4 *Opportunity*

Why has Trump perceived an opportunity to openly test the U.S. military's commitment to international humanitarian law (IHL)? Shortly before Trump issued his November 2019 war crime clemencies, a poll was released showing that only about half of active-duty servicemembers and veterans opposed the acts.[1] Given the U.S. military's intensive focus on combat ethics, it might be puzzling that this percentage was not higher.[2] Strategically, however, ensuring that sizable parts of the military are receptive to the impunity agenda has been vital for Trump. Co-opting militaries for political gain almost always requires either the tacit or explicit consent of insiders.[3] For Trump, creating a

[1] Rodman, Lindsay L. May 24, 2019. "Post-9/11 Veterans Have Mixed Feelings About Trump's War Crimes Pardons." *Just Security*. www.justsecurity.org/64256/post-9-11-veterans-have-mixed-feelings-about-trumps-war-crimes-pardons/

[2] Crawford, Neta C. 2013. *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars*. Oxford: Oxford University Press. Cronin, Bruce. 2018. *Bugsplat: The Politics of Collateral Damage in Western Armed Conflicts*. New York: Oxford University Press. Dill, Janina. 2014. *Legitimate Targets? Social Construction, International Law and US Bombing*. Cambridge: Cambridge University Press. Kahl, Colin H. 2007. "In the Crossfire or the Crosshairs? Norms, Civilian Casualties, and U.S. Conduct in Iraq." *International Security* 32(1): 7–46. Tirman, John. 2011. *The Deaths of Others: The Fate of Civilians in America's Wars*. Oxford: Oxford University Press.

[3] Brooks, Risa A. 2009. "Militaries and Political Activity in Democracies." In Nielsen, Suzanne C. and Don M. Snider, eds. *American Civil-Military Relations: The Soldier and the State in a New Era*. Baltimore: Johns Hopkins University Press: 213–238. Brooks, Risa. 2021. "Through the Looking Glass: Trump-Era Civil-Military Relations in Comparative Perspective." *Strategic Studies Quarterly* 15(2): 69–98. Finer, Samuel. 2002. *The Man on Horseback: The Role of the Military in Politics*. New Brunswick, NJ: Transaction Publishers. Geddes, Barbara, Joseph Wright, and Erica Frantz. 2018. *How Dictatorships Work: Power, Personalization, and Collapse*. New York: Cambridge University Press. O'Donnell, Guillermo, Philippe

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"civil-military coalition"[4] that would not retaliate has maintained his credibility with the GOP base.

This chapter addresses the puzzle of why Trump has calculated that he could publicly challenge IHL with limited dissent from the U.S. military. Its answer traces to the military's well-known conservative composition. For years, America's military has not only exhibited a strong right-leaning bent. A nontrivial portion of its community has displayed more extremist, right-wing tendencies. When Trump first arrived in office in 2017, this made U.S. servicemembers and veterans appear susceptible to impunity messaging. Even if most combatants subscribe in principle to the importance of IHL, Trump discerned that these commitments could be compromised. This was especially true with Fox News and Republican Congress members supporting his agenda.

This argument challenges the "socialization" narrative that respect for IHL has thoroughly permeated Western militaries.[5] It aligns with new research showing that, although professionalized militaries have developed extensive programs to instill pro-IHL attitudes,[6] variation still exists in how combatants prioritize norms of restraint. Central is how the prevalence of military "subcultures" can contradict, and sometimes overwhelm, official doctrine

C. Schmitter, and Laurence Whitehead, eds. 1986. *Transitions from Authoritarian Rule: Comparative Perspectives*. Baltimore: Johns Hopkins University Press. Matanock, Aila M. and Paul Staniland. 2018. "How and Why Armed Groups Participate in Elections." *Perspectives on Politics* 16(3): 710–727. Svolik, Milan W. 2012. *The Politics of Authoritarian Rule*. New York: Cambridge University Press.

[4] Golby, Jim. 2021. "Uncivil-Military Relations: Politicization of the Military in the Trump Era." *Strategic Studies Quarterly* 15(2): 149–174.

[5] Checkel, Jeffrey T. 2017. "Socialization and Violence: Introduction and Framework." *Journal of Peace Research* 54(5): 592–605. Franke, Volker C. 2000. "Duty, Honor, Country: The Social Identity of West Point Cadets." *Armed Forces and Society* 26(2): 175–202. Jenks, Chris. 2020. "The Efficacy of the U.S. Army's Law of War Training Program." Lieber Institute West Point. Stubbins Bates, Elizabeth. 2014. "Towards Effective Military Training in International Humanitarian Law." *International Review of the Red Cross* 96(895–896): 795–816.

[6] International Committee of the Red Cross. 2018. *The Roots of Restraint in War*. Geneva: ICRC. www.icrc.org/en/publication/4352-roots-restraint-war/ McQuinn, Brian, Fiona Terry, Oliver Kaplan, and Francisco Gutiérrez-Sanin. 2021. "Introduction: Promoting Restraint in War." *International Interactions* 47: 795–824.

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emphasizing IHL.[7] In the U.S. military, the surfacing of right-wing, "MAGA" factions has yielded subcultures that in some cases elevate allegiance to Trump over other principles. Combined with the military's broader conservative bent, Trump has activated these values to suppress political backlash.

Section 4.1 of this chapter analyzes the role of ideological subcultures in overriding formal doctrines relating to IHL. Section 4.2 turns to why Trump has perceived that Fox News and GOP Congress members could help him to appeal to conservatives and pockets of right-wing extremism in America's military. Section 4.3 documents the rise of far-right subcultures in the military, both before and after Trump's two electoral wins in 2016 and 2024. Finally, Section 4.4 presents a short case study of disproportionate military involvement in the January 6 Capitol riot. Although not a foreign battlefield, the case illustrates how Trump and his allies could lead combatants to discount norms of restraint, even to the point of attacking civilians on American soil.

4.1 Norm Socialization and Ideological Subcultures

Burgeoning literature shows that even professionalized militaries like the U.S. do not guarantee identical attitudes toward IHL.[8] Given their size and complexity, they tend to foster heterogeneous cultures. Research in military sociology, backed by findings in security studies, points to the existence of military "subcultures" that can operate in tandem

[7] Bell, Andrew. 2021. "Combatant Socialization and Norms of Restraint: Examining Officer Training at the US Military Academy and Army ROTC." *Journal of Peace Research* 59(2): 180–196. Bell, Andrew M., Thomas Gift, and Jonathan Monten. 2022. "The Moral Foundations of Restraint: Partisanship, Military Training, and Norms of Civilian Protection." *Journal of Peace Research* 59(5): 694–709. Stephens, Dale. 2019. "Roots of Restraint in War: The Capacities and Limits of Law and the Critical Role of Social Agency in Ameliorating Violence in Armed Conflict." *Journal of International Humanitarian Legal Studies* 10(1): 58–75.

[8] Bell, Andrew. 2021. "Combatant Socialization and Norms of Restraint: Examining Officer Training at the US Military Academy and Army ROTC." *Journal of Peace Research* 59(2): 180–196. Bell, Andrew M., Thomas Gift, and Jonathan Monten. 2022. "The Moral Foundations of Restraint: Partisanship, Military Training, and Norms of Civilian protection." *Journal of Peace Research* 59(5): 694–709. Stephens, Dale. 2019. "Roots of Restraint in War: The Capacities and Limits of Law and the Critical Role of Social Agency in Ameliorating Violence in Armed Conflict." *Journal of International Humanitarian Legal Studies* 10(1): 58–75.

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with, and often in opposition to, official military doctrine.[9] In the U.S., research has shown that Republican-leaning combatants are especially likely to devalue IHL.[10] These partisan divides can stem from ideological predispositions, self-selection among recruits, or prevailing norms. Regardless of their origin, when taken to the extreme, they can contribute to right-wing subcultures that show indifference or contempt for IHL.

The potential for partisan "capture" of right-wing subcultures in the U.S. military has created an opportunity for Trump to openly dismiss the law of war while minimizing political fallout. Similar to how they activate other conservative voters, Trump, Fox News, and GOP Congress members have worked within a "division of labor" to court right-leaning servicemembers and veterans. At the top is Trump, willing to push unlike any prior U.S. president in explicitly challenging IHL. Underneath him, Fox News has formulated and vocalized messages suggesting that deference to IHL is more voluntary than imperative. Last, Republican Congress members, especially veterans, have stressed the optionality of strict adherence to IHL.

4.2 The Impunity Coalition's Influence over the Military

Trump

Trump's perception that he could persuade U.S. servicemembers to abandon IHL has likely come first and foremost from a belief in his own popularity with the military. In 2016, for example, Trump declared that he had been "endorsed … at least conceptually, by the military."[11] As

[9] Ruffa, Chiara. 2018. *Military Cultures in Peace and Stability Operations: Afghanistan and Lebanon*. Philadelphia: University of Pennsylvania Press. Siebold, Guy L. 2007. "The Essence of Military Group Cohesion." *Armed Forces and Society* 33(2): 286–295. Soeters, Joseph. 2018. "Organizational Cultures in the Military." In Caforio, Giuseppe and Marina Nuciari, eds. *Handbook of the Sociology of the Military*. Cham: Springer International Publishing: 251–272. Soeters, Joseph L., Donna J. Winslow, and Alise Weibull. 2006. "Military Culture." In Caforio, Giuseppe, ed. *Handbook of the Sociology of the Military*. New York: Springer: 237–254.

[10] Bell, Andrew M., Thomas Gift, and Jonathan Monten. 2022. "The Moral Foundations of Restraint: Partisanship, Military Training, and Norms of Civilian Protection." *Journal of Peace Research* 59(5): 694–709.

[11] Engel, Pamela. Oct. 25, 2016. "Trump Says He's 'Been Endorsed Largely, At Least Conceptually, By the Military.'" *Insider*. www.businessinsider.com/trump-endorsed-by-military-2016-10

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president, Trump claimed that the "soldiers are in love with me."[12] Exit polling from 2016 showed that active-duty servicemembers and veterans voted for Trump over Hillary Clinton at a rate of nearly two to one.[13] Although this support declined over his first term, Trump still won the majority of military votes over Joe Biden in 2020.[14] A 2019 Pew poll found that more than 90 percent of Republican-leaning veterans approved of Trump as commander-in-chief.[15] In 2024, Trump won 65 percent of the military vote over Kamala Harris.[16]

In addition to rank-and-file support, Trump has received endorsements from several high-profile veterans groups. In 2016, for instance, nearly ninety retired military leaders, including four four-star generals, published an open letter praising Trump's candidacy.[17] In 2020, 235 retired senior military officers, including eight four-star generals and admirals and a Medal of Honor recipient, also published an open letter endorsing Trump.[18] In 2021, 124 retired admirals and generals, who dubbed themselves "Flag Officers 4 America," signed a letter endorsing Trump's baseless stolen election claims.[19] Even if

[12] Naughtie, Andrew. Sept. 8, 2020. "Trump Claims 'Soldiers Are in Love with Me' after Reports He Called Dead Troops 'Suckers.'" *Independent*. www.independent.co.uk/news/world/americas/us-politics/donald-trump-soldiers-love-me-military-scandal-atlantic-b413754.html

[13] "Election 2016: Exit Polls." *New York Times*. www.nytimes.com/interactive/2016/11/08/us/politics/election-exit-polls.html

[14] "National Exit Polls: How Different Groups Voted." *New York Times*. www.nytimes.com/interactive/2020/11/03/us/elections/exit-polls-president.html

[15] Pew. July 10, 2019. "Trump Draws Stronger Support from Veterans than from the Public on Leadership of U.S. Military." Pew Research Center. www.pewresearch.org/social-trends/2019/07/10/trump-draws-stronger-support-from-veterans-than-from-the-public-on-leadership-of-u-s-military/

[16] Guskin, Emily, Chris Alcantara, and Janice Kai Chen. Dec. 2, 2024. "Exit Polls from the 2024 Presidential Election." *Washington Post*. www.washingtonpost.com/elections/interactive/2024/exit-polls-2024-election/

[17] Haberman, Maggie. Sept. 6, 2016. "Donald Trump Is Endorsed by Nearly 90 Military Figures." *New York Times*. www.nytimes.com/2016/09/07/us/politics/donald-trump-earns-backing-of-nearly-90-military-figures.html

[18] Sisk, Richard. Sept. 15, 2020. "Dozens of Retired Generals, Admirals Sign Letter Backing Trump for Reelection." *Military.com*. www.military.com/daily-news/2020/09/15/dozens-of-retired-generals-admirals-sign-letter-backing-trump-reelection.html

[19] 2021. "Open Letter from Retired Generals and Admirals." https://img1.wsimg.com/blobby/go/fb7c7bd8-097d-4e2f-8f12-3442d151b57d/downloads/2021%20Open%20Letter%20from%20Retired%20Generals%20and%20Adm.pdf?ver=1620740665549

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not representative, such support has enabled Trump to suggest that the impunity agenda is not outside the bounds of what many top military leaders want.

