meet with Bob Dole, and asked Bob Dole – and I was invited also to meet with the president, having known him very well. And he asked: What do you think I should do? What do you think about this language I'm about to use? And looking for consultation because understanding how important it was before he deployed U.S. force into California. So that's why I think what Secretary Johnson just mentioned about the person in the office having this terrible responsibility.

But now let me go back and answer your real question here. When President Clinton asked me to serve as his secretary of defense, number one I was stunned. I had – I was not campaigning for it. I had packed all my office books

up. I had just signed a lease for a downtown office. And I didn't know him well. I had shaken his hand on a number of occasions. We had never had a conversation today. I voted against many of his proposals. And so I was surprised that he, after two conversations, offered me to serve as his secretary of defense.

And I had a phone – we had two conversations. I assured him that as a Republican I would become part of his Cabinet. I would be loyal to the office. Never loyal to him, but loyal to the office. I would never go backdoor and call my friends up on Capitol Hill and say: Guess what these guys are doing down here? Number one, you have to be assured of that.

But number two – (coughs) – excuse me – I need your assurance that you will never involve me in a political discussion, not allow me, as a head of the department, to be engaged in any discussion of Democratic politics, or any other kind of politics. And he didn't waste a second. He said, absolutely. And under those circumstances, he gave me absolute total rein to serve as an apolitical secretary of defense, even knowing that I was an elected official for some 18 years in the Senate, and another six prior to that time, that I was going to act without any partisanship.

And that's the way I was able to conduct myself. Not every secretary has that flexibility, I suspect. But it comes down to this: I was determined never to in any way allow politics to play into the decision. I was very much influenced by H.R. McMaster's book. And in fact, General Henry Shelton, he made sure that every one of us had a copy of "Dereliction of Duty." And that book was important, because McMaster was saying what happened during Vietnam, and how the military really was used in a political way, and we should never allow that to happen again.

So we were very much aware of making sure that it didn't happen. Issues came up, for example, when we decided to go after Osama Bin Laden. And they started saying it was Wag the Dog. And I can tell you, that was the only time really I felt in any political position, where I received a call from Newt Gingrich and Bob Livingston on Capitol Hill. And they said: The top is blowing off the capitol. I said, why? They said, because you authorized, under President Clinton, authorized going – taking military action against Bin Laden just as we're about to report our impeachment resolution. And I said, what do you want me to do? They said, come up here. They had a closed session of Congress that night.

I went up for three hours with General Shelton and the CIA director and stood in the well of the House, and looked directly at my Republican colleagues, and went through the exact process under which we decided to take action at that time. And I remember Tom DeLay had a question. He said, what do you think about our bringing out an impeachment resolution? I said, it's up to you. I don't have a feeling one way or the other. You can do it if you choose to. But that's separate and apart from anything we're involved with. So I was able to call upon my own political experience, having served, you know, a total of 24

years of Capitol Hill. I could use that experience in saying: Here's how I've acted for 24 years. I can assure, there was no politics involved in this.

And so it was a case where I used my political background in order to assure them there was no politics involved. Does everybody have that opportunity? Probably not. But basically – and I'll stop here – I was required to carry out the orders of the commander in chief unless it was obviously illegal in my opinion or it was so morally objectionable to me that I couldn't serve and I would resign, and I never had to consider that under any circumstances with President Clinton.

Nancy Youssef:

It's interesting, in all of your answers I hear an understanding, an unspoken rule about keeping the military apolitical, about the sacred responsibility of deploying the military. But I also think we're at a time where the nation is increasingly polarized. And I want to just ask all of you: Is it realistic to continue to think that the military can remain apolitical? Is that sustainable, particularly as the country becomes increasingly polarized?

Mike Mullen:

I mean, I'll take a crack at it, Nancy. I think it's an absolutely – it's an absolute requirement that we stay apolitical. And the more difficult it becomes, the harder we have to work at it.

