

LOYAL DISSENT:  
GENERAL FOGLEMAN AND THE DECISION TO RETIRE EARLY

BY  
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## APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

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## DISCLAIMER

The conclusions and opinions expressed in this document are those of the author. They do not reflect the official position of the US Government, Department of Defense, the United States Air Force, or Air University.



## ABOUT THE AUTHOR

Lieutenant Colonel Jonathan Slinkard entered the Air Force in 2003 after earning a commission through the Reserve Officer Training Corps. Upon completing initial training, he served as an intelligence officer at Langley Air Force Base, Virginia. While there, Lieutenant Colonel Slinkard was the Air Combat Command intelligence briefer and, later, the 94th Fighter Squadron's chief of intelligence before being selected to attend Euro-NATO Joint Jet Pilot Training at Sheppard Air Force Base, Texas. After pilot training, Lieutenant Colonel Slinkard was assigned to the 34th Bomb Squadron at Ellsworth Air Force Base, South Dakota where he became an instructor pilot in the B-1 and served in a variety of positions including flight commander, chief of scheduling, and chief of the commander's action group. Lieutenant Colonel Slinkard was then assigned to the Pentagon, serving as the executive officer for the Air Force's Deputy Chief Management Officer, and later, as a Congressional Budget Liaison.

Lieutenant Colonel Slinkard is a 2001 graduate of the University of Florida, earning bachelor's degrees in History and Political Science. He also earned a Master's in Public Policy from the University of Chicago in 2003. Prior to attending the School of Advanced Air and Space Studies, Lieutenant Colonel Slinkard attended the National Intelligence University where he was awarded a Master of Science in Strategic Intelligence.

Lieutenant Colonel Slinkard is a command pilot with over 1300 hours, primarily in the B-1.



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This thesis would not have been possible without the help of several people. First, I must thank Gen (ret.) Ron Fogleman, whose willingness to grant me an interview made this entire project possible. He graciously opened his home to me and gave several hours of his time patiently answering my questions on a wide range of topics. I am indebted to him for the unique opportunity. I must also thank his scheduler extraordinaire, Ms. Christine Manning, who worked through all of the logistics of getting the interview on General Fogleman's quite full calendar.

To both my thesis advisor and reader, Dr. Stephen "Wilbur" Wright and Col Stephen "Ignis" Renner, thank you for shepherding this project from loosely formed concept to finished product. You provided a receptive sounding board for my ideas and a keen editorial eye for my text, both of which were critical to any success that I've had in this project. Of course, any problems or errors that remain are mine alone.

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## ABSTRACT

On 28 July 1997, Gen Ronald R. Fogleman submitted a request for early retirement, ending his term as the Air Force's 15th Chief of Staff one year ahead of schedule. This paper explores the three primary causes of his decision—his disagreements with his fellow service chiefs and the Secretary of Defense over policy decisions made in the “tank,” the discharge of 1st Lt Kelly Flinn, and the punishment of Brig Gen “Terry” Schwalier in the aftermath of the Khobar Towers bombing. The study further asks what effect Fogleman's departure had on American civil-military relations. To answer the research question, the author applies Professor Don Snider's dissent evaluation framework to the Fogleman case. After assessing General Fogleman's decision along each of Snider's five factors, the author finds that his retirement had minimal effect on the senior officer's three critical trust relationships with the public, the civilian leadership of the armed forces, and the services' junior and noncommissioned officers. As such, Fogleman's retirement was a justified act of dissent as viewed through Snider's model. Furthermore, the author finds that Fogleman took additional steps to mitigate the effects that his decision might have on civil-military relations. For these reasons, the author concludes that Fogleman's early retirement decision demonstrates that loyal dissent is possible.

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## Chapter 1

### Introduction

On the morning of 28 July 1997, the Air Force's 15th Chief of Staff penned a note to the Secretary of the Air Force requesting retirement not later than 1 September. Gen Ronald Fogleman's request, when accepted by Secretary Sheila Widnall, would result in his departure from office a full year before what was intended to be a four-year term as chief. General Fogleman's decision to retire early was an unexpected move by a very popular chief who had served with distinction for 34 years. In his brief note to the Air Force announcing his decision, Fogleman explained his reasons for leaving: "After serving as Chief of Staff for almost three years, my values and sense of loyalty to our soldiers, sailors, marines, and especially our airmen led me to the conclusion that I may be out of step with the times and some of the thinking of the establishment."<sup>1</sup>

Though his split with officials was based on several issues, the proximate cause of his retirement was the impending decision by Secretary of Defense William Cohen to punish Brig Gen Terryl Schwalier in the aftermath of the previous year's bombing at Khobar Towers. Fogleman did not believe Cohen should hold Schwalier accountable, but rather that Schwalier had taken all reasonable steps to protect his installation and personnel. Furthermore, Fogleman was concerned that punishing Schwalier would result in a chilling effect on future commanders, who would be inclined to emphasize force protection over mission accomplishment for fear that they would be disciplined by their superiors for incurring losses.<sup>2</sup> For these reasons, Fogleman could not abide the censure of Schwalier.

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<sup>1</sup> Ronald Fogleman, "Fogleman's Farewell," Air Force Magazine, December 2005, 8, <http://www.airforcemag.com/MagazineArchive/Pages/2005/December%202005/1205keeperfile.aspx>.

<sup>2</sup> Eric Schmitt, "Up, Up, and Out of Here," *New York Times*, August 3, 1997, <https://www.nytimes.com/1997/08/03/weekinreview/up-up-and-out-of-here.html>.

Despite the gravity of the occasion, Fogleman's day continued. Like any officer of his stature, his calendar was full of events scheduled weeks, sometimes months, in advance. Fogleman's lunch meeting on that day was with a group of about 40 Air Force Fellows.<sup>3</sup> The atmosphere in the room of mostly lieutenant colonels and graduated squadron commanders was one of excitement and anticipation for the meeting. In this pre-smart phone, pre-social media age, those in attendance were not yet aware of Fogleman's decision to step aside. Thus, when General Fogleman told them his news, the mood in the room suddenly shifted to stunned silence. One fellow in attendance said he could have heard a pin drop while Fogleman spoke about his reasons for leaving the Air Force. The chief felt he could no longer be effective with Department of Defense leadership and that his continued service may harm the Air Force.<sup>4</sup>

General Fogleman also mentioned the effect on his decision of a book he had recently read. At the time, Army major H.R. McMaster's now widely-discussed *Dereliction of Duty* had just been published. In it, he chronicles the role of the Joint Chiefs of Staff in the Johnson administration's escalation of the Vietnam War. According to McMaster, the chiefs contributed to America's failure in Vietnam by not disagreeing with policies they felt were wrong. According to one book reviewer, "The chiefs had knowingly and willingly acquiesced in many of the administration's decisions and policies even when they believed them to be mistaken."<sup>5</sup> As he made clear to the audience of fellows, McMaster's

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<sup>3</sup> According to Air University's website, Air Force Fellows are highly qualified field-grade Air Force officers selected to receive education in national security policy at civilian institutes or in key government agencies. For more information, see United States Air Force, "Air Force Fellows," Air University, accessed April 20, 2018, <http://www.airuniversity.af.mil/AF-Fellows/>.

<sup>4</sup> Details of this meeting were made known to the author by one of the fellows in attendance. Dr. Stephen "Wilbur" Wright, who also served as the advisor for this thesis, vividly recalls the meeting and the effect it had on him and the other fellows.

<sup>5</sup> Ronald Spector, "What McMaster Gets Wrong About Vietnam," *Politico Magazine*, October 2, 2017,

thesis struck a chord with Fogleman, directly influencing his retirement announcement. More than twenty years later, in an interview with this author, Fogleman affirmed the influence of *Dereliction of Duty* on his request for early retirement. According to Fogleman, “I was deeply impacted when I read McMaster’s book, specifically by the failure of the Joint Chiefs. They just totally kissed away their responsibility. There was no military advice being garnered...They knew in their hearts that they were not doing their job and it was impacting people.”<sup>6</sup>

### **Scope, Data, Limitations, and Definitions**

The purpose of this study is to examine the reasons for General Fogleman’s retirement and evaluate the effect of his decision in the context of American civil-military relations. In doing so, the intent is to answer the primary research question, *To what extent did General Fogleman’s decision to retire affect American civil-military relations?* To further refine and frame the topic, the author also addresses the following additional questions:

- *What does the extant civil-military relations literature say about dissent, specifically in the form of retirement, by senior military officers?*
- *How might one evaluate a specific instance of retirement by a senior officer?*
- *What was the general civil-military backdrop to General Fogleman’s tenure as Air Force chief of staff?*
- *What specific circumstances led General Fogleman to request early retirement?*

To answer these questions, the author relied on a variety of sources. Insight into the civil-military relations canon was gleaned from scholarly books, monographs, and journal articles written by political scientists, historians, sociologists, and, in some cases, military

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<https://www.politico.com/magazine/story/2017/10/03/hr-mcmaster-book-vietnam-war-215673>.

<sup>6</sup> Jonathan Slinkard, Interview of Gen (ret.) Ronald Fogleman, in-person, March 21, 2018.

professionals. The author also relied on newspaper articles and congressional testimony from the mid-1990s for relevant facts and views about the key disagreements between Fogleman and the civilian leadership. Another key source of information for this study was the personal papers of General Fogleman housed in the Air Force Historical Research Agency at Maxwell Air Force Base, Alabama. These papers included interviews, speeches, meeting minutes, testimony talking points, and requests for information on a wide range of topics critical in the context of this project. To understand Fogleman's point of view on his retirement decision, the author relied primarily on two interviews. One was conducted by Richard Kohn in December 1997 and subsequently published in *Air and Space Power Journal* in 2001. To the author's knowledge, this is the only published interview given by General Fogleman about the motivations for his retirement.<sup>7</sup> In addition to Kohn's interview, the author conducted his own interview with General Fogleman in March 2018.

There are several limitations to relying on subject interviews as a primary means of data collection. The first is the effect of the passage of time. The author's interview with General Fogleman came more than 20 years after the events that were the primary focus of the interview. Though these events, because of their momentous nature, no doubt remain vivid, the author acknowledges that General Fogleman may have "lost" some of the specific details with the passage of time. In fact, General Fogleman seemed acutely aware of this fact and insisted that in the case of inconsistencies between the author's and Kohn's interviews, this examination should consider Kohn's the definitive source since it took place far closer to his retirement.<sup>8</sup>

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<sup>7</sup> Richard H. Kohn, "The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force," *Air and Space Power Journal* 15, no. 1 (Spring 2001): 6–23.

<sup>8</sup> In his interview with the author, General Fogleman recounted a presentation by an elderly B-17 pilot from World War II who told the audience, "One of the things I've



Additionally, because of the high-visibility and controversial nature of General Fogleman's early departure from the Air Force, there is a pressure to paint the circumstances in the most favorable light for his own legacy. Aware of this possibility, the author attempted to verify any statements by Fogleman using other available sources. One set of sources that would have been valuable to the author were additional interviews with key players in the events that precipitated Fogleman's retirement. Regrettably, the author did not accomplish such interviews, which is an admitted limitation of the project.

The author uses the following terms throughout the thesis. These definitions are provided to the reader to ensure consistency and clarity to their use herein. Where necessary, the author includes a reference to provide the reader with a definitive source.

- Civil-military relations – The complex and dynamic equilibrium between the authority, influence, and ideology of the military, on one hand, and civilian government elites, on the other.<sup>9</sup> In this work, the author uses the term interchangeably with “civil-military affairs.”
- Retirement<sup>10</sup> – Request by a senior officer to leave active duty military service. Assuming the officer has served for at least 20 years, he or she retains the rank, benefits, and entitlements they have earned by their service.
- Resignation – The surrendering of one's military commission. Resignation results in a permanent dissociation from the military and the forfeiture of all benefits and entitlements associated with retirement. Scholars often mistakenly use this term to refer to what is, in reality, retirement.
- Dissent – The expression of disagreement in word or act by a military member over policy preferences or positions of senior

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discovered about getting older, is the older I get the better I can remember with absolute clarity, things that never happened.” Fogleman told the author this statement always stuck with him and that he has tried to “use it as [his] own milestone to make sure that as I get older, I'm not remembering things that never happened.”

<sup>9</sup> The author adapts Huntington's definition found in Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press, 1957), viii.

<sup>10</sup> Throughout the thesis, the author refers to General Fogleman's act as a retirement. This study uses the term “resignation debate” in Chapter 2 because that is how the literature refers to it, though in reality, the debate is pertinent to both retirement and resignation.



civilians. Dissent is rightly understood to occur prior to the final decision to enact the policy in question.

- Disobedience – Failure of a senior military leader to obey a direct order or implement a policy decision from a senior civilian in the member's chain of command. Disobedience can only occur post-decision or implementation.

### **Way Ahead**

This thesis proceeds in five subsequent chapters. Chapter 2 reviews the relevant literature on civil-military relations. Civil-military affairs is a broad field of study, so the focus of the literature review is the branch of study which examines the relationship between American military forces and the civilians that oversee them. Specifically, the author is concerned with a portion of this literature that debates the appropriateness of resignation or retirement by senior officers over policy disagreements. The chapter recognizes two schools—civilian and professional supremacists—that take opposing views of whether resignation in such circumstances is proper.<sup>11</sup> Chapter 2 concludes by identifying a framework by which to evaluate General Fogleman's retirement decision.

Chapter 3 provides the general civil-military context of the 1990s, during which General Fogleman served as Air Force chief of staff. The chapter gives the reader a sense of the climate that existed between the executive branch, specifically President Clinton and his administration, and the military. It also highlights the amount of uncertainty and change brought on by the collapse of the Soviet Union and the numerous, associated defense reviews of the period. Together, these atmospherics set the scene for the specific disagreements that led to Fogleman's early exit from the Air Force.

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<sup>11</sup> The author adopts political scientist Peter Feaver's use of the terms "civilian supremacist" and "professional supremacist." For Feaver's definition of the terms, see Peter D. Feaver, "The Right to Be Right: Civil-Military Relations and the Iraq Surge Decision," *International Security* 35, no. 4 (Spring 2011): 87–125.

In Chapter 4 the study turns to the details of the conflicts that arose between General Fogleman and senior civilians in the administration and in Congress. Three cases form the focus of the analysis—disagreements within the Joint Chiefs of Staff’s “tank,” the Kelly Flinn case, and the Khobar Towers attack. The chapter identifies the sources of tension between the civilian leadership and General Fogleman on each issue and why those differences ultimately led to Fogleman’s decision to retire.

Chapter 5 assesses General Fogleman’s retirement decision and its impact on American civil-military relations. To do so, the author applies an evaluation framework identified in the study’s literature review to the specific circumstances outlined in Chapter 4. After examining Fogleman’s decision using the model’s five criteria, the author offers an appraisal of the retirement and whether it substantively undermined civil-military affairs.

The concluding chapter summarizes the research’s major findings and offers an assessment of why, in the author’s opinion, General Fogleman decided to retire in the manner that he did. It identifies what Fogleman did well and what he might have done differently regarding his actions surrounding the retirement. Based on this assessment, the author draws some implications from the project for future cases of dissent between senior officers and their civilian masters.

## Chapter 2

### Literature Review

The field of scholarship surrounding American civil-military relations is rich and interdisciplinary, with significant contributions by political scientists, historians, and sociologists, among others. Within the field, two main branches of research exist. The first details the relationship between an armed force and the society it serves. It addresses such questions as what the proper role of the military in society is and how closely the demographic make-up of the armed forces resembles the broader American public. While interesting and relevant for healthy civil-military relations, this branch of the literature is not covered here.