Trump has curried favor with what he called "my military"[20] by presenting its members as a core extension of his base. For example, shortly after his 2016 victory, Trump gave a speech at an Air Force base in Florida where he declared. "We had a wonderful election, didn't we? I saw those numbers, and you liked me and I liked you. That's the way it worked."[21] In 2018, after autographing MAGA hats for U.S. servicemembers during his first visit to Iraq as president, Trump was described by one retired major general as enjoying "a rock star kind of a status" among troops.[22] As an example of how he used his pro-military image to win voters, Trump's campaign in 2020 promised supporters who joined "the Trump Army" a camouflage "Keep America Great" hat.[23]

Trump's courting of the military, often in apparent violation of civil-military norms, has advanced both his appeal and the impunity agenda. For example, one journalist noted that "Trump's comments suggested that he saw service members as another constituency: Like factory workers, farmers and coal miners, they seemed to be cast as an interest group to be wooed."[24] Another analyst referred to Trump's "pander[ing] to excessively violent military personnel."[25] Ret. Air Force Major General Steven J. Lepper said that Trump "spent much of his time lavishing praise on the military, hailing himself as its savior, or pandering to it." By "treating the military … as his friend,"

[20] Abadi, Mark. Oct. 25, 2017. "Trump Won't Stop Saying 'My Generals' – and the Military Community Isn't Happy." *Business Insider*. www.businessinsider.com/trump-my-generals-my-military-2017-10

[21] https://twitter.com/cspan/status/828681692466515968?lang=en

[22] Cohen, Zachary. Dec. 18, 2018. "MAGA hat, Campaign Rhetoric Cast Cloud over Trump Iraq Visit." *CNN*. www.cnn.com/2018/12/27/politics/trump-political-war-zone-visit-iraq/index.html

[23] Grady, Constance. Oct. 1, 2020. "The Bizarrely Aggressive Rhetoric of Trump's Fundraising Emails, Explained." *Vox*. www.vox.com/culture/21440412/trump-emails-campaign-fundraising-rhetoric-explained

[24] Gordon, Micahel R. Feb. 17, 2017. "Trump's Mix of Politics and Military Is Faulted." *New York Times*. www.nytimes.com/2017/02/07/us/politics/trump-macdill-air-base.html

[25] Stevenson, Jonathan. June 4, 2020. "Trump Was Wrong to Deploy Troops. Will the Military Push Back?" *IISS*. www.iiss.org/sv/online-analysis/online-analysis/2020/06/trump-military-troops/

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he continued, it seemed to "explain why he pardoned three accused American war criminals."[26]

Trump's confidence in U.S. military support has likely been bolstered by the fact that he had elsewhere broken military norms with few consequences. For example, in 2015, Trump criticized Sen. John McCain, held as a prisoner in Vietnam, by declaring, "I like people who weren't captured."[27] In 2016, he pronounced, "I know more about ISIS than the Generals do."[28] That same year, Trump also lashed out at the parents of a Gold Star Muslim soldier who had died in Iraq.[29] In 2020, Trump reputedly referred to dead U.S. servicemembers as "suckers" and "losers" (although his staff denied this allegation).[30] An article in *Foreign Policy* claimed that "Trump has mocked the military his whole life."[31] Despite such behavior, Trump maintained high favorability among military voters.

Trump's ability to escape major backlash from the military with such statements has conceivably emboldened him to think that he could do the same in dismissing IHL. For example, in referencing some of Trump's most polemical comments, military expert Mark Perry wrote that "[t]he military noted … insults and repaid Trump in kind by overwhelmingly voting for him in the 2016 election."[32]

[26] Lepper, Steven J. June 5, 2020. "Retired General: 'I Must Speak Out' on Trump and the Military." *The Hill*. https://thehill.com/opinion/white-house/501300-retired-general-i-must-speak-out-on-trump-and-the-military/

[27] Schrecklnger, Ben. July 18, 2015. "Trump Attacks McCain: 'I Like People Who Weren't Captured.'" *POLITICO*. www.politico.com/story/2015/07/trump-attacks-mccain-i-like-people-who-werent-captured-120317

[28] Britzky, Haley. Jan. 5, 2019. "Everything Trump Says He Knows 'More About Than Anybody.'" *Axios*. www.axios.com/2019/01/05/everything-trump-says-he-knows-more-about-than-anybody

[29] Haberman, Maggie and Richard A. Oppel, Jr. July 30, 2016. "Donald Trump Criticizes Muslim Family of Slain U.S. Soldier, Drawing Ire." *New York Times*. www.nytimes.com/2016/07/31/us/politics/donald-trump-khizr-khan-wife-ghazala.html

[30] Goldberg, Jeffrey. Sept. 3, 2020. "Trump: Americans Who Died in War Are 'Losers' and 'Suckers.'" *Atlantic*. www.theatlantic.com/politics/archive/2020/09/trump-americans-who-died-at-war-are-losers-and-suckers/615997/

[31] Hirsch, Michael. Sept. 8, 2020. "Trump Has Mocked the U.S. Military His Whole Life." *Foreign Policy*. https://foreignpolicy.com/2020/09/08/trump-mocked-us-military-troops-losers-whole-life/

[32] Perry, Mark. June 8, 2020. "Why the U.S. Military Still Loves Donald Trump." *National Interest*. https://nationalinterest.org/feature/why-us-military-still-loves-donald-trump-161786

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Trump's apparent trust in his military support closely mirrored the confidence that he displayed in his notoriously loyal civilian base, such as his remark that he "could stand in the middle of Fifth Avenue and shoot somebody … and … [not] lose any voters."[33] It also reflected Trump's "Teflon" reputation for scandals not sticking to him like they did with other politicians.[34]

Trump's overt attacks on IHL are not the only case where he has expected the U.S. military to follow orders on demand, regardless of whether they broke standard protocol. For example, in 2017, Trump reportedly asked for a "Red Square/North Korea-style parade" for his inauguration, replete with tanks, missile launchers, and jets flying over the U.S. Capitol and New York City.[35] In 2018, Trump also proposed hosting a "North Korea-style" parade to celebrate Veterans Day.[36] In describing his relationship to military subordinates, one expert said that Trump tried to "assert ownership over the armed forces."[37] Another writer noted that "Trump … s[aw] the military as his personal plaything, little toy soldiers to move around on the map of America."[38]

Fox News

Fox News's reputation for courting a military audience also likely signaled to Trump that he could leverage the network to openly challenge

[33] Flores, Reena. Jan. 23, 2016. "Donald Trump: I Could 'Shoot Somebody and I Wouldn't Lose Any Voters.'" *CBS News*. www.cbsnews.com/news/donald-trump-i-could-shoot-somebody-and-i-wouldnt-lose-any-voters/

[34] Wren, Adam, Natalie Allison, Meridith McGraw, and Lisa Kashinsky. May 28, 2023. "Many GOP Insiders Fear that Teflon Don Is Back." *POLITICO*. www.politico.com/news/2023/05/28/trump-desantis-republican-2024-presidential-nominee-00099092

[35] Sanchez, Chris. Jan. 19, 2017. "The Military Reportedly Turned Down a Suggestion from Trump's Team for Tanks and Missile Launchers at the Inaugural Parade." *Insider*. www.businessinsider.com/trump-inauguration-parade-tanks-missile-launchers-2017-1

[36] Arkin. Feb. 7, 2018. "Trump's Desired Military Parade: Analysts Blast Plan as 'North Korea-Style' Event." *NBC News*. www.nbcnews.com/news/us-news/trump-s-desired-military-parade-analysts-blast-plan-north-korea-n845626

[37] Britzky, Haley. Nov. 20, 2018. "All the Times Trump Has Snubbed the Military." *Axios*. www.axios.com/2018/11/20/donald-trump-rhetoric-military-soldiers-armed-forces

[38] Ward, Alex. June 3, 2020. "The President Is a Danger to the US Military." *Vox*. www.vox.com/2020/6/3/21279391/george-floyd-protests-military-donald-trump-mattis

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the law of war. For Trump, Fox News has not only provided a mouthpiece through which to reach the military community. U.S. servicemembers and veterans almost uniformly regard it as pro-military. Even before Trump's presidency, Fox News had been the main media station shown on the Armed Forces Network, which broadcasts to military bases. It had a clear record of promoting pro-American, nationalist values. One journalist, for example, referred to Fox News as "patriotic" and "pugilistic" due to its stars-and-stripes programming.[39] Another called Fox News one of "the military's biggest cheerleaders."[40]

Timing-wise, Trump's initial ascent to the White House in 2016 occurred after Fox News's 2014 hiring of Pete Hegseth,[41] and just before the departure of moderates like military analyst Ralph Peters, who accused Fox News of being a "propaganda machine for a destructive and ethically ruinous [Trump] administration."[42] It also occurred as Fox News began to feature more outspoken military veterans. This included former Navy SEAL Rob O'Neill, known for killing Osama bin Laden, who declared on Fox News that "a commander in chief … can do anything he wants."[43] It also included former U.S. Army Ranger Mat Best, who on Fox Nation blasted "political elitists sitting in some progressive ivory tower … [who] if they heard a gunshot from afar, they'd be triggered."[44]

These and similar far-right voices on Fox News have provided Trump with reliable partners in broadcasting the impunity agenda.

[39] Folkenflik, David. Apr. 2, 2003. "Fox News Defends Its 'Patriotic' Coverage." *Baltimore Sun*. www.baltimoresun.com/news/bs-xpm-2003-04-02-0304020026-story.html

[40] Ponce De Leon, Charles L. May 23, 2015. "'Perilously Close to Propaganda': How Fox News Shilled for Iraq War, and Jon Stewart Returned Sanity." *Salon*. www.salon.com/2015/05/23/perilously_close_to_propaganda_how_fox_news_shilled_for_iraq_war_and_jon_stewart_returned_sanity/

[41] Stelter, Brian. Nov. 13, 2024. "How Pete Hegseth Went from Fox News Host to Trump's Defense Secretary Pick." *CNN*. www.cnn.com/2024/11/13/media/pete-hegseth-fox-news-trump-defense-secretary/index.html

[42] Wells, Emily. Mar. 21, 2018. "Fox Commentator Leaves Network, Calling it 'Propaganda Machine.'" *TD*. www.truthdig.com/articles/fox-commentator-leaves-network-calling-it-propaganda-machine/

[43] Nov. 26, 2019. "Rob O'Neill on President Trump's Decision to Intervene in Navy SEAL Eddie Gallagher's Case." *Fox News*. https://video.foxnews.com/v/6109272473001

[44] Nov. 12, 2019. "Mat Best Calls Out 'Political Elitists' Handling the Military Justice System." *Fox Nation*. www.youtube.com/watch?v=A7HJrFgwILo

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For example, one analyst noted that "[f]or those who watch Fox News, the notion that the laws of war are inherently unfair and unnecessarily hinder our service members overseas will, most likely, seem acceptable."[45] Another analysis referred to Fox News anchors as "All the SEAL's Men," saying that their incessantly positive coverage of Eddie Gallagher made him "untouchable" to conservatives.[46] One account described the network's staunchly pro-Trump stance as sending a clear signal: "If you violate the laws of war, the commander-in-chief may well bail you out – especially if your case wins the sympathy of Fox News."[47]

Fox News's ubiquity on military bases has offered an indispensable medium for Trump to promote the impunity agenda. According to political scientist Tom Nichols, for example, Fox News remains the "default channel" in public military spaces.[48] Journalism professor Helen Benedict has likewise described "Fox News … [as] the most popular TV channel on military bases."[49] Anecdotally, one source reported that "Fox News is always blaring in common spaces during duty hours" and that "[f]ar from always being a service member's choice … everyone is subjected to it like it or not."[50] A recent schedule for the Armed Forces Network displayed Fox News running for eight out of twenty-four hours on a weekday, including programs like "The Five," "Jesse Watters Primetime," and "Hannity."[51]

[45] Rodman, Lindsay L. May 24, 2019. "Post-9/11 Veterans Have Mixed Feelings About Trump's War Crimes Pardons." *Just Security*. www.justsecurity.org/64256/post-9-11-veterans-have-mixed-feelings-about-trumps-war-crimes-pardons/

[46] Dyer, Andrew. Nov. 29, 2019. "All the SEAL's Men. The Fox News Campaign That Made Eddie Gallagher Untouchable." *San Diego Tribune*. www.sandiegouniontribune.com/news/military/story/2019-11-29/all-the-seals-men-the-fox-news-campaign-that-made-eddie-gallagher-untouchable

[47] Ford, Matt. May 8, 2019. "The Fox & Friends Pardon for War Crimes." *The New Republic*. https://newrepublic.com/article/153849/fox-and-friends-pardon-war-crimes

[48] Nichols, Tom. July 11, 2022. "Should the Military Censor Fox?" *Atlantic*. https://newsletters.theatlantic.com/peacefield/62cc57fc30d04800225a9f49/fox-news-censorship-us-military/

[49] Benedict, Helen. 2009. *The Lonely Soldier the Private War of Women Serving in Iraq*. Boston: Beacon Press.

