

The Enemy Within: Behind the Right- Wing Attack on the “Woke Military”

By George Black

(This article is Part One of our two-part series on the far right's campaign to discredit the current military leadership, establish control over the armed forces, and elect extremist ex-military candidates to public office - Ed.)

“TO ME THIS IS PERSONAL. I first swore an oath to support and defend the Constitution against enemies foreign and domestic when I entered the U.S. Naval Academy at age seventeen. I spent two decades on ships at sea defending our nation from known and identifiable foreign enemies who sought to do us harm. I never imagined that that enemy would come from within.”—Rep. Elaine Luria (D-Va.), retired Navy commander, closing remarks at the July 20 hearing of the January 6 committee.

“The forces that Donald Trump ignited that day have not gone away. . . . That's the elephant in the room.”—Rep. Adam Kinzinger (R-Ill.), retired Air Force lieutenant-colonel, closing remarks at the same hearing.

In the 19 months since the January 6, 2021, insurrection, a great deal has been written about far-right and white supremacist influences within the

military and the recruitment of active-duty service members and veterans by paramilitary groups such as the Oath Keepers, 1st Amendment Praetorian, and the Three Percenters¹. But as far as the pivotal role of the military in upholding our battered democracy is concerned, something much more consequential is now afoot.

Although January 6 committee members Reps. Elaine Luria and Adam Kinzinger are both themselves veterans, very little has been said about the military during the first eight rounds of public hearings of the committee. [Retired Lt. Gen. Keith Kellogg](#), a veteran of the 101st Airborne Division and the Special Forces, former commanding general of the 82nd Airborne (which will play a significant role in this story), and national security adviser to Vice President Mike Pence, added some details to the description of Trump's inaction on January 6. Gen. Mark Milley, chairman of the Joint Chiefs of Staff, expanded on Trump's silence that afternoon: “You've got an assault going on on the Capitol of the United States of America, and there's nothing? No call?

Nothing? Zero?”

Other than these vignettes, there was only a brief video clip of Lt. Gen. Michael Flynn—another veteran of the 82nd Airborne as well as the Joint Special Operations Command and the Defense Intelligence Agency, advocate of invoking the 1807 Insurrection Act and imposing martial law during Trump's frantic attempt to hold on to the presidency—repeatedly taking the Fifth when asked about the ethical and legal propriety of

blocking the peaceful transition of power.

Left unspoken was the fierce political battle now underway for institutional control of the military establishment, preparations for the role the uniformed military and the Department of Defense might play in a similar future crisis, and the grooming of a new generation of right-wing military veterans now running for dozens of marginal Senate and House seats and gubernatorial offices in the November midterm election. One of their prime targets, and one of their likeliest prospects for flipping a Democratic seat, is [Virginia's 2nd Congressional District](#). The incumbent in their crosshairs? Rep. Elaine Luria.

The integrity of the institutional military has become another



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battleground in our culture wars, centered on the charge that it has been infected with “wokeness,” systematically indoctrinated with alien ideas, notably through “critical race theory.” While attacks on “wokeness” and CRT have become a pervasive feature of most Republican campaigns, they have a special salience when applied to the military. This imagined strategy of indoctrination is seen by many far-right veterans as part of a Marxist plot to destroy the constitutional underpinnings of the Republic—and remember that we are a “republic,” not a “democracy,” according to one of the emerging mantras of the MAGA movement. The argument is that CRT, and “wokeness” in general, subvert a soldier’s enduring oath to the Constitution: to defend the nation against “all enemies, foreign and domestic”—even after they have hung up their uniforms.

It’s become commonplace to speak of January 6, 2021, as a rehearsal, a dry run—to understand that its protagonists have learned many lessons from their mistakes and that Insurrection 2.0 would not be driven by the clown-car antics of Rudy

Giuliani and the MyPillow man, and may be led by smarter strategists than Donald Trump. The guardrails held this time,

just barely, thanks mainly to honest state officials like Brad Raffensperger in Georgia and Russell “Rusty” Bowers in Arizona (ousted from office by a Trump-backed opponent in that state’s August 2 primary) and also to the threat of mass resignations by senior Justice Department officials when Trump tried to install [Jeffrey Clark](#) as acting attorney general to help overturn the results of the election, and Trump’s repeated failure to install pliable loyalists in the “power agencies” like the Department of Defense, the FBI, and the CIA.

But the most important guardrail of all, the ultimate guarantor of a peaceful democratic transition, is the military, and that wobbled in alarming ways during the final chaotic months of the Trump presidency. Avoiding a repeat of these wobbles has been one of the most important lessons learned by the far right since January 6, and if the campaign against the “woke military” succeeds, the implications for 2022 and 2024 are profound. Many forces are involved in driving this effort, but three in particular stand out: individuals and institutions affiliated with the Council for National Policy, or CNP, the secretive hub of right-wing activism that brings together conservative evangelicals, culture warriors and their favored media platforms, fossil fuel interests, and right-wing Republican Party operatives, especially of the Tea Party generation;² extremist

veterans already serving in Congress and the many more who look likely to join them in November; and Steve Bannon, the former Trump adviser and firebrand podcaster convicted last month of criminal contempt of Congress.

Like so many elements of our culture wars, this one has its roots in the deep anxieties provoked during the tumultuous 1960s about the erosion of traditional gender roles, from the bedroom to the battlefield—the warrior being the ultimate expression of masculinity, ordained by divine providence.

The long-haired demonstrators who flocked to Washington to protest the war in Vietnam grew used to the constant menacing taunt: *What are you, a boy or a girl?* For shaven-headed teenagers passing through boot camp on their way to Vietnam, the transformation of boys into killers meant being derided, when they stumbled, as *girls, ladies, pussies, faggots*.

While the anti-war movement may have been the most threatening face of the counterculture, it converged with two other transformational (and

more enduring) social movements that built on what had already been accomplished by the civil rights movement.

Women’s rights were greatly advanced by [Griswold v. Connecticut](#), the Supreme Court’s 1965 decision establishing the right of married couples to use contraception, and further strengthened by Lyndon Johnson’s 1968 [executive order](#) prohibiting sex discrimination by government contractors and requiring affirmative action plans for hiring women. Gay rights activists, meanwhile, flexed their muscle in the 1969 Stonewall riot.

Just five days after the Supreme Court issued its decision on *Roe v. Wade*, the biggest of all steps to protect women’s rights, the January 1973 Paris Peace Agreement put an end to America’s misadventure in Southeast Asia. When the troops came home defeated, the attack by disaffected senior military officers on the weak politicians and faithless journalists who had supposedly “stabbed them in the back” quickly evolved into a fierce defense of the military as a bastion of masculinity.

It had not always been this way, as Kristin Kobes du Mez points out in her important 2020 book, [Jesus and John Wayne: How White Evangelicals Corrupted a Faith and Fractured a Nation](#). The military had a second, progressive identity that was deeply upsetting to social conservatives. When the armed forces were integrated by Harry Truman in 1948, years before desegregation reached the rest of society, the change was supported by only

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28 percent of the public. For many conservative evangelicals, the post–World War II military was seen as a hotbed of vice and immorality, a breeding ground for sexually transmitted diseases.

