

How the U.S. military would remove Bush-Cheney

by [leveymg](#)

Sun Feb 18, 2007 at 08:59:48 AM PDT

[UPDATED] There's a term for when the military replaces its Commander-In-Chief - coup d'etat -- but, there are lesser practical steps that have been taken by Pentagon brass several times in modern American history to deal with Presidents viewed as incompetent to carry out their duties as CIC. Here's how it works in practice.

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The Joint Chiefs of Staff have developed a range of options to deal with domestic political crises. These contingencies include major military or terrorist attacks on the United States, natural catastrophies, insurrections, civil disturbances, and the partial or complete cessation of civilian government. There are also contingencies for how the military deals with illegal orders received from the President.

The last contingency is, by far, the most difficult and sensitive for the national command staff. Confronting and managing the threat posed by a manifestly incompetent or incapacitated CIC who issues launch orders without proper consultation would be the ultimate test of an officer's discretion and command judgment. That is why they have procedures to deal with it.

There is enormous fear and misunderstanding among the public about the power a President has to summarily order military action, particularly the first-use of nuclear weapons. Under no circumstances short of actual hostilities or a confirmed threat of attack, could the military carry out launch orders committing the military to war on the sole authority of the President. George W. Bush can not just pick up the phone in the middle of the night and begin a nuclear strike. That order has to be countersigned by others within the chain of command. At minimum, it would require the consent of the Secretary of Defense. In addition, orders received from the President require consultation with the Joint Chiefs before the combat commander can put together a strike package. See, *JP 3-12: Doctrine for Joint Nuclear Operations - Final Coordination (2)*, II-2, <http://www.globalsecurity.org/...>

The President's decision to authorize the release of nuclear weapons is based on the recommendations of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, combatant commanders, and allies. **This authority is exercised through a single chain of command that runs from the President to the Secretary of Defense directly to the combatant commanders. Nuclear weapon orders are transmitted from the President and Secretary of Defense via the Chairman of the Joint Chiefs of Staff in accordance with established procedures.** [emphases added]

The Pentagon carries out planning for all possible contingencies, particularly those that might involve the use of nuclear weapons. Ibid., II-3. The staff of Joint Chiefs and the combat commands attempt to prepare responses to all possible threats or orders they may receive. Somewhere in a locked file in the D-Ring of the Pentagon, the JCS staff have developed contingency planning for how top military commanders would respond to manifestly illegal or irresponsible orders issued by a deranged President.

Any response to an improperly authorized Presidential order would always involve consultation with civilian agency and Congressional leaders. The military's planned responses could range up to and include the use of troops to forcibly remove the President from the White House, depending upon the circumstances. Under no circumstances, however, short of the total annihilation of civilian chain of succession, would a military commander be seen taking control over government.

Historically, the top Pentagon brass have employed means other than the visible use of force to deal with conflicts with civilian commanders.

Political Containment

One doesn't contemplate the involuntary removal of elected civilian leadership lightly. Civilian control over the military is the cornerstone of the American constitutional system, and all actions must serve that end. Therefore, the military brass will not act independently and will seek out responsible elected and appointed officials for any action prior to contravening Presidential orders or the actual removal of a President. Prior to any direct intervention in the political process, Pentagon commanders would have to be convinced that all normal procedural and political options, including Impeachment or succession under the 25th Amendment, had been exhausted or were futile.

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An active plan of containment by civilian political institutions is the preferred means to deal with a dangerously unstable CIC. That can involve the device of a "shot across the bow", a clear demand for change from the Services to the civilian command within earshot of Congress. We saw just that the day before the November Congressional elections, when the four editions of the military Times newspaper chain serving the Army, Navy, Air Force and Marines, simultaneously published an editorial, "Time for Rumsfeld to Go", demanding the resignation of the Defense Secretary. The Democrats won majorities in both Houses. Within days, Rummy was indeed gone, replaced by Robert Gates, a reliable Washington team player with no visible neocon baggage, who had helped author the ISG report, a blueprint for speedy Iraq withdrawal through a regional settlement. <http://www.sfgate.com/...>

If normal political checks and balances break down, however, then top military commanders face a series of more difficult choices that must be made in order to uphold their oaths to protect and preserve the U.S. Constitution. The rejection by George W. Bush and the Saudis of the ISG recommendations, The Surge, and the renewed push toward military confrontation with Iran, amount to such a challenge.