I have – you have as well – I've been in countries where the military's – literally in my time as chairman and as head of the Navy where the military's completely politicized. And the freedoms that we have, the operative pieces of us as a democratic country, they don't exist in those countries. And I worry a great deal that once we start down that road that it will be a road that we – one, we can't turn back, we can't turn around on, and we become a different country specifically. We've had times in our country where the military has been very political or politicized, and there's two – there's really two views of that. I mean, those are two different things. Certainly, many, many generals in the Civil War were political, and yet we came through that. I just think in these times it would be a – it would be a devastating change for who we are as a country. So we got to work hard.

One of the things I worry a lot about with retired types speaking out historically, starting for at least seemingly in the Iraq War, is we're training our young that this is OK so that when they grow up – and many of them have, obviously; that was 2004 – and they become senior – more senior people or they retire, that somehow this is OK. And this started roughly in the late '80s, and we parade, you know, retired generals and admirals at political conventions. We've seen, you know, two principal speakers at the last two conventions, all of which I think sends really bad messages back to those who are serving in the military. So we need to be careful about that and we need to teach this, you know, at the war colleges. We need to teach it from day one at Annapolis and West Point and Air Force that we cannot – we cannot take steps in which we become politicized or political.

Jeh Johnson:

Nancy, if I could, I think there's several different ways to slice the answer to that question.

One, I think we all have to be realistic that the military is – follows the orders of the commander in chief. The commander in chief has his or her policy. The policy may be political. For an engagement in country X or country Y, it may be seen as part of a political agenda. But the military follows orders and it follows the orders of the commander in chief. So the military should not be regarded as political because it is following the orders of a politician.

So that's – the other, which Admiral Mullen pointed to, is the military, specifically the leaders and retired military, have to be exceedingly careful about not appearing to be political – to be used and politicized, as Mike put it – because what happens is if you were to see – if you see a retired four-star at a convention, for example, it tends to reflect back on the organization they commanded. It tends to reflect. People assume, therefore, that the unit that that retired officer led was – reflects the political views now being expressed overtly by the retired officer.

And then there is sort of the day-to-day opinions of individual officers and enlisted. Everybody has opinions, but I think it's important. And I'm wrestling with my – I'm wrestling with this issue right now with my son, who wears the uniform of our country. He's asking me, dad, what should I say to other members of my unit about the current situation back home in Minneapolis?

And individual members of the military have their opinions, but once you go down the hole of expressing them, it tends to divide the unit. It can be a divisive factor in the unit. And I had the privilege, when I was working alongside of many senior officers when I was at the Pentagon as the lawyer, day to day I worked with them but I had no idea what their politics were. And to this day I couldn't tell you what their politics are, because truly professional military know how to keep politics out of their day-to-day work. And it's all about unit cohesion and following the orders of the commander.

William Cohen:

If I could jump in here, Nancy, to follow up on Secretary Johnson. The commandant of the Marine Corps recently sent out a directive insisting that all Confederate flags be removed from military property. And he did that in order to say that we are fighting as a unit. We are organizing, training as a unit. We are unified. And if you start having individual political statements being made, such as the flying of a Confederate flag or using it as insignia, that's going to prove divisive. And if we're divided, then we are going to be ineffective and it's going to be dangerous to our safety and to the nation's security.

So really, to deal with these issues, it starts at the top. And it's really the core values of our leader, who is the president of the United States. And when that leader expresses opinions which cut to the core of who we are as a country, then it starts to filter down, or cascade down, I should say, into areas that are very dangerous.

The president, for example, says I am the president of law and order. I don't have a problem with law and order if you include justice. And that is something that's fundamental to any democracy. You cannot have law and order unless



you have a sense of justice. It says over the Supreme Court, equal justice under law.

