



[USINFO](#) > [Publications](#)

## CONTENTS

[Introduction:  
The Root Principles  
of Democracy](#)

[Constitutionalism:  
America and Beyond](#)

[The Principles of  
Democratic Elections](#)

[Federalism and  
Democracy](#)

[The Creation of Law in a  
Democratic Society](#)

[The Role of an  
Independent Judiciary](#)

[The Powers of the  
Presidency](#)

[The Role of a Free Media](#)

[The Role of Interest  
Groups](#)

[The People's Right  
to Know: Transparency  
in Government  
Institutions](#)

[Protecting Minority  
Rights](#)

[Civilian Control of the  
Military](#)

Executive Editor:

*George Clack*

Editor:

*Melvin Urofsky*

Managing Editor:

*Paul Malamud*

Art Director:

*Thaddeus A. Miksinski, Jr.*

Web Designer:

*Min Yao*

# DEMOCRACY *Papers*

## Civilian Control of the Military

*By Michael F. Cairo*

**"Even when there is a necessity of military power, within the land,...a wise and prudent people will always have a watchful & jealous eye over it."**

-- **Samuel Adams**

*Signer of the Declaration of Independence*

The United States has engaged in relatively few sustained military efforts since 1789. As a result, American public interest has focused primarily on domestic matters, while attention to foreign affairs and national defense has been sporadic. In general, public-opinion polls show that most Americans are relatively indifferent toward foreign policy matters, and only at times of international crisis is their interest heightened. Yet a primary motivation in founding the United States was, as the Constitution puts it, to "provide for the common defense." One-third of the 18 enumerated powers in Article I Section 8 of the U.S. Constitution deal with military and foreign policy matters. It is no accident that many of the initial issues of *The Federalist Papers* dealt with the defense requirements of the United States.



In constructing a new national government, the Founders understood the importance of establishing a government that could properly defend the country. An effective, unified military and foreign policy required strong executive leadership of the military. At the same time, they realized that if military force was not adequately controlled, it could be used to seize control of the government and threaten democracy. The Founders had a genuine fear of the abuse of military power, a concern that a strong executive could, over time, degrade into dictatorship or demagoguery. History had taught them that this abuse was not infrequent. Thus, they believed it was necessary to demonstrate that under the new Constitution the military would be subject to civilian

authority in order to protect democracy. In *Federalist* No.28, Alexander Hamilton wrote,

*Independent of all other reasonings upon the subject, it is a full answer to those who require a more peremptory provision against military establishments in times of peace to say that the whole power of the proposed government is to be in the hands of the representatives of the people. This is the essential, and, after all, the only efficacious security for the rights and privileges of the people which is attainable in civil society.*

The Founders recognized the importance of a standing army for protection and defense but believed that considerable care should be taken in order to preserve liberty and prevent abuses of power. As James Madison explained in *Federalist* No.41,

*Security against foreign danger is one of the primitive objects of civil society... [But a] standing force...is a dangerous, at the same time that it may be a necessary, provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution. A wise nation will combine all these considerations; and, whilst it does not rashly preclude itself from any resource which may become essential to its safety, will exert all its prudence in diminishing both the necessity and the danger of resorting to one which may be inauspicious to its liberties.*

*The clearest marks of this prudence are stamped on the proposed Constitution. The Union itself, which it cements and secures, destroys every Pretext for a military establishment which could be dangerous.*

The Constitution, therefore, vests responsibility for raising and maintaining an army -- that is, paying for it -- in the Congress, in order to prevent the presidency from becoming too powerful. In addition, Congress, not the executive, is given the power formally to declare war so as to prevent rash and unalterable decisions. At the same time, however, the Constitution designates the president as commander in chief of the U.S. Army and Navy, and state militias, thus giving the office sufficient power to resist foreign attacks and defend the fledgling nation.

Yet, like many principles in the Constitution, the details of civilian control are never clearly spelled out in the Constitution. Civilian control of the military in 1789 was vastly different from civilian control today. In fact, the Founders never envisaged a professional military class and, therefore, could not have foreseen the nature of civilian control today. Consequently, civilian control of the military in America has evolved as a matter of custom and tradition as well as from constitutional legalities.

### **A tradition of citizen-soldiers**

The Constitution itself does not discuss the creation of a permanent military establishment. The Founders were not acquainted with the

concept of career military service. They viewed military service in wartime as an attribute of all citizens. While George Washington was the most obvious soldier-statesman, many delegates to the Constitutional Convention had held military rank during the American Revolution. In fact, the idea that there existed a division between civilian and military classes was almost non-existent.