The fight to hold the line on perceived threats to the traditional family and to push back against the “feminization” or “emasculatation” of the armed forces began right after the war in Vietnam. In 1976, just a year after the fall of Saigon, the U.S. Military Academy at West Point [opened its doors to women](#), to the disgust of most male cadets. The following year, Phyllis Schlafly launched her successful campaign against the Equal Rights Amendment. In 1979, having declared that the military was an intrinsically Christian institution, Jerry Falwell founded the Moral Majority, which issued a “declaration of war” against homosexuality.

Schlafly, who was present at the creation of the CNP in 1981, never lost her focus on protecting the military from these alien influences. In 1984, she came to West Point and denounced the presence of women, to the supportive hoots and jeers of her still largely male audience. Right up to 2015, a year before her death at the age of 91, Schlafly was adding her signature to sign-on letters by ad hoc groups of retired military officers, CNP members, and other right-wing activists opposing the assignment of women to ground combat units. The Phyllis Schlafly Eagles, successor to the Eagle Forum, which she had founded in 1972, established a [special award](#) in 2018 to honor the legendary commander of the secret war in Southeast Asia, retired Maj. Gen. Jack Singlaub. Its first recipient was Lt. Gen. Mike Flynn. The head of the Schlafly Eagles is Ed Martin, a prominent CNP member, who is also the president of America’s Future—whose chairman is Mike Flynn.

The campaigns against evolving gender roles in the military had gathered pace in the intervening decades, in tandem with efforts to redefine American masculinity. Successive images of assertive manhood emerged as role models on the right: John Wayne, the quiet, rugged righter of wrongs; Sylvester Stallone’s vengeful Vietnam veteran, Rambo; Lt. Col. Oliver North, the heroic Marine prepared to lie, break the law, and engage in covert conspiracies in pursuit of higher ideals; and finally Donald Trump.

Perhaps du Mez’s most valuable insight is her dismantling of the myth that conservative evangelicals had to hold their noses in 2016 to vote for a man who was the antithesis of their core moral values. Du Mez argues that their knowledge of scripture was secondary, and in most cases quite shallow; what mattered most was their identity as a beleaguered community under siege from secular elites, and they saw in Trump a savior whose embrace of belligerent masculinity—backed, if necessary, by the threat of violence—could champion their cultural grievances and serve as an outlet for their rage.

Books about the gendered threat to the military poured off the conservative and religious presses during these years, from veterans like Army Officer Brian Mitchell, author of *Weak Link: The Feminization of the Military* (1989) and *Women in the*

Military: Flirting With Disaster (1997), and the lawyer and academic theorist of evolution and gender Kingsley Brown, who followed up on his *Biology at Work: Rethinking Sexual Equality* (2002) with *Co-Ed Combat: The New Evidence That Women Shouldn’t Fight the Nation’s Wars*, published in 2007 as the wars in Iraq and Afghanistan were raging. These were accompanied by a second flood of books that sought to define a new, more aggressive, and explicitly “biblical” concept of masculinity. One especially explicit title was *Jesus Was an Airborne Ranger: Find Your Purpose Following the Warrior Christ*, by former Ranger chaplain John McDougall. Published in 2015, this set out to show that Christ was “a battle-scarred Combatant who stared death in the face and won,” and not someone too timid to operate behind enemy lines, “more like a daytime talk-show host than a dangerous Rescuer.”

The backlash against a more diverse military had accelerated in the Obama–Tea Party years. In 1994, under Bill Clinton, conservatives had succeeded in getting a ban on women in combat units and won a hard-fought compromise against gay men and women serving openly, with the policy known as Don’t Ask, Don’t Tell. But 2011 brought a series of setbacks. In that year, [Obama repealed Don’t Ask, Don’t Tell](#); issued [Executive Order](#)

Liberal supporters of greater diversity in the military could always point to the evidence that Obama-era reforms enjoyed broad public backing.

[13583](#), “Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce”; and received the report and recommendations of the [Military Leadership Diversity Commission](#), which he

had requested two years earlier. Its opening sentence pointedly referred to the pioneering role the military had played in building a more equitable society, going back to its desegregation in 1948. Women had already more than proved their capacity to fight in Iraq and Afghanistan, and in 2013, Obama removed the last restrictions on their service in combat units. All of these reforms would find a voice in the Pentagon’s Office for Diversity, Equity, and Inclusion, which would later become a prime target for the far right as an emblem of the “woke military.”

The core arguments against gender diversity in the military had long been based on the supposed effect on combat readiness and troop morale. Women weren’t physically strong enough to be effective fighters; they had periods and PMS; they might get pregnant; sexual immorality would run riot if men and women, let alone homosexuals, were jostled together in barrack rooms and bunkers. For the powerful community of conservative evangelicals, who were cherry-picking the Bible for images of dominant, warlike manhood, the reforms were also a moral threat to God’s natural order.

However, there was a subtle but unmistakable shift during the Obama years in the character of the right-wing opposition to a military that more closely mirrored the diversity of American society. One distinctive feature of the modern conservative movement is that it spawns an apparently endless stream of sometimes formal and at other times ad hoc committees, councils, campaigns, and coalitions with overlapping membership rosters that come and go under a multitude of names, some little more than

a letterhead, hatching and dying virtually overnight like mayflies. In 2010, for example, the Council for Military Readiness, which was founded by [Elaine Donnelly](#), a protégé of Phyllis Schlafly's, spawned the Military Culture Coalition. The new name was telling. While gender roles were still a central preoccupation, the agenda had expanded: the military was now depicted as a kind of petri dish for a larger program of social engineering. America's warriors, Oliver North took to saying, were being used as the "lab rats" of the radical left.

Liberal supporters of greater diversity in the military could always point to the evidence that the Obama-era reforms enjoyed broad public backing. Polls showed that the percentage support for women in combat units and LGBTQ people serving openly ran consistently from the high 50s to the mid-60s. By the time the push began to remove the final barrier, allowing for transgender and gender-dysphoric individuals to enjoy the same rights, even that had 58 percent public support. (The changes were also broadly supported within the military itself, with the exception of the Special Forces and the Marines, both of which pride themselves on their skills in ground combat.) These numbers, liberals often pointed out, were remarkably similar to the levels of support for abortion in all or most cases and for more restrictive gun laws. To which the response of far-right conservatives was, in essence: *So what?*

Since the proliferation of right-wing think tanks and activist groups in the 1970s and early 1980s (the CNP was founded in 1981), their leaders have been clear that politics is not a numbers game. Getting a majority of the popular vote is irrelevant, as is the weight of public opinion. Securing minoritarian rule is an explicit goal. At a rally in Dallas in 1980, with Ronald Reagan in attendance, Paul Weyrich, one of the CNP's three founders, declared, "I don't want everybody to vote. Elections are not won by a majority of people. They never have been from the beginning of our country. As a matter of fact, our leverage in the elections, quite candidly, goes up as the voting populace goes down."