And so if we're really trying to get to the nub of the issue, why were the troops being called out? And I want to pick up on what Admiral Mullen said. When I looked at what was taking place in the square, I could have seen a scene out of Moscow or Soweto or Pyongyang, with the military just shoving people to the side, firing into the crowd, using smoke bombs, et cetera. That's something I never thought I would see in this country under the circumstances where they were peacefully protesting.

And so I think it all starts at the top. And if you have leaders who don't respect the rule of law, which includes justice, equal treatment, equal opportunity, then you really don't have a democracy. You have something quite different. And that's why we have to be very, very careful about who we put in a position of very, very power – a powerful position.

Nancy Youssef:

Secretary Cohen, you described for so many Americans a jarring image of men and women in uniform arresting fellow Americans. And I wonder, though – you know, the U.S. military, as you know, sells weapons, supplies and vehicles to police forces around the country. If there's an objection to having U.S. troops on American streets, should the federal government reconsider selling its military equipment? Does the presence of that equipment in police departments contribute to the militarization that we're seeing in police culture?

Secretary Johnson –

William Cohen:

OK. I think you have to –

Nancy Youssef:

No, no – (inaudible) Please do.

William Cohen:

OK. I think you have to start at the local level. In other words, there has to be fundamental reform, I think, throughout the police departments. There has to be accountability. There has to be transparency. You can't have a situation in which the blue curtain of silence drops down when someone who is black, brown or minority suddenly is a victim of violence, police violence.

You have to have a process at the local level which allows for the public to see exactly what has taken place and hold these officers, few as they may be, but hold every officer who engages in excessive conduct, you have to hold them accountable. I think what's happened over time is they haven't been held accountable in many cases. And so you're seeing more and more of not a radicalization, but a rebellion of sorts at the local level, saying the police aren't being fair. They're not treating us as equal citizens. We're not being treated throughout our judicial system as equal citizens. So the foment is building at the local level, and I think it's going to require the reform of the police in terms of their accountability and transparency, and before you get to the issue of what kind of weapons they should have in order to maintain stability and order

in their societies. I don't think you start at the top; I think you start at the bottom.

Nancy Youssef: I want to –

Jeh Johnson: Nancy?

Nancy Youssef: Yes, sir?

Jeh Johnson: Nancy, we learned after Ferguson that – in 2014 – that military assets on the streets in cities in the United States can be especially provocative to a civilian crowd. You put a Humvee on Main Street in Ferguson, Missouri, it's a very provocative, in-your-face response to a protest, to civil disobedience, that can only escalate the situation, can only escalate the violence. And so one of the lessons from Ferguson was, in the prior administration, be very, very careful about selling Department of Defense assets and weaponry to domestic law enforcement because it can be particularly provocative.

I have many thoughts about Lafayette Square and what happened last week there, which I assume we'll get to. But I think you have to be – as appealing as it may be to domestic law enforcement from time to time to have these assets, I think you have to be exceedingly careful. City councils have to be exceedingly careful about putting this kind of weaponry – heavy armor, heavy weaponry – on the streets of large and small cities across the country.

Nancy Youssef: Given the fomenting that Secretary Cohen was describing, and the experiences and lessons from Ferguson, do you think that there now have to be adjustments, changes, adaptations made six years later, in 2020, based on what we've seen over the past two weeks in terms of how those weapons are distributed, the rules for selling them, anything along those lines?

Jeh Johnson: Yes. (Laughs.) We started down that road after Ferguson, and I – it would be nice to know that we're continuing. I think, ultimately, it's going to be up to local authorities – mayors, city councils – to say yes or no to this type of weaponry doesn't belong on my streets and my city, whether it's Montclair, New Jersey, where I live, or Camden, or Philadelphia, or New York, or Los Angeles.