The Founders' view can be inferred from Article I, Section 6 of the Constitution:

*No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.*

This clause rejects the idea that members of Congress could also serve in executive or judicial posts. It reflects the basic constitutional principle of separation of powers, the belief that each branch of government must be separate and distinct from all other branches. Nowhere in this clause, however, or anywhere else in the Constitution, are senators or representatives prohibited from being appointed to military offices. Since the Founders believed these individuals would be the most capable in American society, they assumed some would naturally serve as commanders of the military during times of crisis. In fact, the clause's inclusion in the Constitution was defended on the grounds that military offices were an exception. The Founders viewed the military as nonprofessional; essentially, the military consisted of a standing army or a citizen militia, and standing armies existed only when a nation was at war. As Elbridge Gerry, a delegate to the 1787 Constitutional Convention, explained, "Standing armies in time of peace are inconsistent with the principles of republican Governments, dangerous to the liberties of a free people, and generally converted into destructive engines for establishing despotism."

The principle of civilian control, then, embodied the idea that every qualified citizen was responsible for the defense of the nation and the defense of liberty, and would go to war, if necessary. Combined with the idea that the military was to embody democratic principles and encourage citizen participation, the only military force suitable to the Founders was a citizen militia, which minimized divisions between officers and the enlisted.

The Founders thus reduced the regular army after the Revolutionary War and relied on state militias to defend the western frontiers. These cutbacks reflected American democracy's fear of military institutions and of the military function, in part rooted in experiences with British military rule during the colonial period. Throughout the 19th century and early 20th century, these fears became embedded in American politics and society. America's deep cultural heritage of anti-military feeling, along with its geographic isolation, has thus produced a legacy of civilian control of the military.

The Anglo-Saxon cultural heritage, dominant at the time of the nation's founding, was another, more general, reason for this aversion to the military and military institutions, especially during peacetime. The British reaction to the Cromwellian period of the 1640s, when the British army was used to suppress political opposition, was a vivid memory in the 18th century. In addition, one of the major tensions leading to the American Revolution was the stationing of British troops on American soil after the French and Indian Wars (1754-63). The colonists rejected such an intrusion based on their concept of their rights as Englishmen, on the grounds that this would be unacceptable in Great Britain. This same wary attitude was reflected throughout the Revolution itself. In order to get the Continental Congress to authorize and provision the army, General George Washington had to assure Congress he would not use that army to usurp its authority. Thus, even in the heat of battle, Americans were suspicious of military authority.

Geography also played an important role in American attitudes toward the military. Throughout the 19th century, broad oceans acted as a buffer to the North American continent and America's neighbors did not present a serious threat. With its isolation, the United States was virtually immune from significant military threats from Europe and Asia. The abundant natural resources of the United States also made it virtually independent from the rest of the world.

At the beginnings of the Republic, then, four basic premises conditioned how most Americans saw civilian control of the military. First, large military forces were viewed as a threat to liberty, a legacy of British history and the army's occupation in the colonial period. Second, large military forces threatened American democracy. This notion was linked to the ideal of the citizen-soldier and fears of establishing an aristocratic or autocratic military class. Third, large military forces threatened economic prosperity. Maintaining large standing armies represented an enormous burden on the fledgling economy of a new nation. Finally, large military forces threatened peace. The Founders accepted the liberal proposition that arms races led to war. Thus, civilian control of the military arose from a set of historical circumstances and became embedded over time in American political thought through tradition, custom, and belief.

### **Early presidents as military commanders**

The commander-in-chief clause of the Constitution states that, in addition to his other duties, "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual Service of the United States." This clause has been fundamental throughout U.S. history, as it has provided a standing invitation for civilian control of in military affairs. The same principle that permitted the framers of the Constitution to envision the possibility that senators might become generals during war permitted them to accept a civilian president as military commander in chief. What is crucial here is that the U.S. president, himself, is subject to the constraints of democratic government in all his functions, and thus less likely to use the military to increase executive power in general by means of military command.

The extent that the Founders expected the president to exercise military functions can be seen in their failure to curb the personal authority of the president to lead troops on the field of battle. The intention and expectation of the time was that the president could, and should, assume personal command of the military in the field. Presidents throughout the 19th century did not hesitate to do this. As the first president, George Washington clearly established this precedent in suppressing the Whiskey Rebellion, a violent insurrection in 1799 of farmers in Pennsylvania against the government's excise tax. Although the rebellion was small and confined to a limited area, Washington attributed the violence to nothing less than the subversion of the government. Washington declared that if the rebels were not subdued, "We may bid adieu to all government in this Country." To demonstrate federal authority, Washington gathered a military force that rivaled the entire Revolutionary army, and he personally led the army's march across Pennsylvania.