[50] Lofgren, Mike and Jen Senko. Feb. 10, 2022. "It's Time the Pentagon Pulled the Plug on Fox News." *Common Dreams*. www.commondreams.org/views/2022/02/10/its-time-pentagon-pulled-plug-fox-news

[51] https://v3.myafn.dodmedia.osd.mil/

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Fox News's reach on military installations became so significant during Trump's first term that it inspired attempts to remove its content. For instance, in 2019, the Army & Air Force Exchange Service called for replacing TV news altogether on military bases because of its divisiveness.[52] After Trump left office in 2021, the progressive organization VoteVets launched a campaign to bar Fox News from military bases, accusing it of waging "information warfare that divides the troops, hurts unit cohesion, … and threatens our national security."[53] Democrat Rep. Eric Swalwell of California suggested that Fox News should be banned on military bases.[54] The Lincoln Project, a group of anti-Trump Republicans, also circulated a petition with the hashtag "#BanFoxonBase."[55]

Although efforts to remove Fox News from military bases have largely been pegged to misleading 2020 election coverage,[56] criticism goes beyond these concerns. Several commentators have complained that Fox News undercuts proper conduct on the battlefield. According to one Navy officer, for example, "The values of Fox News are not aligned with those of the United States military, and undermine good order and discipline among the ranks."[57] Other experts have argued that because "[o]ur military leaders have a duty to maintain good

[52] Mervosh, Sarah. Apr. 13, 2019. "Retailer on Military Bases Says TV News Is Too 'Divisive.' Its Suggestion? Tune to Sports." *New York Times*. www.nytimes.com/2019/04/13/us/military-exchange-tv-news-sports.html

[53] Mastrangelo, Dominick. Mar. 7, 2023. "Veterans Group: Ban Fox News on Military Bases." *The Hill*. https://thehill.com/homenews/media/3887680-veterans-group-ban-fox-news-on-military-bases/#:~:text=A%20progressive%20veterans%20group%20has,coverage%20of%20the%202020%20election.

[54] https://twitter.com/RNCResearch/status/1634608324518748161?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1634608324518748161%7Ctwgr%5Ebc0ddb3bfd31274a66d9ee7869560117c13ff594%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.dailywire.com%2Fnews%2Feric-swalwell-doesnt-want-to-dictate-what-channels-the-military-can-watch-unless-they-like-fox-news

[55] https://action.lincolnproject.us/_banfoxonbase

[56] Lapan, David. Oct. 4, 2022. "Why the US Military Should Ban Cable News Programs across its Bases." *Task and Purpose*. https://taskandpurpose.com/opinion/cable-news-on-military-bases/

[57] Spocchia, Gino. Mar. 11, 2021. "Calls for Fox News to be Turned Off on Military Bases after Tucker Carlson Attack on Women Soldiers." *Independent*. www.independent.co.uk/news/world/americas/us-politics/tucker-carlson-women-soldiers-fox-news-b1815996.html

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order and discipline in the ranks … [a]llowing Fox News to blast into every barracks, orderly room, and enlisted club makes no more sense than allowing Radio Moscow to propagandize new recruits during the cold war."[58]

Fox News's pro-military slant has also enabled Trump to push the impunity agenda in civilian settings. For example, interviews with the wives of U.S. servicemembers pleading for clemencies have presented the impunity agenda as representing the plights of everyday military families.[59] Such efforts likely gain even more traction when aired alongside other military-themed programming. For instance, the network's franchise series "Proud American" expressly recognizes heroism in the armed forces.[60] Fox News's offer of a free year of paid subscription to "Fox Nation" for all active-duty U.S. combatants and retirees is another part of its military outreach.[61] Fox News maintains an entire webpage on "Military Families," which includes more than seventy stories from 2020 alone.[62]

GOP Allies on Capitol Hill

Trump's perception that GOP Congress members could shield the impunity agenda from military criticism has likely been bolstered by the fact that many of his allies on Capitol Hill are former veterans. For Trump, who never served in uniform (he received a medical deferment),[63]

[58] Lofgren, Mike and Jen Senko. Feb. 10, 2022. "It's Time the Pentagon Pulled the Plug on Fox News." *Common Dreams*. www.commondreams.org/views/2022/02/10/its-time-pentagon-pulled-plug-fox-news

[59] Aug. 24, 2019. "Wife of Major Mathew Golsteyn Gives Us an Update on the Case and His Pending Murder Charges." *Fox News*. www.foxnews.com/video/6076584965001

[60] O'Brien, Corney. May 26, 2021. "FOX News Media Donating $40,000 to Veteran and Military-focused Nonprofits for Proud American Series." *Fox News*. www.foxnews.com/media/fox-news-media-40000-military-focused-nonprofits-proud-american

[61] https://try.nation.foxnews.com/military/?cmpid=org=NAT::ag=inhouse::mc=CPC::src=google::cmp=brand&utm_source=CPC&utm_medium=google&utm_campaign=military&gclid=CjwKCAjwxr2iBhBJEiwAdXECw46gbaiOzlUgR3r5K7WK8Bwq8h46ErFBRF28n-RCgZCAM9zhtTzoJRoCFU0QAvD_BwE&gclsrc=aw.ds

[62] www.foxnews.com/category/us/military/military-families

[63] Rutenberg, Amy J. Jan. 2, 2019. "What Trump's Draft Deferments Reveal." *Atlantic*. www.theatlantic.com/ideas/archive/2019/01/trumps-military-draft-deferment-isnt-unusual/579265/

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support has not only added to the impunity agenda's perceived credibility. Lawmakers have also been able to speak firsthand to the priorities of rank-and-file U.S. servicemembers. This includes playing to concerns that Pentagon bureaucrats make American troops vulnerable to prosecution. Shortly after Trump's inauguration, for example, Congressional Justice for Warriors Caucus (CJWC) co-founder Rep. Duncan Hunter wrote an opinion piece citing that less than a third of U.S. servicemembers felt that their leaders acted in their best interests.[64]

Republican Congress members who had pushed for war crime clemencies even before Trump first took office in 2017 gave a preview of what the impunity agenda would become. As early as 2015, for example, Reps. Duncan Hunter and Ryan Zinke of Montana, a former Navy SEAL, wrote a letter to the Obama administration demanding a review of Clint Lorance's verdict. The request, coinciding with a petition garnering more than 100,000 signatures, urged the White House "to tell the military … that when we send our young sons and daughters into harm's way, we do not turn against them." The effort made headlines in the *Army Times*,[65] *Washington Post*,[66] and *New York Times*,[67] giving Trump proof of the political traction that challenges to the military justice system could gain.

When Trump first entered office, the most strident voices challenging the U.S. military justice system on Capitol Hill were both ex-combatants and MAGA allies. This included CJWC co-chair Duncan Hunter, who served as an officer in the U.S. Marines with deployments to Iraq and Afghanistan. It also included CJWC co-chair Rep. Louie Gohmert, who worked as a defense lawyer in the U.S. Army JAG corps at Fort Benning in Georgia. Alongside the CJWC leaders were

[64] Hunter, Duncan. Apr. 14, 2017. "Average Soldiers Don't Trust Their Generals and They Have a Point." *Daily Beast*. www.thedailybeast.com/average-soldiers-dont-trust-their-generals-and-they-have-a-point

[65] Tan, Michelle. Jan. 14, 2015. "Congressmen to Army: Review LT's Murder Conviction." *Army Times*. www.armytimes.com/news/your-army/2015/01/14/congressmen-to-army-review-lt-s-murder-conviction/

[66] Shapiro, T. Ree. Jan. 31, 2015. "Lawyers Seek to Exonerate Ex-Army Officer Who Ordered Soldiers to Shoot Afghan Men." *Washington Post*. www.washingtonpost.com/world/national-security/lawyers-seek-to-exonerate-ex-army-officer-who-ordered-soliders-to-shoot-afghan-men/2015/01/31/396c25ec-a085-11e4-b146-577832eafcb4_story.html

[67] Philipps, Dave. Feb. 24, 2015. "Cause Célèbre, Scorned by Troops." *New York Times*. www.nytimes.com/2015/02/25/us/jailed-ex-army-officer-has-support-but-not-from-his-platoon.html

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some of Trump's most firebrand, "ultra-MAGA" defenders generally. Among them were Rep. Dan Crenshaw of Texas, a former Navy SEAL who lost his right eye from an improvised explosive device (IED) in Afghanistan, and Rep. Brian Mast of Florida, who had both of his legs amputated after stepping on an IED in Afghanistan.[68]

CJWC members have regularly spotlighted their own military backgrounds to defend the impunity agenda. For instance, in a 2019 video posted to Sean Hannity's website, Louie Gohmert pointed to his time as "a former judge advocate general corps member" who "handled … no telling how many court martials" to explain what inspired him to found the CJWC.[69] In an exchange with Pete Hegseth on Fox News, Rep. Michael Waltz of Florida said that he understood the clemency defense that "[w]ar is messy" and filled with "snap decisions of shoot or no shoot" because he himself "had to make those own decisions … in combat." Affirming his service, Hegseth replied, "Congressman, very well said from someone who understands it and has been there himself."[70]

Duncan Hunter, in particular, routinely appealed to his own combat service to excuse illegal behavior on the battlefield. For example, in downplaying criminal charges against Eddie Gallagher, he declared, "A lot of us have done the exact same thing … Eddie did one bad thing that I'm guilty of, too."[71] According to a reporter, Hunter insisted "that defending fellow veterans [wa]s at the very core of why he got into politics."[72] Speaking on the Zero Blog 30 podcast, Hunter

[68] Norman, Greg. Mar. 21, 2019. "Texas Rep. Dan Crenshaw Fighting for Fellow Navy SEAL Being Held on War Crimes Charges." *Fox News*. www.foxnews.com/us/eddie-gallagher-case-house-republicans-call-on-navy-leadership-to-review-treatment-of-seal-being-held-on-war-crimes-charges

[69] Staff. Oct. 18, 2019. "JUSTICE FOR WARRIORS: The Congressional Justice for Warriors Caucus Calls for the Release of a Wrongly Convicted Soldier." Hannity. https://hannity.com/media-room/justice-for-warriors-the-congressional-justice-for-warriors-caucus-calls-for-the-release-of-a-wrongly-convicted-soldier/

[70] Nov. 17, 2019. "Rep. Michael Waltz: President Trump Did the Right Thing by Pardoning Clint Lorance." Rep. Michael Waltz. www.youtube.com/watch?v=IXmKv1yo2Ng&t=112s

[71] Sisk, Richard. May 30, 2019. "Marine Vet Lawmaker Responds to Battlefield Photo Controversy." *Military.com*. www.military.com/daily-news/2019/05/30/marine-vet-lawmaker-responds-battlefield-photo-controversy.html

[72] Reston, Maeve. June 6, 2019. "Duncan Hunter's Defense of Accused Navy SEAL Brings New Scrutiny." *CNN*. www.cnn.com/2019/06/06/politics/duncan-hunter-political-future/index.html

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expressly said that his primary motivation in running for Congress was to represent the "millions of people … who had served in Iraq and Afghanistan."[73] Eddie Gallagher's brother, Sean, praised Hunter's "advocacy, based in large part on a shared experience in combat."[74]

Republican Congress members have also leaned into their service in other ways to help both themselves and the impunity agenda. For example, Duncan Hunter used military imagery so aggressively in his campaigning that Marine leadership ordered him to stop using its official "Eagle, Globe, and Anchor" symbol in his electioneering.[75] CJWC members without military experience displayed their commitment by allying with court-martialed troops. For instance, in 2023, Rep. Matt Gaetz of Florida hired convicted war criminal Derrick Miller as a legislative aide. The move prompted headlines like "Matt Gaetz's Legislative Aide Is a Convicted War Criminal Who Murdered an Afghan Civilian and Dumped His Body in a Latrine" (*Insider*).[76] Gaetz's office insisted that Miller "served our country with honor."[77]

Equally critical has been an absence of pushback from other high-profile veteran Congress members in the GOP. This was especially true regarding Trump's war crime clemencies, which occurred after

[73] May 28, 2019. "ZBT #170: Interview w/ Rep. Duncan Hunter on Eddie Gallagher's Trial." *Zero Blog Thirty*. www.stitcher.com/show/zero-blog-thirty/episode/zbt-170-interview-w-rep-duncan-hunter-on-eddie-gallaghers-trial-61325806

[74] Dyer, Andrew. Dec. 8, 2019. "As Duncan Hunter Announces Plans to Resign, Supporters Recall a Tireless Supporter of Military, Veterans." *San Diego Tribune*. www.sandiegouniontribune.com/news/politics/story/2019-12-08/as-duncan-hunter-announces-plans-to-resign-supporters-recall-a-tireless-supporter-of-military-veterans

[75] Philipps, Dave. July 19, 2019. "Marine Corps Orders Duncan Hunter to Stop Using Emblem on Political Mailers." *New York Times*. www.nytimes.com/2019/07/19/us/duncan-hunter-marines-emblem.html

[76] Sheth, Sonam and John Haltiwanger. Mar. 30, 2023. "Matt Gaetz's Legislative Aide Is a Convicted War Criminal Who Murdered an Afghan Civilian and Dumped His Body in a Latrine." *Insider*. https://news.yahoo.com/matt-gaetzs-legislative-aide-convicted-185933521.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAANOrmQpfpZPxhNCAZkQDMocr01y9viEOItLv0CoQFqTNBFk-6t4YpBh7IuXoTq6ghAMK7L21WoP8w5azRTbQpIRhCelkDvhixvB_gccNuv0ploCdGoIPlgb2JxEW_mxjt-VGuBh4G5QKgfs6gPzpgdsghfkOV8271X_i4C4MOgl4

[77] Blest, Paul. Mar. 30, 2023. "Matt Gaetz Hired a Real-Life War Criminal to Work In His Congressional Office" *Vice*. www.vice.com/en/article/epvdxw/matt-gaetz-derrick-miller-war-criminal?utm_source=vicenewstwitter

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the 2018 death of Sen. John McCain, one of IHL's most lucid defenders.[78] Other Republican legislators, including South Carolina Sen. Lindsey Graham, an Air Force veteran, have seemingly undergone a volte-face on the issue. Following revelations of torture at Abu Ghraib in 2003, for example, Graham proclaimed, "Your goal has to be as an American to … respect the concepts of the Geneva Convention."[79] By contrast, Graham expressed "some sympathy" for Trump's war crime clemencies because "the president believes that the rules of engagement were not clear, that we put our folks in a bad spot."[80]

4.3 Rise of Far-Right Extremism in the Military

Trump's rises to power in 2017 and again in 2025 both reflect and reinforce a subculture of political extremism within the U.S. military that has been key to carrying out the impunity agenda. Pro-Trump, right-wing servicemembers and veterans have bolstered Trump's calculation that he could inspire a critical, conservative mass of the military to support, or at least not oppose, overt challenges to IHL. Although the Department of Defense (DoD) does not officially collect data on partisanship, survey after survey dating back decades shows that its members lean to the right.[81] Despite more political diversity existing among enlistees than the officer corps,[82] studies still point to the U.S. military as a conservative organization.