Removal in Place

Removal in Place is an option to forcible removal of the incumbent from office, or may be employed as an intervening step pending the resignation or involuntary removal of the President.

Removal in place has been seen in "figurehead" presidents in the past, employed due to illness or physical or mental impairment during the terms of Presidents Wilson, Nixon, and Reagan. Historically, this option has been carried out more or less informally by measures such as confinement to hospital of the President, the removal of the CIC's access to the nuclear "football" containing launch codes, and the heavy medication and close supervision of the President by aides.

The removal in place option requires the cooperation of key figures within the White House inner-circle along with civilian agencies to effectively keep the President from exercising undesirable command decisions of consequence. The effective maintenance of this option ultimately depends upon at least the passive acquiescence of the CIC and his immediate staff and family.

This option has the advantage of maintaining the public appearance of normalcy, avoiding open conflict between civilian and military authorities, and the attendant political and economic crises that open, formal, involuntary removal would entail.

Involuntary Removal

When it becomes apparent that an incompetent or psychologically impaired President can not be countered by normal political means or contained in place, military and civilian leaders must cooperate to insure that the CIC is disconnected from the mechanisms by which he might be able to issue launch orders to the national command system.

This option is a matter of last resort exercised only when by the consensus of the Joint Chiefs, after consultation with civilian heads of agencies and Congressional leaders, that the incumbent President presents extreme danger to the national security that can not be contained by alternatives, including those outlined above. The proper procedure would then be for a majority of the Cabinet to invoke the 25th Amendment declaring the incumbent President incapable of carrying out his duties. If the Vice President is also judged incapable of carrying out succession duties in a responsible manner, he too is also subject to immediate removal under the 25th Amendment.

If the Cabinet can not be prevailed upon to remove the President in a timely manner, then Congressional leadership could indicate to the Joint Chiefs that they oppose military action, making any launch orders without a Declaration of War or other express authorizing Act illegal and void. The Speaker of the House and Senate Majority leader could also indicate that orders to launch military forces would initiate Impeachment proceedings and request that any such order be held in abeyance, pending Congressional action to remove the President and Vice President. This would likely have the effect of "freezing" the situation, until a clear civilian chain of command could be recovered. See, for a discussion of this scenario, *American Coup D'Etat, Military thinkers discuss the unthinkable*. June 26, 2006. Originally from Harper's Magazine, April 2006, <http://www.harpers.org/...> :

DUNLAP: One interesting scenario would be a crisis between the branches of government that are expected to control the military. I.e., if the armed forces were caught between the orders of the president, the Congress, or even the courts, and there were no constitutional path to resolve the disagreement.

KOHN: Wouldn't the armed forces simply freeze? They'd be paralyzed.

LUTTWAK: It's a very interesting line of inquiry. Let's say a president, exercising his proper and legitimate presidential authority, initiates a military action. Then Congress wakes up and says, "Wait a minute, this president is berserk; he's starting a war, and we're against it." But in the meantime, the military force has already been put in a very compromised situation. If things were moving very fast, the military might well take an unconstitutional action.

Involuntary removal may only be considered as a last resort in the face of grave, imminent threat to national security, such as to prevent the exercise of unlawful orders committing U.S. forces to hostilities. An example of unlawful launch orders would be issuance of a preemptive nuclear strike orders against a

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foreign state or power that poses no realistic, imminent, and grave threat to American forces or interests. Of particular concern would a launch order issued without Congressional consultation or approval initiating a conflict that foreseeably holds a high potential for large-scale U.S. military casualties or retaliatory attacks on civilian targets within the United States that can not be effectively defended against.