Politics, in this conception, is about nothing but the single-minded pursuit of institutional power, to be taken and held by fair means or foul, notably including voter suppression and control of the federal courts. For conservative Republicans, this has meant understanding and exploiting the familiar structural idiosyncrasies of the American political system—the Electoral College; the filibuster; equal representation in the Senate for every state, regardless of population; as well as granular details like the [Electoral Count Act of 1887](#), which few Americans had even heard of before January 6. All of these peculiarities work to the advantage of Republicans, cementing in place the effective veto power of the minority ("a poison," Alexander Hamilton wrote, foreseeing the danger).

The harsh reality is that there is at this moment no politically feasible way for the Democratic Party to overcome any of these structural impediments to democracy. Nor, at the moment, is there a path to contest the most complete and radical victory of the unrepresentative right-wing minority—its seizure of the Supreme Court—by expanding the number of justices or introducing term limits.

What remain are the institutional guardrails, the most critical of which is the military.

In the early part of his administration, Trump liked to speak of "my generals." Nothing flattered his narcissism more than the idea of being commander-in-chief of the world's most powerful military and all its shiny toys. The first of these generals, of course, was Mike Flynn, but he lasted barely three weeks as national security adviser before being fired and replaced, briefly, by Keith Kellogg. He in turn gave way to Lt. Gen. H.R. McMaster, a top counterinsurgency expert in Iraq, who remained on active duty for the 14 months he spent as national security adviser. Another, more hawkish four-star general, Jim Mattis—variously known as "Mad Dog" or "Chaos," a Marine and former head of U.S. Central Command, lasted two years as secretary of defense before resigning ([in Mattis's own account](#)) or being fired (in Trump's). Meanwhile, John Kelly, another four-star Marine veteran, spent an unhappy 18 months as White House chief of staff before he too fell by the wayside. (We now learn, from the forthcoming book by Peter Baker and Susan Glasser, *The Divider: Trump in the White House*, that [Trump's preferred model](#) was Hitler's subservient generals—with no apparent knowledge or interest in the fact that they tried three times to assassinate their Führer.)

Finally, there was the long-suffering chairman of the Joint Chiefs of Staff, Gen. Mark Milley, who stuck it out to the bitter end, trying furiously to rein in his rogue president during the chaotic closing days of his administration without actually crossing the line of disobedience to a direct order.

Once he was rid of "my generals," they got the customary Trump treatment. If he had appointed them in the first place, it was all the fault of "RINOs"—Republicans in Name Only—in his administration. The generals came in for the familiar torrent of derision and abuse directed at anyone who crosses Trump:

Mattis? "The world's most overrated general."

Kelly? "Didn't do a good job, had no temperament."

Milley? "No courage or skill . . . a nutjob."

Trump's attack on Milley escalated, in a September 2021 interview with former White House press secretary Sean Spicer on Newsmax (the *Avis* of far right news organs and Trump's current favorite outlet), to the point of calling him "a traitor to this country [who] should be tried for treason."

All of this turmoil and churn speaks to the ultimate failure of the Trump administration, as it thrashed around in its own self-generated chaos. It's this account, together with the story of how the military itself became embroiled in that chaos during the last seven months of the administration, and how the offensive against the "woke military" has gathered momentum since January 6, that holds the deeper lessons for 2024. Just as there will be no repeat of a Giuliani-style clown show, there will be no repeat of all the time, energy, and political momentum that was squandered by choosing high officials who proved in the end to be insufficiently loyal.

To recapitulate briefly the widely reported wobbles between the spring of 2020 and January 6, 2021:

On June 1, 2020, at the height of the Black Lives Matter protests, White House staff reportedly drafted a proclamation

invoking the Insurrection Act, which gives the president the authority to use the armed forces to suppress civil unrest, and Trump called for 10,000 active-duty military to be deployed in the streets. Milley and Esper deflected these demands. On the same day, Milley, in uniform, was prevailed upon to accompany Trump on his infamous Bible photo-op in Washington's Lafayette Square, a decision Milley quickly and bitterly regretted. (Baker and Glasser report that Milley drafted a letter of resignation accusing the president of embracing tyranny, dictatorship, and extremism—all the things the military had sworn an oath to oppose.)

The day after the Lafayette Square episode, Esper called a press conference to make clear that there would be no use of the Insurrection Act. Trump erupted in one of his customary rages and ordered the 82nd Airborne to take up position 30 minutes from the city. Esper persuaded him to back down. The most vocal advocate of the idea in Congress was Arkansas Senator Tom Cotton, himself a veteran of the 101st Airborne, whose inflammatory op-ed in *The New York Times*, headlined "Send in the Troops," led to the resignation of the paper's opinion editor, James Bennett.

Six days after the election, Secretary of Defense Esper ("weak and totally ineffective") was fired, prompting CIA Director Gina Haspel to share with Milley her belief that "we are on the way to a right-wing coup." Esper was replaced by [Christopher Miller](#), a retired Special Forces colonel and expert in irregular warfare with thin credentials for the job, who described one of his most urgent policy priorities as elevating the role of elite combat units such as the Green Berets, Marine Raiders (the Corps' version of the Special Forces), and Navy SEALs, even though the kind of wars in which they specialized, like Afghanistan and Iraq, were now winding down. Trump bolstered Miller with a group of far-right loyalists and conspiracy theorists: [Kashyap \("Kash"\) Patel](#), former senior director for counterterrorism at the National Security Council (reportedly recommended to Trump by Sean Hannity of Fox News) as the Department of Defense's chief of staff; retired Brig. Gen. Anthony Tata, a veteran battalion commander in the 82nd Airborne and brigade commander in the 101st Airborne, as acting undersecretary for policy; and Ezra Cohen-Watnick, a veteran of the Defense Clandestine Service and protégé of Michael Flynn, as undersecretary of intelligence.

By the first week of December 2020, Flynn himself was urging martial law and the suspension of the Constitution, deploying the military to "oversee a re-vote." The Department of Defense suspended all cooperation with the incoming Biden transition team. The January 6 committee has also now revealed the central role played during these weeks by Republican Rep. Scott Perry of Pennsylvania, a retired brigadier general who had served as a combat helicopter pilot in the Army's 104th Aviation Regiment. It was Perry who acted as a go-between for Trump and Jeffrey Clark, his putative acting attorney general. And it was Perry who, on December 26, alerted White House chief of staff Mark Meadows to a supposed conspiracy by an Italian defense contractor to upload software to a satellite—subsequently dubbed [Italygate](#)—in order to switch Trump votes to Biden. Absurd

though the claim was, Trump ordered Miller to investigate, and he complied. (Perry was named by former White House aide Cassidy Hutchinson as one of six Republican members of Congress who requested a pardon from Trump after January 6, and had his cell phone seized by the FBI a day after agents raided Trump's residence at Mar-a-Lago.)