Rather, the focus of this chapter is the other major branch of civil-military relations scholarship; namely, the relationship between American military forces and the civilians that oversee, manage, and ultimately exercise control over them. This body of research asks such questions as what the limits of control by civilians over the military are and what each group's specific areas of expertise and responsibility are. Within this branch of the literature, this study looks specifically at the resignation debate: when, if ever, is resignation by senior military officers an appropriate response to disagreements with civilian leadership over specific policies?

It is important to note the resignation debate is nested within a broader civil-military relations literature about the exercise of dissent and, in extreme cases, disobedience by military professionals. The thrust of this scholarship is the critical recognition that the military's advisory role often pits military leaders in opposition to their civilian leaders who take a position other than the one being advocated by the armed forces. This chapter lays out the arguments of two distinct schools and their views on military dissent's place in American civil-

military relations. After surveying the literature, the chapter concludes with the presentation of one scholar's model for evaluating such acts of dissent.

Any review of the civil-military relations literature in America begins with the field's most influential work, Samuel P. Huntington's 1957 classic, *The Soldier and the State*.<sup>1</sup> As Peter Feaver acknowledges, Huntington's theory "remains the dominant theoretical paradigm in civil-military relations."<sup>2</sup> In *The Soldier and the State*, Huntington seeks to develop a "system of civil-military relations which will maximize military security at the least sacrifice of other social values."<sup>3</sup> He terms these two competing interests found in the military the functional and societal imperatives. The functional imperative represents the need to defend the state, whereas the societal imperative is the military's need to represent and reflect the dominant social forces and ideals of the state.<sup>4</sup> He offers two ways to achieve balance between the functional and societal imperatives while guaranteeing civilian control of the military: subjective and objective control. In subjective control, the military becomes more like society through a process of politicization and cooptation by civilian elites. Conversely, objective control relies on the increased professionalization of the military officer corps.<sup>5</sup> For Huntington, "Objective civilian control is thus directly opposed to subjective civilian control. Subjective civilian control achieves its end by civilianizing the military, making them the mirror of the state. Objective civilian control

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<sup>1</sup> The impetus for Huntington's examination of civil-military affairs was the increased size of standing American military forces brought on by the strategic context of the Cold War. For Huntington, this condition fundamentally altered the civil-military balance in the United States and required fresh analysis.

<sup>2</sup> Quoted in Dale R. Herspring, *The Pentagon and the Presidency: Civil-Military Relations from FDR to George W. Bush*, Modern War Studies (Lawrence, KS: University Press of Kansas, 2005), 5.

<sup>3</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, (Cambridge, MA: Belknap Press, 1957), 2.

<sup>4</sup> Ibid., 2-3.

<sup>5</sup> Ibid., 80-85.

achieves its end by militarizing the military, making them the tool of the state.”<sup>6</sup>

Implicit in the concept of objective control is the need for an independent sphere of military autonomy distinct from the political realm.<sup>7</sup> Huntington’s distinction between these two spheres is the starting point for the American understanding of civil-military relations. In fact, his formulation is so influential some authors have described it as the “normal” theory of civil-military affairs.<sup>8</sup> The normal theory envisions a world in which politicians set political objectives for military leaders and, in turn, give them a free hand to develop the operational plans to achieve those objectives. Eliot Cohen likens this relationship to that of a patient and surgeon, where the statesman is the patient and the senior officers are the surgeons. In Cohen’s analogy, the patient ultimately decides whether surgery is necessary, but the surgeon, who wields the scalpel, has near-total control once the surgery is underway.<sup>9</sup>

Though the patient/surgeon analogy is evocative, it somewhat obscures a key tenet of Huntington’s military professionalism—obedience. For him (as for Cohen), there is no question of which party to the relationship is in control: “The military profession exists to serve the state. To render the highest possible service the entire profession and the military force which it leads must be constituted as an effective instrument of state policy...Consequently, loyalty and obedience are the highest military virtues.”<sup>10</sup> Military leaders should defer to the judgment of their political superiors even on issues of legality and morality. This level of loyalty and obedience is, for Huntington, the basis of military professionalism which both defines and is reinforced in the sphere of

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<sup>6</sup> Ibid., 83.

<sup>7</sup> Ibid.

<sup>8</sup> See, for example, Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Anchor Books, 2003), 4.

<sup>9</sup> Ibid., 4.

<sup>10</sup> Huntington, *Soldier and the State*, 73.

military autonomy. Without distinct military and political spheres, his theory of objective control falls apart. Strict, unwavering obedience by the military is the linchpin of the entire system.

Before proceeding, it should be noted that democratic theory presupposes civilian control of the military. As Peter Feaver observes, “Scholars agree that democratic theory requires civilians to be in charge and the military to be subordinate.”<sup>11</sup> Civilian control is ensconced in constitutional law and engrained in the American military tradition. Furthermore, scholars dating back to Huntington agree that the military has an important advisory role on all topics relevant to the armed forces. These facts are not the source of debate in American civil-military relations. What is a source of disagreement is how much give and take can and should happen between senior civilian and military leaders in what Feaver calls the “mushy middle ground” where civilian and military interests overlap.<sup>12</sup>

Feaver developed terms to describe a potential bias in favor of either the military or civilians in this negotiation space—*professional supremacist* versus *civilian supremacist*.<sup>13</sup> One’s position in either camp has major implications for what constitutes “acceptable” behavior by both the military and civilians. For example, a *professional supremacist* might argue that senior officers have the duty to vigorously protest a civilian policy (up to and including resignation) with which they disagree. Conversely, a *civilian supremacist* might advocate forcing a particular policy on the armed forces without so much as consulting the military.

This paper adopts Feaver’s terms to categorize the literature reviewed below into two broad camps. The first group of scholars, *civilian supremacists*, sees no role for dissent by senior officers, while the

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<sup>11</sup> Peter D. Feaver, “The Right to Be Right: Civil-Military Relations and the Iraq Surge Decision,” *International Security* 35, no. 4 (Spring 2011): 93.

<sup>12</sup> Feaver clearly articulates the “foundations” of American CMR—civilian control and the advisory role of the military in this article. See, *ibid.*, 93.

<sup>13</sup> *Ibid.*, 89–90.

second, *professional supremacists*, advocates for military leaders' obligation to dissent.

### **Civilian Supremacists**

The *civilian supremacists'* view of civil-military relations sees no room for public dissent by military officers. Scholars that espouse this position adhere to Huntington's description of strict military obedience to civilian authorities as their default position. While they acknowledge the military's requirement to provide professional advice to policymakers, these authors perceive any form of vigorous, public dissent by the military as illegitimate and outside the bounds of healthy civil-military relations. Exemplars of this school of thought are Eliot Cohen, Richard Kohn, and Peter Feaver.

Eliot Cohen's *Supreme Command* exemplifies a *civilian supremacist* view of civil-military relations. In it he describes four statesmen that in wartime did exactly what Huntington's model of objective control argues against—meddling in the operational-level details of a conflict. Yet, he argues that the statesmen were not only justified in their actions, but that their interventions led to better strategic outcomes than if they had left the campaigns to their generals.<sup>14</sup> This finding led him to advance a theory of “unequal dialogue” between statesmen and senior officers in which “both sides expressed their views bluntly,” but that is dominated by the “unambiguous and unquestioned” authority of the civilian leader. Generals could advise their civilian superiors, but the statesman was well within his right to ignore or overrule that advice, even on the smallest military matters. Cohen's thesis is a clear repudiation of Huntington's distinct spheres of autonomy for the military and civilian leadership.

On the specific issue of resignations, Cohen's book is silent. However, his emphasis on civilian supremacy in all aspects of the

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<sup>14</sup> Cohen, *Supreme Command*, 173–4.



conduct of war suggests there is little room for resignations. In fact, he clearly emphasizes the right of civilians to fire their generals over differences of strategy and alignment rather than suggesting the right for principled resignation by senior officers. According to Cohen, “The truth is that all generals are more or less flawed. Much of leadership is knowing whom to select, whom to encourage, whom to restrain, and whom to replace...Generals are, or should be, disposable.”<sup>15</sup> For him, the role of generals is to advise and then execute the orders they are given, whether they agree with them or not. If the statesman consistently finds that advice or level of execution lacking, it is his obligation to relieve the general. The opposite act—“generals willing to pluck the stars from their shoulders in protest for civilian ‘meddling’”—does not appear to be an option for Cohen.<sup>16</sup>

Perhaps the most vocal opponent of senior officer resignations is University of North Carolina professor and former Air Force historian, Richard Kohn. For Kohn, there is no circumstance in which resignation is the appropriate course of action, especially among the top echelon of military leadership.<sup>17</sup> Even the threat of it is an affront to effective civil-military relations, because it undermines civilian control of the military and endangers American national security.<sup>18</sup> Writing with retired General Richard Myers, Kohn asserts, “Nothing would undermine [the civil-military] relationship more than a resignation by a senior military officer. The role of the military is to advise and then carry out lawful

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<sup>15</sup> Ibid., 215.

<sup>16</sup> Eliot A. Cohen, “Enough Blame to Go Around,” *National Interest*, Spring 1998, <http://nationalinterest.org/bookreview/enough-blame-to-go-round-942>.

<sup>17</sup> Kohn defines this echelon of leadership as members of the Joint Chiefs, combatant commanders, and what in military parlance might be called Joint Task Force Commanders. See Richard H. Kohn, “On Resignation,” *Armed Forces & Society* 43, no. 1 (2016): 43 for his definition.

<sup>18</sup> Ibid., 41–52.



policies and orders, not to make them. To threaten resignation—taking disagreement public—directly assaults civilian control of the military.”<sup>19</sup>

Kohn views resignations as deleterious for several reasons. First, they are an intrusion into the civilian realm of policy.<sup>20</sup> This view is consistent with Huntington’s normal view of civil-military relations and its distinct sphere of civilian activity. Second, they are unlikely to work. Specifically, the resignation rarely results in the military’s desired policy outcome and, in fact, often strengthens the resolve of the civilians as well as their supremacy in the public’s eye.<sup>21</sup> Finally, resignation harms the military establishment itself by politicizing the institution and leaving its members with a sense that they were abandoned by their resigning leader.<sup>22</sup> For these reasons Kohn dismisses any resignation as an illegitimate act of defiance which cannot be undertaken.

Duke University’s Peter Feaver shares many of Kohn’s thoughts about officer resignations in the context of American civil-military relations. In fact, he describes military resignation as “a cure worse than the disease.”<sup>23</sup> For Feaver to find resignations legitimate, their obvious costs must be outweighed by their potential benefits. Like Kohn, Feaver emphasizes the costs to civilian control of the military and the reputation of the military institution posed by protest resignations. For him, these costs are too great to ever allow the scales to be tipped in favor of such resignations, except in the rarest hypothetical cases. Furthermore, the consideration of these costs and benefits is an inherently political calculation—one that falls beyond the accepted expertise of military professionals.<sup>24</sup> Thus, in the final analysis, “because it is hard to come

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<sup>19</sup> Richard B. Myers and Richard H. Kohn, “The Military’s Place,” *Foreign Affairs* 86, no. 5 (October 2007): 149.

<sup>20</sup> Kohn, “On Resignation,” 44.

<sup>21</sup> *Ibid.*, 45–46.

<sup>22</sup> *Ibid.*, 46.

<sup>23</sup> Peter D. Feaver, “Resign in Protest? A Cure Worse Than Most Diseases,” *Armed Forces & Society* 43, no. 1 (2016): 29.

<sup>24</sup> *Ibid.*, 35.

up with a scenario that justifies resignation in protest that does not also result in a political crisis, advocates of a more permissive norm [of resignation] are saying that military professionals should be able to decide when, in their judgment, the country should have a political crisis.”<sup>25</sup> This is a judgment Feaver is unwilling to cede to the military because of its implications for the civil-military balance.

In his repudiation of resignations, Feaver reconfirms his assertion that civilians have the right to be wrong on issues of military policy.<sup>26</sup> The military can offer its best advice for a given set of circumstances, but the civilian leadership is under no obligation to heed it. The American system places the ultimate responsibility and accountability for such decisions on the shoulders of policymakers. Any action, including resignation, that subverts this civilian supremacy threatens the civil-military balance. Accordingly, for Feaver, “Resignation in protest in defiance of a legal order or legal policy is a political act of insubordination—that is, in democratic theory terms, an evil because it has as its explicit purpose the undermining of the democratic order.”<sup>27</sup>

### **Professional Supremacists**

Of course, there are scholars and practitioners who disagree with the views of the civilian supremacists presented above. This group, called *professional supremacists* by Feaver, believes that senior officers have a rightful place in affecting policy outcomes. The basis of this assertion is the acknowledgment that matters of strategy are inherently political. Thus, to assume that military leaders have no role in policy is naïve and, furthermore, potentially harmful to the development of effective strategy. This group asserts the necessity of a vigorous airing of

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<sup>25</sup> Ibid.

<sup>26</sup> Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2005), 65.

<sup>27</sup> Feaver, “Resign in Protest,” 35–36.

dissenting viewpoints by the military and, if necessary, resignation by senior military officers in protest over civilian policy decisions.

Don Snider, a professor at the United States Military Academy and the Army War College, is one of the leading voices of the *professional supremacists*. Snider believes that Huntington's emphasis on loyalty and obedience is inconsistent with the very professionalism that his objective control model promotes. For Snider, professionals (which military leaders are) are distinct from bureaucrats because they exist to apply their expert knowledge, not simply perform routine tasks. The professional military's expert knowledge, then, allows it to provide discretionary judgments to civilian leaders on behalf of the society it serves. As he puts it, "Discretionary judgments based on expert knowledge and its effective and ethical applications are the coin of the realm in military professions and in their trust relationship with the society they protect."<sup>28</sup> Absent those judgments, the military is reduced to a strictly bureaucratic function, which can have serious implications for national security. Snider, therefore, accepts that the professional military's requirement to maintain and express its expert knowledge may lead to conflict with civilian leaders. In those instances in which disagreements arise, especially for moral reasons, dissent can be appropriate, even if enacted in the form of resignations.

Another important voice in the debate is Lieutenant General (ret.) James Dubik. Dubik fully acknowledges the armed forces' subordinate role in the civil-military relationship, but also insists that despite their relative position, officers retain their moral agency. For Dubik, "When fighting a war, soldiers and their leaders are not mere instruments, automatons, or programmed killing machines."<sup>29</sup> Rather, he describes

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<sup>28</sup> Don M. Snider, "Dissent, Resignation, and the Moral Agency of Senior Military Professionals," *Armed Forces & Society* 43, no. 1 (2017): 10.

<sup>29</sup> James Dubik, "On Principled Resignation: A Response," *Foreign Policy* (blog), October 14, 2014, <https://foreignpolicy.com/2014/10/14/on-principled-resignation-a-response/>.

military and civilian leaders as “co-responsible” for the Soldiers, Sailors, Airmen, and Marines in their care.<sup>30</sup> Accordingly, military leaders must make moral judgments about the actions they are ordered to undertake. If they judge those actions to be immoral, they must voice objection to the policy. Dubik goes so far as to say that principled resignation over such issues is the prerogative of senior officers who have a responsibility to their conscience.<sup>31</sup> Furthermore, he sees a positive function for this kind of dissent: “Both objection and resignation help ensure our democracy is not robbed of the ability to recognize and restore deteriorating quality in its decisions and actions.”<sup>32</sup>

Dubik gives two important criteria for principled resignations as he views them. First, as suggested above, resignation is only valid for issues of legality or morality. Simple disagreements or a sense that one’s advice was not given due consideration are not grounds for resignation. Additionally, senior officers must handle principled resignations in such a way as not to undermine civilian control of the military. About this Dubik states, “Resignation must be a private affair over principle, not a public affair over primacy.”<sup>33</sup> Dubik concedes that meeting both criteria is difficult, but ultimately believes that principled resignation is both a healthy and necessary act in those rare cases to which it applies.

