

1-5-2019

Shades of Nixon in Mattis departure

Joshua E. Kastenberg
University of New Mexico - School of Law

Follow this and additional works at: https://digitalrepository.unm.edu/law_facultyscholarship



Part of the [Law Commons](#)

Recommended Citation

Joshua E. Kastenberg, *Shades of Nixon in Mattis departure*, *Albuquerque Journal* 2 pages (2019).
Available at: https://digitalrepository.unm.edu/law_facultyscholarship/778

This Article is brought to you for free and open access by the UNM School of Law at UNM Digital Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

Shades of Nixon in Mattis departure

By Joshua Kastenber

Albuquerque Journal
January 5, 2019

With the voluntary departure or unceremonious firing of Secretary of Defense James Mattis, there is a potential/looming crisis in civil-military affairs in our country. The authors of our Constitution insisted on a civilian hierarchy over the military establishment. They feared a “standing army” to the point that they kept it intentionally small, and believed the nation could rely on local and state militias in times of national crisis.

The realities of the 20th Century’s conflicts resulted in the government maintaining a huge and powerful peacetime army since 1945. During the Cold War, a majority of Congress, political science scholars and military affairs commentators believed the Constitution’s authors’ fears of a standing army “quaint,” since the military establishment, under the direction of the president, did not try to supplant the two other independent branches of government. I have to wonder whether there would now be a consensus that such fears were anything but “quaint.”

Not since President Richard Nixon and National Security Advisor Henry Kissinger intentionally shut out Secretary of Defense Melvin Laird and Secretary of State William Rogers in planning for the 1970 Cambodia incursion has there been this type of instability in the Department of Defense. Laird had served as a Republican congressman from Wisconsin beginning in 1953 before joining the Nixon administration. In 1969, Laird, who help craft Nixon’s Vietnamization policies, had argued that a ground incursion into Cambodia would not only break Nixon’s promise of not widening the war, but also the secrecy behind any invasion would result in fracturing alliances and an upheaval of domestic social turmoil. By intentionally excluding Laird from being a part of planning a major military operation – 30,000 American soldiers and a greater number of South Vietnamese forces invaded Cambodia – the Kissinger-Nixon team removed a modifying influence on the commander-in-chief function of the presidency. Nixon’s actions were symptomatic, however, of a greater problem with his administration. Although he was intellectually bright and experienced at government, Nixon showed little regard for complying with the law.

Laird’s experience provides a window to reflect on President Donald Trump’s behavior regarding Mattis, as well as the overall conduct of his presidency. To Laird’s credit, after leaving the Defense Department, he briefly tried to assist Nixon and stabilize domestic affairs, but then decided he had enough of the administration’s lies. For those who think Mattis resigned to remain politically viable as a statesman, I

believe he did not make this move to save himself, any more than Laird's departure from the Defense Department was to run for office again.

Mattis sent a message to people who care about at least having a semi-transparent and somewhat ethical government, that there is a profound disregard for the law, the treatment of allies and concepts of decency at all levels by the current administration. The president has responded by trying to mute that message.

The secretary of defense is charged with maintaining a reliable military that follows the Constitution and the nation's obligations to comply with its commitments to allies, as well as the law of war. With Mattis' departure, in the manner it occurred, we have taken a step to having those obligations muted, as well.

Copyright © 2019 Albuquerque Journal | Albuquerque, N.M.