Other presidents followed Washington's lead. Although ineffectual, President James Madison organized and designed the defense of the capital against British forces in 1814. During the Mexican-American War in the 1840s, President James K. Polk exercised his authority as commander in chief by personally directing the American army against the Mexicans. While Polk did not command the army in the field, his strategies were the basis for the army's actions. Throughout the 19th century, presidents continued to command the army by personally formulating military strategies and participating in exclusively military matters. Most notable in exercising this broad grant of authority was President Abraham Lincoln.

Lincoln was faced with the most severe and serious threat to American democracy ever. Confronted by the secession of Southern states and the disintegration of the Union, Lincoln used his executive powers to their fullest extent in order to preserve the nation. He delayed one session of Congress from April to July 1861. Then, relying on his power as commander in chief, Lincoln assembled the militia, enlarged the army and navy without congressional authorization, called out volunteers for service, spent public money without congressional appropriation, suspended *habeas corpus*, and instituted a naval blockade of the Confederacy. In July he told Congress:

*No choice was left but to call out the war power of the [executive branch of] the Government; and so to resist force, employed for its destruction, by force, for its preservation.... These measures, whether strictly legal or not, were ventured upon, under what appeared to be a popular demand, and a public necessity; trusting, then as now, that Congress would readily ratify them.... Now it is insisted that Congress, and not the Executive, is vested with this power. But the Constitution itself, is silent as to which, or who, is to exercise the power; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended, that in every case, the danger should run its course, until Congress could be called together; the very assembling of which might be prevented, as was intended in this case, by the rebellion.... It was with the deepest regret that the*

*Executive found the duty of employing the war-power, in defense of the government, forced upon him.*

But Lincoln's exercise of power did not stop there. In spring 1862, Lincoln participated in the direction of the Union armies. He personally determined the plan of operations and directed the movement of troops through executive war orders. Lincoln, however, was the last president to be so directly involved in formulating detailed military policies.

Lincoln's use of the commander-in-chief power helped confirm the president as the prime director of the nation's military forces. Throughout the 19th century, indeed, as in the 18th century, there existed no clear distinction between political and military competence. Most men of politics were capable of military command, and the exercise of military functions by the president created little difficulty perhaps because, in spite of the extensive powers assumed by Lincoln, presidents continued to respect overall constitutional constraints on their authority. During that period, a clear political-military hierarchy evolved: The president was at the top with the secretaries of war and the navy, giving direct orders to uniformed commanders in the field. Political and military responsibilities, therefore, remained mixed. The president frequently had previous military experience and generals became involved in politics. By the time the 19th century closed and the 20th century opened, the idea of a combination military commander/president had become more difficult to sustain. The advent of new technology, military professionalism, and the emergence of the United States on the international scene altered the relationship between politicians and military commanders. Still, the strong principle of acceptance of civilian control established in the 19th century served to solidify this tradition into the 20th century, if in a somewhat different form.

### **A shifting balance in the 20th century**

The 20th century brought the onset of major war. When Woodrow Wilson was elected president in 1912, the United States' objectives were overwhelmingly domestic. When war broke out in Europe in 1914, Wilson chose neutrality for the United States. However, belligerent attacks on American economic interests and the rights of neutrals led Wilson to ask Congress for a declaration of war against Germany.

Following World War I, Wilson failed to get Senate ratification of the League of Nations treaty, plunging the United States into isolation. Subsequent presidents were faced with a Congress reluctant to involve itself in international affairs. In 1929-1930, Congress passed a series of high tariffs, culminating with the Smoot-Hawley Tariff Act. These tariffs were meant to protect the American economy from outside interference, and further isolated the United States. In 1935, 1936, and 1937 Congress passed a series of Neutrality Laws meant to ensure that the United States would avoid another European war.

The height of isolationism was reached during the Franklin Roosevelt administration. Faced with the crisis of the Great Depression, Roosevelt supported American neutrality as early as 1935 and stressed domestic

priorities over foreign policy. It was only in the late 1930s that Roosevelt began to see the importance of American involvement in European affairs.

Ironically, it was the same conservative Supreme Court that attempted to limit Roosevelt's "New Deal" economic reform policies in the domestic sphere that finally established the presidency as the leading player in foreign affairs, reinforcing the president's control and direction of the military. In the 1936 case of *United States v. Curtiss-Wright Corporation*, the Supreme Court drew a fundamental distinction between presidential power in domestic and foreign affairs, stating that the president is the "sole organ of the federal government in the field of international relations -- a power which does not require as a basis for its exercise an act of Congress." The Court argued that the inherent authority of the president in foreign affairs found sanction in the Constitution, history, and present necessity.

