

# **MINORITY REPORT: BIDEN'S WAIVER- NEEDED SECDEF NOMINEE LLOYD AUSTIN**

*[NB: Check the byline, thanks. Opinion herein is mine alone. / ~Rayne]*

I started writing this post about Biden's nominee for Secretary of Defense during the first week of December; this portion of the post remains unedited after the events of January 6. I've left the first two-thirds unchanged to make a point.

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Before I get to the meat of this post let me pose a few questions:

Can you name a Fortune 1000 CEO who is American by birth, Black, or a woman, or both?

Can you think of a Fortune 1000 CEO who is American by birth and a minority with a long, successful track record of leading a transnational corporation with more than 50,000 employees?

Can you think of an American citizen who is a minority who has led an international NGO with more than 50,000 employees?

There are fewer than 40 CEOs fitting the description leading in the corporate sector. In late 2019 the percentage of Black and/or woman CEOs was roughly 0.036%.

Corporate America is still absurdly homogeneous even after decades of women obtaining more than half the business degrees awarded in the U.S., and after affirmative action efforts by universities up to 2006.

We can be certain that the next layer of management below CEO and president looks just like this – ridiculously white and male. Major

U.S. nonprofits look marginally better.

However this is the most obvious pool of candidates for Secretary of Defense under the National Security Act of 1947, from which Joe Biden should select the next SecDef.

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Today's military is deeply challenged:

The collisions of the USS Fitzgerald and USS McCain in 2017 revealed serious weakening of discipline at a time when geopolitical tensions are mounting with China and Russia. Corrective action is ongoing.

The disappearance and murder of Army Spec. Vanessa Guillén in 2020 as well as the death of Pvt. Gregory Wedel-Morales in August 2019 brought to light systemic problems at Fort Hood in Texas. Punitive measures were only just announced yesterday, resulting in firing and demotion of at least 14 leadership personnel at the base. If these failures were deep in the third largest U.S. military base on American soil, there are likely similar failures if at smaller scale at other bases.

The military has become a training ground not for our own troops but future domestic terrorists, as these examples demonstrate:

- An active-duty Marine, Vasillios Pistolis, assaulted counter-protesters at the "Unite the Right" rally in Charlottesville, SC in 2017. He had been a member of white supremacist group Atomwaffen and then a different unnamed extremist organization while he was in the military.
- ProPublica found multiple

active-duty military members and veterans who were members of white supremacist or nationalist extremist groups during their investigation into Pistolis post-Charlottesville.

- This past June in Nevada, three veterans were arrested on terrorism charges. They intended to elevate protests against pandemic-related business closures into violence.
- Three of four neo-Nazis planning to attack Black Lives Matter protesters were former Marines; the fourth was an active duty Marine serving in North Carolina when he was arrested in October along with his co-conspirators.

In response to ProPublica's investigative reporting on Pistolis, House Rep. Keith Ellison demanded an investigation into white supremacy's influence on the military; he also asked then-Secretary of Defense James Mattis to share "steps currently being taken to screen recruits for extremist ties." It's not clear what happened following Ellison's demand.

A sizable number of domestic terror threats generated by veterans and active-duty military have roots in far right extremism associated with white supremacy, from veteran Timothy McVeigh who bombed the Alfred P. Murrah Federal Building in 1995 to this October's planned attack on BLM protesters. The military needs to stem the toxic influence of white supremacy with

active anti-racism, including deplatforming Confederate icons. The National Defense Authorization Act (NDAA) passed in early December by a veto-proof majority in the House; the bill required the Defense Department to remove names of Confederate leaders and rename them in an effort to remove racists figureheads from the military.

Effectively addressing systemic lapses in military discipline and subversive influences threatening national security requires a strong grasp of U.S. military culture, let alone an appreciation for the diverse force of 1.3 million active duty personnel, of which only 57% were white in 2017:

... In 2017, women represented 16% of the overall active duty force, up from 9% in 1980 and just 1% in 1970.

The percentage of officers who are women has steadily grown since the 1970s. For example, in 1975, 5% of commissioned officers were women, and, by 2017, that share had risen to 18%.

... In 2004, 36% of active duty military were black, Hispanic, Asian or some other racial or ethnic group. Black service members made up about half of all racial and ethnic minorities at that time.

By 2017, the share of active duty military who were non-Hispanic white had fallen, while racial and ethnic minorities made up 43% – and within that group, blacks dropped from 51% in 2004 to 39% in 2017 just as the share of Hispanics rose from 25% to 36%.

Fortune 1000 corporations' diversity among C-level executives is a joke by comparison.

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To realize the principle of civilian control of the military, the National Security Act of 1947

requires the president to select and nominate a SecDef from the civilian population. Candidates may be veterans but must not have served in the military during the previous seven years before nomination.

In a liberal democracy, civilian control of the military should ensure the military serves the interests of the nation rather than the other way around. It's also intended to avoid the rise of a state within a state, in which a military co-equal in authority to the civilian government may act in a fashion contrary to the nation it is supposed to serve.

1947 was a very different time; the nation was wholly unified, still unwinding from its war footing. It was beginning a reduction in force in a measured fashion. The U.S. had also learned considerably about the nature of fascism and autocracy during the previous decade and was extremely sensitive to threats to democracy.

Today, however, we can see fascism blooming rapidly, some encouraged by hostile entities outside the U.S., some within the U.S. arising from dissatisfaction with the status quo. Without a unifying sense of purpose, too many Americans have pulled away from democratic values seeking instead to be gratified by autocratic power.

It's led to the nascent development of a state within a state – the rise of white supremacy as a fifth column inside our military.

And the civilians who have served as secretaries of defense over the last four years have failed to stem this toxic bloom which poses a clear and present national security threat.