Many mid-grade officers serving today belong to the *professional supremacist* school of thought. Lieutenant Colonel Andrew Milburn of the United States Marine Corps echoes Dubik’s belief that various forms of dissent, including resignations, serve an important function in the context of American civil-military relations. Milburn states, “The military professional plays a key role as a check and balance at the indistinct

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<sup>30</sup> James Dubik, “No Avoiding Moral Responsibility in War: Is There Ever a Time to Resign?,” Association of the United States Army, January 13, 2015, <https://www.ausa.org/articles/no-avoiding-moral-responsibility-war-there-ever-time-resign>.

<sup>31</sup> Ibid.

<sup>32</sup> Dubik, “On Principled Resignation.”

<sup>33</sup> Ibid.

juncture between policy and military strategy...He has a moral obligation to dissent rooted in his oath of office and his code of professional ethics.”<sup>34</sup> Contrary to Dubik, however, Milburn argues that resignation in protest should be public, not private. By exercising his moral autonomy in a public way, the military leader is forced to accept the consequences of his convictions. Furthermore, his public act is likely to have greater impact on the decision than a silent resignation or criticism by retired officers. For Milburn, if moral objection to a policy is the basis of dissent, then the act of dissent should be conducted in the manner most likely to avert the negative consequences of the policy.<sup>35</sup> Milburn asserts such an exercise of dissent does not undermine civil-military affairs, but certainly public acts of defiance by senior officers are much more likely to threaten civilian control than are private ones of a kind envisioned by Dubik.

Leonard Wong and Douglas Lovelace, from the U.S. Army War College, argue against the simplistic view that military members face a dichotomous choice of obedience to civilian directives or resignation in protest. As with Milburn, Wong and Lovelace argue that dissent is wasted if it is ineffective.<sup>36</sup> Thus, they seek to expand the number of options available to officers confronted with the sorts of moral obligations identified by Dubik and Milburn. Furthermore, they identify techniques of dissent based on the degree of civilian resistance to military advice and the level of threat posed to national security by the policy in question (Figure 1).<sup>37</sup> In doing so, they present officers with a means of picking a method of dissent that best matches the salience of the policy being disputed. Beyond that, Wong and Lovelace’s typology gives observers of

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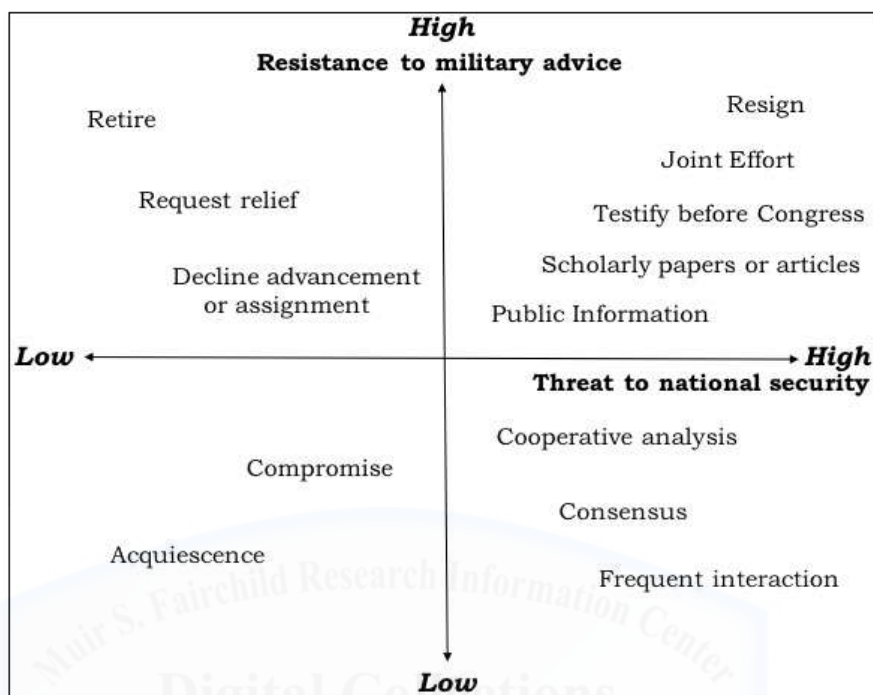
<sup>34</sup> Andrew R. Milburn, “Breaking Ranks: Dissent and the Military Professional,” *Joint Forces Quarterly*, no. 59 (Quarter 2010): 105.

<sup>35</sup> *Ibid.*, 106.

<sup>36</sup> Leonard Wong and Douglas Lovelace, “Knowing When to Salute,” *Orbis* 52, no. 2 (2008): 284.

<sup>37</sup> *Ibid.*

high-profile episodes of civil-military dissent a way to analyze whether the form of dissent exercised was appropriate for the circumstances.



**Figure 1. Wong & Lovelace's Options for Widening the Policy Debate**  
 Source: *Knowing When to Salute*

The preceding discussion has largely centered on whether dissent, specifically in the form of retirements or resignations, is ever acceptable behavior for senior officers. The two camps—*civilian* and *professional supremacists*—come to different conclusions on that question. However, their focus on the normative aspect of the behavior does not change the fact that dissent by senior officers over issues of policy and strategy is likely. That is, whether one wishes it were the case or not, dissent is an inescapable feature of American civil-military affairs. Since that is the case, one must move beyond this first-order debate in order to begin to understand how to evaluate specific instances of dissent and their effect on civil-military affairs in the United States.

Don Snider provides just such an evaluation framework. In “Dissent and the Strategic Leadership of the Military Professions,” Snider

identifies five factors that leaders must consider before engaging in an act of dissent. They are the gravity of the issue to the nation, relevance of the leader's expertise to the issue, degree of sacrifice for the dissenter, timing of the act, and authenticity of the leader.<sup>38</sup> Snider uses the five considerations to evaluate the effect of dissent on the military's essential trust relationships with the American people, the elected and appointed civilian leaders in the executive and legislative branches of government, and subordinates within the armed forces.<sup>39</sup> For Snider, these relationships form the basis of healthy civil-military relations. Therefore, any damage done to the relationships erodes the civil-military balance.

Snider's model is discussed in greater detail in the pages that follow. As this study will demonstrate, one of the framework's benefits is its flexibility to be applied to many scenarios. Specifically, the assessment can be used both by senior officers deciding whether to undertake an act of dissent or by outside parties to assess the implications of a particular act of dissent on civil-military relations. It is the latter of the two uses that is employed in this thesis, as the author uses Snider's framework to evaluate General Fogleman's early retirement decision. Before doing so, however, the paper turns to the general civil-military relations context of General Fogleman's tenure as chief of staff in the 1990s and examines the circumstances that led to his early retirement.

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<sup>38</sup> Don M. Snider, "Dissent and Strategic Leadership of the Military Professions" (Carlisle, PA: Strategic Studies Institute, February 2008), 20, <http://www.strategicstudiesinstitute.army.mil>.

<sup>39</sup> Ibid., 15.



## Chapter 3

### Civil-Military Context of the 1990s

Gen Ronald R. Fogleman's tenure as Chief of Staff of the Air Force (CSAF) coincided with arguably one of the most tenuous periods of American civil-military relations since the publication of the Newburgh address in the 1780s.<sup>1</sup> In fact, many observers view the 1990s as the low-water mark in relations between senior officers of the U.S. military and their civilian overseers. Echoing this sentiment, scholars such as Peter Feaver refer to a "post-Cold War crisis" in civil-military relations.<sup>2</sup>

This chapter explores the general civil-military climate of the mid-1990s in an effort to provide context to General Fogleman's term as CSAF. To that end, the chapter focuses on two main sources of civil-military strife in the 1990s: the presidency of William J. Clinton and the numerous defense reviews that were undertaken following the collapse of the Soviet Union. The atmospherics presented here set the stage for the specific instances of civil-military conflict between General Fogleman and his civilian superiors that are the focus of the next chapter.

#### **Civil-Military Atmospherics in the Clinton Administration**

President Clinton's presidency was unique in many ways—including a number of important "firsts." As Dag Henriksen points out, "Clinton was the first president born after World War II, the first president since Franklin Delano Roosevelt who had never performed personal military service, and the first president to take office after the end of the Cold War."<sup>3</sup> Combined, these personal characteristics and

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<sup>1</sup> Kohn, Richard H., "Erosion of Civilian Control of the Military in the United States Today," *Naval War College Review* 55, no. 3 (Summer 2002): 10.

<sup>2</sup> Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2005). Feaver's chapter on the 1990s is titled "Explaining the Post-Cold War 'Crisis,' 1990-2000."

<sup>3</sup> Dag Henriksen, *NATO's Gamble: Combining Diplomacy and Airpower in the Kosovo Crisis, 1998-1999* (Annapolis, MD: Naval Institute Press, 2007), 85.



structural changes in the international environment shaped the civil-military relations of the period.

Signs of possible fissures between the U.S. military establishment and the Clinton campaign began during the run-up to the 1992 election. In the campaign, media reports highlighted Clinton's attempts to avoid service during the Vietnam War—the formative professional experience of most of the military leadership of the early- to mid-1990s, including General Fogleman. Clinton's actions, however, went beyond seeking educational deferments, which was commonplace among his contemporaries that sought to evade the draft. He also famously penned a letter to the Army Reserve Officer Training Corps (ROTC) commander at the University of Arkansas in which he stated he loathed the military.<sup>4</sup> Furthermore, he actively protested against the war, while studying as a Rhodes Scholar at Oxford.<sup>5</sup> Moreover, he admitted to experimentation with marijuana. Clinton's focus on domestic versus national security issues exacerbated the perception that he was hostile to the armed services. His informal slogan for the election, "It's the economy, stupid," left no doubt about what he intended as the "primary job at hand" for his administration.<sup>6</sup> Each of these facts presaged a fundamental split with the armed forces his administration would be leading after the inauguration.

Perhaps the biggest campaign issue, however, was Clinton's promise to lift the ban on service by openly homosexual members in the armed forces. Senior military officers counseled against the policy, urging patience and the ability to offer their advice before moving forward with the decision. Chairman of the Joint Chiefs of Staff (CJCS) Gen Colin Powell advised Clinton, once in office, not to "make the gay issue

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<sup>4</sup> Feaver, *Armed Servants*, 183, 211.

<sup>5</sup> Kohn, "Erosion of Civilian Control," 10.

<sup>6</sup> Henriksen, *NATO's Gamble*, 86.

the first horse out of the gate with the armed forces.”<sup>7</sup> Nevertheless, President Clinton announced his intention to lift the ban almost immediately.<sup>8</sup> The resulting “Don’t Ask, Don’t Tell” policy, though ostensibly a compromise between the president and his military subordinates, was a loss for Clinton. The policy demonstrated the limits of Clinton’s power vis-à-vis his generals as well as a fundamental lack of understanding of the existing military culture. His willingness to pursue a civil rights issue that contravened the service chiefs’ advice widened the gulf between Clinton and the armed forces. The episode itself “appeared to confirm a caricature of President Clinton—out of touch with the military and insensitive to its interests” and it “formed the backdrop of civil-military relations [in the Clinton administration] from that point on.”<sup>9</sup>

Signs of mutual animosity between Clinton’s White House and the Pentagon manifested themselves frequently. In one high-profile incident, a presidential staffer refused to speak to Lt Gen Barry McCaffrey, the Joint Chief’s liaison to the White House. The episode appeared to confirm a popular impression that the president’s staff was “viscerally antimilitary.”<sup>10</sup> Some military members reciprocated in kind. An Air Force two-star resigned after his description of Clinton as a “gay-loving, pot-smoking, draft-dodging and womanizing commander in chief” became public.<sup>11</sup> The level of discord even devolved into critiques of Clinton’s method of saluting.<sup>12</sup> Overt episodes of military disrespect became so common-place that the services’ leaders felt obliged to remind their members that Uniformed Code of Military Justice (UCMJ)

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<sup>7</sup> Dale R. Herspring, *The Pentagon and the Presidency: Civil-Military Relations from FDR to George W. Bush*, Modern War Studies (Lawrence, KS: University Press of Kansas, 2005), 339.

<sup>8</sup> Feaver, *Armed Servants*, 201.

<sup>9</sup> *Ibid.*, 203.

<sup>10</sup> *Ibid.*, 181.

<sup>11</sup> Herspring, *Pentagon and the Presidency*, 336.

<sup>12</sup> Feaver, *Armed Servants*, 184; Herspring, *Pentagon and the Presidency*, 335.

provisions forbid such public displays.<sup>13</sup> According to historian Richard Kohn, “No president was ever as reviled by the professional military—treated with such disrespect, or viewed with such contempt—as Bill Clinton.”<sup>14</sup> To be certain, the civil-military relationship was noticeably strained during the Clinton years.

All that said, any administration would have experienced civil-military tension in the early 1990s. The American armed forces, following enactment of the 1986 Goldwater-Nichols Defense Reorganization Act, the collapse of the Soviet Union, and the overwhelming defeat of Saddam Hussein’s forces in Iraq, was a more powerful institution than it had been at any point since the 1960s.<sup>15</sup> Desert Storm in particular restored public faith in the military, exorcising the demons of the Vietnam failure at the same time. Furthermore, the military’s relative power was buttressed by the specific influence of General Powell in his role as CJCS. Powell’s energy, experience, and personal connections made him a formidable advocate at the top of an already-potent bureaucracy. According to Kohn, Powell “possessed and used extraordinary power throughout his tenure.”<sup>16</sup> This coupled with Clinton’s lack of military expertise, his preference to focus on domestic issues, and his early loss on the issue of gays in the military, fundamentally changed Clinton’s interaction with the military. In fact, according to some observers, President Clinton was intimidated by, if not altogether afraid of the military he led.<sup>17</sup> Consequently, “the military perceived Clinton as being too weak to impose his will.”<sup>18</sup> This emboldened military resistance and further harmed the civil-military relationship of the period.

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<sup>13</sup> Feaver, *Armed Servants*, 188.

<sup>14</sup> Kohn, “Erosion of Civilian Control,” 10.

<sup>15</sup> *Ibid.*, 16.

<sup>16</sup> *Ibid.*, 19.

<sup>17</sup> *Ibid.*, 12–13.

<sup>18</sup> Herspring, *Pentagon and the Presidency*, 413.

## Defense Reviews of the 1990s

Separate from fundamental differences with President Clinton and his administration, the end of the Cold War, a deepening recession, and a growing budget deficit, combined to introduce still another source of civil-military tension in the period. The virtual disappearance of the United States' primary threat, the Soviet Union, created the impetus to reverse the Reagan-era military spending levels and to cash in on a "peace dividend" by reducing military budgets, decreasing force structure, reevaluating modernization investment decisions, and adjusting the overall defense strategy to the new politico-military reality. Two Defense Department officials reflecting on the time wrote, "With the end of the Cold War, large-scale conventional war with the Soviet Union and its allies could no longer serve as the focus for U.S. force planning. Pressure mounted to reduce the defense spending that had, in part, broken the Soviet Union."<sup>19</sup> To those ends, the George H.W. Bush and Clinton administrations as well as the Congress enacted a series of initiatives and reviews at the beginning of the decade. Bush called for a 25 percent drawn down across all the services. For his part, then-candidate Clinton promised to "reduce redundancies, save billions of dollars, and get better teamwork" in the military.<sup>20</sup>

Needless to say, the senior leaders of the services resisted these initiatives. As the organization responsible for the security of the nation, the armed forces faced an uncertain threat. Though the Soviet Union had fallen it was not clear that the threat it posed was completely eliminated. Furthermore, senior leaders saw continued security challenges in other parts of the world including Northeast Asia and the Middle East. Reducing force structure and eliminating personnel in

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<sup>19</sup> Kathleen H. Hicks and Samuel J. Brannen, "Force Planning in the 2010 QDR," *Joint Forces Quarterly*, no. 59 (Quarter 2010): 137.