[78] Senate. Sept. 28, 2006. Congressional Record. https://fas.org/irp/congress/2006_cr/s092806.html

[79] Senator Lindsey Graham, PBS Frontline "The Torture Question." Oct. 18, 2005. www.thirteen.org/programs/frontline/frontline-torture-question/

[80] Bolton, Alexander and Rebecca Kheel. Dec. 3, 2019. "Republicans Raise Concerns over Trump Pardoning Service Members." *The Hill*. https://thehill.com/policy/defense/472910-republicans-raise-concerns-over-trump-pardoning-service-members/

[81] Holsti, Ole. 2001–2002. "Politicization of the United States Military: Crisis or Tempest in a Teapot?" *International Journal* 57(1): 1–18. Liebert, Hugh and James Golby. 2017. "Midlife Crisis? The All-Volunteer Force at 40." *Armed Forces and Society* 43(1): 115–138. Urben, Heidi A. 2021. *Party, Politics, and the Post-9/11 Army*. New York: Cambria Press.

[82] Feaver, Peter D. and Richard H. Kohn, eds. 2001. *Soldiers and Civilians: The Civil-Military Gap and American National Security*. Cambridge, MA: MIT Press. Urben, Heidi A. 2014. "Wearing Politics on Their Sleeves? Levels of Political Activism of Active Duty Army Officers." *Armed Forces and Society* 40(3): 568–591.

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Scholars have referred to this outcome as a partisan "gap" in civil-military relations.[83]

While conservatism does not equate to a far-right ideology, data show that perceptions of partisan divisions have become increasingly acute among the ranks.[84] During Trump's first term, for instance, more than three in four military members polled by the *Military Times* thought that the community was becoming more politically polarized.[85] A wave of independent reports – with titles like "The Violent Far-Right Terrorist Threat to the U.S. Military" (Council on Foreign Relations)[86] and "Right-Wing Extremism in the Military" (International Centre for Counter-Terrorism)[87] – cite a concomitant surge of far-right sympathies in the military after Trump's 2016 election. These movements have been characterized by adherence to fundamentalist, anti-government beliefs.

Indicative of this trend has been the gaining stature of right-wing paramilitary organizations like the Proud Boys and the Oath Keepers, whose ranks comprise disproportionate numbers of current and former military members. Based on estimates, upwards of a quarter of the membership of such groups is now made up of U.S. military veterans, with totals in the populations reaching the tens of thousands.[88] According to a federal prosecutor, the Proud Boys see themselves as "Donald Trump's army" who are willing to "line … up

[83] Golby, James T. 2011. "*The Democrat-Military Gap: A Re-Examination of Partisanship and the Profession*." Chicago: Inter-University Seminar on Armed Forces and Society.

[84] Robinson, Michael A. 2023. *Dangerous Instrument: Political Polarization and US Civil-Military Relations*. Oxford: Oxford University Press.

[85] Shane, Leo III. 2018. "Troops See Rising Political Tension in the Ranks, Poll Shows." *Military Times*. www.militarytimes.com/news/pentagon-congress/2018/10/17/troops-see-rising-political-tension-in-the-ranks-poll-shows/

[86] Ware, Jacob. Jan. 31, 2023. "The Violent Far-Right Terrorist Threat to the U.S. Military." Council on Foreign Relations. www.cfr.org/blog/violent-far-right-terrorist-threat-us-military

[87] van Dongen, Teun, Yannick Veilleux-Lepage, Eviane Leidig, Hanna Rigault Arkhis. 2022. "Right-Wing Extremism in the Military A Typology of the Threat." International Centre for Counter Terrorism. www.icct.nl/sites/default/files/2022-12/Right-wing-extremism-in-the-military-1.pdf

[88] Steinhauer, Jennifer. Sept. 11, 2020. "Veterans Fortify the Ranks of Militias Aligned with Trump's Views." *New York Times*. www.nytimes.com/2020/09/11/us/politics/veterans-trump-protests-militias.html

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behind Donald Trump and … commit violence on his behalf."[89] One analysis described the Oath Keepers as a radical-right militia "keen on supporting veterans while preying on their desire to defend the country once again."[90]

It is worth underscoring that extremism within the modern U.S. military is not a new problem.[91] Concerns about white supremacist infiltration, such as Ku Klux Klan membership, were prevalent during the Vietnam War.[92] In the 1980s, the DoD reported multiple instances of military participation in white supremacist groups.[93] In the 1990s, the Oklahoma City bombing, carried out by Timothy McVeigh and Terry Lynn Nichols, showcased the catastrophic damage wrought by two radicalized veterans.[94] After 9/11, the FBI counted "203 individuals with confirmed or claimed military service active in the extremist movement [from 2001 to 2008]."[95] In a 2006 publication, the Southern Poverty Law Center warned that "extremists are once again worming their way into a recruit-starved military."[96]

[89] Cheney, Kyle. Apr. 24, 2023. "'Donald Trump's Army': Prosecutors Close Seditious Conspiracy Case against Proud Boys Leaders." *POLITICO*. www.politico.com/news/2023/04/24/proud-boys-trial-closing-00093502

[90] Lawrence, Drew F. and Konstantin Toropin. Dec. 1, 2022. "Convicted Oath Keeper Leader Preyed on Veterans Looking for Meaning After Service." *Military.com*. www.military.com/daily-news/2022/12/01/convicted-oath-keeper-leader-preyed-veterans-looking-meaning-after-service.html

[91] Koehler, Daniel. 2019. "A Threat from Within? Exploring the Link between the Extreme Right and the Military." International Centre for Counter-Terrorism – The Hague.

[92] Gurhman, Hannah. Oct. 6, 2017. "As We Rethink the Vietnam War, We Have to Grapple with Its Racial Implications." *Washington Post*. www.washingtonpost.com/news/made-by-history/wp/2017/10/06/as-we-rethink-the-vietnam-war-we-have-to-grapple-with-its-racial-implications/

[93] Schmidt, William E. Apr. 15, 1986. "Soldiers Said to Attend Klan-Related Activities." *New York Times*. www.nytimes.com/1986/04/15/us/soldiers-said-to-attend-klan-related-activities.html

[94] Talley, Tim. Aug. 10, 1995. "Timothy McVeigh Known as Dedicated Soldier, Solitary Loner." *Associated Press*. https://apnews.com/article/69debb4c262e35ec720f1bb7b30e5522

[95] FBI. 2008. "White Supremacist Recruitment of Military Personnel since 9/11." https://documents.law.yale.edu/sites/default/files/White%20Supremacist%20Recruitment%20of%20Military%20Personnel%20Since%209-11-ocr.pdf

[96] Holthouse, David. Aug. 11, 2006. "Several High-Profile Racist Extremists Serve in the U.S. Military." Southern Poverty Law Center. www.splcenter.org/fighting-hate/intelligence-report/2006/several-high-profile-racist-extremists-serve-us-military

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Still, Trump's record as commander-in-chief has appeared to empower extremism in the military.[97] In the final full year of Trump's first term in office, the FBI launched criminal probes into 143 current and ex-military members, nearly half of whom were connected to extremist behavior.[98] In 2020, the Pentagon recommended both banning servicemember participation in hate groups and revising the UCMJ to address the problem.[99] In 2021, Secretary of Defense Lloyd Austin issued a "stand down" order to counter military extremism.[100] The DoD also initiated a large-scale investigation into extremism.[101] The Center for Strategic and International Studies further found that, from 1994 to 2021, U.S. servicemembers were implicated "in a growing number of domestic terrorist plots and attacks."[102]

Available data, which tend to focus on legally defined criminal activity, likely capture only a fraction of U.S. military sympathies to radical, mostly far-right groups. More passive forms of extremism may not register in official counts, even if they raise the risks for illicit activity both on and off the battlefield. The extent of extremist

[97] Bembenek, Christina. Mar. 10, 2021. "Conspiracy Stand Down: How Extremist Theories Like Qanon Threaten the Military and What to Do About It." *War on the Rocks*. https://warontherocks.com/2021/03/conspiracy-stand-down-how-extremist-theories-like-qanon-threaten-the-military-and-what-to-do-about-it/

[98] Schmitt, Eric. Feb. 3, 2021. "Lloyd Austin Ramps up the Fight against Right-wing Extremism within the Military." *New York Times*. www.nytimes.com/2021/02/03/us/lloyd-austin-extremism-military.html

[99] Department of Defense Board on Diversity and Inclusion. 2020. "Recommendations to Improve Racial and Ethnic Diversity and Inclusion in the U.S. Military." https://media.defense.gov/2020/Dec/18/2002554852/-1/-1/0/DOD-DIVERSITY-AND-INCLUSION-FINAL-BOARD-REPORT.PDF

[100] Garamone, Jim. Feb. 3, 2021. "Austin Orders Military Stand Down to Address Challenge of Extremism in the Ranks." US Department of Defense. www.defense.gov/Explore/News/Article/Article/2492530/austin-orders-military-stand-down-to-address-challenge-of-extremism-in-the-ranks/

[101] Department of Defense Office of Inspector General. 2021. "Project Announcement: Evaluation of Department of Defense Efforts to Develop and Implement Policy and Procedures Addressing Ideological Extremism Within the U.S. Armed Forces (Project No. D2021-DEV0PB-0079.000)." www.dodig.mil/reports.html/Article/2472525/project-announcement-evaluation-of-department-of-defense-efforts-to-develop-and/

[102] Jones, Seth G., Catrina Doxsee, Grace Hwang, and Jared Thompson. "The Military, Police, and the Rise of Terrorism in the United States." Center for Strategic & International Studies. www.csis.org/analysis/military-police-and-rise-terrorism-united-states

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proclivities is largely unknown due to the lack of a centralized, federal clearinghouse documenting the problem. Democrat Rep. Elissa Slotkin of Michigan, for instance, has acknowledged that data measuring military extremism is "really poor."[103] Mark Pitcavage of the Anti-Defamation League's Center on Extremism has lamented that "[t]he military has never set up the structure to track people who were kicked out for … extremism."[104]

Aggravating these patterns is that right-wing groups have prioritized recruiting military and ex-military members due to their transferable skills. Skills taught in basic training, such as tactical maneuvers, the use of weaponry, leadership, and management of high-stress situations, are prized by paramilitary groups. Political scientist Peter Feaver, for example, has observed that "[r]ight-wing groups targeted military veterans for having the skill sets that they were looking for," quipping "[t]hey weren't recruiting from among the Columbia Journalism School."[105] Former National Security Council member Jeff McCausland has similarly called the "unique training the military offers in weapons, communications and cyber" an "exploitable asset" for hard-right extremists.[106]

Concerns about the U.S. military's extremist problem have increasingly drawn attention. Democrat Rep. Jason Crow of Colorado, for instance, has referred to "the rise of extremism and white supremacy in the ranks" as a "crisis … fueled by President [Donald] Trump."[107] Thomas Kolditz, previously of the U.S. Military Academy, has remarked that among his "bigger concerns" is "a strong Trump following in

[103] Cammarata, Sarah. Mar. 24, 2021. "House Lawmakers Voice Concern over How to Address Extremism in the Military without Clear Data." *Stars and Stripes*. www.stripes.com/news/us/house-lawmakers-voice-concern-over-how-to-address-extremism-in-the-military-without-clear-data-1.667135

[104] Satter, Mark. May 13, 2021. "Capitol Insurrection Forces Military's Extremism Problem out of the Shadows." *Roll Call*. www.rollcall.com/2021/05/13/capitol-insurrection-forces-militarys-extremism-problem-out-of-the-shadows/

[105] Valentino-DeVries, Jennifer, Denise Lu, Eleanor Lutz, and Alex Leeds Matthews. Feb. 21, 2021. "A Small Group of Militants' Outsize Role in the Capitol Attack." *New York Times*. www.nytimes.com/interactive/2021/02/21/us/capitol-riot-attack-militants.html

[106] McCausland, Jeff. Mar. 4, 2021. "March 4 Capitol Attack Rumors Highlight Dangers of Far-right Extremism's Military Ties." *NBC Think*. www.nbcnews.com/think/opinion/march-4-capitol-attack-rumors-highlight-dangers-far-right-extremism-ncna1259546