William Cohen: Nancy, it also raises another issue, and that is why are we having assault weapons on our streets sold commercially? We're seeing the arming of citizens in the name of the Second Amendment which I think exceeds any notion of having a well-armed militia historically to have people who have basically the same weapons of war that are used by our military. And that's one of the reasons the police have been calling for we're being, quote, "outgunned," we're being overwhelmed by these assault weapons in the hands of individuals. So this is going to require, I think, a real rethinking of what it is we – are there any limitations whatsoever? Should we have RPGs sold on the – in commercial shops, hand grenades? What is the limit in terms of the notion that you are allowed to have a right to own a weapon? Can it be of any magnitude whatsoever? I think this is the kind of issue, because the police are saying, wait

a minute, we go to a situation where we're being shot at by assault weapons, we have no way to protect ourselves, so therefore we need armor. I think it's going to require us to think about what kind of society we really want to have and have not had for some time in terms of real civil control in our streets.

Nancy Youssef:

Admiral Mullen, Secretary Johnson talked about Lafayette Square, and one of the consequences of that was that General Milley wrote a memo to the force reminding them that they took an oath to defend the Constitution. As you well know, a chairman chooses his words to the force very carefully, and I wonder from your perspective how remarkable it was that the chairman felt the need to remind the force that they took an oath. Do they need to be reminded? And did he miss, from your perspective, an opportunity to address some of the broader issues of race relations within the military as the service chiefs did in their subsequent messages to the forces?

Mike Mullen:

Your point about him picking his – choosing his words, which is a big deal for anybody at that level, is critical. I thought it was – there was no need – no substantive need, no top-level need for him to remind everybody, because I think people understood that. But I thought that the subtext of it, given what was going on, was really important in terms of reminding everybody who we are, that we sign up to support and defend the Constitution, you know, not an individual, and what those rights are. So in that regard, I thought it was important it came out, you know, at a specific time – a good time, in that regard.

Secondly, you know, we've had – we've had evolution in the military with respect to race relations over the course of – well, long before I joined in the late '60s, but certainly since then. And we are in much better – we're a much better organization in the military with respect to race relations than we were back then. That doesn't mean we still don't have work to do. I worry a great deal about young people who are in the military right now and who are watching this from the outside, and have their families going through it. And how are they – you know, how do they address it? How does the organization, their unit or their – or their service address the continuing issues that are there. And having meaningful discussions about them, about that is important as well.

I raised in one of my public – in my public interview on this the need to have more black four-stars. It's a big deal. I worked that hard when I was – both as the head of the Navy to get more senior officers into the three- and four-star position. And certainly when I was chairman. I made that a priority with each of the service chiefs. And I can look back on that time and look at the numbers that – the number of individuals who got to that level, which was all about creating an opportunity, and look back positively in terms of what we were able to achieve. That said, I left some eight and a half years ago, and I worry a great deal that we've regressed since that time, because the numbers just aren't there.

I am buoyed by the fact that General Brown, who's an African American, is about to take – assuming he gets confirmed, and I think he's up for confirmation today or his hearing is today – I think that's a big step in the right

direction. But it's one. Each of the services has to address it. And this is the purview of the uniformed leadership. This is what service chiefs have to – have to focus on. And in focusing on it, as a leader, as the number-one individual in your service, it's stunning how much you can do in an incredibly short period of time. And I would encourage – I hope our service chiefs pick up on that and do a lot more.

Nancy Youssef: Secretary –

Jeh Johnson: Having said all that – Nancy, having said all that, it remains the case that the military – the United States military is one of the most integrated, diverse institutions and communities in America. It's a place where interracial marriage, for example, is the most prevalent. I think Admiral Mullen's correct that in terms of the upper ranks there's a lot of work to do, but the military itself is very much a diverse, integrated community.

Nancy Youssef: Hmm. I wanted to go back, Secretary Johnson, to your comments about Lafayette Square. And forgive me if I'm asking a rudimentary question. One thing I was confused by, there were so many functions happening out of the Justice Department that one would have thought would be under Homeland Security. There was a headquarters operations center in FBI headquarters. Can you help us understand why so many decisions came out of Justice when they would seemingly fall under the Department of Homeland Security?