<sup>20</sup> Raphael S. Cohen, "Air Force Strategic Planning: Past, Present, and Future" (Santa Monica, CA: RAND Corporation, 2017), 29, [https://www.rand.org/pubs/research\\_reports/RR1765.html](https://www.rand.org/pubs/research_reports/RR1765.html).

order to realize a peace dividend was, in the military's mind, risky and jeopardized its ability to respond to global contingencies in an uncertain world. In addition, bureaucratic motivations also played a part. Like any bureaucracy, the defense establishment opposes change and challenges to its particular prerogatives. As Machiavelli reminds his patron, "There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order."<sup>21</sup> The numerous defense reviews outlined below threatened to fundamentally alter the United States military in size, mission, and resources. As such, they were another significant source of strain added to the overall civil-military climate of the 1990s.

The Base Force, envisioned while President Bush was still in office, was the first attempt to adjust the military in response to the altered threat and economic environment of the early 1990s. A collaboration between General Powell and Secretary of Defense Richard Cheney, Base Force was "conceived as the minimum force necessary to defend and promote U.S. interests in the post-Cold War world."<sup>22</sup> It included a new military strategy and reduced force structure for the post-Cold War period, but also set a floor on total force reductions.<sup>23</sup> However, its "'fair sharing' of budget and manpower reductions...mitigated against a more imaginative or revolutionary transformation of the force."<sup>24</sup> In essence, Base Force was a Pentagon initiative that attempted to make somewhat modest adjustments to the military as a concession to the political forces

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<sup>21</sup> Quoted in Stephen Peter Rosen, *Winning the Next War: Innovation and the Modern Military*, Cornell Studies in Security Affairs (Ithaca, NY: Cornell University Press, 1991), 1.

<sup>22</sup> Eric V. Larson, David T. Orletsky, and Kristin Leuschner, "Defense Planning in a Decade of Change: Lessons from the Base Force, Bottom-Up Review, and Quadrennial Defense Review" (Santa Monica, CA: RAND Corporation, 2001), xv, [https://www.rand.org/pubs/monograph\\_reports/MR1387.html](https://www.rand.org/pubs/monograph_reports/MR1387.html).

<sup>23</sup> *Ibid.*, xiv.

<sup>24</sup> *Ibid.*, 10.

driving change, while avoiding the damaging cuts seen after World War II, Korea, and Vietnam. Based on discretionary budget limits, however, cuts, especially in procurement, became larger than originally envisioned in Base Force.<sup>25</sup> For the Air Force, the result was the reduction of more than 100 B-2, F-22, and C-17 aircraft combined along with the loss of ten fighter wings and 88 strategic bombers.<sup>26</sup> Furthermore, Base Force failed to make deep enough cuts for the incoming Clinton administration or to force tradeoffs between the services, which led to the Bottom-up Review and the Commission on Roles and Missions of the Armed Services, respectively. These two efforts are discussed below.

The Bottom-Up Review (BUR) was President Clinton's first attempt to restructure the military to meet the demands of the post-Cold War environment. The BUR's purpose was to "provide a comprehensive review of the nation's defense strategy, force structure, modernization, infrastructure, and foundations."<sup>27</sup> Underpinning the project was a level of optimism about the post-Cold War world. Secretary of Defense Les Aspin's report on BUR stated: "The Cold War is behind us. The Soviet Union is no longer. The threat that drove our defense decision-making for four and a half decades—that determined our strategy and tactics, our doctrine, the size and shape of our forces, the design of our weapons, and the size of our defense budgets—is gone."<sup>28</sup> However, a major motivation, as with Base Force, was economic. As a result, strategy and force structure were adjusted to meet fiscal requirements, not the other way around. BUR sought \$104 billion in defense department savings over five years, a level eight to ten percent beyond the reductions in Bush's Base Force plan.<sup>29</sup>

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<sup>25</sup> Ibid., 21.

<sup>26</sup> Ibid., xvii, 26.

<sup>27</sup> Ibid., xviii.

<sup>28</sup> Ibid., 45.

<sup>29</sup> Ibid., 57.

For its part, the Air Force sought to realize its directed portion of the savings through cuts to force structure, while maintaining modernization efforts. Unfortunately, the mismatch between the BUR's budget top lines and a strategy that saw increased presence around the world throughout the 1990s, meant that the Air Force had to spend much of the money originally earmarked for modernization and procurement efforts on operations and sustainment instead. The result was that modernization efforts were delayed, while the Air Force became smaller and faced an increased operational tempo. In concrete terms, the Air Force decreased in size and capability by the equivalent of more than six tactical fighter wings and lost funding for more than 200 future F-22s and more than 40 bombers.<sup>30</sup> In total, by 1998, the Air Force's budget had declined by 32 percent since the end of the Cold War.<sup>31</sup> In a very real sense, then, the Air Force found itself smaller, less well-funded, and in greater demand in the post-Cold War period.

Exacerbating the tension brought about by the reduced size and funding associated with the BUR was a sense among some Air Force and civilian leaders that overlapping capabilities and roles existed between the services. Senator Sam Nunn, for example, lamented, "We're the only military in the world with four air forces...[and] this redundancy and duplication is costing us billions every year."<sup>32</sup> Neither Base Force nor the BUR addressed these issues, however—a point many considered a shortcoming of both reviews. Accordingly, in the 1994 National Defense Authorization Act, Congress directed a study of service roles and missions. The resulting commission released its report, "Directions for Defense," in May 1995. Yet, the commission explicitly avoided the difficult and sensitive questions associated with service functions, opting instead to focus on the capabilities needed by theater commanders over

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<sup>30</sup> Ibid., 54, 57, 64.

<sup>31</sup> Ibid., 74.

<sup>32</sup> Quoted in Cohen, "Air Force Strategic Planning," 27.



who should provide them.<sup>33</sup> As stated by the commission's chairman, John P. White, "The question is no longer 'who does what,' but how do we ensure that the right set of capabilities is identified, developed, and fielded to meet the needs of unified commanders."<sup>34</sup> By taking this approach, the commission, Benjamin Lambeth rightly points out, "ducked the most prickly question of how the services' functions and force structure should be amended."<sup>35</sup>

By failing to address these issues head on, the commission sidestepped, but did not eliminate long-standing interservice debates. Specifically, Air Force Chief of Staff, General Merrill McPeak, aroused the ire of sister service leaders when he suggested the primacy of the Air Force over the other services in certain functions, particularly deep attack.<sup>36</sup> Thus, the Commission on Roles and Missions of the Armed Forces failed on multiple fronts. It failed to identify wasteful redundancies that, when eliminated, could alleviate some of the pressure from shrinking budgets. Furthermore, it ignited some degree of interservice acrimony. Finally, it increased civil-military tension in two ways. First, political supporters of the various services, particularly in Congress, backed specific service positions over others, causing friction between those politicians and the leaders of the other services. Second, it meant that serious reform, if it was to be achieved, would require yet another review of military strategy and budgets which itself would be the focal point of civil-military disagreement.

The next effort, the 1997 Quadrennial Defense Review (QDR), sought to address the shortcomings of the decade's previous defense appraisals. Mandated by law, the QDR was to be a "complete re-

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<sup>33</sup> Benjamin S. Lambeth, *The Transformation of American Air Power*, Cornell Studies in Security Affairs (Ithaca, NY: Cornell University Press, 2000), 280.

<sup>34</sup> Department of Defense, "Directions for Defense - Report of the Commission on Roles and Missions of the Armed Forces" (Arlington, VA: Department of Defense, May 24, 1995), preface.

<sup>35</sup> Lambeth, *Transformation of Air Power*, 279.

<sup>36</sup> *Ibid.*, 277.



examination of the defense strategy, force structure, force modernization plans, budget plans, infrastructure, and other elements of the defense program.”<sup>37</sup> Using a flat defense budget of \$250 billion as its baseline, the QDR attempted to reinvigorate modernization and procurement efforts by utilizing manpower reductions as well as management efficiencies and savings on infrastructure as bill payers. Planners explicitly left force structure unaltered since QDR retained the BUR’s two major theater war force-sizing concept.<sup>38</sup> This led to claims, even from within the military, that the QDR’s champions used it to justify existing force structure, not as an honest reevaluation of the strategic environment.<sup>39</sup> Nevertheless, the Air Force was forced to cut nearly 27,000 active duty Airmen and 18,000 civilians, in addition to further cuts to the F-22 and Joint Strike Fighter programs and limits on B-2 production.<sup>40</sup>

In the end, the QDR failed to achieve the balance it sought between strategy, forces, and resources, primarily because the department did not realize the savings that the plan assumed possible. Coupled with continuing global operations, this meant that modernization and recapitalization suffered, while at the same time, readiness to meet the strategy was at risk, both of which put added strain on the military and its leadership. Furthermore, as with the previous initiatives, the QDR did not meaningfully address the roles and missions of the services either. This shortcoming represented another missed opportunity for General Fogleman:

What I think we needed, but did not occur in this QDR...was that after every major conflict we’ve had in this country in the 20<sup>th</sup> century, our nation has generally stopped and examined how we’re going to utilize military manpower in the

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<sup>37</sup> David Isenberg, “The Quadrennial Defense Review: Reiterating the Tired Status Quo” (Washington, DC: CATO Institute, September 17, 1998), 3.

<sup>38</sup> See Larson, Orletsky, and Leuschner, “Defense Planning,” 83–120.

<sup>39</sup> Isenberg, “Quadrennial Defense Review,” 14.

<sup>40</sup> Larson, Orletsky, and Leuschner, “Defense Planning,” 94, 99.

post-conflict period. We have not done that for the end of the Cold War so it has led us to a propensity to continue to salami slice programs and do things the way we've always done in the past.<sup>41</sup>

That realization was a source of frustration for Fogleman, who believed there was an opportunity “to restructure [the] military into a smaller, better focused institution to respond to the kinds of challenges coming in the next 10 to 15 years.”<sup>42</sup> Furthermore, his views reflect continuity with his predecessor, McPeak who had expressed similar exasperation following the BUR.<sup>43</sup>

As suggested before, the purpose of discussing these reviews is to provide relevant context to the civil-military situation of the 1990s. The purpose has not been to assess the relative strengths and weaknesses, or even the validity and necessity, of each. However, when viewed from the perspective of the military leadership, each initiative posed a serious challenge to the existing military order. Each of these initiatives threatened the roles and budgets of the services, while inviting additional political scrutiny of military leadership and introducing change and uncertainty to the military enterprise. As traditionally conservative organizations, the armed forces resist change. Barry Posen points out, “[military] organizations place a premium on predictability, stability, and certainty. These values are inimical to innovation. Individuals within organizations develop personal stakes in particular elements of their organizations. They have little interest in change.”<sup>44</sup> Thus, the near-constant evaluation of the proper size, roles, and budget for the armed

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<sup>41</sup> Quoted in Isenberg, “Quadrennial Defense Review,” 19.

<sup>42</sup> Quoted in Larson, Orletsky, and Leuschner, “Defense Planning,” 91.

<sup>43</sup> Following the BUR, McPeak expressed frustration with the failure of the BUR to “rebuild the Armed Forces, eliminate duplication and so on.” He argues, “What we should have done is what I would call a Wall-to-Wall review, as opposed to a Bottom-Up Review. A Wall-to-Wall Review would look at the range of tasks we are doing here and decide how to do each of them best. See Larson, Orletsky, and Leuschner, 61.

<sup>44</sup> Barry Posen, *The Sources of Military Doctrine: France, Britain, and Germany Between the World Wars*, Cornell Studies in Security Affairs (Ithaca, NY: Cornell University Press, 1984), 46.

forces was an ongoing source of conflict between senior officers disinclined to fundamentally alter the military and civilians with political and economic motivations to do just that.

By the end of the 1990s, the United States armed forces were smaller in terms of both personnel and force structure. Furthermore, the defense establishment had a significantly smaller budget and it found itself operating at a vastly increased operational tempo around the globe, performing missions largely outside of its traditional purview, such as peace keeping and enforcement. Furthermore, civilian and military leaders failed to take advantage of the decreased threat environment of the period to address redundancies and inefficiencies in service roles, missions, and functions or to make significant investments in modernization and recapitalization.

What is true of the military writ large is true for the Air Force as well. By mid-decade the Air Force budget had been reduced by 34 percent, while active duty personnel and installations were each cut by about one-fourth.<sup>45</sup> Additionally, its force structure was reduced by several wing equivalents and it had numerous important modernization and procurement programs, such as the F-22, Joint Strike Fighter, and its strategic bomber force, reduced or eliminated. Furthermore, it faced these challenges while deploying at four times the rate as during the Cold War, which seriously impacted readiness.<sup>46</sup> Most serious, though, was the sense expressed by McPeak and Fogleman that the military—due to interservice rivalry and insufficient political backing and interest—had missed an opportunity to reduce wasteful overlaps between service missions and capabilities.

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<sup>45</sup> Cohen, "Air Force Strategic Planning," 26.

<sup>46</sup> In March 1997, General Fogleman reported that the Air Force's operational tempo was four times higher than that seen prior to the fall of the Berlin Wall. See Larson, Orletsky, and Leuschner, "Planning in a Decade of Change," 62.

The presidency of Bill Clinton and the numerous reviews of defense strategy, forces, and resources of the period set the stage for significant strife between civilian and military leadership in the 1990s. This chapter has highlighted these sources of tension to provide the requisite civil-military relations backdrop to General Fogleman's tenure as CSAF. With this setting in mind, the paper now turns to three specific instances of conflict that General Fogleman had with his civilian superiors—the Quadrennial Defense Review, the Kelly Flinn case, and the treatment of General Schwalier in the aftermath of the Khobar Towers bombing.



## Chapter 4

### The “Tank,” Flinn, and Khobar

On 25 June 1996 at approximately 2200 local time, a truck entered a parking lot adjacent to Khobar Towers in Dhahran, Saudi Arabia. In use since the 1991 Persian Gulf War, the complex housed U.S. and allied personnel supporting Operation Southern Watch against Saddam Hussein’s regime in Iraq. Khobar Towers was the primary housing location for more than 2500 members of the 4404th Wing (Provisional) commanded by Brig Gen Terry “Terry” Schwalier, who was also responsible for the installation’s security. On the night in question, sentries posted on the roof of the eight-story tower were alerted by the presence of the suspicious vehicle and its proximity to the compound’s perimeter fence. Immediately, they began to evacuate the building closest to the truck. Their efforts, however timely, were not enough to prevent the impending tragedy. Within four minutes of its arrival, the truck detonated, devastating the building and, in the process, killing 19 American Airmen and wounding more than 350 other personnel.<sup>1</sup> Years later, investigators would link the attack to the Iran-sponsored terrorist group, Hezbollah.

Estimated as equivalent to 20,000 pounds of TNT, the blast was of unprecedented magnitude. Larger than the one that destroyed Oklahoma City’s Murrah Federal building and twice as large as the bomb that killed 243 Marines at a barracks in Beirut in 1983, the truck bomb left a crater more than 80 feet across and 30 feet deep. In fact, the explosion was so powerful that windows as far as two miles away were blown out and the shock was felt more than twenty miles away in the neighboring country of Bahrain. Yet, some of the biggest reverberations of the attack were ultimately felt in the Pentagon, thousands of miles

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<sup>1</sup> Jennifer J. Li et al., “Enhancing Professionalism in the U.S. Air Force” (Santa Monica, CA: RAND Corporation, 2017), 83.

from the blast, where just over a year later, Air Force Chief of Staff Gen Ron Fogleman would submit his early retirement request over what was for him the “culminating event” in a string of episodes that left him feeling out of step with his political superiors in the Washington establishment.<sup>2</sup>

This chapter examines three primary sources of civil-military tension between General Fogleman and senior civilians that led to his early retirement decision. The first is linked to policy decisions made in the Joint Chiefs’ “tank.” The second is the highly-publicized legal case against 1st Lt Kelly Flinn. The third is the bombing of Khobar Towers and associated punishment of Brigadier General Schwalier in its aftermath. For Fogleman, the combined effect of these episodes was the belief that his advice as chief was no longer valued and that if he continued to serve he could be seen “as a divisive force and not a team player.”<sup>3</sup>

### **The “Tank”**

The Joint Chiefs of Staff conference room in the Pentagon, known as the “tank,” is a common meeting place for the Secretary of Defense, Chairman of the Joint Chiefs, and each of the four service chiefs. In this venue the most senior civilians and military officers of the Department of Defense decide policy and strategy for the department.<sup>4</sup> Meetings in this forum are necessarily private and often highly secretive. For this reason, proceedings in the “tank” are difficult to discern and to verify. Still, according to information provided by General Fogleman and other documentary sources, some of the issues arising in the tank were

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<sup>2</sup> Jonathan Slinkard, Interview of Gen (ret.) Ronald Fogleman, in-person, March 21, 2018.