On the day before the assault on the Capitol, Trump told Miller to have 10,000 troops placed on standby, increasing Milley's anxiety. He fretted about a "Reichstag moment . . . the Gospel of the Führer," fearing that Trump, like Hitler in 1933, planned to stage an incident that would serve as a pretext to deploy the military to stay in power. But it won't happen, he assured a friend. "They may try, but they're not going to fucking succeed. You can't do this without the military. . . . We're the guys with guns."

But there's the rub. Who are "we"? And who will have control of the guns next time?

The notion that the Constitution itself was under threat from a "woke military" took shape within days of Biden taking office. The way in which it has crystallized since then into a slogan, or meme, follows a pattern familiar from earlier far-right campaigns. Anne Nelson, the author of *Shadow Network*,³ uses the analogy of a river. First there is the source, the trickle that becomes a stream; the stream then joins with others to form a tributary; tributaries feed the main stem, until in the end the river has become a mighty surge on its way to the ocean.

In the case of the "woke military" meme, the first trickle appears to have been a book published in late 2019, *Stand Down: How Social Justice Warriors Are Sabotaging America's Military*, by retired Capt. James Hasson, a graduate of the Army Ranger School. This attracted respectful review essays in places like *The American Conservative* and *The Federalist* (whose publisher is CNP member Mark Alexander). The story was then picked up by the *Daily Caller* (whose publisher, Neil S. Patel, is also a CNP member and co-founded the paper with Tucker Carlson). Hasson was invited to give a lecture at Hillsdale College in Michigan, the most important educational affiliate of the CNP. Next stop: the Tucker Carlson show.

Carlson, a uniquely influential voice on the extreme right, had now flagged the issue. But there matters rested until after Biden's inauguration. There was no shortage of other priorities, notably two other streams that had already swollen into substantial tributaries in their own right. "Critical race theory," hitherto an obscure framework of analysis in academia, had become a potent political buzz phrase in the summer of 2019 with the publication of *The New York Times*' 1619 Project. The general idea of "wokeness" had also been around for years, but it was weaponized in response to the Black Lives Matter protests, though with no particular emphasis as yet on the military. But this is how multiple tributaries merge to form the larger river.

The tributaries of CRT and "wokeness" began to merge and gather volume in February 2021, when the new defense secretary, retired four-star Gen. Lloyd Austin, the first African-American to hold the position, ordered a [Department of Defense-wide stand-down](#) to reflect on the events of January 6 and the evidence

of political extremism and white supremacism in the military, as well as continuing concerns about the high incidence of sexual assault. (Austin is another veteran of the 82nd Airborne, and it's important to stress here that the airborne divisions aren't intrinsically right-wing; what's noteworthy is how many of the far-right retired officers now active in the "woke military" campaign and the MAGA movement served in these divisions and, equally important, the unique history of the 82nd being deployed to deal with civil disturbances within the United States.)

Laura Ingraham of Fox News may have been the first to wade into battle after the election, on February 4, 2021. Austin's stand-down order was the first step, she said, of an effort to "rid the military of all strong conservatives and, of course, Trump supporters." Pete Hegseth, also on Fox, identified a second target in [Bishop Garrison](#), head of the Defense Department's Office of Diversity, Equity, and Inclusion—another African-American, an Iraq veteran who, before this appointment, had worked as director of national security outreach at the nonprofit Human Rights First. To Hegseth, Garrison was "a powerful radical leftist," the Pentagon's "newly minted MAGA purge man." Another Fox commentator, Rachel Campos-Duffy, then accused Michelle Obama of being the originator of the "stealth takeover" of the military by infecting it with identity politics.

But it takes a Tucker Carlson to turn the flow of the river into a torrent. The threat to militant masculinity has been a running theme in his recent shows, in which he bemoans the well-documented decline of testosterone in American men (which scientists attribute to factors that include obesity and other comorbidities, alcohol and drug use, lack of exercise, and exposure to environmental toxins). These complaints culminated in a special segment, "The End of Men," the [trailer](#) for which includes bizarre images of a naked man whose penis appears either to have burst into flame or been irradiated by a silvery column rather like a miniature version of the monolith in 2001: *A Space Odyssey*.

As for the military, Carlson joined the fray in earnest in early March 2021 with a casual swipe at the Army's new design of uniforms for pregnant women. On March 26, he went full bore, with a comprehensive takedown of the "woke military."

Carlson is singularly adept at laying out the big picture and then finding illustrative cases that are guaranteed to further inflame the already angry MAGA base. There was no shortage of examples, of both the insidious influence of "wokeism" and the supposed purge of "patriots" in the military. Carlson attacked efforts to stem the tide of sexual abuse by taking investigations out of the hands of commanding officers, under whom too few complaints were being acted upon. This, he said, was a threat to the military's essential chain of command. On March 29, [Richard Torres-Estrada](#), chief of diversity and inclusion at U.S. Special Operations Command was temporarily removed from his post after it was discovered that one of his social media posts during the Black Lives Matter protests had compared Trump to Hitler. (After a short investigation, Torres-Estrada was reinstated.) A month or so later, active-duty [Space Force Lt. Matthew](#)

[Lohmeier](#) became a cause célèbre for the right after he was relieved of command for comments on a right-wing talk radio show about his new book, *Irresistible Revolution: Marxism's Goal of Conquest and the Unmaking of the Military*—a title that showed what was at stake here went far beyond the old concerns about changing gender roles.

Sometimes the red meat that Carlson relishes came gift-wrapped. A prime example was a pair of recruitment videos released in April and May 2021, one from the CIA featuring a woman of color identifying herself as "intersectional" and "a cis-gender millennial," and the other, a week later, from the Army—the cartoon story of Emma Malonelord, operator of a Patriot anti-missile battery, who fondly recalled attending marches for LGBTQ rights as a child with her two mothers.

Once Carlson has set forth the terms of the discussion, a familiar dynamic unfolds. First, the story ripples out through the far-right media ecosystem, swelling the outrage as it goes—from Fox to *Breitbart*, the *Daily Caller*, and the *Epoch Times*; to Newsmax and the One America News Network; to the Sinclair Broadcast Group, [Salem Media](#) (a powerhouse in the world of conservative Christian broadcasting and a frequent platform for leading members of the CNP); to the universe of talk radio

shows most people have never heard of; to conservative pastors; to Facebook, Twitter, Parler, Gab, Telegram, Gettr, and the darker crevices of the web. The trickle that became the big river has now, so to speak, reached the ocean,

and this is the point at which the political heavy hitters weigh in.

On May 21, 2021, Senator Ted Cruz seized on the Malonelord video, tweeting his disgust at our "woke, emasculated military." American warriors were being turned into "pansies," he said—contrasting them with the brawny, hypermasculine Russian army. During a Senate hearing on June 10, Tom Cotton, a white senator from a former Confederate slave state, took it upon himself to inform General Austin, the nation's first African-American secretary of defense, that the military was experiencing "growing mistrust between the races and sexes where none existed just six months ago." By the end of the month, Trump himself had added "woke generals" to the familiar list of grievances at his rallies—military leaders whom he accused of being more focused on political correctness than on fighting America's enemies.