With Trump, the reality TV CEO as commander-in-chief, the fifth column feels encouraged and validated.

Real CEOs and other C-level executives are simply not up to the job of extirpating the poison when it cannot see the same white supremacy at work within its ranks. In their

world a fifth column represents a group ready to spin off a new startup or seek a buyer to acquire the parent corporation. That's not democracy.

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Biden nominated retired four-star general Lloyd Austin to be SecDef, though Austin only left the military in March 2016. As you can see from the 2009 photo used on the front page, Austin served during Biden's tenure as VP under the Obama administration. Biden knows Austin.

But because Austin has only been out of the service not quite five years to date, there has been immediate rejection of Austin's nomination on both sides of the aisle out of concern for the civilian-controlled military doctrine.

Austin requires a waiver from Congress to serve as SecDef because of the 1947 National Security Act. He should receive the waiver because he has not yet been deeply acculturated into Corporate America's deeply racist system, and he's still very familiar with the military as it was before Trump's term aggravated the relationship between the executive office and active duty personnel. The inadequate response to Russia's sponsorship of attacks on American and coalition forces in Afghanistan serves as one example.

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And now the January 6 Capitol Building insurrection makes it ever more obvious there's a deep challenge inside the Defense Department. Far too many of the participants in the rebellion were active duty military, reservists, or veterans, suggesting they may have gone into the military with the idea they were training for this moment. Or perhaps they managed to get through their military service with their pre-existing bigotry intact if not enhanced. DOD needs to do a better job of weeding these persons out of the service because they are a clear and present danger to national security as January 6 proved.

But a leader from Corporate America will not be up to the task. They have proven themselves incapable of fixing the diversity problem in their own industries. When it comes to institutional misogyny, they can't claim a pipeline problem because women have been more than half of all bachelor's degrees awarded each year for more than two decades. The number of bachelor's degrees awarded to whites has fallen over the last two decades while it increased among Black, Latinx, and Asian Americans. And yet representation at upper levels of America's corporate sector has barely budged.

Nor will a leader from Corporate America understand what the options are for screening, remediating, and removing insurrectionist elements inside the military. We do not have the luxury to teach someone from the corporate world where the problems are and how to address them after coming so close to the overthrow of our government.

How many corporate leaders would be able to stop a hostile takeover of their own corporation? It's not the same as armed insurrectionists showing up in their offices threatening to kidnap, try, and execute management, but we can't even be certain the corporate world produces leaders who can fend off traditional takeovers.

We don't have time for on the job training; we can't fuck around and find out with our national security at stake.

And I haven't even mentioned the possibility of rapid deployment of military resources to aid rollout of vaccines and PPE in our response to the COVID pandemic – yet another facet of our nation's security.

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Lastly, we have to think of this period as a reset – our democracy has been threatened deeply, and the threat had nothing to do with having former military lead the Defense Department. It came from persons who included

those who were radicalized in spite of their previous or current military service; it came from the top of the executive branch from someone with absolutely no respect for the military except as a means to his personal ends.

It fomented while civilians led the Defense Department.

15 former Defense Department leaders have asked Congress to offer a waiver for Austin, including former senator Chuck Hagel, former Obama chief of staff Leon Panetta, and William J. Perry, all of whom were SecDepts under previous administrations. Their letter to members of the Senate Armed Services Committee makes a sweeping opening acknowledging the unique challenges of this moment in history:

As former Republican and Democratic Secretaries of Defense, Deputy Secretaries of Defense, and Service Secretaries representing the Departments of the Army, the Navy, and the Air Force, we understand the qualities necessary to lead the U.S. Department of Defense. More pertinently, we understand what it takes to lead *as a civilian* at the department charged with the first and most essential task of the United States government, namely, to keep Americans safe. Rarely in our history has that been a more difficult challenge. Our nation faces a pandemic that has taken a terrible toll on America and on our allies; aggressive adversaries challenging us around the globe and in cyberspace; a rising China whose interests and values often do not align with ours; and a threat from domestic terrorism that has rarely been more clear or more dangerous.

In essence, they acknowledge a civilian leader at SecDef may not be up to the job this transitional period demands, though they acknowledge the importance of civilian-led



military to our democracy.

The only previous waivers granted have been for George Marshall under Eisenhower in 1950, and James Mattis in 2017 under Trump. In hindsight Mattis' waiver may have been a mistake since the problem of white supremacy and nationalism inside the military festered under his watch as SecDef; but one might also make the case that civilian leadership following Mattis by Mark Esper did no better. Under the more recent leadership of Acting SecDef Christopher Miller, conditions worsened – we still won't know for some time exactly what Miller's role was in the failures to protect the Capitol.

What all three most recent SecDefs shared in common may also have led to their failure to check the internal threats: all nominated by Trump, all of them white men who may simply not grasp the ways in which systemic racism and misogyny gnaw at our defense infrastructure.

The threat racism poses to our national security is immediate, exemplified by the two National Guard members removed from inauguration duties for their ties to right-wing militia organizations, nearly all of which are sympathetic or overlap with white supremacist or nationalist entities.

The Senate may have its doubts but it should offer the waiver for Austin and approve him as SecDef given the nature of threats we face. Congress should also follow through on Rep. Ellison's demands for an investigation into white supremacy, nationalism, and other insurrectionist threats within the military, only give it teeth by legislating this as a regular institutional obligation with mandatory reports, measurable oversight, and punitive action spelled out. Make sure that the Secretary of Defense is directly responsible for this effort.

Legislate a review of this investigation and subsequent corrective action by the congressional committees responsible for

military oversight on an annual basis, with a recommendation to retain or replace the SecDef based on measurable performance.

That's where the ultimate oversight of the military should occur and where civilians continue to restrain military power – in the halls of Congress.