<sup>3</sup> Ronald Fogleman, “Fogleman’s Farewell,” *Air Force Magazine*, December 2005, <http://www.airforcemag.com/MagazineArchive/Documents/2005/December%202005/1205keeper.pdf>.

<sup>4</sup> Bernard E. Trainor, “Washington Talk: Inside the ‘Tank,’” *New York Times*, January 11, 1988, sec. A16, <https://www.nytimes.com/1988/01/11/us/washington-talk-joint-chiefs-staff-inside-tank-bowls-candy-big-brass.html>.

relevant to his retirement. This brief section examines deliberations from the “tank” and their impact on General Fogleman’s early departure from the Air Force.

As pointed out in the preceding chapter, a major defense issue during General Fogleman’s tenure in the mid-1990s was how best to reorganize to meet the challenges of a post-Cold War world, while realizing the peace dividend associated with the dissolution of the primary threat, the USSR. Fogleman was hopeful that the Quadrennial Defense Review (QDR) of 1997 would present a real opportunity for reform. He noted, “We had an opportunity [during the QDR] to restructure our military into a smaller, better-focused institution” and decide what the military should really look like and spend its money on.<sup>5</sup>

In particular, Fogleman did not think that the two major regional contingency assumption was a valid planning factor for force sizing. He believed it was being used to justify bloated force structure, particularly in the Army and that this additional force structure resulted in wasting tens, if not hundreds, of billions of dollars during the 1990s.<sup>6</sup> Consistent with the Air Force’s stance during early defense reviews, Fogleman thought that force structure should be reduced or moved to the Guard or Reserve components to free up money for modernization efforts.<sup>7</sup> His stance, which he believed others viewed as service parochialism, was met with considerable resistance. Plainly, Fogleman received the message that the QDR was about maintaining the status quo for the military, not about meaningful reform. He recounts being told by a senior officer from the joint staff that “we don’t need any Billy Mitchells” during the QDR.<sup>8</sup>

While interservice tension explains some of the QDR’s shortcomings, General Fogleman also believes that civilian leadership

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<sup>5</sup> Richard H. Kohn, “The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force,” *Air and Space Power Journal* 15, no. 1 (Spring 2001): 12.

<sup>6</sup> Slinkard, Fogleman Interview.

<sup>7</sup> Ibid.

<sup>8</sup> Kohn, “Early Retirement of Gen. Fogleman,” 12.



was to blame for the missed opportunity to reform. When Secretary Perry left his post as SECDEF in the fall of 1996, Fogleman thought that QDR was likely doomed without him. Perry, whom Fogleman respected, had the stature within the department to drive real change, but without him QDR went into “suspended animation” until Secretary Cohen replaced him in early 1997.<sup>9</sup> According to Fogleman, Cohen lacked the expertise to get QDR effectively completed in the short time remaining before it was due to the Hill. Cohen “was not grounded in real military issues” and therefore did not have the heft to cajole the services into reform. Thus, it became clear to Fogleman that “this QDR was to be more a political response than a sincere effort to reshape our military.”<sup>10</sup>

Adding to Fogleman’s frustration about the QDR were specific cuts to the Air Force’s F-22 procurement program.<sup>11</sup> Fogleman saw no need to accept major disruptions to the program, especially because he thought the changes were based on erroneous information. Related to F-22, Fogleman recounts, “Some serious resource allocation decisions were being made on the basis of superficial, often mistaken, thinking.”<sup>12</sup> Yet Cohen and other senior defense civilians did not seem interested in Fogleman’s advice or viewpoint on the F-22 issue. “You pay me to give you military advice, and I’m giving you military advice; I’m watching not just whether or not you take it but how the advice is considered, part of a larger web of what became my relationship with Secretary Cohen and OSD.”<sup>13</sup>

In key ways, these initial dealings with Secretary Cohen about the QDR in the “tank” set the stage for what would transpire in the coming

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<sup>9</sup> Ibid., 13.

<sup>10</sup> Ibid.

<sup>11</sup> Bradley Graham, “Chief of Staff of Air Force Resigns Post,” *Washington Post*, July 29, 1997, [https://www.washingtonpost.com/archive/politics/1997/07/29/chief-of-staff-of-air-force-resigns-post/2cd4028a-a79e-44d8-a2f6-7adb6442e705/?utm\\_term=.4ae12b587ef7](https://www.washingtonpost.com/archive/politics/1997/07/29/chief-of-staff-of-air-force-resigns-post/2cd4028a-a79e-44d8-a2f6-7adb6442e705/?utm_term=.4ae12b587ef7).

<sup>12</sup> Kohn, “Early Retirement of Gen. Fogleman,” 18.

<sup>13</sup> Ibid., 15.

months. "There were some discussions and decisions in the tank that I thought were just absolutely absurd...More and more in the tank I found myself being the one who was raising the b.s. flag."<sup>14</sup> General Fogleman began to develop a sense that he was at odds with the Secretary of Defense and that, more importantly, his advice was not being given due consideration. As a result, Fogleman regarded Cohen more critically as time went along.<sup>15</sup>

### **The Flinn Case**

In the fall of 1995, First Lieutenant Kelly Flinn became the Air Force's first female B-52 pilot, an accomplishment that earned her significant publicity. By the summer of the following year, she began an adulterous relationship that would eventually result in her high-profile dismissal from the Air Force. Flinn's case would become national news and a serious source of civil-military conflict between General Fogleman, Secretary of the Air Force Sheila Widnall, and Flinn's supporters in Congress.

The facts of Flinn's case were never in dispute by either side. Flinn admitted to the charges of fraternization, adultery with the spouse of an enlisted member, making a false official statement, and violating a no-contact order issued by her commander.<sup>16</sup> However, convinced she was being treated unfairly by the Air Force for falling in love with the wrong man,<sup>17</sup> Flinn's defense team made an all-out media blitz in the lead-up to her court-martial, including appearances on "The Today Show," "Good

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<sup>14</sup> Ibid., 16.

<sup>15</sup> Graham, "Chief Resigns Post."

<sup>16</sup> Elaine Sciolino and Philip Shenon, "Air Force Officials Mirrored Pilot's Anguishing Decision to Resign," *New York Times*, May 25, 1997, <https://www.nytimes.com/1997/05/25/us/much-anguish-on-both-sides-in-pilot-s-case.html>.

<sup>17</sup> For Flinn's version of events leading up to her discharge, see Kelly Flinn, *Proud to Be* (New York: Random House, 1997), 209-238.

Morning America,” and “60 Minutes,” among others.<sup>18</sup> It also established a website to accept donations and encouraged a Congressional letter-writing campaign. Slowly, the strategy began to take effect. According to one observer, “The letters, phone calls, and editorials were running heavily in [Flinn’s] favor.”<sup>19</sup> The Air Force itself received hundreds of letters expressing support for Flinn.<sup>20</sup>

As a result of the media attention, the case, according to an unnamed defense official, became a “political football,” with many Americans believing that Flinn was being singled out for being a woman.<sup>21</sup> As public opinion supporting Flinn gathered momentum, members of Congress began to exert considerable pressure on the Air Force to rethink its prosecution of Lieutenant Flinn. One of the more vocal members was Senate Majority Leader Trent Lott of Mississippi. He believed that Flinn was being unfairly treated and “badly abused” by the service.<sup>22</sup> Representative Nancy Johnson called the whole episode “disgraceful” and referred to the Air Force as “overzealous prosecutors.”<sup>23</sup>

Aware of the political ramifications of pressing ahead with the high-profile court-martial, Secretary Widnall sought an alternative solution by offering Flinn the opportunity to resign in lieu of facing prosecution.<sup>24</sup> However, when word got out that Widnall was entertaining the idea of an honorable discharge for Flinn, many officers

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<sup>18</sup> Maj. Jeffrey G. Palomino, “Kelly Who? Refreshing the JAG Recollection on the Media, the Air Force, and the First Court-Martial of Public Opinion” (Air Command and Staff College, 2010), 5.

<sup>19</sup> Nancy Gibbs, “Wings of Desire,” *Time*, June 24, 2001, <http://content.time.com/time/printout/0,8816,137779,00.html#>.

<sup>20</sup> Elaine Sciolino, “Air Force’s Chief Said to Seek Deal on Court-Martial,” *New York Times*, May 15, 1997, <https://www.nytimes.com/1997/05/15/us/air-force-s-chief-said-to-seek-deal-on-court-martial.html>.

<sup>21</sup> Tamara Jones, “Air Force Adultery Trial on Hold,” *Washington Post*, May 21, 1997, <https://www.washingtonpost.com/archive/politics/1997/05/21/air-force-adultery-trial-on-hold>; Sciolino and Shenon, “Pilot’s Decision to Resign.”

<sup>22</sup> *Ibid.*

<sup>23</sup> Gibbs, “Wings of Desire.”

<sup>24</sup> Sciolino, “Chief Said to Seek Deal.”

were outraged.<sup>25</sup> Specifically, General Fogleman threatened to resign if Flinn received an honorable discharge, stating “I cannot abide by this. You can get a different Chief.”<sup>26</sup> Fogleman believed Widnall had unnecessarily succumbed to political pressure and media influence on the matter. Fogleman did not think Widnall should have negotiated with Flinn’s lawyers. She was facing nine years in jail—an honorable discharge was out of the question.<sup>27</sup>

The Chief of Staff believed that the public and politicians were “clueless” about the ramifications of the Flinn case and he resented the implication that the Air Force was treating her unfairly. As he later wrote in a *Newsweek* article, the Flinn case was a question of trust, not sex, a point he would make publicly when asked about it during an unrelated Senate hearing. “This is not an issue of adultery. This is an issue about an officer, entrusted to fly nuclear weapons, who lied.”<sup>28</sup> For him, the Air Force’s core values—which he had established earlier in his tenure—were at stake. Furthermore, Flinn’s actions eroded the bond of trust so critical, in Fogleman’s mind, to military effectiveness.<sup>29</sup> Following the Senate hearing, Fogleman believed that public opinion began to shift in favor of the Air Force, though it is unclear whether that, in fact, was the case. Nevertheless, Secretary Widnall rescinded the offer of an honorable discharge, instead offering a lesser general discharge. In the end, Widnall was convinced that Flinn’s lack of integrity and disobedience to direct orders “made an honorable discharge unacceptable.”<sup>30</sup>

In his article published after Flinn’s case, Fogleman called the outcome “about right,” though, had it been up to him, he would have

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<sup>25</sup> Sciolino and Shenon, “Pilot’s Decision to Resign.”

<sup>26</sup> Slinkard, Fogleman Interview.

<sup>27</sup> Gen. Ronald R. Fogleman, “A Question of Trust, Not Sex,” *Newsweek*, November 23, 1997, <http://www.newsweek.com/question-trust-not-sex-171148>.

<sup>28</sup> Gibbs, “Wings of Desire.”

<sup>29</sup> Sciolino, “Chief Said to Seek Deal.”

<sup>30</sup> Slinkard, Fogleman Interview; Gibbs, “Wings of Desire.”

pursued the court-martial and associated dishonorable discharge.<sup>31</sup> For Fogleman, the case represented another split between his military advice and the course pursued by senior civilians in the department. As would happen later in the Khobar Towers investigation, “The public nature of the case put Fogleman in the media spotlight and pitted his military advice against the civilian leadership.”<sup>32</sup> The case also caused a shift in his relationship with Secretary Widnall and became another example in which General Fogleman thought Secretary Cohen, who remained silent on the case, failed to exercise effective leadership.<sup>33</sup> Furthermore, the case presaged the effects that media attention and outside political pressure could have on defense department decisions regarding accountability.

### **Khobar Towers**

Following the 25 June 1996 attack against Khobar Towers, the Department of Defense moved swiftly to establish an investigation into the circumstances surrounding the bombing. On 28 June, Secretary Perry appointed recently retired Army Lieutenant General Wayne Downing to head the investigative task force. Downing and his team were to assess “the adequacy of security there, the sufficiency and effectiveness of intelligence...and [provide] recommendations on preventing new attacks or minimizing their damage.”<sup>34</sup> However, within two weeks, political pressure from the Hill drove Perry to alter Downing’s charter to include an assessment of personal responsibility for any security deficiencies that led to the attack.<sup>35</sup> One member of Downing’s task force confirmed that personnel on the Secretary’s staff had

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<sup>31</sup> Fogleman, “Question of Trust”; Slinkard, Fogleman Interview.

<sup>32</sup> Andrew M. Mueller, “Challenging Policy: Confronting the Military Professional’s Dilemma” (School of Advanced Air and Space Studies, 1999), 82.

<sup>33</sup> Kohn, “Early Retirement of Gen. Fogleman,” 18; Jones, “Trial on Hold.”

<sup>34</sup> Eliot A. Cohen, *Obligations of Leadership: The Khobar Towers Bombing and Its Aftermath* (Washington, DC: Johns Hopkins University, n.d.), 5.

<sup>35</sup> Matt Labash, “The Scapegoat,” *Weekly Standard*, November 24, 1997, <http://www.weeklystandard.com/the-scapegoat/article/2001>.

succumbed to the political pressure. “The sense was that in some cases they wanted enough evidence so that this thing could be assigned to some person.”<sup>36</sup> Thus, by the time Downing’s report was released in mid-September, Brigadier General Schwalier was the only individual identified by name as responsible for the force protection failures that, in Downing’s view, made the attack possible. According to General Downing’s prepared statement to the Senate Armed Service Committee, “[Schwalier] did not adequately protect his forces...It appears that the ‘fly and fight’ mission and ‘quality of life’ took precedence over force protection.”<sup>37</sup>

For its part, Air Force leadership, including General Fogleman believed that not only the focus, but also the conclusions of the Downing report had changed in the course of the investigation. When asked by this author about his opinion of the Downing Report, Fogleman’s response was, “Which Downing Report? There were two Downing Reports.”<sup>38</sup> He went on to explain that when Downing first out-briefed him on the findings, Downing found no fault with Schwalier. However, once the report was reviewed at senior levels within the Office of the Secretary of Defense (OSD), Fogleman believes Schwalier was scapegoated to appease “people up on the Hill.”<sup>39</sup> Fogleman’s position is buttressed by General Peay, then-commander of Central Command, who was also told by Downing that he was finding no one, including Schwalier, culpable.<sup>40</sup> Nevertheless, in its final form, the Downing Report had unequivocally identified General Schwalier as having both the responsibility and authority for force protection at Khobar Towers.<sup>41</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> “Bomb Attack in Saudi Arabia,” § Senate Armed Services Committee (1997), 109.

<sup>38</sup> Slinkard, Fogleman Interview.

<sup>39</sup> Ibid.

<sup>40</sup> Labash, “Scapegoat.”