It was time now for the "woke military" to be elevated from slogan to the plane of electoral politics. Both Trump and Tucker Carlson share strong characteristics of what has been termed the "lizard brain," adept at whipping up outrage and lashing out at enemies. But a more sophisticated kind of intelligence was now required, someone able to turn a meme into a coherent, comprehensive political strategy. Preferably this would be someone who, unlike Trump and Carlson, was himself a veteran. As it turned out, no one was better qualified for the task than Steve Bannon.

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Part 2 of this story, forthcoming in The Washington Spectator, will examine Bannon's push for far-right veterans to run for elected office; how these candidates, in contrast to those veterans presently serving in Congress, are drawn predominantly from the elite combat units within the military, notably the Navy SEALs; how their multi-ethnic backgrounds debunk the idea that the threat from the extreme right can be confined to "white nationalism"; and how their ambitions are related to an executive order issued by Trump two weeks before the 2020 election, allowing a future president to purge the Department of Defense and other key national security agencies of officials deemed disloyal. ■

George Black's writing has appeared in The New Yorker, The New York Times Magazine and many other publications. His forthcoming book, The Long Reckoning: A Story of War, Peace, and Redemption in Vietnam, will be published by Knopf in March, 2023.

Endnotes to *The Enemy Within*

- 1 See George Black, ["All Enemies, Foreign and Domestic: The Road from Vietnam to the Capitol Steps,"](#) *Washington Spectator*, April 27, 2021; and ["Military Veterans, the Republican Party and January 6: A New Chapter in the Story,"](#) *Washington Spectator*, June 21, 2021.
- 2 The defining work on the CNP and the far right is Anne Nelson's book *Shadow Network: Media, Money, and the Secret Hub of the Radical Right*, together with her numerous articles for *The Washington Spectator*. Disclosure: Nelson is this author's wife.
- 3 For one example of such a campaign, see Nelson, ["Anatomy of Deceit: Team Trump Deploys Doctors With Dubious Qualifications to Push Fake Cure for Covid-19,"](#) *Washington Spectator*, September 20, 2020.

The Fed's Battle With Inflation: A Pyrrhic Victory? Or Will the Federal Government Join the Fight?

By Steven Pressman

THE CENTRAL BANK OF THE U.S. FEDERAL RESERVE (or Fed for short) has been hiking interest rates this year to try to bring down inflation. Before addressing the economic consequences of this, a few words about central banks seems in order.

Regular retail and consumer banks do their own banking at central banks—making deposits and borrowing money. Central banks in turn regulate regular banks to ensure they remain solvent. But their most important function is changing interest rates to control inflation and unemployment.

Central banks set the rate at which they lend money to banks and control the rate that banks charge each other for loans.

When inflation is high, central banks raise these rates. Banks then charge their customers more for loans. When unemployment is high, central banks cut the rates they charge banks. Banks then lower the rates they charge to businesses and consumers. Higher interest rates reduce spending and are intended to dampen inflationary pressures; lower rates increase spending, economic growth, and employment.

Currently U.S. unemployment is below 4 percent and near a 50-year low. Inflation, under 2 percent in the B.C. (before Covid) years, rose above 9 percent for the year ending in June 2022, its highest rate in four decades. Last year, the Biden administration provided many benefits to U.S. families (such as stimulus checks and a refundable tax credit) through the American Rescue Plan, helping them keep up with rising prices (see my [article](#) in the March/April *Washington Spectator*). These programs have now expired. As prices rise much faster than incomes, Americans struggle to pay their rent or mortgage, fill up their car with gasoline, and put food on the table.

The Fed has responded by increasing interest rates. From nearly 0 percent in January, it raised interest rates a total of 2.25 percentage points between March and July. And it expects to hike rates another percentage point before the year is out.

In hindsight, the Fed should have started raising rates last fall, when the U.S. unemployment rate was under 5 percent and declining and government spending programs were stimulating the economy. Erring on the side of keeping unemployment down, the Fed fell behind the inflation curve. Now it seeks to make up for lost time and deflect blame from the fact that it kept rates too low for too long.

Consumers are already feeling the consequences of this—higher mortgage rates, higher interest rates on auto and college loans, and higher rates on credit card balances. This is one downside of reducing inflation.

Many economists fear the Fed will push the U.S. into a recession, leading to the dreaded stagflation (high inflation and unemployment at the same time) that plagued the economy in the late 1970s and early 1980s. Frequently the Fed has gone too far when it starts raising rates. Fed Chair Paul Volcker overdid it in the late 1970s and early 1980s, leading to 10 percent unemployment. In the early 1990s, Fed Chair Alan Greenspan raised rates, creating a recession that helped end more than a decade of Republican rule in Washington. He raised rates again in 2004, which generated very slow economic growth and quickly had to be reversed.

While not a foregone conclusion, a recession is highly likely. We may be there already. The U.S. economy shrank 0.4 percent (1.6 percent at an annual rate) in the first quarter of this year and 0.2 percent in the second quarter. Furthermore, three recession indicators are flashing brightly—the stock market has fallen sharply this year; commodity prices (oil, cotton, copper, and even corn and wheat) are falling; and the yield curve has inverted (interest rates on short-term government bonds exceed interest rates on longer-term bonds).

Another problem is that while higher interest rates can control inflation caused by too much spending, the Fed can't counteract the supply problems we currently face. Interest rate hikes won't

reduce high gas prices stemming from an embargo of Russian oil. They won't replace the loss of Ukrainian grain on the world food market. They can't reduce high auto and appliance prices that stem from a computer chip shortage due to a drought in Taiwan. And they can't undo labor shortages resulting from Covid.

Even worse, higher interest rates can increase inflation. This is clearest in the case of housing, the largest spending category for most households. Interest rates on a 30-year fixed mortgage have risen from 2.8 percent last August to 5.5 percent in mid-July. For a \$450,000 mortgage, this increases monthly housing costs by nearly \$750. People priced out of homeownership will remain renters, adding to the demand for apartments and pushing up rents.

Although the Fed can't solve our current inflation problem, it also didn't create it. It didn't invade Ukraine. It didn't provide tax cuts to the rich during the Bush and Trump administrations or give Covid benefits to many people who didn't really need them during the Trump and Biden administrations. And it didn't raise tariffs sharply on imported goods, making them more expensive. President Trump did this. The Fed merely waited too long to start raising rates.

Still, the Fed is responsible for cleaning up the inflation mess. But its tools are weak and ineffective when it comes to supply-side inflation, and raising rates much further will increase unemployment sharply. The main anti-inflation alternatives are cuts in government spending and raising taxes. But politicians are loath to enact such policies because it hurts their constituents, the people they count on to get reelected. So, by default, the job of controlling inflation falls to central bankers removed from such political pressure.