Jeh Johnson: Well, you're confused because it was confusing.

Nancy Youssef: Well, good. Usually confused, so that's good to hear.

Jeh Johnson: Let me try to – let me try to untangle it. Let me tell you how it's supposed to work, all right? The Secret Service – the United States Secret Service, which is part of the Department of Homeland Security, is responsible for the security of the White House compound. And there are all sorts of MOUs and arrangements between the Secret Service, and the Park Police, and Metro Police about who is responsible for what in and around the White House compound. Who is responsible for Lafayette Park? Who is responsible for H Street? Who is responsible for this or that?

And in certain circumstances, when it comes to matters of presidential security, the Secret Service has the lead for that. And so the Secret Service makes a decision that a barrier or a barricade should be erected beyond the normal perimeters, and the other law enforcement agencies follow their lead. Now, I'll give you an example. This is a compelling example, very different from what we had last week. Suppose the president goes to the National Cathedral, to a service, and his motorcade is blocked on Mass Ave. coming back to the White House compound by some civilian protesters. In that circumstance, the Secret Service would have considerable authority to – in conjunction with other law enforcement agencies like Metro Police, Park Police – to remove the demonstrators so the president can get back to the White House compound safely.

OK. And that's under the general direction and supervision of the Secret Service, which is part of the Department of Homeland Security. DHS includes other law enforcement agencies as well. So what happened last week was you have hundreds if not thousands of demonstrators, protesters in Lafayette Park, in and around the area. And the president of the United States decides to take a walk. He wants to take a walk for a photo opportunity. And that would have required, and did require, that all of the demonstrators, for the sake of presidential safety, be forced back and removed. These are very committed people.

What should have happened is, frankly, the secretary of homeland security should have had a conversation with the president to say: Mr. President, I hear you want to talk a walk in the park. Well, to do that we're going to have to forcibly push back a whole lot of demonstrators who are out there. They're very committed. Some may be looking for a confrontation with the police. And there are a lot of camera. Do you really think it's important to take a walk at this moment? Every president I know up to now, in my lifetime, would have said: Got it. I understand. It's not worth it. We're not going to do this.

But this president, for some reason, wanted to make a point. And no one seems to have adequately warned him that the photo op of all of these federal law enforcement officers – many of which did not have credentials – forcibly pushing demonstrators out of the way overwhelms the photo op that he hoped to achieve in front of St. John's Church. And unfortunately, it's that kind of commonsense speak truth to power, give advice to power, that I think is lacking in the current administration. But that's what happened.

And it's rare, by the way, in my experience, that you have uniformed federal law enforcement agencies removing their credentials. That is not something that law enforcement is supposed to do. Admiral Mullen can tell you that on the battlefield, for example, in certain circumstances, it violates the laws of armed conflict to remove your credentials from your uniform. And so I think the public has the right to know who among federal law enforcement is confronting them. But for whatever reason it became a mishmash. And it's confusing to this day.

Nancy Youssef:

Hmm. I want to stay with Lafayette Square and ask all of you – you know, we've talked so much in the last two weeks overall about the dangers of having an active duty component on American streets, the militarization of American streets, the prospect of U.S. servicemembers confronting American citizens. I wonder if each of you could speak to perhaps some of the unintended consequences, the ones we haven't thought of, that can be born out of using active duty troops on the streets that you're worried about, or you're thinking about, or sort of driving some of your opinions about how they're perceived vis-à-vis active duty troops.

I wonder, Secretary Cohen, if we could start with you.

William Cohen:

Well, my concern is that the American people will see this not as a democracy where people rule through their votes and through this social contact or

compact, but it's the rule – it's not the rule of law, but it's become the law of rule. And so it's sheer exercise of power without regard to the law, which we have adopted and is enshrined in our Constitution and all the laws we have passed since that time. And they will not see this as a lawful society, but rather as a dictatorial society, where it's one-man rule. And I think the president has been really accumulating a sense of ownership about the government, where he makes statements about the – this is my military, or my generals, or my judges, so that it becomes possessive. And when he, for example, demanded loyalty from the former FBI director, he said I want you to promise me your loyalty. And, of course, that didn't take place.