<sup>41</sup> LT GEN Wayne A. Downing, “Report to the President and Congress on the Protection of U.S. Forces Deployed Abroad” (Washington, DC: Department of Defense, August 30, 2018), <http://www.au.af.mil/au/awc/awcgate/khobar/downing/toc.htm>.



Despite having identified Schwalier, Downing's task force was not empowered to determine legal or administrative action against him. That task fell to the Air Force and Lt Gen James Record, whom Widnall and Fogleman appointed in September as "the disciplinary review authority and General Court-Martial Convening Authority" for the Khobar case. His report, completed in under two months, addressed each of Downing's findings. On the issue of culpability for Schwalier, Record stated, "I have considered everyone in the military chain of command with force protection responsibilities associated with the Khobar Towers incident. I have not discovered any evidence that causes me to believe anyone in that chain of command, or elsewhere, committed any offense punishable under the Uniformed Code of Military Justice or failed to meet Air Force Standards."<sup>42</sup> Fogleman, agreeing with Record's finding regarding Schwalier, forwarded the report to OSD on December 23rd.

At that point, the report sat awaiting further action. Fogleman began to get frustrated with the continued delays. According to him, Record's report release had already been delayed to prevent interference with the departure that fall of Secretary Perry as well as the November general election. Now it seemed OSD and Deputy Secretary of Defense John White wanted to defer action until after Secretary Cohen came on board as the new secretary.<sup>43</sup> The delays were further exacerbated by White's request for the Air Force to initiate another review to clarify some of Record's findings.<sup>44</sup> Fogleman, who now regrets going along with the request, had reached his limit. Concerned that Schwalier would be held

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<sup>42</sup> Perry D. Jamieson, *Khobar Towers: Tragedy and Response* (Washington, DC: Air Force History and Museums Program, 2008), 189.

<sup>43</sup> Slinkard, Fogleman Interview.

<sup>44</sup> The second Air Force review was conducted by Lt Gen Swope (Air Force Inspector General) and Maj Gen Hawley (Air Force Judge Advocate General). Their report supported the conclusions of the Record Report, finding "all those in the force protection chain of command 'executed their responsibilities in a reasonable and prudent manner...no administrative sanctions are warranted.'" See Robert L. Creamer Jr. and James C. Seat, "Khobar Towers: The Aftermath and Implications for Commanders" (Air War College, 1998).



responsible despite his exoneration by multiple Air Force inquiries, Fogleman vented his irritation during testimony before the Senate Armed Services Committee. “It is criminal for us to try and hold somebody accountable or to discipline somebody for political correctness or because the media has created a frenzy based on partial information and not the full facts.”<sup>45</sup> As in the Flinn case, Fogleman had publicly demonstrated his opposition to the views of his civilian leadership.

There were many reasons that Fogleman believed Secretary Cohen should not punish Schwalier. First, by all accounts, Brigadier General Schwalier had enacted dozens of security measures at the Khobar compound following a terrorist attack that took place in Riyadh in November of 1995. According to General Peay’s Senate testimony immediately following the attack, Schwalier had implemented 130 physical security and force protection measures, making it one of the better prepared installations in the entire region.<sup>46</sup> Measures included the installation of concrete barriers, serpentine traffic control at entry points, increased inspection procedures, and limiting vehicle access to the base.<sup>47</sup> Responding to the scope of security measures and the pace at which they were implemented, personnel at Khobar described General Schwalier and his security forces commander as “obsessed” with security.<sup>48</sup> Furthermore, every investigation of the bombing acknowledged that Schwalier’s force protection changes had actually saved lives when the attack occurred.

Two security measures became the focus of criticisms aimed at Schwalier. One was the installation of Mylar coating on the windows at Khobar Towers and the other was extension of the base’s perimeter

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<sup>45</sup> Graham, “Chief Resigns Post.”

<sup>46</sup> Bomb Attack in Saudi Arabia, 27, 35-6.

<sup>47</sup> U.S. Army Training and Doctrine Command, “Handbook No. 1.01: Terror Operations” (US Army, July 25, 2007), 3-8.

<sup>48</sup> House National Security Committee, “The Khobar Towers Bombing Incident” (Washington, DC: United States House of Representatives, August 14, 1996), 6.

fence. Neither action was completed by the time of the attack, but Schwalier was pursuing both. For the Mylar, Schwalier had requested several million dollars in the following year's budget to complete the upgrade. In the meantime, he opted for heavy blast curtains, which could be installed more quickly and cheaply, as a stopgap measure.<sup>49</sup> As for extending the fence line, Schwalier's support group commander made two requests of his Saudi counterpart, whose acquiescence was ultimately required to move the fence.<sup>50</sup> The Downing Report criticized Schwalier for not elevating this request to either his military superiors or U.S. diplomats in country. However, based on his desire not to offend his hosts as well as his awareness of the deliberate pace of Saudi decision-making on such matters, Schwalier did not do so. Furthermore, at a distance of 80 feet from the nearest building, many believed the fence was far enough away for the anticipated threat, which was based on the 250-pound device used in the November attack in Riyadh. For Schwalier and others in country, "The thought of a 20,000-pound or even a 5,000-pound bomb was pretty inconceivable."<sup>51</sup> In short, the bomb used in the Khobar attack was orders of magnitude greater than what most experts thought was likely to be used by a terrorist group.

For these reasons, Fogleman was concerned about a chilling effect that any punishment of Schwalier would have on future commanders. In Fogleman's mind, Schwalier had taken the threat of terrorism seriously, while also focusing on the wing's primary mission of launching sorties in support of Operation Southern Watch. Furthermore, Fogleman believed the U.S. was at war and that the American public did not fully understand the nature of the threat. Speaking of the chilling effect, Fogleman stated, "My deal was this. We're sending these colonels,

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<sup>49</sup> In the post-attack reviews, investigators found that Mylar installation would probably have saved only one life in the attack and may have resulted in additional blunt traumas as entire windows would have been blown into the building.

<sup>50</sup> House National Security Committee, "Khobar Bombing Incident," 6.

<sup>51</sup> U.S. Army Training and Doctrine Command, "Terror Operations," 3-8.

lieutenant colonels out on these joint task forces. And we're at war. And people are going to attack them, they're going to kill people. And we treat this like some peacetime incident. And what's that guy going to do out there? He's going to spend his whole time covering his [backside], not doing the mission.”<sup>52</sup> Fogleman believed it was important to support his field commanders, holding them accountable only if warranted. “If you have screwed up, you can expect to be held accountable. If you haven't then I will support you.”<sup>53</sup> Clearly, Fogleman did not believe Schwalier should be held accountable for the bombing.

Finally, General Fogleman resented how the Department of Defense handled the review and accountability process. He believed that OSD's delay in releasing the Air Force's reports, which supported Schwalier, allowed the media and Congress to exert pressure on the department to hold someone accountable.<sup>54</sup> As the only person mentioned by name in the Downing Report, Schwalier became the obvious target. In accordance with the charter of Lieutenant General Record's review, responsibility for determining accountability was the Air Force's responsibility. However, since OSD “didn't like the conclusion of the Record report,” the decision “was taken out of the [Air Force's] hands.”<sup>55</sup> This was a problem for Fogleman because he thought Cohen was more focused on political considerations than doing what was right based on the case.<sup>56</sup> Fogleman argues, “The problem was that OSD was afraid of the political backlash of a decision that might come out of the Air Force, and therefore they wanted to pull that up and make that decision at their level.”<sup>57</sup> In doing so, the Air Force's responsibility to decide disciplinary action in the case was usurped by Secretary Cohen, a

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<sup>52</sup> Slinkard, Fogleman Interview.

<sup>53</sup> Ibid.

<sup>54</sup> Labash, “Scapegoat.”

<sup>55</sup> Slinkard, Fogleman Interview.

<sup>56</sup> Mueller, “Challenging Policy,” 83.

<sup>57</sup> Slinkard, Fogleman Interview.

man that Fogleman felt did not really understand the “military business.”<sup>58</sup>

Secretary Cohen released his final report on 31 July 1997. Before this time, General Fogleman became aware of Cohen’s decision and was, thus, not surprised by Cohen’s continuation of the theme established by the Downing task force: Brigadier General Schwalier was the one person ultimately responsible for force protection at the Khobar Towers complex. The successful attack against U.S. and allied forces there was proof that he had failed in that responsibility. As a result, Secretary Cohen concluded “that Brigadier General Schwalier’s actions with respect to force protection did not meet the standard required for a Major General, and I have therefore recommended to the President that his name be removed from the list of those to be promoted to that grade.”<sup>59</sup> Later that day, General Schwalier submitted his request for retirement to the Air Force.

### **Conclusion**

The cumulative effect of General Fogleman’s experiences in the “tank,” with the Kelly Flinn case, and in the aftermath of the explosion at Khobar Towers convinced him that it was time for him to leave the Air Force. “A whole series of things convinced me that perhaps I was riding the wrong horse here. After a while, you look around and experience some serious doubts about whether you can be right and everybody else is wrong.”<sup>60</sup> Accordingly, on 28 July 1997, General Fogleman submitted a note to Secretary Widnall requesting to be retired from active duty at the earliest possible date. On September 1st General Ron Fogleman left the Air Force after an exceptional 34-year career.

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<sup>58</sup> Ibid.

<sup>59</sup> William S. Cohen, “Personal Accountability for Force Protection at Khobar Towers” (Washington, DC: Department of Defense, July 31, 1997), <http://www.au.af.mil/au/awc/awcgate/khobar/cohen.htm>.

<sup>60</sup> Kohn, “Early Retirement of Gen. Fogleman,” 21.

## Chapter 5

### Evaluation of General Fogleman's Retirement Decision

The purpose of this chapter is to assess General Fogleman's retirement decision and its effect on American civil-military relations. To accomplish that task, the study applies the five criteria established by Dr. Don Snider in *Dissent and Strategic Leadership of the Military Professions* to the specific circumstances surrounding Fogleman's decision as outlined in the previous chapter. Admittedly, this is a complex and subjective task that necessarily involves the author's judgment based on a close reading of the available evidence and discussions with General Fogleman. However, as objective measures of the health of civil-military relations are rare, the reader will recognize that the analysis put forth below is susceptible to interpretation. Bearing that in mind, the following appraisal suggests that General Fogleman's decision to retire should be viewed favorably in each of Snider's five categories. As such, the author concludes that Fogleman was justified in his decision to retire early and that his actions should not be viewed as having undermined civil-military relations.

#### **Snider's Dissent Evaluation Model**

In *Dissent and Strategic Leadership of the Military Professions*, West Point Political Science Professor Don Snider draws on his understanding of the U.S. military as a profession to develop a "moral context and framework" by which to analyze acts of dissent by senior military officers.<sup>1</sup> Snider's intent is not to create a checklist for senior leaders contemplating dissent. Rather, he designed his model to help them make an informed judgment about whether the circumstances justify dissent. The model accomplishes this task by assessing the potential impact of a leader's dissent on their trust relationships with the public,

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<sup>1</sup> Don M. Snider, "Dissent and Strategic Leadership of the Military Professions" (Carlisle, PA: Strategic Studies Institute, February 2008): vii-viii.

civilian government leaders, and the military's commissioned and non-commissioned officers.<sup>2</sup> For Snider, these relationships are at the heart of health civil-military relations.

Snider's model is a useful tool for several reasons. First, it applies to any form of public dissent and can be applied both by senior leaders deciding whether they should undertake an act of dissent and by observers who wish to evaluate such an act after the fact. Additionally, accepting that dissent has both a legal and a moral aspect, Snider's framework focuses not on whether leaders have the *right* to speak out, but on whether doing so is *advisable* in terms of the health of civil-military relations.<sup>3</sup> The framework is value-neutral about the policies over which dissent arises, focusing instead on the impact of dissent. Finally, recognizing the tension between senior military leader's professional obligations and their need to maintain trust with the American people, Snider's paradigm accepts that dissent in its many forms is likely and not always detrimental. In fact, for Snider, an ideal type of dissent exists that would "enhance domestic political control" and result in "sound strategic decision-making."<sup>4</sup>

Before applying Snider's framework, it is necessary to address its applicability to General Fogleman's decision. Specifically, since Snider is concerned with acts of dissent, it is essential to ask whether one can view Fogleman's retirement as such. For his part, General Fogleman has downplayed the dissentious nature of his retirement. In interviews, he spoke of using his departure to defuse tensions with Secretary of Defense Cohen. He wanted to leave quietly to avoid the impression of an intractable rift between the military and its civilian bosses.<sup>5</sup> Still, as demonstrated in the previous chapter, it must be acknowledged that he

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<sup>2</sup> Ibid., vii.

<sup>3</sup> Ibid., 5, 8.

<sup>4</sup> Ibid., 6.

<sup>5</sup> Jonathan Slinkard, Interview of Gen (ret.) Ronald Fogleman, in-person, March 21, 2018.

had dissenting views on key issues in the “tank,” the Kelly Flinn case, and the actions taken against General Schwalier after the Khobar Towers bombing. These views, which were at odds with the civilian defense establishment, convinced him that he was “out of step” and that it was time for him to leave the Air Force.<sup>6</sup> Thus, in the author’s view, it is logical to characterize Fogleman’s retirement as an act of dissent because it was the direct result and outgrowth of his dissenting views.

Classifying the retirement as an act of dissent does not imply a value judgment of the act. Dissent and disobedience are not the same thing. Thus, there can be “dissent without insubordination.”<sup>7</sup> As Martin Cook points out, military professionals have two competing values: “unquestioned subordination” to civilian leadership and providing military advice “unalloyed with extraneous political or cultural considerations.”<sup>8</sup> Snider recognizes that this delicate balancing act will lead to disagreements between senior officers and civilians. In American civil-military relations this dissent is tolerated by civilian leadership if not essential to ensure thorough debate of a wide range of policy issues. Dissent should be welcomed. Disobedience cannot be. The purpose of applying Snider’s framework to this case is to assess whether General Fogleman’s actions crossed the line between dissent and disobedience or whether, in turn, they had a deleterious effect on civil-military relations and the trust that underpins it. It is to that task that the paper now moves.

### **Gravity of the Issue**

The first consideration in Snider’s analysis is the gravity of the issue to the nation and the American people.<sup>9</sup> Specifically, how directly does the focus of dissent relate to national security? For Snider, “the

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<sup>6</sup> Richard H. Kohn, “The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force,” *Air and Space Power Journal* 15, no. 1 (Spring 2001): 7.

<sup>7</sup> Snider, “Dissent and Strategic Leadership,” 25.

<sup>8</sup> Quoted in *Ibid.*, 24–25.

<sup>9</sup> *Ibid.*, 20.



higher the stakes, the greater the temptation and justification will be for dissenters to speak out.”<sup>10</sup> Conversely, if civilian authorities determine that the issue is not of grave importance to the U.S., then military leaders should err toward subordination to civilian policies. With these competing interests in mind, this section analyzes how General Fogleman interpreted the gravity of the issues over which he ultimately chose to retire.

On the surface, the issues that became the catalysts for Fogleman’s retirement—disagreements in the “tank,” Kelly Flinn’s discharge, and the treatment of General Schwalier—do not appear to have grave or immediate national security repercussions. In fact, compared to other instances of disagreement between senior officers and civilians in the chain of command, they pale by comparison. Debates over the invasion of North Africa instead of continental Europe in World War II, the decision to stop short of the Yalu River in the Korean War, and the choice to launch a preemptive action against Iraq and Saddam Hussein, are just a few of the countless examples of policies that had much more severe impacts to national security than those which motivated Fogleman to retire. In fact, one could argue that because none of Fogleman’s issues were directly related to the conduct of combat operations, they posed only a minor threat to national security.

Yet, in General Fogleman’s mind, each of the issues did have serious national security implications. For him, they were not just administrative service issues, in the cases of Flinn and Schwalier, or minor inter-service resource allocation concerns in the case of the “tank” disputes. Accordingly, in the debates on these topics, he highlighted the potential effects of the sources of dissent on national security and framed the debates with those implications in mind.