Right now, our great danger is that the Fed will wait too long to stop raising rates, just as it waited too long to start raising rates. As economists are fond of saying, there are long and variable lags between changes in interest rates and when these changes impact the economy. It is about time for the Fed to hit the pause button. But the inflation problem squeezing so many lower-income and middle-class households still needs to be addressed.

The good news is that another solution to the inflation problem exists. As the Fed steps down to examine the impact of what it has done already, fiscal policy needs to take the lead in battling inflation. Unlike the Fed, President Biden and Congress have the tools to battle supply-side inflation without creating a recession. They need to use them! Besides reducing inflation, these policy actions will also take pressure off the Fed to continually raise interest rates in an attempt to tame inflation.

Here are just a few things the president and Congress can do.

The president can temporarily reduce import taxes and other trade restrictions, and temporarily suspend requirements that

ships carrying goods between two U.S. ports must be built in the United States and operated by Americans. These actions would lower the cost of all imported goods. Congress and the president can increase legal immigration and the number of seasonal work visas to ameliorate labor shortages and raise income taxes on the wealthy to reduce demand-side inflationary pressures stemming from Covid relief bills that provided benefits

to households that did not need the money and are now spending their windfall. This last policy is far better than having the Fed raise interest rates again, which would hurt indebted low-income and middle-class households and increase mortgage rates and housing costs that constitute a large part of monthly expenditures for those who are not wealthy.

Finally, the president and Congress can provide tax breaks to companies that allow their employees to work from home, and subsidies to state and local

governments that reduce rail and bus fares for consumers. The latter policy will encourage people to use mass transit when traveling. Both policies, by reducing time behind the wheel, will help drive down the cost of gasoline. ■



Jerome Powell, Chair of the Federal Reserve.
Photo by Federal Reserve Board of Governors

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BOOK REVIEW

Power Concedes Nothing—How Grassroots Organizing Wins Elections

Edited by Linda Burnham, Max Elbaum, and Maria Poblet (OR Books)

By Peter Olney

MY WIFE STOOD AGHAST AS I RAPPED ON THE PASSENGER-SIDE window of the late model sedan exiting a driveway in Salem, New Hampshire, in the fall of 2016. The car stopped, and a woman rolled down her window and listened patiently to my pitch on why she should vote for Hillary Clinton for president. As she replied that she was indeed planning to vote for Hillary, her husband said “Harrumph” and bent over the steering wheel.

This was our lot in Rockingham County, across the border

from Massachusetts. Dueling lawn signs in the same yard: Trump and Hillary—husband and wife. We carried New Hampshire for Hillary and elected Maggie Hassan to the Senate but lost Rockingham County, which was heavily populated by white working-class refugees from the Greater Boston area. I had worked passionately for Bernie in the primary and knew that many of those voters supporting Trump had earlier voted for Bernie.

For me, from the moment that Trump launched his campaign announcing his white supremacist, anti-immigrant agenda, it was clear that he presented a danger to democracy and was an avatar for all the evils that have plagued our republic since its founding. 2016 was not a moment for equivocation or support for quixotic candidates like Dr. Jill Stein. History has absolved this viewpoint. The reversal of *Roe v. Wade* is only the most stunning result of a failure to pivot to support for Clinton in the general election (as candidate Sanders did that year).

Power Concedes Nothing is a consolidated anthem from the unions and immigrant rights, civil rights, and community groups that learned the lessons of 2016 and went all out in 2020 to defeat Trump and his minions up and down the ballot. There are 22 individual chapters written by over 40 organizer-authors. They have grasped that as a serious left, we do not stand on the sidelines and make excuses for our inaction by critiquing the obvious and enduring campaign and policy defects of corporate Democrats. We enter the fray eyes wide open, understanding that we are bound together in common purpose, which requires clarity about our enemy and sobriety about the weaknesses and duplicity of our temporary allies. The Trump years have schooled a lot of folks about the necessity of this united front.

Many of the groups in this anthology took a pass in 2016 but, to their great and enduring credit, were on the front lines in 2020. Seed the Vote, for example, reflected on the Trump danger the day after the election in 2016: “On November 9th, a few people got together and started discussing what was to be done. We realized that we needed to pay attention to national work in a way that we had not prioritized before, because Trump and his politics were an existential threat to the communities and issues important to all of us.”

My son, Nelson, and I were on the ground with Seed the Vote in Maricopa County, Arizona, in 2020, living in a motel yards away from Scottsdale Stadium, the spring-training home of the San Francisco Giants. In my youth it had been the spring-training site of my beloved Boston Red Sox. Ted Williams, the “splendid splinter,” used to thrill the Bo Sox fans who had come down for spring training in that Cactus League park. Maybe that is why his family chose the Phoenix area when they decided to freeze his brain cryogenically after his death.

Pretty kooky stuff, but remember that Arizona produced the ultraright 1964 Republican nominee for president, Barry

Goldwater. Goldwater carried only his home state and five others in 1964, as Lyndon Baines Johnson got 61 percent of the popular vote. Goldwater’s slogan was, “In your heart you know he’s right,” and Johnson responded with, “In your guts you know he’s nuts.” Compared with today’s MAGA fanatics, Goldwater was a portrait of civility.

Our work in Maricopa County was made possible by the efforts of community groups like Living United for Change in Arizona, or LUCHA, which has labored for years to rid Arizona of the anti-immigrant Sheriff Joe Arpaio and State Senator Russell Pierce. *Power Concedes Nothing* presents a whole chapter written by Cesar Fierros Mendoza on this 10-year struggle that electorally transformed Goldwater’s home state from “red” to a battleground “purple.”

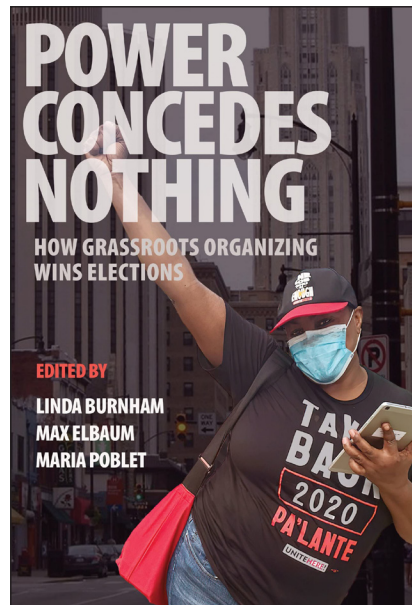
The authors of most of the chapters acknowledge that 2022 and 2024 will pose equally dangerous challenges to democracy and that we face an uphill climb given the present configuration of minority rule in the Senate, the math of the Electoral College, and the increasingly rabid state legislatures in red states that may soon benefit from a Supreme Court decision codifying their ability to deny the outcome of the popular vote and send their own partisan electors to the Congress.

Several excellent chapters detail the mechanics of the “ground” game: knocking on doors and motivating people to vote. This critical feature of rubber-meets-the-road democracy of course has been a difficult challenge during the Covid era, and many organizations declined to do the doors—a huge error that may have cost us one to two percentage points in many states.