[107] Bender, Bryan. Jan. 11, 2021. "The Military Has a Hate Group Problem. But It Doesn't Know How Bad It's Gotten." *POLITICO*. www.politico.com/news/2021/01/11/military-right-wing-extremism-457861

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the military," noting that, when it comes to January 6 sympathizers, "[w]e're probably talking about thousands across the Department of Defense."[108] In reviewing major extremist incidents within the military since the 1970s, one group of national security experts has called for "future policies, strategies, and bureaucratic structures to counter extremism in the military."[109]

Efforts to crack down on military extremism, however, have been uneven. Intelligence specialist Kristofer Goldsmith, for instance, has criticized the DoD for treating extremists with "kid gloves."[110] Retired personnel, in particular, are often overlooked in lieu of a focus on current combatants.[111] To date, the Department of Veterans Affairs has not devised any permanent initiative aimed at opposing extremism. Among active-duty ranks, keeping extremism at bay is seen as difficult because so much activity occurs at the unit level. For example, the RAND Corporation's Heather Williams has observed that "[u]ltimately, the war to root out extremism is going to be fought in the trenches by individual military commanders and against specific bad apples."[112]

One reason for uneven political will to stop extremism likely stems from internal recruitment incentives. Because the U.S. military relies disproportionately on enlistees from Republican areas,[113]

[108] Colvin, Geoff. Jan. 8, 2021. "Retired Brigadier General Says Trump Loyalists in Military Need Rooting Out." *Fortune*. https://fortune.com/2021/01/08/trump-support-military-capitol-coup-attempt/

[109] Askew, Simone, Jack Lowe, Nette Monaus, and Kristin L. Cooper. Apr. 27, 2021. "We've Been Here Before: Learning from the Military's History with White Nationalism." *War on the Rocks*. https://warontherocks.com/2021/04/weve-been-here-before-learning-from-the-militarys-history-with-white-nationalism/

[110] Beynon, Steve and Konstantin Toropin. Nov. 5, 2021. "What Happened to Members of the Military Accused of Storming the Capitol on January 6?" *Military.com*. www.military.com/daily-news/2021/11/05/what-happened-members-of-military-accused-of-storming-capitol-january-6.html

[111] Sonne, Paul, Alex Horton, and Julie Tate. Apr. 20, 2021. "Post-riot Effort to Tackle Extremism in the Military Largely Overlooks Veterans." *Washington Post*. www.washingtonpost.com/national-security/veterans-extremism-capitol-attack/2021/04/19/3597018a-9651-11eb-8e42-3906c09073f9_story.html

[112] Williams, Heather. Feb. 1, 2021. "How to Root Out Extremism in the US Military." *Defense One*. www.defenseone.com/ideas/2021/02/how-root-out-extremism-us-military/171744/

[113] Philipps, Dave and Tim Arango. Jan. 10, 2020. "Who Signs Up to Fight? Makeup of U.S. Recruits Shows Glaring Disparity." *New York Times*. www.nytimes.com/2020/01/10/us/military-enlistment.html

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efforts to eradicate extremism may also be seen as alienating a core part of its base. For instance, writer Matthew Kennard has argued that the military's under-recruitment problem dates back at least to the Iraq and Afghanistan wars, when it began lowering standards that allowed "neo-Nazis, gang members, and criminals" into the ranks.[114] According to a 2005 report by the DoD, the military informally maintained a "don't ask, don't tell" policy on extremism, stating, "If individuals can perform satisfactorily, without making their extremist opinions overt, they are likely to be able to compete their contracts."[115]

The military's recruiting challenges became even more pronounced after Trump left power the first time. In 2022, for example, the Army reported falling 15,000 recruits below its 60,000 recruitment target.[116] Due to fitness and other criteria, the fraction of Americans eligible to serve in the military based on age has fallen to below a quarter.[117] Analysis from the Council on Foreign Relations refers to U.S. military under-recruitment as a "crisis."[118] Experts David McCormick and James Cunningham describe the U.S. military's inability to reach targets as symptomatic of a "cultural rot" pervading the institution.[119] The need to replenish the ranks may partially

[114] Kennard, Matt. 2015. *Irregular Army: How the US Military Recruited Neo-Nazis, Gang Members and Criminals to Fight the War on Terror*. New York City: Verso Books. Lavin, Talia. May 17, 2021. "The U.S. Military Has a White Supremacy Problem." *The New Republic*. https://newrepublic.com/article/162400/us-military-white-supremacy-problem

[115] Fantz, Ashley. Mar. 31, 2021. "The Military Has Long Had an Extremism Problem. What Will It Do Now to Finally Solve It?" *CNN*. www.cnn.com/2021/03/31/us/us-military-extremism-invs/index.html

[116] Baldor, Lolita C. Oct. 2, 2022. "Army Misses Recruiting Goal by 15,000 Soldiers." *Army Times*. www.armytimes.com/news/your-army/2022/10/02/army-misses-recruiting-goal-by-15000-soldiers/

[117] Novelly, Thomas. Sept. 28, 2022. "Even More Young Americans Are Unfit to Serve, A New Study Finds. Here's Why." *Military.com*. www.military.com/daily-news/2022/09/28/new-pentagon-study-shows-77-of-young-americans-are-ineligible-military-service.html

[118] Kurilla, Michelle. June 16, 2023. "The President's Inbox Recap: The U.S. Military Recruiting Crisis." Council on Foreign Relations. www.cfr.org/blog/presidents-inbox-recap-us-military-recruiting-crisis

[119] McCormick, David and James Cunningham. Apr. 14, 2023. "The Military Recruitment Crisis Is a Symptom of Cultural Rot." *Wall Street Journal*. www.wsj.com/articles/the-military-recruitment-crisis-is-a-symptom-of-cultural-rot-american-exceptionalism-patriotism-health-c0f69bda

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explain why the Pentagon has, despite pressure, yet to proscribe military membership in hate groups.[120]

Such challenges are only made more difficult by right-wing pushback. When in 2021 the Pentagon announced its inquiry into extremism after January 6, critics cast it as a targeted attack on Republicans. On Fox News, for example, Pete Hegseth warned against a "purge of the Defense Department led by a new and now powerful radical leftist."[121] Fox News's Laura Ingraham criticized an "ideological and un-American purge of the U.S. military."[122] On Fox News, Army veteran Rob Smith complained that the political left has "rush[ed] to define all of their political enemies right now as extremists," adding that "[s]tuff like this will destroy the military."[123] Republican Rep. Mike Rogers of Alabama insisted that extremism "is far from the largest military justice issue."[124]

A growing number of Republicans have cited specific instances of what they refer to as political retaliation. For instance, Pete Hegseth claims that he was prevented from working at Joe Biden's inauguration because of his Christian tattoo that read, "Deus Vult" ("God wills it," in Latin), which became popular with right-wing paramilitary groups involved in the U.S. Capitol storming.[125]

[120] Stafford, Kat and James Laporta. Dec. 29, 2021. "Military Still Grappling with Racism and Extremism, Investigation Finds." *PBS*. www.pbs.org/newshour/nation/military-still-grappling-with-racism-and-extremism-investigation-finds

[121] Fox News Staff. May 6, 2021. "Pete Hegseth: Meet Bishop Garrison, the Pentagon's 'Newly Minted MAGA Purge Man.'" *Fox News*. www.foxnews.com/media/pete-hegseth-meet-bishop-garrison-the-pentagons-newly-minted-maga-purge-man

[122] Creitz, Charles. Feb. 5, 2021. "Ingraham: Biden Defense Chief Starting 'Ideological and Un-American Purge of the US Military.'" *Fox News*. www.foxnews.com/media/laura-ingraham-biden-lloyd-austin-60-day-stand-down-extremism

[123] Stabile, Angelica. May 6, 2021. "Rob Smith Blasts Left for 'Woke' Influence on US Military: Will Destroy It 'from The Inside Out.'" *Fox News*. www.foxnews.com/media/rob-smith-blasts-left-for-woke-influence-on-us-military-will-destroy-it-from-the-inside-out

[124] Satter, Mark. May 20, 2021. "Divide over Scope of Military's Extremism Problem Impedes Culture, Policy Changes." *Roll Call*. www.rollcall.com/2021/05/20/divide-over-scope-of-militarys-extremism-problem-impedes-culture-policy-changes/

[125] Davis, Aaron C., Alex Horton, Dan Lamonthe, and Evan Hill. Nov. 16, 2024. "Pentagon Pick Left Guard after Being Reported as Possible 'Insider

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Space Force lieutenant Lt. Col. Matthew Lohmeier, author of the book *Irresistible Revolution: Marxism's Goal of Conquest & the Unmaking of the American Military*, claims that he was demoted for criticizing the *New York Times*'s 1619 Project.[126] Many conservatives argue that such alleged maltreatment reflects hostility to Republicans that uses rooting out extremism as a pretense to justify politically motivated bias.

As part of this effort, right-wing personalities have been especially vocal in critiquing the U.S. military as overly "woke." In addition to arguing that "diversity, equity, and inclusion" (DEI) harms the military's lethality,[127] a common narrative is that left-wing activists hurt recruitment by punishing conservative-aligned servicemembers.[128] Following Trump's election in 2024, the White House released plans to create "Warrior Boards," with the intent of weeding out "woke generals" and "DEI hires."[129] Critics have cast the proposal as a loyalty vetting, in which senior military officials could be dismissed if they fail to express favored political positions. One Army lieutenant complained that "[i]t could be very hard to do our job if we have to constantly be making sure we're appeasing someone on a political or partisan level."[130]

It is important to caveat that the U.S. military is a sprawling organization, with approximately 1.3 million Americans currently serving

Threat' Due to Tattoo." *Washington Post*. www.washingtonpost.com/investigations/2024/11/16/pete-hegseth-tattoo-national-guard/

126 Holmes, Kristen and Barbara Starr. May 17, 2021. "Space Force Commander Fired after Comments Made on Conservative Podcast." *CNN*. https://edition.cnn.com/2021/05/15/politics/space-force-lohmeier-fired-after-comments/index.html

127 Fein, Jim. July 19, 2024. "DEI Is Distracting Our Military from Its Primary Task." Heritage Foundation. www.heritage.org/defense/commentary/dei-distracting-our-military-its-primary-task

128 June 4, 2024. "Biden's 'Woke, Social Justice' Policies Causing Military Recruitment Crisis." *Fox News*. www.foxnews.com/video/6354289636112

129 Salama, Vivian, Nancy A. Youssef, and Lara Seligman. Nov. 12, 2024. "Trump Draft Executive Order Would Create Board to Purge Generals." *Wall Street Journal*. www.wsj.com/politics/national-security/trump-draft-executive-order-would-create-board-to-purge-generals-7ebaa606

130 Beynon, Steve. Nov. 13, 2024. "'It Could Be Very Hard to Do Our Job': Top Military Officers Brace for Trump's Potential Loyalty Review Boards." *Military.com*. www.military.com/daily-news/2024/11/13/it-could-be-very-hard-do-our-job-top-military-officers-brace-trumps-potential-loyalty-review-boards.html

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in uniform and 18 million veterans. As such, its problem of right-wing radicalization, at least to some degree, reflects radicalization within America generally. As scholars Michael Robinson and Kori Schake have remarked, "To the extent that military service – active or prior – poses an extremist threat, we shouldn't expect only the military to solve this problem for us."[131] Still, extremist sympathies within the military appeared to grow during Trump's term in the White House, a trend that shows no signs of slowing in his second act. This helps to explain why Trump, as part of the impunity coalition, believed that he could exploit right-wing support.

4.4 Illustrative Case: Storming of the U.S. Capitol

None of Trump's efforts to tap into the military's right-wing extremism epitomizes his ability to undercut norms of restraint more than the storming of the U.S. Capitol on January 6, 2021. Despite not being a foreign battlefield, the insurrection, which killed five Americans,[132] was notable for the outsized number of military personnel who participated.[133] Rioters with military ties came to dominate a war-like zone. As Steven Sund, the former chief of the U.S. Capitol Police, testified, "[the insurrectionists] came prepared for war.... [w]hat we got was a military-style assault."[134] Journalist Carl Bernstein declared that January 6 proved that Trump was an "American war criminal," insisting that it should prompt Americans to see him as committing crimes "against our people."[135]

[131] Robinson, Michael and Kori Schake. Mar. 2, 2021. "The Military's Extremism Problem Is Our Problem." *New York Times*. www.nytimes.com/2021/03/02/opinion/veterans-capitol-attack.html

[132] Healy, Jack. Jan. 11, 2011. "These Are the 5 People Who Died in the Capitol Riot." *New York Times*. www.nytimes.com/2021/01/11/us/who-died-in-capitol-building-attack.html

[133] Pion-Berlin, David, Thomas Bruneau, and Richard B. Goetz, Jr. 2022. "The Trump Self-Coup Attempt: Comparisons and Civil–Military Relations." *Government & Opposition* 58(4): 1–18.

