

If True, Gen. Milley's Actions Were Extra-Constitutional

by Col. Richard Black (ret.)

The following statement to EIR was issued by Col. Richard Black (ret.) on September 15, in response to the reported actions of Chairman of the Joint Chiefs of Staff Gen. Mark Milley, contained in the book, Peril, by Washington Post associate editor Bob Woodward and Washington Post reporter Robert Costa.

The book claims that Gen. Milley moved to “prevent” then-President Donald Trump from launching an attack on China, and unconstitutionally placed himself in the chain of command behind President Donald Trump’s back.

In September 2020, Colonel Black delivered an explicit [warning](#) that senior U.S. military officers were considering a military coup against President Donald Trump, both because he opposed the “forever wars in Afghanistan, Syria, and Iraq,” and was pushing for withdrawing U.S. troops from them, and because he was considering using his Constitutional authority to deploy military forces to stop the mass rioting and arson in multiple U.S. cities.

Col. Black, a decorated veteran of the Vietnam War, was the former chief of the Criminal Law Division, Office of the Judge Advocate General in the Pentagon. He was also elected to the Virginia Commonwealth Senate (2012-2020) and House (1998-2006).

General Milley’s melodramatic actions as described by Woodward were extra-constitutional. A habitually histrionic caricature of the wacky military officer, Milley is totally unsuited for responsibilities requiring a calm, mature hand on the tiller. The comment that Milley went so far as to pledge he would alert his Chinese counterpart in the event of a U.S. attack is interest-

ing. The President is the commander-in-chief of the armed forces. He alone can authorize a military offensive. General Milley is the Chairman of the Joint Chiefs of Staff. As such, Milley has no command authority whatsoever.

I do not believe for a minute that Trump ever intended war with China. But had the President ordered such military action, and if General Milley had given advance notice to the Chinese of impending American actions as he reportedly promised, such actions during an unfolding armed conflict would have constituted an unfathomable act of treason, resulting in the death of untold millions of Americans. Benedict Arnold’s betrayal would have seemed trivial by comparison. Can he have actually told his Chinese counterpart, “If we’re going to attack, I’m going to call you ahead of time. It’s not going to be a surprise”?

If the report of Milley’s intentions is accurate, he should be relieved for cause, for though he did not consummate a criminal act by making that promise, the promise was so fraught with impropriety that an officer who betrayed his government in such fashion should never be trusted to serve. Indeed, it is likely that had his Chinese counterpart made such a promise to General Milley, he’d have been executed for doing so.

I see in Milley a doctrinaire liberal, who was disturbed by Trump’s determination to leave Afghanistan.

Milley was chastened by criticism he received for walking a mere 175 feet from the White House to St. John’s Church so the President could demonstrate that the federal government—and the Presidency itself were still functional—something urgently necessitated by the violent race riots wracking the nation’s

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capital and in reaction to the mobs that pressed against the White House fence and threatened at any moment to overwhelm the Secret Service, storm the White House, and possibly seize the President himself. I note that the President was hustled into a secret underground bunker for his own protection at the height of the riots outside.

Milley worked with other senior officers to undermine the President's intent to employ military forces to quell the violence wracking American cities in the wake of the death of George Floyd. A number of very senior generals conspired against Trump on this issue. They took the position that the President could not employ military forces because the 1807 Insurrection Act is normally triggered by a governor's request for military assistance. However, separate and apart from the Insur-

rection Act, the President has inherent authority, irrespective of statutory law, to "ensure domestic tranquility."

Had the Joint Chiefs united in supporting the President as they should, President Trump could have ordered elite units to occupy and, if necessary, to engage violent elements. Instead, Milley deliberately undermined the President, leaving citizens terrorized by mobs and our cities in smoldering ruins. I suspect that, underlying Milley's decision, was the desire to make the President appear impotent in the face of violent unrest that cost dozens of lives and destroyed billions of dollars in property.

Milley has functioned far beyond his legitimate role as Chairman, acted in an immature fashion, and failed the nation in doing so.