Heroically, however, the Unite Here union of hotel workers did the doors, and their work, coupled with that of other actors who write chapters for this collection, saved us

from four more years of Trump. In Maricopa County, working the doors was no picnic. Strict Covid protocols dictated that we wear a mask covered by a plastic visor and that we maintain a six-foot distance from the doors and our fellow canvassers. Our daily quota for house calls was 80 doors, and all of this in 95-degree desert heat. But the Trumpers were certainly on the doors, and we ran into them in gated communities where we faced down often angry neighbors and rent-a-cop security. These door-knocking warriors were critical factors in the razor-thin margins in battleground states: Arizona—10,457 votes; Georgia—11,779 votes; and Nevada—17,217 votes.

All the contributors of course grapple with the challenge of building a unified opposition to defeat Trump and fascism, while advancing at the same time a positive progressive program to fight for and support. The chapter by Working Families Party Chair Maurice Mitchell does an excellent job of describing his organization’s endorsement process in the primaries. He outlines the controversial decision to support Senator Elizabeth Warren



over Sanders, then the pivot to working for Biden and, at the same time, pushing a solid progressive agenda into the planks of the Democratic Party platform. Mitchell summed up the WFP stance as follows: “Neither of the progressive candidates won the Democratic presidential primary, but we were clear-eyed going into the general election. Joe Biden became the standard-bearer and the pick to take on Trump, and progressives knew we had to push the Democratic nominee as far to the left as possible. Donald Trump was an existential threat, a global leader of the far right, and we had to defeat him at all costs.”

The chapters all share a common theme, in that they attempt to balance their immediate and essential electoral work with long-term power building. This analysis requires deeper examination and will involve a clearer exposition in the future of what constitutes membership in such organizations, how they are funded, and what their leadership structures are. We can answer these questions for the labor organizations, Unite Here, or the Gulf Coast Labor Federation, who are funded by membership dues and have leadership structures that reflect internal elections. It is important to note however that 90 percent of the members of Here lost their employment because of the pandemic and the crash of the hospitality industry, and their fabulous efforts in the field were made possible in part by generous funding from other labor organizations and foundations.

Longtime organizer and strategist Deepak Pateriya articulates the challenge clearly in his chapter: “It is ‘united front’ time right now for leftists, progressives and liberals, and will be for a number of years and elections to come. Much of our collective energy and power has to be aligned in the short and medium term toward beating white supremacist authoritarianism and the hegemony of capitalist economics and consciousness (rather than arguing among ourselves over our relatively smaller differences). For the long term we have to organize and grow our power.”

Today there is much hand-wringing and doomsaying about the coming midterms. Pundits point to voter suppression and extreme gerrymandering, the economy and inflation, Joe Biden’s approval ratings, and the historic trend in which the party in the White House usually gets shellacked. But remember that we have factors in our favor: anger over *Roe v. Wade*; the revelatory January 6 hearings so masterfully constructed by the bipartisan leadership with an unwitting assist from Trump himself. We lose if we don’t engage. The recent vote in Kansas should give us all positive inspiration.

On July 10, Michael Podhorzer, an assistant to the president for political affairs at AFL-CIO, wrote about the midterms and our prospects:

Against the usual headwinds facing presidents’ parties in their first midterm, Democrats have on their side the historic reservoir of voters who joined the electorate in 2018 and 2020 to reject Trump and MAGA. To barely oversimplify—81 million people voted against Trump less than two years ago. How we Democrats do depends on how many of their supporters who had not been voting

in the midterms come back, and how many of the independents and Republicans who pulled the lever for Trump decide they can’t again.

Read *Power Concedes Nothing*. The authors are all combatants who will be out in the field again in the fall. Choose a state, choose some key races, reach out to the organizations in the book, and get cracking.

I’ll be on the ground in Orange County, California, this October working to elect Democrat Jay Chen to Congress against the incumbent Michele Steel. This is one of two Republican seats in Orange County that we can flip back into the Democratic column. It is home to more Vietnamese people than anywhere in the world outside Vietnam. Democrats out-register Republicans by 4 percent. It will all be determined by the enthusiasm of our voters and our ability to get them to the polls. The population is 33 percent Asian and Pacific Islander, 25 percent Latinx. Not your father’s John Birch Society Orange County. The midterms are not a foregone conclusion. It was the work of the contributors to *Power Concedes Nothing* that helped save us from four more years of Trump. It is our calling to take inspiration from them and get on the phone, send the texts, and knock on the doors again. ■

Peter Olney is the retired organizing director of the International Longshore and Warehouse Union, the West Coast dockworkers union based in San Francisco.

GUEST ESSAY

The Supreme Court and the Crisis of Legitimacy

By Peter Galbraith

ALEXANDER HAMILTON ONCE DESCRIBED THE JUDICIARY as the least dangerous branch of government. But today it is no exaggeration to say that the Supreme Court poses a greater threat to individual freedoms, to the future of the planet, and to democracy itself than any other government branch.

The Supreme Court is now a political entity masquerading as a judicial body. This has been obvious since the 2000 decision in *Bush v. Gore*. On December 9, 2000, Justice Antonin Scalia, speaking for four Republican court members, ordered Florida to stay its recount of votes in the presidential race. Scalia then waited until December 12 before ruling that a recount was not possible because December 12 was Florida’s “safe harbor” deadline for recording presidential votes. If not for Scalia’s stay, the recount could have been completed by December 12, something the uberpartisan Scalia did not want to happen.

Faced with identical law and facts, a real court will reach the same result regardless of the political party of the plaintiff and the defendant. We can be quite sure that the five Republican Supreme Court members who stopped the Florida recount

would not have done so had Gore been slightly ahead of Bush. As we move into the 2024 election cycle, government officials must be prepared to ignore partisan decisions from an entity that is a court in name only. The future of American democracy is at stake.

Other court decisions are threatening to constitutional government. In overturning *Roe v. Wade* (in *Dobbs v. Jackson Women's Health Organization*), the Supreme Court for the first time took away a previously recognized constitutional right, in this instance declaring that the previous right to an abortion no longer exists. Despite Justice Samuel Alito's assertion that the decision should not be read as affecting other rights, there can be no doubt that the right to same-sex marriage is in the court's crosshairs. And since overturning *Roe* still leaves abortion legal in large parts of the country (it is popular even in archconservative states like Kansas), the court's next steps will likely hold up prohibitions on travel for abortions and, perhaps, ultimately outlaw abortion altogether by declaring a fetus to be a person.

Despite the passage of President Biden's climate-control bill, the justices have already reached environmental decisions aimed at making it impossible for the United States to address the existential threat of climate change.