You don't pledge your loyalty to the president. You pledge your loyalty to the Constitution and you pledge that you will be loyal to the office of the president, which embodies law. And when you see armed military in the streets, that tells you that the sense of law and order and justice have broken down. It's really not about justice anymore, but the sheer application of power. Whoever happens to control the instruments of power, that's what the society is.

So when Secretary Johnson just mentioned about taking the badges off the uniforms, that's something the Russians did in Ukraine, in Crimea. They were called the little green men. They were actually Russian soldiers, but they didn't have any badges or identification on them.

So I think what it sends the signal is we are no longer a democracy where law and order and justice prevail, where our voices are heard through the electoral process. And there is a sense of – what does justice mean? Justinian meant giving every man and woman his or her due, giving a person his or her due. We have not been doing that in this country, particularly people of color, for black people. And that's what Ferguson was about. That's what these demonstrations have been about, the accumulation of so many centuries of simply oppression, where there is not the rule of law.

And finally, there is – I mean, what is so encouraging to me is to see so many white people out there, young and old. And it's really going to take white people to stand up for the rule of law and order and justice, not just black people doing it. They're a minority. But we as a white society are the ones who have to speak out and say this is not who we are supposed to be.

This is not the country that we were meant to be, where we have one rule for white people, another rule for black people or people of color. That is not a society we can be proud of. It's not sustainable. And that's what's so encouraging to me is to see so many white people, young and old, out there saying we want the America that we're supposed to be, not the America we're seeing becoming.

So that's why I think it's very dangerous to see military – armed military men and women in the streets of this country.

Nancy Youssef: Admiral Mullen, I'm curious, from your perspective, what were some of the unintended consequences that could have come from this that perhaps we don't think of it, that you as a former chairman came to your mind?

Mike Mullen: Well, maybe one at the tactical level and one at the strategic level. I think the tactical level, which has not gotten much coverage, I don't think, is the active-duty unit that was, quote-unquote, nearby was the 82nd Airborne. The 82nd Airborne, as I think this audience mostly knows, is a – they have the ready brigade. And you deploy members of the ready brigades in what I would call emergencies extremis, those kinds of things.

So the message for those that understand this, that I would have a battalion of the 82nd close by, is an exceptionally strong and to me an alarming message about the potential use of military force, because when you hear the 82nd or the 101st, that's about as strong an outfit as we have that exists, you know, in the military. And so there's a very strong messaging that comes with that that we need to be mindful of. And it's not like the 82nd lives that far away. So the need for them to be as proximate as they were didn't make a lot of sense to me. You know, that's one.

And then I would – I worry, at the strategic level – and it's consistent with, I think, what both secretaries are talking about – is we're watching the democracy that we cherish – it's our democracy – essentially starting to be dismantled through the autocratic, if you will, whims of an individual who currently resides, you know, in the presidency. And it's doable. We all know how powerful this position is, how powerful the office has become over the last 20, 30, 40 years in general. And to watch this sort of slide down this illiberalism decline if you will, for who we are as a country; when we can – when we can so ill treat such a significant portion of our population – the blacks and minorities; when we can so much – when we can focus on the potential conflict in terms of dominating our own cities and our own people, it scares me to death, quite frankly. And it's oftentimes hard to see in the moment how this is coming apart writ large. And if we don't do something about it, we'll look back and recognize this moment as this was the moment where, really, we need to do something. And that's why – as Secretary Cohen said – I'm very encouraged by the young people. I'm very encouraged by the number of Caucasians that were out in these demonstrations and the messages. Things have to change or this – and I think John Allen said it – this very fragile experiment – or maybe it was Jim Mattis or both – this very fragile experiment, which it has always been, will in fact come undone.