[134] Brown, Matthew. Feb. 23, 2021. "Steven Sund, Former Chief of the U.S. Capitol Police Testifies to Senate about Jan. 6 Riot." *USA Today*. https://eu.usatoday.com/story/news/politics/2021/02/23/live-politics-updates-capitol-riots-under-scrutiny-senate-hearing/4548115001/

[135] July 25, 2021. "Carl Bernstein: Donald Trump Is Our Own American War Criminal." *CNN*. www.youtube.com/watch?v=mYFcJit5Ol8

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Pro-Trump, anti-state violence on the homeland is not identical to unauthorized aggression in war. However, it does reveal Trump's potential to shape, or activate, views toward the use of force among a military population. One January 6 rioter, Edward Richmond, had even been found guilty of manslaughter for killing a handcuffed civilian during a 2004 tour of duty in Operation Iraqi Freedom.[136] As with his overt challenge to IHL, Trump had the "means, motive, and opportunity" to incite violence on January 6. Trump gained the means with backing from Fox News and GOP lawmakers. He had the motive to court right-wing parts of the military community. Finally, Trump's delay in calling for the quelling of violence enabled military and other rioters to inflict far more damage than they would have otherwise.

Role of Current and Former Military Members

Although precise numbers vary, some estimates suggest that almost 20 percent of the Capitol rioters had military backgrounds,[137] a rate nearly triple their representation in the national population. Furthermore, nearly 40 percent of the military rioters had links to extremist organizations, a number roughly fourfold that of other January 6 participants.[138] Overall, more than eighty individuals with military ties were arrested across all four major branches of the armed forces. Five rioters were active-duty, with another enrolled in a U.S. Air Force boot camp.[139] Combat service spanned time in Vietnam, Afghanistan, and Iraq. At least one insurrectionist was a Purple Heart

[136] Graziosi, Graig. Jan. 22, 2024. "Defendant in Capitol Attack was Previously Convicted of Manslaughter in Iraq." *Independent*. www.independent.co.uk/news/world/americas/crime/capitol-riot-suspect-iraq-manslaughter-b2482885.html

[137] Dreisbach, Tom and Meg Anderson. Jan. 21, 2021. "Nearly 1 in 5 Defendants in Capitol Riot Cases Served in The Military." *NPR*. www.npr.org/2021/01/21/958915267/nearly-one-in-five-defendants-in-capitol-riot-cases-served-in-the-military?utm_term=nprnews&utm_medium=social&utm_campaign=npr&utm_source=twitter.com=twitter.com

[138] Milton, Daniel and Andrew Mines. 2021. "'This Is War': Examining Military Experience Among the Capitol Hill Siege Participants." Program on Extremism – The George Washington University and Combating Terrorism Center at West Point.

[139] Watson, Eleanor and Robert Legare. Dec. 15, 2021. "Over 80 of Those Charged in the January 6 Investigation Have Ties to the Military." *CBS News*. www.cbsnews.com/news/capitol-riot-january-6-military-ties/

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recipient.[140] Collectively, rioters had careers totaling more than three centuries of military experience.[141]

Battlefield actions featured prominently among the insurrectionists on January 6. This included commonly taught maneuvers in the U.S. military, such as the so-called "Ranger File," which creates a human wall to infiltrate targets,[142] as well as "small unit tactics" like military-style hand signals and communications.[143] According to Ret. Admiral James Stavridis, "Many of the commands verbalized by the rioters to each other ('cover down,' 'flank them,' 'do a reconnaissance,' 'we are in') were drawn straight from Army and Marine Corps small tactical maneuver doctrine."[144] Even much of the gear used by the rioters – such as military boots, patches, ballistic goggles, zip ties, body armor, and helmets – appropriated or replicated standard-issue military products.

The deployment of military techniques significantly increased the efficacy of the rioters. Referring to their skills, for example, former FBI agent Michael German stated that "ISIS and al-Qaida would drool over having someone with the training and experience of a U.S. military officer."[145] Katrina Mulligan of the Center for American Progress similarly observed that "[p]art of what was so

[140] Sidner, Sara, Anna-Maja Rappard, and Marshall Cohen. Feb. 4, 2021. "Disproportionate Number of Current and Former Military Personnel Arrested in Capitol Attack, CNN Analysis Shows." *CNN*. https://edition.cnn.com/2021/01/31/us/capitol-riot-arrests-active-military-veterans-soh/index.html

[141] Cohen, Marshall. May 28, 2021. "1 in 10 Defendants from US Capitol Insurrection Have Military Ties." *CNN*. https://edition.cnn.com/2021/05/28/politics/capitol-insurrection-veterans/index.html

[142] Biesecker, Michael, Jake Bleiberg, and James LaPorta. Jan. 15, 2021. "Capitol Rioters Included Highly Trained Ex-military and Cops." *Associated Press*. https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291edead5badc257

[143] Herridge, Catherine. Jan. 15, 2021. "Capitol Rioters Communicated Using Military Hand Signals, Law Enforcement Official Says." *CBS News*. www.cbsnews.com/news/capitol-riots-military-hand-signal-communication/

[144] Stavridis, James. Feb. 5, 2021. "The U.S. Military Needs to Fight Extremism in Its Own Ranks. Here's How." *TIME*. https://time.com/5936355/u-s-military-extremists/

[145] Biesecker, Michael, Jake Bleiberg, and James LaPorta. Jan. 15, 2021. "Capitol Rioters Included Highly Trained Ex-military and Cops." *Associated Press*. https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291edead5badc257

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horrifying about what happened that day [January 6] is you saw training in action."[146] During a criminal case, a judge opined that former Army Ranger Robert Morss was "willing to use his training or experience to organize with the rioters on January 6 … thereby making their actions more effective, more forceful and more violent."[147] According to one of the rioters, January 6 was "everything we f------ trained for."[148]

Current and ex-military personnel were also instrumental in organizing January 6. Especially central were right-wing militias like the Proud Boys and Oath Keepers, comprised vastly of members with military ties.[149] For example, Oath Keepers founder and Army veteran Stewart Rhodes, who was sentenced to sixteen years in jail for "seditious conspiracy,"[150] was accused by prosecutors of behaving like "a general surveying his troops on a battlefield."[151] A federal indictment

[146] Budryk, Zack. Feb. 8, 2021. "Vets Defending Capitol Were Taunted by Vets Attacking It: Report." *The Hill*. https://thehill.com/policy/defense/537825-vets-defending-capitol-were-taunted-by-vets-attacking-it-report

[147] Rabinowitz, Hannah. July 21, 2021. "Ex-Army Ranger Weaponized Military Training to Aid Capitol Rioters, Judge Says." *CNN*. https://edition.cnn.com/2021/07/21/politics/robert-morss-army-ranger-capitol-riot/index.html

[148] Putterman, Samnatha. Sept. 23, 2021. "'Everything We Trained For': How the Far-right Oath Keepers Militia Planned for Violence on Jan. 6." *POLITIFACT*. www.politifact.com/article/2021/sep/23/everything-we-trained-how-far-right-oath-keepers-m/

[149] Beckett, Lois. Mar. 20, 2021. "Capitol Attack: More than 60 Proud Boys Used Encrypted Channel to Plan, Indictment Says." *Guardian*. www.theguardian.com/us-news/2021/mar/20/four-proud-boys-leaders-indicted-capitol-riot-donald-trump / Bing, Christopher. June 1, 2021. "Four More Oath Keepers Indicted in Jan. 6 Federal Conspiracy Case: Court Filing." *Reuters*. www.reuters.com/world/us/four-more-oath-keepers-indicted-jan-6-federal-conspiracy-case-court-filing-2021-05-31/ / Cheney, Kyle. Mar. 24, 2021. "New Evidence Suggests 'Alliance' between Oath Keepers, Proud Boys Ahead of Jan. 6." *POLITICO*. www.politico.com/news/2021/03/24/oath-keepers-proud-boys-alliance-capitol-riot-477741

[150] Richer, Alanna Durkin, Lindsay Whitehurts, and Michael Kunzelman. May 25, 2023. "Oath Keepers Founder Stewart Rhodes Sentenced to 18 Years for Seditious Conspiracy in Jan. 6 Attack." *Associated Press*. https://apnews.com/article/stewart-rhodes-oath-keepers-seditious-conspiracy-sentencing-b3ed4556a3dec577539c4181639f666c

[151] Durkin Richer, Alanna and Lindsay Whitehurst. Nov. 7, 2022. "Oath Keepers Leader Denies There Was a Plan for Group to Attack Capitol on Jan. 6." *PBS*. www.pbs.org/newshour/politics/oath-keepers-leader-says-there-was-no-plan-for-group-to-attack-the-capitol-on-jan-6

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alleged that Rhodes "organised members into military-style units."[152] Active-duty Army officer Capt. Emily Rainey led a busload of Trump supporters to Washington on January 6.[153] Jessica Watkins, a transgender former Army Ranger, recruited insurrectionists for the invasion, who she said needed to be "fighting fit."[154]

Others with military backgrounds defended the storming. For example, Jacob Fracker, an Army National Guardsman who was pictured giving the "middle finger" inside the Capitol, posted on Facebook, "Lol to anyone who's possibly concerned about the picture of me going around … Sorry I hate freedom? … Not like I did anything illegal."[155] Thomas Robertson, an Army veteran, bragged on Facebook that "CNN and the Left are just mad because we actually attacked the government who is the problem…. The right IN ONE DAY took the f***** U.S. Capitol."[156] Jason Riddle, a military veteran, celebrated the violence by taking a "selfie" photo inside the Capitol while drinking a glass of stolen wine from the Office of the Senate Parliamentarian.[157]

Many military insurrectionists proudly admitted coming to Washington on January 6 with the explicit intent to wage war against the federal government. For example, Marine Cpl. Micah Coomer, who became the first rioter with military ties to be convicted of criminal activity, pronounced that he was "waiting for the boogaloo," a phrase

[152] Sept. 27, 2022. "January 6th Capitol Riot: Who Are the Oath Keepers and Why Are They on Trial?" *BBC*. www.bbc.com/news/world-us-canada-63013702

[153] Fitzsimons, Tim. Jan. 11, 2021. "Army Investigating Officer for Attending Pro-Trump Rally in D.C." *NBC News*. www.nbcnews.com/news/us-news/army-officer-quits-after-organizing-buses-dozens-attend-pro-trump-n1253712

[154] Nov. 16, 2022. "Storming Capitol Was 'Really Stupid,' Oath Keeper Testifies." *CBS*. www.cbsnews.com/texas/news/storming-capitol-was-really-stupid-oath-keeper-testifies/

[155] Rempfer, Kyle and Stephen Losey. Jan. 14, 2021. "Army Guardsman, First Known Service Member, Arrested after Capitol Riot." *Army Times*. www.armytimes.com/news/your-army/2021/01/14/army-guardsman-first-known-service-member-arrested-after-capitol-riot/

[156] Britzky, Haley. Jan. 14, 2021. "National Guard Infantryman Arrested after Taking Selfie Inside the Capitol during Riots." *Task & Purpose*. https://taskandpurpose.com/news/national-guard-army-arrested-capitol-riots/

[157] Voyles Pulver, Dinah, Doug Caruso, Rachel Axon, Katie Wedell, Erin Mansfield, Zshekinah Collier, and Tyreye Morris. Jan. 15., 2021. "Capitol Riot Arrests: See Who's Been Charged across the U.S." *USA Today*. www.usatoday.com/storytelling/capitol-riot-mob-arrests/

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meaning "Civil War 2."[158] Ret. Air Force Lt. Colonel Larry Brock said that in preparing for January 6, he "bought … body armor and a helmet for the civil war that is coming."[159] Retired Navy SEAL Kevin Newbold declared that he was "absolutely not above going to war," claiming he had "[d]one it before."[160] U.S. Army National Guard member Matthew Greene testified that he was "openly expecting a civil war."[161]

Means

Alongside Fox News and GOP Congress members, Trump again served as the political entrepreneur who mobilized military members to violence. After months of making false claims about election rigging, he called on supporters to join his "Save America March," scheduled to coincide with the certification of the 2020 election results. Moments before rioters broke the Capitol's security barrier, Trump pronounced: "We fight like hell, and if you don't fight like hell, you're not going to have a country anymore"; "Republicans are constantly fighting like a boxer with his hands tied behind his back…. [W]e're going to have to fight much harder"; and "[Y]ou'll never take back our country with weakness. You have to show strength."[162] Trump's attorney, Rudolph Giuliani, expressly advocated "trial by combat!"[163]

[158] Wentling, Nikki. May 18, 2023. "Marine Who Embraced Boogaloo Beliefs Pleads Guilty in Jan. 6 Case." *Marine Times*. www.marinecorpstimes.com/flashpoints/extremism-disinformation/2023/05/18/marine-who-embraced-boogaloo-beliefs-pleads-guilty-in-jan-6-case/

[159] Lawrence, Drew F. Nov. 16, 2022. "Retired Air Force Lt. Col. Who Wielded Zip Ties on Floor of Congress Found Guilty for Jan. 6 Breach." *Military .com*. www.military.com/daily-news/2022/11/16/retired-air-force-lt-col-who-wielded-zip-ties-floor-of-congress-found-guilty-jan-6-breach.html

[160] Dennis, Justin. Feb. 4, 2021. "'I'm Not Sorry for Being Angry' | Who is Adam Newbold and What Brought Him to the Capitol on Jan. 6?" *Mahoning Matters*. www.mahoningmatters.com/news/local/article262598952.html

[161] Whitehurst, Lindsay. Jan. 24, 2023. "Proud Boys Expecting 'Civil War' before Jan. 6, Witness Says." *Associated Press*. https://apnews.com/article/politics-united-states-government-district-of-columbia-proud-boys-donald-trump-a7e5b9f263868239c06c3826b49bf0c0