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<sup>10</sup> Ibid., 20–21.

In the “tank,” Fogleman’s primary concern was the Quadrennial Defense Review (QDR) of 1997. He viewed it as an opportunity to restructure the armed forces for the post-Cold War security environment—a topic of extreme importance for national security in the future. Yet, to achieve meaningful change he knew that he and his fellow chiefs would have to challenge force planning assumptions; namely, the two major regional contingency construct, which he believed resulted in “worthless” force structure and cost the American public tens of billions of dollars, if not more.<sup>11</sup> Fogleman believed the revolution in military affairs that was underway afforded the defense department a chance to reshape the military and conduct a complete reassessment of how the U.S. should fight future wars.<sup>12</sup> As demonstrated in the previous chapter, the QDR became an exercise in mostly preserving the status quo, with only marginal adjustments. For Fogleman, this stagnation had far-reaching national security implications which resulted in the U.S. having “absolutely the wrong force structure” to face the challenges of the 21st century.<sup>13</sup>

The adjudication of the Flinn case also had ramifications for national security in Fogleman’s mind. The case was not just about punishing someone for adultery and fraternization. According to Fogleman, the more important charges in the case were those associated with her lying and disobeying direct orders. An aviator charged with the no-fail nuclear mission must be trusted by the crew and the nation to execute orders without question. “Everybody’s trying to make this about moral turpitude and, you know, this is not about that,” said Fogleman. “It’s about lying. It’s about trust.”<sup>14</sup> The case was also about good order and discipline, key components of combat effectiveness. An honorable

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<sup>11</sup> Slinkard, Fogleman Interview.

<sup>12</sup> Kohn, “Early Retirement of Gen Fogleman,” 12–13.

<sup>13</sup> Slinkard, Fogleman Interview.

<sup>14</sup> Ibid.

discharge was impossible for Fogleman because it would undermine accountability and send a clear statement to the force that senior leaders would selectively enforce regulations based on the application of political pressure. “The Flinn thing was an accountability issue. You cannot go out there and tell people what the rules are, and then let somebody run off and violate the rules and get away with it because then good order and discipline break down.”<sup>15</sup>

Of the three sources of dissent that Fogleman encountered, the Schwalier case arguably had the most far-reaching national security implications. General Fogleman was intent on highlighting his concerns as the case wore on. A primary concern of Fogleman’s was the chilling effect that punishing Schwalier for force protection deficiencies would have on future commanders in combat. The potential impact on national security, argued Fogleman, was that commanders would prioritize force protection over mission accomplishment for fear that their superiors would find them culpable for any successful attack on military members in their care.<sup>16</sup> If true, this lack of mission focus would have grave implications for national security and the ability to achieve military objectives.

Related to his arguments about a chilling effect was Fogleman’s belief that the U.S. failed to admit that terrorism was now the central threat to national security. “By 1997, in my own mind—this came up in tank discussions and things like this—we were already involved in the war on terror. But we were not, as a nation or as a Department of Defense, acknowledging it.”<sup>17</sup> In fact, Fogleman asserts he did not accept Schwalier’s offer to resign immediately following the bombing in 1996 because he hoped the incident would draw attention to the new threat

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

and the need to respond to it.<sup>18</sup> “We were in a war with these [terrorists] and yet, we’re not posturing ourselves like we’re in a war with them. So, this was a big issue for me.”<sup>19</sup> The failure to realize the threat would have grave ramifications for American security in the 21st century.

### **Relevance of the Professional’s Knowledge and Expertise**

In Snider’s model, the next thing that one must consider when evaluating an act of dissent is the relevance of the dissenter’s knowledge and expertise to the policies and practices over which he or she dissents. For Snider, this consideration answers the question: Why should the dissenter be listened to on this subject?<sup>20</sup> The answer to the question has two facets. First, the dissenter must have the credibility to speak on behalf of the military profession on the matter at hand. Second, the dissenter’s position should be based on professional expertise, not personal beliefs. This section argues that Gen Fogleman had the credibility and relevant professional expertise to dissent over the issues that culminated in his retirement.

General Fogleman’s biography establishes his credibility to speak on all issues related to the Air Force and its contribution to national defense.<sup>21</sup> As the 15th Chief of Staff, General Fogleman was the Air Force’s senior uniformed officer in charge of organizing, training, and equipping the service’s 750,000 personnel. In his 34 years of active service, General Fogleman commanded multiple units, including at the wing, air division, numbered air force, major command, and combatant command levels. He also had tactical expertise, exemplified by almost 7,000 hours of flight time in numerous fighter and transport aircraft. General Fogleman was a combat veteran of Vietnam, where he logged

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Snider, “Dissent and Strategic Leadership,” 21.

<sup>21</sup> “General Ronald R. Fogleman Biography,” U.S. Air Force, August 1997, <http://www.af.mil/About-Us/Biographies/Display/Article/104988/general-ronald-r-fogleman/>.

more than 800 combat flight hours during two tours of duty and survived being shot down by enemy fire. More important than his biography, however, is the fact that General Fogleman was selected by the president and secretary of defense and Senate-confirmed to be the chief of staff. This affirms the civilian leadership's confidence in his ability to lead the service and provide expert military advice as a member of the Joint Chiefs of Staff.

His biography establishes not only his credibility, but also the relevance of his expertise. With experience as a numbered air force commander with responsibilities to a combined command in Korea, as a joint combatant commander and force provider at Transportation Command and Air Mobility Command, and as the sitting Chief of Staff of the Air Force, General Fogleman's expertise was particularly relevant on the issue of military reorganization during the QDR.<sup>22</sup> He had personally experienced combat in a joint environment as a young officer, and then been responsible for planning and conducting joint combat operations in multiple positions as a general officer. Whether his views on force structure were appreciated by his peers and superiors or not, the relevance of the expertise that led to those views cannot be questioned.

Fogleman's knowledge and expertise are germane to the Flinn and Schwalier cases as well. He served in and commanded units in which he witnessed how discipline of one of the unit's members affected other members of the unit. Perceptions of leniency for serious infractions (as in the Flinn case) can lead to an erosion of good order and discipline. Conversely, the sense that punishment was too harsh (as with Schwalier) leads to risk aversion and a zero-defect culture. Furthermore, as shown below, Fogleman's tenure as chief of staff was marked by a sincere and abiding desire to instill a sense of accountability in the AF. As the senior Air Force officer, it was Fogleman's responsibility to set the tone and

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<sup>22</sup> Ibid.

culture of the force. Thus, his expertise on such matters is intrinsically pertinent.

### **Degree of Personal Sacrifice**

The degree of personal sacrifice incurred by the dissenter is the next factor in Snider's model. It is also the first of three considerations—along with timing of the act and the authenticity of the leader—that help to reveal the dissenter's motives. The public values certain qualities in its military professionals, sacrifice and selflessness among them. The amount of sacrifice incurred by the dissenter sends a strong signal about whether the dissent is driven by self-interest or altruism; personal ambitions or service to the nation. Thus, if dissenters incur great personal costs from dissenting then observers will rightly assume the act was motivated by sincerely-held beliefs and a sense of duty. Conversely, as Snider points out, "Absent personal sacrifice, such dissent quickly leads to suspicion of and the search for ulterior motives."<sup>23</sup>

Fogleman's act of dissent—requesting early retirement—required significant personal sacrifice. At the most basic level, his dissent resulted in early removal from the only career he had ever known, one to which he had devoted his entire adult life.<sup>24</sup> The most significant cost of General Fogleman's early retirement decision, however, was reputational. By exercising his dissent via retirement, Fogleman became the first Air Force Chief of Staff to voluntarily depart the office before his term was up.<sup>25</sup> To some degree, this label remains the defining characteristic of General Fogleman's career, overshadowing many of his accomplishments. Furthermore, the decision opened him up to potential

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<sup>23</sup> Snider, "Dissent and Strategic Leadership," 27.

<sup>24</sup> Fogleman's early retirement also resulted in a personal inconvenience. As relayed to the author during an interview, the house he was having built for his retirement years had not yet been completed at the time he made his request to the Secretary of the Air Force.

<sup>25</sup> Eric Schmitt, "Criticism Over Blast Leads Top Air Force General to Retire," *New York Times*, July 29, 1997, <http://www.nytimes.com/1997/07/29/us/criticism-over-blast-leads-top-air-force-general-to-retire.html>.

media criticism and even rebukes from Airmen disappointed to have lost their chief. Yet, despite the costs, Fogleman still decided to leave because he assessed the personal costs and penalties for the Air Force to be much greater should he stay. Fogleman's loyalty to the institution superseded his personal sacrifice. "A right understanding of one's loyalties," as Snider instructs, "always places loyalty to self dead last."<sup>26</sup>

### **Timing of the Act**

The timing of an act of dissent also reveals something about the dissenter's motivations. If a senior officer decides an issue is important enough to publicly dissent over, then the dissent ought to occur as soon as practical. For Snider, "Any separation of months or years between the cause and the act is grounds, again, for suspicion of lack of moral agency and for a search for ulterior motives."<sup>27</sup> An analysis of the timing of General Fogleman's dissent is complicated by many factors discussed below. Still, the timing of his retirement suggests that, on the whole, it was intended to defuse civil-military tension, not exacerbate it.

Deliberations in the "tank" are private, making the degree and timing of General Fogleman's dissent on the matter of the QDR difficult to assess. However, available evidence suggests that he began to speak out against the status quo thinking of the QDR very early in the discussions, continuing after the review's release in April of 1997. As early as a year prior to its publication, Fogleman describes himself as "a voice in the wilderness" for a review of the two MRC force structure planning assumption.<sup>28</sup> He also began to champion the need for reform in his speeches beginning in 1996.<sup>29</sup> However, "it was very difficult to get a discussion going...so it just dropped off the scope."<sup>30</sup> Immediately

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<sup>26</sup> Snider, "Dissent and Strategic Leadership," 27.

<sup>27</sup> Ibid., 28.

<sup>28</sup> Gigi Whitley, "Fogleman: QDR Failed to Revolutionize U.S. Military Force Strategy," *Inside the Air Force*, May 23, 1997, <https://insidedefense.com/inside-air-force/fogleman-qdr-failed-revolutionize-us-military-force-strategy>.

<sup>29</sup> Slinkard, Fogleman Interview.

<sup>30</sup> Whitley, "Fogleman: QDR Failed."



following the release of the QDR, Fogleman acknowledged that the QDR became a “cut drill,” not a true reform effort. Accordingly, he shifted from hopefulness to damage control. In May of 1997, he stated, “In this QDR I went from being highly optimistic about a good outcome to having as my objective to make sure we didn’t do anything dumb.”<sup>31</sup>

General Fogleman spoke out early and consistently on the need to use the QDR process to fundamentally address the post-Cold War threat environment and how the U.S. armed forces would fight future wars. Still, it is appropriate to ask why he did not submit his request for retirement as soon as he lost hope that the QDR would not have the effect he desired. In his interview with Dr. Kohn, Fogleman suggests that in September of 1996 he had indications that the QDR would be about maintaining the status quo, and with the departure of Secretary of Defense Perry in December, he was pessimistic about QDR’s prospects.<sup>32</sup> So why wait seven months to declare his intent to retire? The answer is that, while an important part of his retirement calculus, General Fogleman’s frustrations in the “tank” and with the QDR were not sufficient to drive him to retire. Rather, they served as initial indications of his break with the establishment, which would later be compounded by the Flinn and Schwalier affairs. The events associated with Flinn, and particularly Schwalier, would ultimately drive the timing of Fogleman’s retirement.

General Fogleman’s ability to speak out in in the Flinn case was limited by two factors. First, to avoid applying undue command influence, judicial guidance prohibits military leaders from commenting on ongoing legal cases. Second, as the Chief of Staff, Fogleman was not directly in the chain of command for Flinn’s case. Instead, the right to review the case or entertain requests for discharge in lieu of prosecution

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<sup>31</sup> Ibid.

<sup>32</sup> Kohn, “Early Retirement of Gen Fogleman,” 12.

fell directly to Secretary Widnall. Bearing these challenges in mind, Fogleman made his dissent known in as timely a manner as conceivable. Specifically, once the Air Force postponed the court-martial to allow Widnall to decide on Flinn's appeal for an honorable discharge, Fogleman was empowered to act. He let Secretary Widnall know that he could not abide an honorable discharge for Flinn. Understanding that it was Widnall's decision to make, Fogleman made it known that he would resign over the matter.<sup>33</sup> That same week, he made his widely cited statement during unrelated senate testimony that Flinn's case was about trust and following orders, not sexual impropriety.<sup>34</sup> In Fogleman's estimation, these forceful statements of his position helped "break the logjam" on the Flinn case by decreasing political pressure from Capitol Hill and convincing Secretary Widnall not to grant an honorable discharge.<sup>35</sup>

One can best understand the question of the timing of General Fogleman's retirement request through the lens of the Schwalier matter since it was, in his words, the "culminating event" leading to the decision.<sup>36</sup> Again, the question of timing is complex. Throughout the fall of 1996, and certainly following the completion of the Record Report in October, Fogleman made his support of Schwalier known within Department of Defense channels. Then, as early as February of 1997, he went public with his support of Schwalier and the Record Report's findings.<sup>37</sup> At this point, though, Fogleman was not certain of Secretary Cohen's position on accountability for Schwalier, even though he had indications that Cohen was inclined to deny Schwalier's promotion. In

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<sup>33</sup> Kohn, "Early Retirement of Gen Fogleman," 18.

<sup>34</sup> Gen Ronald R. Fogleman, "A Question of Trust, Not Sex," *Newsweek*, November 23, 1997, <http://www.newsweek.com/question-trust-not-sex-171148>.

<sup>35</sup> Slinkard, Fogleman Interview.

<sup>36</sup> Ibid.

<sup>37</sup> Matt Labash, "The Scapegoat," *Weekly Standard*, November 24, 1997, <http://www.weeklystandard.com/the-scapegoat/article/2001>.

fact, it was not until June that Cohen began to review the conflicting reports of investigation.<sup>38</sup>

However, Fogleman sensed that a confrontation was brewing: “Cohen started to make this a situation [where] this Fogleman guy, a military guy, is pushing back on the Secretary of Defense.”<sup>39</sup> Thus, by the time he reached his decision to retire, Fogleman was aware of the need to defuse the perceived conflict with Secretary Cohen.<sup>40</sup> “I decided I was going to preempt the decision on the Khobar Towers so that my leaving would not be in response to the decision on General Schwalier, to defuse the conflict,” Fogleman said.<sup>41</sup> Fogleman figured, furthermore, that by removing himself from the equation, Cohen would have “one last opportunity to act on the Schwalier case on the merit and facts of the case, rather than the issue of the secretary of defense’s power vis-à-vis some service chief.”<sup>42</sup> For these reasons, the timing of Fogleman’s ultimate act of dissent—his retirement request—should be viewed as driven by a desire to deescalate rather than exacerbate civil-military tension.

### **Congruence of the Act with Previous Service and Leadership**

The final evaluation factor in Snider’s model is “congruency of the dissent with the prior, long-term personality, character, and belief patterns of the dissenter.”<sup>43</sup> What this factor attempts to capture is the dissenter’s authenticity as a leader. Is the leader’s behavior in dissent consistent with his or her prior actions and behaviors? Admittedly, this determination is subjective, and except in extreme cases, challenging to assess. Nevertheless, this section argues that evidence available from Fogleman’s early tenure as Air Force chief of staff, indicates his request

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<sup>38</sup> Ibid.

<sup>39</sup> Slinkard, Fogleman Interview.

<sup>40</sup> Kohn, “Early Retirement of Gen Fogleman,” 8.

<sup>41</sup> Ibid., 20.