Nancy Youssef: That moment, if we were to look back and say this was the moment, do you think that could be the case even though the Insurrection Act was not invoked and active duty troops were not deployed?

Mike Mullen: Yes, I do. I mean, I agree with everybody else.

Nancy Youssef: That's not a sticking point.

Mike Mullen: You don't – you don't – you didn't need the Insurrection Act, quite frankly, to handle what the problem was. You didn't need active duty forces. You didn't need – had you thought through the whole thing, you didn't need what happened in Lafayette Square to happen, quite frankly, but it did, and in that – in the – in the reflection of that, there is so much that it reflects about what's going on in our country right now that we need to heed those messages and make these kinds of changes so that everybody is treated equal, so that everybody has an opportunity, so that the future of the American dream is actually out there as opposed to something in the past.

Nancy Youssef: Secretary Johnson?

Jeh Johnson: In response to the initial part of your question, it was a huge loss of credibility among federal law enforcement. What happened last week was a real setback for federal law enforcement day to day in terms of their credibility and their ability to function effectively in the communities in which they have to operate. They lost the moral high ground.

I used to say to our immigration enforcement personnel when I was secretary of DHS, all the time, don't let one incident in a community where you are seen as using harsh or unnecessary tactics – don't let that undermine your effectiveness in the entire community. So often one incident can derail an entire mission and undermine a law enforcement – they've got to see the big picture and use common sense – undermine a law enforcement agency's ability to do its job effectively. And so I believe that what happened last week in Lafayette Square is it's going to be a setback for federal law enforcement – uniformed federal law enforcement for a very, very long time.

Nancy Youssef: Because we're debating the possibility that this past month's events could be a turning point, I wonder, from each of your perspectives, what are things that you are looking for specifically to signal a military moving towards being increasingly political or losing its apolitical sensibilities or maybe not? What are some of the markings that you're going to be watching for the next month or two to get a sense of the direction the military may or may not be moving in?

Admiral Mullen, if I could start with you, that would be wonderful.

Mike Mullen: Well, I think that – and you reference it, sure – I think each of the service chiefs has certainly been out there to both – to in a way reflect on what's happened, but also remind everybody, including the American people, but those who are serving, you know who they are and what their responsibilities are. And I actually have a great deal of confidence that the military will continue to hew, if you will, to those requirements, first of all.

Secondly, I mean, this – we're in a very precious moment as a country, in addition because of what happened, but also we have a federal election here, you know, in November. And so there will be – and that's, I guess the word I would say – it's a very fragile time in that regard. So we need to be careful and mindful, you know, from the military perspective, not to get pulled into that. I mean, everybody should vote – and I would be out there saying, you know, you



ought to vote – but that’s a private matter. That’s a personal matter. That said, there – we need to think through, if you will, the possibilities between now and the election, and make sure that from a military standpoint that we’re – you know, we do what we’re required to do.

Over the long term – little longer term, I would – I would see – I would hope to see the military address, you know, some of these significant challenges internal to them. I certainly hope we don’t deploy forces in the streets. I mean, that would be a pretty quick indication that things are – you know, that no one was listening, if you will. And then more broadly – because the military is a reflection of society in many ways, and Secretary Johnson talked about the integration that we have – that we have accomplished over decades, and I certainly wouldn’t want to lose that.

But more broadly than just in the military, this is a moment where we have to address the incarceration issue. We have to address the injustice issue, the legal – or justice and injustice issue that’s out there, the police brutality piece of that, what does that mean. We have to address our health as a country – health care, if you will. And I mean, COVID, just the numbers of deaths that are going on in the minority community, the roughly 2-to-1 ratio is extraordinary. This is an opportunity to very broadly address these major issues. Education was another one. And I think leaders need to bring those to the fore and come up with solutions, not just rhetoric.

Nancy Youssef:

Secretary Cohen?