[162] Savage, Charlie. Jan. 10, 2021. "Incitement to Riot? What Trump Told Supporters Before Mob Stormed Capitol." *New York Times*. www.nytimes.com/2021/01/10/us/trump-speech-riot.html

[163] Derysh, Igor. "Rudy Giuliani Called for 'Trial by Combat' and Then Chaos Descended on Capitol Hill." *Salon*. www.salon.com/2021/01/06/rudy-giuliani-called-for-trial-by-combat-and-then-chaos-descended-on-capitol-hill/

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Similar to his war crime clemencies, Trump would eventually give a blanket pardon to roughly 15,000 January 6 rioters on the first day of his second term, including defendants charged with committing violence against police.[164] Trump also commuted the sentences of fourteen members of the Proud Boys or the Oath Keepers. The decision capped off a barrage of first-day executive actions that Trump had pledged to carry out in his 2024 campaign. Before his election, for example, Trump promised to "treat those people from Jan. 6 fairly"[165] and insisted that the rioters were victims of a "persecution."[166] Several insurrectionists called on Trump to intervene personally in their cases. This included retired Navy SEAL Adam Newbold who expressed what he called a "cry for clemency."[167]

Both Fox News and Republican allies in Congress helped set the groundwork for January 6. At Fox News, a crucial voice was again Pete Hegseth, who before the riot declared, "The more you suppress it and tell these folks … [that] it's just conspiracy theories, … there was not widespread fraud, you're creating a bifurcation in the country."[168] One analysis found that "[a]mong those taking inspiration from Fox News figures … [were] Ashli Babbitt, the U.S. Air Force veteran who … was shot and killed while storming the Capitol."[169] Another rioter claimed in court that an acute case of "Foxitis" was to

[164] Matza, Max. Jan. 21, 2025. "Proud Boys and Oath Keepers among over 1,500 Capitol Riot Defendants Pardoned by Trump." *BBC*. www.bbc.co.uk/news/articles/c5y7l47xrpko

[165] Wallis, Daniel. Jan. 29, 2022. "Trump Says He Would Pardon Jan. 6 Rioters If He Runs and Wins." *Reuters*. www.reuters.com/world/us/trump-says-he-would-pardon-jan-6-rioters-if-he-runs-wins-2022-01-30/

[166] Palmer, Ewan. Feb. 2, 2022. "Donald Trump Doubles Down on Pardoning Jan. 6 Capitol Rioters, Says Many Not Guilty." *Newsweek*. www.newsweek.com/trump-pardon-jan6-capitol-lindsey-graham-newsmax-1675289

[167] Rector, Kevin and Chris Megerian. Jan. 17, 2021. "Alleged Capitol Rioters Argue Trump Invited Them In. They Want Pardons." *Los Angeles Times*. www.latimes.com/politics/story/2021-01-17/alleged-capitol-rioters-argue-they-were-invited-into-the-building-by-trump-seek-pardons

[168] Folkenflik, David and Tom Dreisbach. Jan. 13, 2021. "After Deadly Capitol Riot, Fox News Stays Silent On Stars' Incendiary Rhetoric." *NPR*. www.npr.org/2021/01/13/955694096/after-deadly-capitol-riot-fox-news-stays-silent-on-stars-incendiary-rhetoric

[169] Folkenflik, David and Tom Dreisbach. Jan. 13, 2021. "After Deadly Capitol Riot, Fox News Stays Silent on Stars' Incendiary Rhetoric." *NPR*. www.npr.org/2021/01/13/955694096/after-deadly-capitol-riot-fox-news-stays-silent-on-stars-incendiary-rhetoric

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blame for his partaking in January 6.[170] A *Washington Post* headline read, "The Pro-Trump Media World Peddled the Lies that Fueled the Capitol Mob. Fox News Led the Way."[171]

As the Capitol storming unfolded, Fox News offered a selective framing of the events. For example, after reports of teargas being sprayed in the Capitol Rotunda, anchor Martha MacCallum called the breach a "huge victory for these protesters."[172] In response to an analyst on another news network observing, "We can't stand by idly and see people in uniform … have QAnon patches on," Fox News's Laura Ingraham disparaged the comment as "absolutely poisonous."[173] Later, Fox News then-anchor Tucker Carlson released a three-part series on January 6 entitled "Patriot Purge" where he implied that the insurrection was a "false flag" operation.[174] One writer observed that Fox News's audience was "subjected to a parade of rationalization and whataboutism" surrounding January 6.[175]

Many Republican lawmakers also helped to stoke the violence. For example, Rep. Mo Brooks of Alabama proclaimed, "Today is the day American patriots start taking down names and kicking ass…. Louder! Will you fight for America?"[176] Earlier, Rep. Madison

[170] Marcus, Josh. May 11, 2021. "Capitol Rioter Blames 'Foxitis' Addiction to Fox News for 6 January Riot." *Independent*. www.independent.co.uk/news/world/americas/us-politics/anthony-antonio-cnn-capitol-riot-b1845847.html

[171] Sullivan, Margaret. Jan. 7, 2021. "The Pro-Trump Media World Peddled the Lies that Fueled the Capitol Mob. Fox News Led the Way." *Washington Post*. www.washingtonpost.com/lifestyle/media/fox-news-blame-capitol-mob-media/2021/01/07/f15f668a-50ee-11eb-b96e-0e54447b23a1_story.html

[172] Baragona, Justin. Jan. 6, 2021. "Fox News: 'Peaceful' MAGA Mob Storming Capitol is 'Huge Victory.'" *Daily Beast*. www.thedailybeast.com/fox-news-peaceful-maga-mob-storming-capitol-is-huge-victory

[173] Gabbatt, Adam. Feb. 5, 2021. "Fox Lurches Further to the Right to Win Back 'Hard-Edge' Trump Supporters." *Guardian*. www.theguardian.com/media/2021/feb/05/fox-news-lunges-further-right-win-back-hard-edge-trump-supporters

[174] Folkenflik, David and Tom Dreisbach. Nov. 3, 2021. "'Off the Rails': New Tucker Carlson Project for Fox Embraces Conspiracy Theories." *NPR*. www.npr.org/2021/11/03/1051607945/tucker-carlson-fox-news-insurrection-conspiracy-new-show

[175] Allsop, Jon. Jan. 12, 2021. "Fox News and the Real Insurrection." *Columbia Journalism Review*. www.cjr.org/the_media_today/fox_news_trump_insurrection.php

[176] Edmondson, Catie and Luke Broadwater. Jan. 29, 2021. "Before Capitol Riot, Republican Lawmakers Fanned the Flames." *New York Times*. www.nytimes.com/2021/01/11/us/politics/republicans-capitol-riot.html

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Cawthorn of North Carolina had instructed Republican voters to "lightly threaten" their Congress members, telling them to say, "if you don't start supporting election integrity, I'm coming after you … everybody's coming after you."[177] Rep. Marjorie Greene Taylor of Georgia insisted she would "go on the attack" to ensure Trump's win and compared January 6 to a "1776 moment."[178] Rep. Paul Gosar of the CJWC declared, "Once we conquer the Hill … Donald Trump is returned to being the president."[179]

After the riot, several GOP lawmakers refused to condemn the violence. Rep. Mo Brooks, for instance, stated, "I make no apology … I encourage EVERY citizen to watch my entire rally speech and decide … what kind of America they want: One based on freedom and liberty or … Godless dictatorial power."[180] Rep. Matt Gaetz insisted, without evidence, that many of the Capitol rioters were disguised ANTIFA activists.[181] Rep. Paul Gosar pronounced that "in a better society, quislings like the strange sodomy-promoting General Milley would be hung" for being a "traitor" on January 6.[182] CJWC's Rep. Andrew Clyde of Georgia likened January 6 to a "normal tourist visit."[183] In a proposed resolution to honor Capitol

[177] Leonard, Ben. Jan. 12, 2021. "Cawthorn Expresses Concern about Election Fraud Claims after Earlier Stoking Them." *POLITICO*. www.politico.com/news/2021/01/12/cawthorn-election-fraud-concerns-458217

[178] Weissert, Will and Brian Slodysko. Jan. 28, 2021. "Rep. Marjorie Taylor Greene Routinely Expressed Support for Executing Democrats in Facebook Posts." *Chicago Tribune*. www.chicagotribune.com/nation-world/ct-nw-marjorie-taylor-greene-facebook-20210128-nlxroc2vkjdc5jl67pmskktlci-story.html

[179] Tolan, Casey, Curt Devine, Drew Griffin, and Scott Bronstein. Jan. 13, 2021. "GOP Lawmakers' Fiery Language under More Scrutiny after Deadly Capitol Riot." *CNN*. www.cnn.com/2021/01/12/politics/gop-lawmakers-fiery-language-under-scrutiny-invs/index.html

[180] Edmondson, Catie and Luke Broadwater. Jan. 29, 2021. "Before Capitol Riot, Republican Lawmakers Fanned the Flames." *New York Times*. www.nytimes.com/2021/01/11/us/politics/republicans-capitol-riot.html

[181] Teo, Armus, Jan. 7, 2021. "Rep. Matt Gaetz and Other GOP Politicians Baselessly Suggest Antifa Is to Blame for Pro-Trump Mob Rioting into Capitol." *Washington Post*. www.washingtonpost.com/nation/2021/01/07/antifa-capitol-gaetz-trump-riot/

[182] Sforza, Lauren. Sept. 25, 2023. "GOP's Gosar Suggests Milley Should be 'Hung' for Jan. 6 Response." *The Hill*. https://thehill.com/homenews/house/4221450-gosar-milley-hung/

[183] Schnell, Mychael. July 28, 2021. "GOP Rep. Clyde Defends 'Normal Tourist Visit' Comparison for Jan. 6." *The Hill*. https://thehill.com/homenews/

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police for January 6, CJWC co-chair Rep. Louie Gohmert attempted to expunge references to the insurrection.[184]

Motive

As with his war crime clemencies, an irony of Trump's role in the Capitol storming is that it came even as he billed himself a "law-and-order" president. On January 6, for example, Trump tweeted, "WE are the Party of Law & Order."[185] Later, Trump affirmed, "I always have, and always will, be a champion for the unwavering rule of law … [and] the heroes of law enforcement."[186] One journalist denounced Trump's words as "full of hypocrisy."[187] Rep. Liz Cheney of Wyoming said that Trump's behavior on January 6 "demonstrated he's at war with the rule of law."[188] Despite criticisms, Trump still garnered support among many members of the U.S. military community by again activating the MFT values of in-group loyalty, authority, and purity.

First, many military personnel who stormed the Capitol expressed their loyalty to Trump's "in-group" patriotism. In a large-scale textual analysis of insurrectionist statements, political scientist Eric Hodges found that "veterans' comments revealed that they believed they were acting patriotically."[189] For example, one former Navy SEAL said

house/565223-gop-rep-defends-description-of-normal-tourist-visit-on-jan-6/#:~:text=Andrew%20Clyde%20(Ga.),select%20committee%20probing%20the%20Jan.

184 Zapler, Mike, Rachael Bade, Eli Okun, and Garrett Ross. Mar. 17, 2021. "POLITICO Playbook PM: Louie Gohmert tries to memory-hole Jan. 6." *POLITICO*. www.politico.com/newsletters/playbook-pm/2021/03/17/louie-gohmert-tries-to-memory-hole-jan-6-492145

185 https://twitter.com/realDonaldTrump/status/1346912780700577792

186 Easley, Jonathan. Feb. 13, 2021. "Trump on Acquittal: MAGA 'Has Only Just Begun.'" *The Hill*. https://thehill.com/homenews/senate/538766-trump-on-acquittal-maga-has-just-begun

187 https://twitter.com/anacabrera/status/1360824769088794630

188 Edgerton, Anna. Jan. 2, 2022. "Trump 'Went to War with Rule of Law' in Jan. 6 Riot, Cheney Says." *Bloomberg*. www.bloomberg.com/news/articles/2022-01-02/trump-went-to-war-with-rule-of-law-in-jan-6-riot-cheney-says

189 Hodges, Eric B. 2021. "'Storming the Castle.' Examining the Motivations of the Veterans Who Participated in the Capitol Riots." *Journal of Veterans Studies* 7(3): 46–59.