Next year, the court will rule on a case that involves the so-called independent state legislature doctrine. Based on the text and supposed original intent of two articles of the Constitution related to congressional and presidential elections, this once fringe doctrine asserts that legislatures are uniquely empowered to decide congressional redistricting and the method for selecting presidential electors. Under this doctrine, state legislatures can ignore state courts and constitutions on congressional redistricting and, more ominously, ignore the popular vote in their states when it comes to choosing presidential electors.

Four Republican Supreme Court members have agreed to take this case, and three (Thomas, Alito, and Gorsuch) have already signaled their support for the doctrine. Their motives are obviously partisan. Republicans control both houses of 30 state legislatures, while the Democrats control just 17, and will clearly benefit from unchecked state legislature gerrymandering. Republicans control the legislatures in the five Biden states—Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin—where Republican members of Congress voted on January 6, 2021, to throw out the results of the popular vote. One would have to be very naive to believe that the six Republicans on the Supreme Court would have much interest in the independent state legislature doctrine if Democrats were the principal beneficiaries of unchecked gerrymandering or if Democrats controlled legislatures in states the Republican presidential candidate might

carry. Had the independent state legislature doctrine been law in 2020, Donald Trump likely would be president today.

So how should the Biden administration, congressional Democrats, state governors, state judges, and lower federal courts respond to what may be a dire threat to American democracy? Alexander Hamilton described the judiciary as the least dangerous branch of government because it commands no army and no police. It has no ability to enforce its decisions except to the extent that the other branches accept the decisions as legitimate. The decisions of a court that is nakedly partisan, that is intent on taking away previously protected constitutional rights, and that is on the verge of ending free elections cannot be considered legitimate.

Even if the court had the requisite constitutional authority, one branch of government cannot be allowed to destroy the democratic basis of the other two branches, nor can it be allowed to destroy the federal system by imposing illegitimate decisions on state governments. But even using the logic of the court's Republican majority, the court does not in fact have the authority to do much of what it reaches to do.

In his decision in *Dobbs*, Samuel Alito asserts that there is no right to abortion in the Constitution and therefore the 50-year precedent of *Roe v. Wade* must be overturned. But judicial review of laws is also not in the Constitution. The Constitution says nothing that gives the Supreme Court the power to rule on the constitutionality of laws passed by Congress, on the constitutionality of executive branch actions, or on the constitutionality of state government actions. Nor is there any evidence that the Philadelphia delegates to the Constitutional Convention intended for the Supreme Court to be a constitutional court. In fact, it is not clear that they thought much about judicial power at all in that hot summer in Philadelphia, and the jurisdiction of the Supreme Court in Article 3 of the Constitution is very limited. (Later, as part of the case for ratification, Alexander Hamilton argued in *Federalist* 78 that, in the event of a conflict of law between the Constitution and an ordinary law, courts would have to choose the Constitution; but this is not the same as conferring on the Supreme Court the power to overturn a law.)

The Supreme Court arrogated to itself the power of constitutional review in the 1803 decision in *Marbury v. Madison*. In that decision, Justice John Marshall ruled that American courts have the power to strike down laws that they find violate the Constitution. While *Marbury v. Madison* is a longer-lasting precedent than *Roe v. Wade*, it has no greater constitutional authority. Neither abortion nor judicial review are in the Constitution.

The best solution to the problem of an illegitimate Supreme Court is to reform it. Ideally, there would be a nonpolitical way



Photo by Brandon Bourdages

to choose justices (as in Europe) so that they are judges and not politicians. Short of that, there could be a system of staggered term limits so that presidents of both parties would be able to choose justices. However, these reforms can only be made by amending the Constitution, and securing the votes to do that—two-thirds of both houses of Congress and three-fourths of the state legislatures—is impossible to achieve.

There are two possible legislative solutions—increasing the court membership and stripping the court of some of its jurisdiction. Expanding the court—which might be best described as “court unpacking” to undo the Republican right’s court packing—is the simplest reform, but it requires larger Democratic majorities than currently exist in either house of Congress. Jurisdiction stripping—for example taking away the court’s power to review certain federal or state laws—is more complicated and solves only part of the problem. As with court unpacking, the congressional votes aren’t there.

Executive branch officials, state governors, and state courts can simply refuse to enforce judgments that follow from the decisions of an illegitimate court. For example, in abortion cases, they can decline to recognize civil awards pursuant to laws like the one in Texas that permits suits against anyone assisting an abortion. Where abortion is criminalized, federal and state officials can simply not extradite those criminally charged. Prosecutors in states where abortion is illegal can refuse to prosecute.

Lower federal courts and state courts can choose to ignore Supreme Court rulings that they see as partisan and illegitimate. (The history of our century might have been quite different if Florida had done so in December 2000.) Without the cooperation of state and federal officials and of state and lower federal courts, there is very little the Supreme Court can do to enforce its decisions. This tactic is understandably concerning to some, as it is reminiscent of tactics white Southerners used as part of their “massive resistance” to Supreme Court desegregation decisions in the 1950s. The problem then was not the tactics but the goals for which they were used. There is a huge difference between resisting court decisions that promote equal rights and freedom and not implementing those that take away rights and end democracy.

American legal scholars and lawyers are trained to regard Supreme Court decisions the way Catholics are meant to view papal bulls. The court can be wrong, but it is better to accept a bad decision than undermine the rule of law. To the extent that it keeps social peace, this approach has merit. However, the Constitution cannot be whatever five Republican extremists say it is.

I have spent much of my career as a diplomat working on countries that fall apart—Yugoslavia, Indonesia (East Timor), Iraq, and Afghanistan. The single most important factor in the breakup of countries—and the start of civil wars—is the justified belief by a significant part of the population that the instruments of state are being used to treat them unfairly. Can anyone seriously believe that Americans would meekly accept a Supreme Court decision to overturn a future presidential election by allowing Republican legislatures to ignore the popular vote in their state?

This is a formula for massive unrest if not outright civil war. We can hope that the 2024 elections are sufficiently decisive that such a scenario does not occur. But Joe Biden won in 2020 by more than seven million votes nationally, with a three-state margin in the Electoral College, and this did not stop Donald Trump and a majority of elected Republican members of Congress from trying to overturn the election. As we approach 2024, many of the pro-democracy Republican members of Congress have retired or been purged. Next year, a partisan Supreme Court could give the anti-democracy Republican majority the tools to succeed.

Under the current circumstances, the best response to illegitimate and partisan court decisions is to ignore them. Refusing to acknowledge the most extreme decisions of this Supreme Court will no doubt cause confusion in the U.S. court system. However, delegitimizing a partisan Supreme Court may be necessary to help prepare for the all too possible situation where the court is integral to undoing the next election. And it may even lead the court to reconsider the consequences of its actions.

The Constitution is not whatever the Supreme Court says it is. The court’s partisan majority cannot be allowed to use the Constitution as a vehicle to destroy American democracy. At some point, we have to take a stand for the Constitution and for democracy. ■

Peter W. Galbraith, a former U.S. Ambassador to Croatia and Assistant Secretary General of the United Nations in Afghanistan, is the author of The End of Iraq: How American Incompetence Created a War Without End, first published in 2006.