William Cohen:

Well, I think Admiral Mullen has really touched upon it. Racism is still very deeply embedded in American institutions, and we have failed to address it in a systematic way. And when you had Colin Kaepernick take a knee while playing football for the – for the San Francisco team, the president immediately called him an SOB – a son of a bitch – who ought to be shown out of football, and has continued along that line to politicize our flag as such, saying, well, what does that flag represent? It represents that we are all equal under the law, that we fight for freedom and equality and so forth. And I think that flag has now been politicized in a way that it’s very dangerous for our society. So we have to look at what Colin Kaepernick did by speaking out.

I also want to say to Admiral Mullen and to all the other high-ranking officers who have been speaking out that you have helped, I think, stay the course, to put a finger in the dike for the moment at least by speaking out and doing something that you really didn’t want to do and have refused to do over the years as a code of honor, saying you respect the military, want to keep it neutral and nonpolitical, you respect the office of the presidency. You and the others have at least called the attention of the American people, saying we can’t accept this any longer. And I think that was – that’s something that will hold for the moment, at least, this descent into the politicization of the military.

We’ve seen it take place with the Gallagher case, where the president intervened in the trial of Gallagher in terms of having violated the Uniform Code of Military Justice, et cetera, the charges against him. What was really

interesting to me was the acting secretary of the Navy who flew over and fired the – Captain Crozier of the USS Roosevelt, he said – and I accept his motivations – he said I did it in order to prevent the president from becoming involved. So now you have people in the military, civilians in the military, taking actions they otherwise might not have taken in order to preempt the president from becoming involved and politicizing it even more.

So I think the statements made – the public statements made by General Mattis, Admiral Mullen, Admiral Stavridis, all the others have at least called the attention of the American people. I don't think it'll change the president of the United States. I think his attitude is I'm in charge, I have absolute power, and I'll do what I want. And I think, as far as a signal to the military, the signal to the American people, there are bounds. There are no absolutes in American society, including this president has to be under the rule of law, as was everybody else.

So I want to commend them for having taken those stands.

Jeh Johnson: Nancy, if I may –

Nancy Youssef: Yes, sir.

Jeh Johnson: – I am convinced one of the reasons the U.S. military is the most respected institution in our country is not because of its might but because we keep it cabined to overseas engagements and we keep it out of civilian life, unlike other countries. It is actually against the law for a uniformed member of the military to show up at a polling place, for example, except to exercise the right to vote themselves.

And make no mistake, the military leadership serving right now is going to be tested by this president in the coming months as he's running for reelection. This president likes to wrap himself in the military, in the power and the uniform. He likes having photo ops with the chairman of the Joint Chiefs walking alongside of him to St. John's Church. He does not, frankly, respect any of the principles we've been talking about over the last hour. And so the military is going to be really tested because this president will try to draw them into his political agenda. And I don't envy the job they're going to have to stay the course.

John J. Hamre: Nancy, let me just jump in to say a sincere thank you to you for leading such a fascinating discussion. You are a remarkable journalist. You've brought out such great insights.

Let me say thank you to Secretary Cohen, Secretary Johnson, Admiral Mullen – your insights, your passion, your commitment to a better America. I'm most grateful for that.

This was made possible by the Stavros Niarchos Foundation. They've given us a chance to bring this insight, this great discussion, to the American public. And I'm most grateful for that, and also to Texas Christian University. Bob Schieffer

couldn't be with us today. You know, he specifically said the only person who could do this would be Nancy Youssef. So we're so grateful for you, Nancy.

Thank you, everybody, for this really remarkable conversation. And I'm most grateful.

You know, America is going through a tough time right now. But with leaders like this, who are willing to offer their thoughts and direction, we're going to get through it. We really will.

Thank you, all of you. You're so kind.

Mike Mullen:

Thank you, John.

Nancy Youssef:

Thank you very much.

John J. Hamre:

Thank you all.

(END)