Given the escalating tensions in the region, and the vital U.S. interests at stake in South Asia and Persian Gulf, the top military commanders have forcefully articulated their position on various options. The JCS have vigorously opposed implementation of plans for a preemptive attack on Iran. See, <http://www.newyorker.com/...> ; <http://thinkprogress.org/...> Further, both the Speaker of the House and the Senate Majority Leader have clearly stated that the Iraq War Resolution (IWR) and War Powers Act do not authorize military action inside Iran. Senator Reid told the National Press Club recently:

"The president does not have the authority to launch military action in Iran without first seeking congressional authorization," <http://www.huffingtonpost.com/...>

If the President were to issue a launch order for a preemptive attack on Iran without first obtaining a Congressional resolution of war, that action -- in effect, an illegal order -- would require the national command authority and civilian leadership to implement plans to contravene such an order, sever the CIC's command authority, pending the removal the President and Vice President, either under the 25th Amendment or by Impeachment.

In no way, shape, or form has Congress authorized military action inside Iran. Chairman Pace has repeatedly stated that direct military incursion inside Iran is not authorized. He is correct.

Conclusion

An order from Bush-Cheney for an offensive strike against Iran, without authorization from Congress, therefore, would be dealt with as an illegal order. Arguably, such an order would also violate the Nuremberg Principles and Geneva Conventions forbidding and punishing aggressive war.

Issuance and refusal of an illegal order sets off a chain of consequences, requiring investigation and referral for prosecution, if necessary. That's how the military works -- it's the only way it can operate and still maintain the ability to distinguish lawful from unlawful orders.

Do not be deceived by the rhetoric and sabre-rattling. The United States will not go to war with Iran just because George W. Bush or Dick Cheney order it.

Tags: [25th Amendment](#), [Impeachment](#), [War Powers Act](#), [Nuremberg Principles](#), [Geneva Conventions](#), [coup](#) (all tags) :: [Previous Tag Versions](#)

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checks and balances we might not have heard of.

by [leveyimg](#) on Sun Feb 18, 2007 at 09:00:04 AM PDT

But the President Already IS a Figurehead (3+ / 0-)

As far as I can see, his cabinet is much more competent and every bit as militant as he is.

I have no education in this but wildly guessing here about effective action that is not a literal coup, I can imagine a mutiny in which the military refuses to carry out an order or a mission, but I can't see any chance of a civilian remedy if conviction under impeachment is impossible. And I can't imagine any threats to the interests of enough Republican senators to scare them into convicting more than the consequences of meddling in the affairs the corporate empire scare them.

We haven't had to deal with SPECTRE hijacking the executive branch along with one of our political parties before.

We are called to speak for the weak, for the voiceless, for victims of our nation and for those it calls enemy.... --ML King "Beyond Vietnam"

by [Gooserock](#) on Sun Feb 18, 2007 at 09:08:02 AM PDT

I read your title, thought "coup d'etat" (2+ / 0-)

then went slightly blank for a moment. I am so looking forward to the comments. Now I need to read it all again. Slowly.

~Understand strong progressive framing, support progressive infrastructure~

by [CalifSherry](#) on Sun Feb 18, 2007 at 09:14:44 AM PDT

I think the military has the option of just not (0+ / 0-)

doing what the President tells them to do.

It seems to me that it's as simple as that. If the President tells the Air Force to bomb Iran, the leaders of the AF simply refuse to do it. No coup involved.

Of course, the President can remove them, but he'd need Congressional approval to replace them.

The world dearly loves a cage.

by [epppie](#) on Sun Feb 18, 2007 at 09:20:13 AM PDT

In the military, even just doing nothing (4+ / 0-)

involves planning and following protocol.

by [leveyimg](#) on Sun Feb 18, 2007 at 09:23:23 AM PDT
[[Parent](#)]

Scary Stuff... (2+ / 0-)

Who'd have thought a few short years ago we'd be discussing such military contingency plans. The Bush Administration is, no doubt, aware of such a possibility and probably doesn't entirely trust even their hand-picked military leaders to follow them off the edge of the cliff. Perhaps that's why they are angling to create a casus belli that would allow them to "respond" to an Iranian "provocation" with all the force at their disposal.

by [Ian S](#) on Sun Feb 18, 2007 at 09:22:32 AM PDT

All the Iranians have to do is nothing (1+ / 0-)

and there is no casus belli.

Actually simple, but the most difficult thing in the world to do in the face of escalating terrorism.

by [leveyimg](#) on Sun Feb 18, 2007 at 09:26:25 AM PDT
[[Parent](#)]

You forat Poland (1939) (0+ / 0-)



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