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approvingly of the siege: "our building, our house."[190] Such feelings were punctuated by the framing of opponents as out-group enemies. For instance, Gabriel Garcia, a retired Army captain, called police trying to prevent the storming "f**king traitors."[191] Retired Navy Lt. Cmdr. Thomas Edward Caldwell allegedly planned to ramp up the violence on January 6 by assembling a sniper team to "go hunting after dark … [for] cockroaches."[192]

A core aspect of in-group loyalty on January 6 was the extremist tie-in to white nationalism, which included the brandishing of Confederate flags and related paraphernalia.[193] Several analyses drew links between rioters with military backgrounds and advocacy for white supremacy. One reporter, for example, observed that "[t]he nation's military has a history of downplaying white nationalism…, but the siege of the Capitol has created a new urgency for dealing with them."[194] According to an expert, "Jan. 6 … exposed the crossover of military personnel to violent extremism and white supremacy."[195] Another writer alleged that "white supremacy … is now front and

[190] Biesecker, Michael, Jake Bleiberg, and James LaPorta. Jan. 15, 2021. "Capitol Rioters Included Highly Trained Ex-military and Cops." *Associated Press*. https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291edead5badc257

[191] Sidner, Sara. Anna-Maja Rappard, and Marshall Cohen. Feb. 4, 2021. "Disproportionate Number of Current and Former Military Personnel Arrested in Capitol Attack, CNN Analysis Shows." *CNN*. https://edition.cnn.com/2021/01/31/us/capitol-riot-arrests-active-military-veterans-soh/index.html

[192] Harkins, Gina. Feb. 15, 2021. "Veterans Used Their Military Training to Plot Violence in Capitol Riot, Feds Say." *Military.com*. www.military.com/daily-news/2021/02/15/veterans-used-their-military-training-plot-violence-capitol-riot-feds-say.html

[193] Brasher, Jordan. Jan. 14, 2021. "The Confederate Battle Flag, Which Rioters Flew inside the US Capitol, Has Long Been a Symbol of White Insurrection." *The Conversation*. https://theconversation.com/the-confederate-battle-flag-which-rioters-flew-inside-the-us-capitol-has-long-been-a-symbol-of-white-insurrection-153071

[194] Schmitt, Eric, Jennifer Steinhauer, and Helene Cooper. Jan. 18, 2021. "Pentagon Accelerates Efforts to Root Out Far-Right Extremism in the Ranks." *New York Times*. www.nytimes.com/2021/01/18/us/politics/military-capitol-riot-inauguration.html

[195] Lichtblau, Eric. Jan. 29, 2021. "The Military Said It Wants to Fight White Supremacy. What Is It Waiting for?" *Washington Post*. www.washingtonpost.com/outlook/military-white-supremacy-capitol-riot/2021/01/29/1693f124-61a1-11eb-afbe-9a11a127d146_story.html

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center following signs that former military personnel played a role in the deadly attack on the U.S. Capitol."[196]

Evidence also indicates that respect for Trump's authority motivated military rioters. Not unlike troops on a battlefield, many appeared to believe that they were complying with the orders of their commander-in-chief. For example, former Navy officer Jeremey Butler observed, "If you're already suffering from some level of mental health issues and you have your … commander-in-chief saying, 'Go to the Capitol and take back our democracy' with very strong martial language…, it's obvious to me why they interpreted it that way."[197] Legal scholar Leonard M. Niehoff noted that Trump's words offered "clear instruction" that he wanted rioters to "show strength" and "take the country back."[198] CNN anchor Anderson Cooper called Trump's words on January 6 "marching orders."[199]

Deference to Trump's authority became a common defense among those criminally charged over January 6. One report, for instance, recounted that "[a]s the cases against nearly 200 of the Capitol rioters begin to wind through federal court, many of the defendants blame the commander in chief."[200] A lawyer expressly said that his client, a retired Marine corporal, was "duped" and reacted "to the entreaties of the then commander in chief."[201] In an unprecedented

[196] Bender, Bryan. Jan. 11, 2021. "The Military Has a Hate Group Problem. But It Doesn't Know How Bad It's Gotten." *POLITICO*. www.politico.com/news/2021/01/11/military-right-wing-extremism-457861

[197] Grobe, Anna Mulrine. Feb. 2, 2021. "Military and Vets Stormed Capitol. Should They Get Special Treatment?" *Christian Science Monitor*. www.csmonitor.com/USA/Military/2021/0202/Military-and-vets-stormed-Capitol.-Should-they-get-special-treatment

[198] Helderman, Rosalind S., Spencer S. Hsu, and Rachel Weiner. Jan. 16, 2021. "'Trump Said to Do So': Accounts of Rioters Who Say the President Spurred Them to Rush the Capitol Could Be Pivotal Testimony." *Washington Post*. www.washingtonpost.com/politics/trump-rioters-testimony/2021/01/16/01b3d5c6-575b-11eb-a931-5b162d0d033d_story.html

[199] Jan. 15, 2021. "Anderson Cooper 360 Degrees." *CNN*. www.cnn.com/TRANSCRIPTS/2101/15/acd.01.html

[200] Axon, Rachel and Josh Salman. Feb. 10, 2021. "They Rioted at the Capitol for Trump. Now, Many of Those Arrested Say It's His Fault." *USA Today*. www.usatoday.com/in-depth/news/2021/02/10/trump-blamed-capitol-riot-some-who-were-arrested/4361411001/

[201] Cleveland, Will. Feb. 10, 2021. "Dominic Pezzola Held without Bail on Capitol Riot Charges, Says He Was Duped by Trump." *Democrat & Chronicle*. www.democratandchronicle.com/story/news/2021/02/10/

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statement, the Joint Chiefs of Staff even circulated a memo to U.S. servicemembers reiterating that Joe Biden, not Trump, would be their next commander-in-chief.[202] A journalist remarked "[t]hat the chiefs … found it necessary to remind their rank and file of their sworn oath to the country was extraordinary."[203]

Last, an impulse to fight for the ostensible purity of Trump's cause appeared to motivate military rioters. Rioters sought both to ensure what they falsely perceived as the correct 2020 election result and to purge defenders of Joe Biden's victory. Calls conjured up images of military heroes acting as the first line of defense against the "deep state." For example, Army veteran Joseph Biggs pronounced, "It's time for fucking War if they steal this shit."[204] Ethan Nordean, who served as a sailor recruit, declared, "We tried playing nice…, now you will deal with the monster you created. The spirit of 1776 has resurfaced."[205] One writer noted that later efforts to depict January 6 as a "false flag" were designed to "preserve … the 'real American' *purity* of the participants" [emphasis added].[206]

At the center of the most extreme efforts to cleanse the federal government of supposedly impure actors were adherents of the far-right QAnon conspiracy. Human Rights First, for example, found that at least twenty-five military veterans loyal to QAnon were key to marshaling support for the insurrection.[207] Army intelligence officer Christina Bembenek noted that "QAnon supporters – including … veterans, and current military members – … led the mob on Jan. 6."[208] One report indicated that some of the "most elite,

dominic-pezzola-rochester-ny-charged-in-capitol-riot-said-he-was-duped-by-trump/4361809001/

202 www.jcs.mil/Portals/36/Documents/JCS%20Message%20to%20the%20Joint%20Force%20JAN%2012%2021.pdf

203 Schmitt, Eric. Jan. 12, 2021. "Military Chiefs Remind Troops of Their Oath After Fallout From Assault on Capitol." *New York Times*. www.nytimes.com/2021/01/12/us/politics/joint-chiefs-capitol-constitution.html

204 www.justice.gov/usao-dc/case-multi-defendant/file/1377586/download

205 www.justice.gov/usao-dc/case-multi-defendant/file/1377586/download

206 Ganz, John. Jan. 6, 2022. "January 6 and the F Word." *The Forum*. www.aapf.org/theforum-january-6-fascism

207 Human Rights First. 2022. "Digital Soldiers: QAnon Extremists Exploit U.S. Military, Threaten Democracy." https://humanrightsfirst.org/library/digital-soldiers/

208 Bembenek, Chistina. Mar. 10, 2021. "Conspiracy Stand Down: How Extremist Theories Like QAnon Threaten the Military and What to

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lethally trained members of the U.S.military" used secret Facebook groups to spread QAnon theories before the storming.[209] Notably, Jacob Anthony Chansley, the "QAnon shaman" pictured in countless January 6 photos wearing horns, covered in face paint, and draped in fur, was a Navy veteran.[210]

Opportunity

Insurrectionists were presented with an opportunity to do damage at the Capitol. After the storming began, Trump spent 387 minutes refusing to ask rioters to leave. Without his orders, it took the U.S. Army more than four hours to deploy the National Guard. While some have attributed the delay to unclear chains of command, others have speculated about ulterior causes. One possibility, as national security experts Ryan Goodman and Justin Hendrix have written, is that military leaders feared "injecting federal troops that could have been re-missioned by … [Trump] to advance his attempt to hold onto power."[211] Another, more critical interpretation of the military, as journalist Max Boot wrote, is that "Pentagon leaders … did not want to battle a mob that had been mobilized and incited by their commander in chief."[212]

The concern that Trump could have co-opted troops at the Capitol stemmed from conversations he reportedly had with high-level

Do About It." *War on the Rocks*. https://warontherocks.com/2021/03/conspiracy-stand-down-how-extremist-theories-like-qanon-threaten-the-military-and-what-to-do-about-it/

[209] Lee, Carol E. Apr. 16, 2021. "In Secret Facebook Groups, America's Best Warriors Share Racist Jabs, Lies about 2020, Even QAnon Theories." *NBC News*. www.nbcnews.com/news/military/secret-facebook-groups-america-s-best-warriors-share-racist-jabs-n1263985

[210] Ziezulewicz, Geoff. Jan. 11, 2021. "'QAnon Shaman' Charged with Storming the Capitol Is a Navy Veteran." *Navy Times*. www.navytimes.com/news/your-navy/2021/01/12/qanon-shaman-charged-with-storming-the-capitol-is-a-navy-veteran/

[211] Goodman, Ryan and Justin Hendrix. Dec. 21, 2021. "Crisis of Command: The Pentagon, The President, and January 6." *Just Security*. www.justsecurity.org/79623/crisis-of-command-the-pentagon-the-president-and-january-6/

[212] Boot, Max. Mar. 4, 2021. "How Trump's Politicized Pentagon Bungled the Response to the Capitol Invasion." *Washington Post*. www.washingtonpost.com/opinions/2021/03/04/how-trumps-politicized-pentagon-bungled-response-capitol-invasion/

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advisers about declaring martial law to stop the peaceful transfer of power.[213] Some critics even went so far as to theorize that Trump's goal from the beginning was to create a putsch on January 6 as a pretext for staging a military coup. According to one report, Chairman of the Joint Chiefs Mark Milley allegedly "feared … Trump's 'Reichstag moment,' in which, like Adolf Hitler in 1933, he would manufacture a crisis in order to swoop in and rescue the nation from it."[214] Enacting such a plan could have entailed Trump invoking the Insurrectionist Act to forcefully put down what he might have labeled a domestic rebellion.[215]

The accusation that Army leaders reacted slowly due to some supporting Trump's efforts to retake power gained traction amid Trump's efforts to root out detractors at the Pentagon after his election loss. In November 2020, Trump terminated Mark Esper as Secretary of Defense and replaced other top DoD personnel with partisan loyalists.[216] This reportedly prompted some remaining officials to plan a "Saturday Night Massacre in reverse," in which they would pledge to resign one by one to ensure that Trump could not execute a coup.[217] Charges of politicization were only amplified with reports that one of the individuals who failed to order the National Guard to the Capitol was the brother of former Trump national security adviser and election-denier Michael Flynn.[218]

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[217] Gangel, Jamie, Jeremy Herb, Marshall Cohen, Elizabeth Stuart, and Barbara Starr. July 14, 2021. "'They're Not Going to F**king Succeed': Top Generals Feared Trump Would Attempt a Coup after Election, According to New Book." *CNN*. www.cnn.com/2021/07/14/politics/donald-trump-election-coup-new-book-excerpt/index.html

[218] Liebermann, Oren and Barbara Starr. Jan. 21, 2021. "Army Now Acknowledges the Brother of Michael Flynn Was a Part of Army Response

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What led to the military's delayed response on January 6 continues to prompt debate. Trump claimed, falsely, that he requested 10,000 National Guard troops be sent to the Capitol but was denied by House Speaker Nancy Pelosi.[219] Although the Pentagon's inspector general defended the military's reaction, others have been more critical. Most prominently, whistleblower Col. Earl Matthews, who served on Trump's National Security Council, published a thirty-six-page memo in which he accused the Army's rationalization of its actions on January 6 as "worthy of the best Stalinist or North Korea propagandist."[220] Matthews wrote that leaders in the D.C. Guard were ready to respond, but were held back, leaving them "stunned watching in the Armory."[221]

Ultimately, the U.S. Capitol was not a foreign battlefield, and the men and women who rioted on January 6 were not fighting an enemy state or terrorist group. Yet if even a small part of the U.S. military community could be persuaded to attack American civilians at the Capitol, it raises concerns about potential implications for foreign combat. For months, Trump, alongside Fox News and GOP Congress members, urged retaliation over baseless election rigging claims. January 6 reflected Trump empowering right-wing extremists to relinquish prior commitments to norms of restraint. Although exact parallels cannot be drawn to American servicemembers in war, the case suggests Trump's power to change the basic orientation toward the use of force among a military population.

More broadly, this chapter showed that the political advantages of Trump's overt challenges to IHL rested on the receptivity of the U.S. military community. By tapping into the military's conservative,

to Capitol Riot." *CNN*. www.cnn.com/2021/01/21/politics/michael-flynn-brother-capitol-hill-riot/index.html#:~:text=Charles%20Flynn%2C%20the%20brother%20of,violence%20at%20the%20US%20Capitol.

[219] Mazetti, Mark and Maggie Haberman. July 21, 2022. "A Jan. 6 Mystery: Why Did It Take So Long to Deploy the National Guard?" *New York Times*. www.nytimes.com/2022/07/21/us/politics/national-guard-january-6-riot.html

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especially right-wing, elements, Trump was able to preempt pushback and frame his agenda as pro-military. The rise of far-right radicalization among active-duty servicemembers and veterans provided an opportunity that Trump, along with Fox News and GOP lawmakers, exploited. These developments reflected mounting politicization within the ranks, increasing the perceived validity of open attacks on IHL. The result shielded Trump from potential backlash with his GOP base, which might otherwise have been wary of straying from official military principles.

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