By the time the Roosevelt administration became preoccupied with international concerns as clouds of war gathered over Europe, the world had changed significantly. First, the technological revolution made it difficult for any president to be totally versed in the nature and strategies of war. Second, World War II was a global conflict. These factors would challenge the idea of day-by-day civilian direction of the military during the war and afterwards. Yet, civilians today, for the most part, the president and his staff -- as well as the secretary of defense -- remain firmly in control of the nation's military establishment. It should be noted also that the constitutional "power of the purse" -- the fact that the U.S. Congress appropriates all money for the military -- enables senators and congressmen who are willing to devote time to the subject to exercise influence and control.

The advent of the Cold War in 1945 meant a complete end to the American tradition of isolationism and ushered the United States to a leadership position in world affairs. As a vast number of servicemen returned home from World War II, many moved into civilian roles in the government, academic life, and in business, establishing for the first time numerous relations between military services, American companies, and other sectors of society. The armed forces, previously somewhat isolated from American society, were now much more actively involved in it. The change resulted in major shifts in public and elite attitudes about the military. The fear of the military that had prevailed in the 19th century was largely replaced in the Cold War era by an understanding and appreciation for the role of military force in American foreign policy.

The combination of technical advances and American engagement in world affairs required new governmental institutions to control, organize, and monitor the military forces and institutions. The National Security Acts of 1947 and 1949 established greater centralized control with the creation of the Joint Chiefs of Staff and the Department of Defense. The cabinet-level office of the secretary of defense, reporting to the president, soon became the link between the military and its civilian command. In 1958 the Defense Reorganization Act strengthened the power of the secretary of defense, and Robert McNamara's strong

influence while serving in this job in the 1960s solidified the power and authority of the defense secretary's office. These changes served to maintain the power of the presidency in military affairs, under new circumstances. Throughout the Cold War, the locus of strategic authority continued with the president. The executive branch, through the National Security Council in the White House and the secretary of defense, exercised critical authority over such issues as force levels, weapons procurement and deployments, and the use of force.

The failure of American military forces in the Vietnam War to achieve their immediate war aims had the effect of decreasing further the power and authority of the professional military vs. civilian authority. Once again, many Americans distrusted military solutions and military options. A greater caution in committing to military force even developed in the military itself. Since the 1970s, many military leaders have been reluctant to use force, arguing that the limited use of military force for political purposes without a clearly stated objective will result in failure.

This reluctance stemmed from two sources. First, the failure in Vietnam brought with it a post-Vietnam "syndrome." Presidents, military leaders, Congress, and the public all expressed suspicions about the ability of force to achieve American goals. Second, Congress asserted its authority in an attempt to control presidential use of force which had driven the U.S. role in Vietnam. In 1973, Congress passed the War Powers Act over President Nixon's veto. It was designed to limit the president's power to commit armed forces abroad without congressional approval. According to the act, its purpose was "to fulfill the intent of the framers of the Constitution...and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces" into conflict abroad. The act attempts to redress the growth of presidential war-making power by requiring presidential consultation and reporting, and outlining congressional action to thwart presidential use of force.

Despite its attempts, the War Powers Act remains largely symbolic due to congressional reluctance to use it and presidential claims that the act is unconstitutional. In fact, the act may have strengthened presidential use of force by authorizing the introduction of forces prior to congressional approval.

Throughout the 20th century, in general, civilian control of the military, whether on the part of the president or Congress, has been strengthened and further institutionalized in American government and society. The increasing power of weaponry has further accelerated this trend towards firmer civilian command and control of military forces and institutions, by necessity.

### **The limits of military advice**

As the United States enters a new century, the most likely problem is not that the professional military would ignore or in any way oppose civilian control. Rather, the issue is that civilian leaders may not have the technical expertise by background and experience to deal with the

complex and dangerous problems of the 21st century. The challenge is for the civilian leadership to work effectively with military professionals to ensure that the president and his staff have access to necessary technical expertise and information that is required for effective decision-making.

The nature and extent of military influence in American foreign and defense policy has waxed and waned over American history. The military's influence depends on a number of factors, including the public's perception of threats and military structures and roles established in law and tradition. The American military itself is far from monolithic in character, but by now the best way to describe the role of military leaders in American democracy is as expert advisors. As General Matthew Ridgway, top military commander during World War II and the Korean War, explained,

*The military advisor should give his competent professional advice based on the military aspects of the programs referred to him, based on his fearless, honest, objective estimate of the national interest, and regardless of administration policy at any particular time. He should confine his advice to the essential military aspects.*

The professional officer, in short, should be an expert in making judgments about how force can be used most effectively. In other matters, he defers to civilians. Thus, the U.S. Constitution and American tradition have restricted the military to administrative and instrumental roles in the policy process.

As the United States moves into the 21st century, military leaders are not asked when and where to wage war. They are asked a far more restricted question: How can the military be most effectively used at a particular time and for a given strategic purpose? In 1983, Ronald Reagan did not ask the military whether the U.S. armed forces should enter Grenada and stabilize a threatening situation, but how to accomplish the mission. Nor did Presidents Bush or Clinton ask military commanders whether to evict Iraq from Kuwait, or protect Kosovar Albanians from the Serbians. They asked only how to accomplish those objectives quickly and with minimal casualties. So, custom, tradition, and legality have combined to firmly establish civilian control of the military in American politics and society.

The American experience may provide valuable lessons to countries struggling with the challenges of an emerging democracy. Perhaps the most obvious of these challenges is the threat of military commanders seizing power. There are two important principles that can reinforce civilian control. First, a newly emerging democracy would do well to establish solid constitutional foundations as the basis for civilian control of the military. Despite some ambiguities, the U.S. Constitution divides military power between the legislature and the executive, a division aimed to preventing abuses of power. Also, the Constitution clearly establishes the president, a popularly elected civilian leader, as commander in chief of the armed forces. The crucial element here is that the president's powers are defined and limited as a whole, and that Congress, the U.S. courts, and the electorate, have substantial power.

Thus, the president's command of the military does not lead to command of other sectors. The president's primarily civilian status has been borne out through the country's history. Only four presidents -- Washington, Jackson, Grant, and Eisenhower -- had significant careers in the military prior to becoming president. Each of them understood the need to keep military and political functions separate and distinct. General Dwight Eisenhower carried this principle so far while he was commanding Allied forces in Europe during World War II that he did not vote.

The second key principle requires that the military serve in an administrative, not a policy-making, role. Eisenhower's refusal to vote while in the army is representative of his belief that military decisions must not be clouded by political decisions. Generals should not be involved in the political decision-making process. Instead, they should proffer advice regarding the use of the military in achieving policy-makers' goals, and as to the probable success of the military outcome. It should be left to the political leaders to decide if the military option should be pursued.

This second principle is much more difficult to accomplish than constitutional protections. While a written constitution specifying the proper division of power between military and political leaders is an excellent first step, the challenge is convincing the military that its role is a subservient one. The primary obstacle to civilian control of the military is often a culture that has glorified the military. Changing that culture is a difficult, but necessary, task if the military is to be brought under civilian control. This will take time and education. Old leaders who distrust civilian leaders must be replaced by new ones willing to work with and for the civilian leadership. Obviously, if the civilian leadership is popularly elected, its legitimacy in the eyes of the people helps it control the military. This task is a difficult one but no more difficult than the task of building a sound, democratic government. It must be made clear that a military that sees itself as but one element of a democratic society will be stronger, not weaker, as a result, as its actions are more likely to reflect the sovereign will of the people it serves.

### **For Additional Reading**

**Kenneth C. Allard**, *Command, Control, and the Common Defense*. (Yale University Press, 1990)

**Peter Douglas Feaver**, *Guarding the Guardians: Civilian Control of Nuclear Weapons in the United States*. (Cornell University Press, 1992)

**Andrew J. Goodpaster, and Samuel P. Huntington, eds.** *Civil-Military Relations*. (American Enterprise Institute for Public Policy Research, 1977)

**Samuel P. Huntington**, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. (Vintage Books, 1964)

**Morris Janowitz**, *The Professional Soldier*. (Free Press, 1980)

**Burton M. Sapin and Richard C. Snyder.** The Role of the Military in American Foreign Policy. (*Doubleday, 1954*)

**Adam Yarmolinsky,** The Military Establishment. (*Perennial Library, 1973*)

---

About the Author:

**Michael F. Cairo** received his Ph.D. from the University of Virginia in 1999. He has taught at Virginia Commonwealth University, Southern Illinois University, and is currently teaching at the University of Wisconsin-Stevens Point. His interests and research emphasize American foreign policy and the foreign policy process.

---

This site is produced and maintained by the U.S. Department of State's Bureau of International Information Programs ([usinfo.state.gov](http://usinfo.state.gov)). Links to other Internet sites should not be construed as an endorsement of the views contained therein.

[back to top](#) ▲

---

[IIP Home](#) | [Index to This Site](#) | [Webmaster](#) | [Search This Site](#) | [Archives](#) | [U.S. Department of State](#)