<sup>42</sup> Ibid.

<sup>43</sup> Snider, “Dissent and Strategic Leadership,” 20.

for retirement was consistent with his previous actions and initiatives as the Air Force's senior uniformed officer.

When Fogleman's chief of staff tour began, he identified "a couple of troubling issues out there hanging that I thought needed to be addressed."<sup>44</sup> Specifically, he was concerned that the institution had lost sight of its values, especially integrity. As a result, Fogleman identified "a necessity, or charge if you will, to work this issue on my watch."<sup>45</sup> One of his first priorities was to identify the pass/fail items that he expected the Air Force to respect. To do this, he took the unprecedented step of hosting a mandatory general officers call to lay out his expectations and ensure their buy in.<sup>46</sup> At this meeting, emphasized the need for general officers to abide by and equitably enforce the standards of professional conduct he was laying out.<sup>47</sup> Recounting the gathering, Fogleman said, "I expect you to hold your people accountable to those things. But, if this is going to be effective, this stuff has got to be universally known...It's got to be uniformly applied. So, this applies to you as a general officer just like it applies to a sergeant or an airman. I wanted everybody to understand that this is what I expected."<sup>48</sup>

These pass/fail items were directly related to the professionalism he demanded from the service. For Fogleman, professionalism set the all-volunteer force apart from the era of conscripted armed forces. He believes that "we are all part of the military profession, the profession of arms...It's a profession that if called upon to do so, you are expected to

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<sup>44</sup> Slinkard, Fogleman Interview.

<sup>45</sup> Kohn, "Early Retirement of Gen Fogleman," 10.

<sup>46</sup> According to Fogleman, he required attendance from every active duty, Guard, and Reserve general officer. He held similar events in the U.S., Europe, and the Pacific to ensure he reached the entire intended audience. For details, see Slinkard, Fogleman Interview.

<sup>47</sup> According to a speech made at AFA in 1994, Fogleman's pass/fail items were: "no rule through fear," "don't display your anger in public," "you must have integrity," and "we cannot tolerate any kind of discrimination or harassment." For details, see Gen. Ronald R. Fogleman, "Directions" (Air Force Association Symposium, Los Angeles, CA, October 28, 1994).

<sup>48</sup> Slinkard, Fogleman Interview.

lay down your life, for family, friends, for freedoms, all these things. But we do it voluntarily. And the thing that brings good order and discipline to all this is we all know the fundamentals.”<sup>49</sup> The volunteer aspect of service was critical. It meant that everyone in the Air Force was serving of their own volition and could be expected to adhere to the lofty professional standards that Fogleman sought to inculcate in the service. Fogleman’s perspective was that “those in the military are held to a higher standard because we have a great responsibility—to defend our nation and its citizens.”<sup>50</sup>

Part of his drive for professionalism led to the establishment of core values for the Air Force. Prior to his tenure, the Air Force had six core values, and various major commands had established their own supplementary values as well. Convinced that airmen needed to share common values, General Fogleman, in concert with Secretary Widnall, distilled the existing values down to three, which still exist today—integrity first, service before self, and excellence in all we do.<sup>51</sup> The core values were the “heart and soul of the military profession” and they set the tone for Fogleman’s term at the head of the Air Force.<sup>52</sup>

Also contributing to the tone of his term were several high-profile incidents, all of which occurred before Fogleman became the chief but which he had to resolve once his tenure began. Two “pieces of unfinished business” in particular—a B-52 crash and the downing of two Army Black Hawk helicopters by Air Force F-15s—would serve as tests of Fogleman’s determination on the pass/fail items, professionalism, and core values that he championed early.<sup>53</sup> These incidents would,

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<sup>49</sup> Ibid.

<sup>50</sup> Sheila E. Widnall and Gen. Ronald R. Fogleman, “Core Values,” *Air Force News Service Review*, April 10, 1995.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Kohn, “Early Retirement of Gen Fogleman,” 10.

ultimately, lead to a precise focus on accountability, which would later inform his actions in the Flinn and Schwalier incidents.<sup>54</sup>

In June 1994, a B-52 demonstration pilot, Lt Col Arthur Holland, crashed his airplane while conducting practice maneuvers for an upcoming air show. The accident resulted in the deaths of Holland and three other crew members.<sup>55</sup> The subsequent investigation revealed that Lieutenant Colonel Holland had a habit of exceeding the aircraft's flight parameters, a situation which several observers had reported to Holland's superiors. As a result of their inaction, the Air Force held two commanders responsible. It denied Holland's wing commander, Col William Brooks, further promotion and a future command for which he had already been selected. The service court-martialed the operations group commander, Col William Pellerin, on multiple counts of dereliction of duty. To further emphasize the importance of accountability, Widnall and Fogleman demoted Pellerin upon his retirement.<sup>56</sup> For Fogleman, the case served as "an example to other commanders to be more accountable for those in their charge."<sup>57</sup>

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<sup>54</sup> In addition to the B-52 crash and Black Hawk shootdown, Gen Fogleman presided over two other high visibility cases in which in which accountability was a cornerstone issue. One involved an F-15 crash at Spangdahlem Air Base for which two maintainers were court-martialed for failing to properly install the elevator on the aircraft, causing it to crash upon takeoff. For more details, see Mark Thompson, "Placing Blame at Any Cost," *Time*, June 24, 2001, <http://content.time.com/time/magazine/article/0,9171,135113,00.html>. The other incident was the crash of a CT-43 on which Secretary of Commerce Ron Brown was one of 35 passengers. The cause of the fatal accident was attributed to inadequate landing equipment at the intended field of landing in Croatia. For not following Air Force directives and for failing to properly certify the airport for operations by Air Force aircraft and, 16 officers received a variety of punishments. The Air Force levied the most severe sanctions against a brigadier general and a colonel who were both charged with dereliction of duty. See Philip Shenon, "Air Force Punishes 16 Officers with Link to Ron Brown Crash," *New York Times*, August 7, 1996, <https://www.nytimes.com/1996/08/07/us/air-force-punishes-16-officers-with-link-to-ron-brown-crash.html>.

<sup>55</sup> Lt Col Todd C. Ericson, "Toward A Fail-Safe Air Force Culture: Creating a Resilient Future While Avoiding Past Mistakes" (Air War College, 2012), 4.

<sup>56</sup> Steven Watkins, "Widnall Demotes Pellerin on Retirement," *Air Force Times*, April 15, 1996.

<sup>57</sup> *Ibid.*



To an even greater degree than the B-52 accident, the Black Hawk shootdown incident epitomizes General Fogleman's focus on accountability prior to the Flinn and Schwalier cases. In April 1994, two F-15s under Airborne Warning and Control System (AWACS) control mistakenly shot down two U.S. Army UH-60 Black Hawk helicopters in Iraq, killing 26 personnel.<sup>58</sup> Following an extensive investigation, the Air Force implemented several changes to training, personnel policies, and operational procedures. Additionally, the investigation resulted in administrative and legal action against a number of operators aboard the AWACS and F-15s, as well as members of the chain of command. However, Air Force leaders only court-martialed one person in the case—an AWACS controller, Captain James Wang—and the board acquitted him of all charges.

In his review of the case, Fogleman was satisfied with the initial disciplinary actions; he felt the Air Force system had functioned adequately. What bothered him were “inconsistencies between the adverse administrative action and some performance evaluations on the officers concerned.”<sup>59</sup> Following the incident some of the officers involved received glowing evaluations and plum assignments. For Fogleman the situation was unacceptable because the Air Force was not applying standards fairly and consistently. Looking back on the situation, Fogleman recalled, “My disappointment didn’t come in what did or did not happen under the [Uniform Code of Military Justice]. My disappointment came, when after the actions that were taken, people were not held accountable. That was the message that I wanted to get to the force.”<sup>60</sup>

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<sup>58</sup> Air Force Public Affairs, “Wang Acquitted in Black Hawk Shoot Down,” *U.S. Air Force News Release*, June 20, 1995.

<sup>59</sup> Maj Gen Nolan Sklute, “DoD News Briefing” (DoD Press Conference, Washington, DC, August 15, 1995).

<sup>60</sup> Tony Cappaccio, Interview with General Ronald R. Fogleman, CSAF, in-person, July 23, 1996.



To correct the situation, Fogleman took extraordinary measures. He personally wrote scathing letters of evaluation for seven officers involved in the incident, including two generals in the chain of command, effectively ending their careers. He also grounded both F-15 pilots and three AWACS controllers for at least three years each.<sup>61</sup> Additionally, he chastised several officers that endorsed the glowing performance reports of the Airmen involved in the event.<sup>62</sup> He also ensured that personnel policies were rewritten to link disciplinary actions to performance evaluations, assignment decisions, and promotion opportunities.<sup>63</sup> To further emphasize how serious this breach of accountability was, General Fogleman produced a short video on accountability and made it mandatory viewing for all officers, non-commissioned officers, and members of the senior executive service. In it, Fogleman signaled his commitment to accountability and his expectation that Air Force members uphold the highest standards.<sup>64</sup>

For his actions in the Black Hawk case, General Fogleman became known as the “accountability general.”<sup>65</sup> The topic, along with his emphasis on professionalism and the core values, became a centerpiece of his tour. Fogleman clearly believed the issue of accountability was critical to good order and discipline in the Air Force. It was an idea he championed from the beginning and it directly affected his views on the appropriate resolution of the Flinn and Schwalier cases. But accountability, in Fogleman’s mind, cut both ways. “Accountability has

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<sup>61</sup> Eric Schmitt, “Chief of Air Force Grounds Five Pilots,” *New York Times*, August 15, 1995, <https://www.nytimes.com/1995/08/15/us/chief-of-air-force-grounds-5-pilots.html>.

<sup>62</sup> Sklute, “DoD News Briefing.”

<sup>63</sup> “Air Force Strengthens Its Commitment to Accountability,” *Air Force News Service Review*, February 12, 1996.

<sup>64</sup> Gen. Ronald R. Fogleman, “Chief: Highest Standards Are Expected,” *Air Force Times*, August 28, 1995.

<sup>65</sup> Tom Bowman, “Air Force Chief Resigns Over Disputes ’97 Terrorist Bombing Was Source of Division,” *tribunedigital-baltimoresun*, July 29, 1997, [http://articles.baltimoresun.com/1997-07-29/news/1997210031\\_1\\_air-force-fogleman-force-chief](http://articles.baltimoresun.com/1997-07-29/news/1997210031_1_air-force-fogleman-force-chief).

two sides,” says Fogleman. “If you are found wanting, you should expect to be punished. If you are examined and found not wanting, the institution ought not to punish you.”<sup>66</sup> This statement perfectly encapsulates his views on Flinn and Schwalier, respectively. As the “accountability general,” he could not allow Flinn to get off without being punished by leadership. Conversely, his views on accountability did not allow him to abide Cohen’s punishment of Schwalier. Thus, the views on accountability that he developed and promoted early in his tenure, informed his stance on Flinn and Schwalier, and ultimately, his decision to retire.

### **Conclusion**

The above examination of Fogleman’s retirement through the lens of Snider’s dissent evaluation framework suggests that Fogleman’s choice to dissent over developments in the “tank,” the case of Kelly Flinn, and the SECDEF’s decision not to grant Brigadier General Schwalier his second star, had minimal effect on the trust relationships that underpin U.S. civil-military relations. Each of the issues that led to Fogleman’s retirement decision had significant implications for national security, which is the primary purview of the armed forces. Thus, as his service’s senior uniformed officer, Fogleman’s credibility, knowledge, and expertise were relevant to the issues in dispute. Furthermore, his dissent came at the great personal cost, both to his career and his reputation. Also, to his credit, Fogleman timed his retirement decision to minimize the perceived confrontation between himself and Secretary Cohen. Finally, his dissent was consistent with his previous leadership initiatives and focus, particularly on accountability. For these reasons, Fogleman’s act of dissent—requesting early retirement—was merited. As Snider says,

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<sup>66</sup> Andrew M. Mueller, “Challenging Policy: Confronting the Military Professional’s Dilemma” (School of Advanced Air and Space Studies, 1999), 75.

“On rare occasions, true professionals must retain the moral space to ‘profess.’”<sup>67</sup>



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<sup>67</sup> Snider, “Dissent and Strategic Leadership,” viii.

## Chapter 6

### Conclusion

*The key to healthy civil-military relations is trust on both the civilian and military sides of the negotiation: the civilians must trust the military to provide its best and most objective advice but then carry out any policy that the civilian decision makers ultimately choose. The military must trust the civilians to give a fair hearing to military advice and not reject it out of hand, especially for transparently political reasons. **Civilians must also understand that dissent is not the same as disobedience.** [emphasis added]*

Mackubin Owens

The quote above succinctly summarizes the crux of the relationship between civilian and military leaders. Military members, particularly the services' senior officers, are expected to provide their best military advice, but then salute smartly and carry out the orders given by their civilian masters. American civil-military relations are based on unquestioned civilian control of the military. As Samuel Huntington asserts, "The military profession exists to serve the state."<sup>1</sup> Of course, this relationship has led to friction in the past, as officers have felt obliged to follow orders or accept policies with which they disagree. In rare cases, senior officers have publicly expressed dissent over such issues, challenging the bedrock assumption of military subservience to civilians.

This study examined a single, high-profile episode of military dissent—the early retirement of 15th Air Force Chief of Staff, General Ronald Fogleman. Fogleman's case is an important one because voluntary retirements by the nation's senior-most officers are a rare event. In fact, Fogleman is the only Air Force chief of staff to voluntarily relinquish his post early. Thus, the ability to gather lessons from these

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<sup>1</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press, 1957), 73.

events is limited. The intent of the research, therefore, was to go beyond a historical recounting of Fogleman's reasons for electing to retire. Instead, the central research question of this study was, *To what extent did General Fogleman's decision to retire affect American civil-military relations?* This chapter summarizes the project's major findings and identifies additional insights from Fogleman's case that bear on the exercise of the dissent in the context of American civil-military relations. It concludes by providing several implications of the study.

### **Summary of Research**

Chapter 2 provided a review of the relevant civil-military relations literature, focusing primarily on the branch of scholarship that examines the link between the military services and the elected and appointed civilian officials that oversee and manage the United States' armed forces.<sup>2</sup> In particular, the chapter focused on the question of dissent, specifically in the form of resignation or retirement, by senior officers in response to policy disagreements.

To frame both sides of the resignation debate, the author introduced the opposing ideas of *civilian supremacists* and *professional supremacists*.<sup>3</sup> As their default position, *civilian supremacists* adhere to Huntington's belief in the need for strict military obedience to civilian authorities.<sup>4</sup> As such, they see dissent and resignation/retirement as beyond the pale of healthy civil-military relations. Conversely,

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<sup>2</sup> The author acknowledges but does not cover in detail the other major branch of the civil-military relations literature, which examines the relationship between the military and the society it serves, because it is not directly relevant to the study's central research question.

<sup>3</sup> The author adopts the terms *civilian supremacist* and *professional supremacist* from Peter D. Feaver, "The Right to Be Right: Civil-Military Relations and the Iraq Surge Decision," *International Security* 35, no. 4 (Spring 2011): 89–90.

<sup>4</sup> The views of the *civilian supremacists* are well-represented by Eliot Cohen, Richard Kohn, and Peter Feaver in: Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Anchor Books, 2003); Richard H. Kohn, "On Resignation," *Armed Forces & Society* 43, no. 1 (2016): 41–52; and Peter D. Feaver, "Resign in Protest? A Cure Worse Than Most Diseases," *Armed Forces & Society* 43, no. 1 (2016): 29–40.

*professional supremacists* see a need for officers to assert their expertise and professional judgement to affect policy outcomes.<sup>5</sup> For this camp, acts of dissent, including principled resignation, are appropriate for military professionals insofar as they have an obligation not only to their civilian masters, but also to the military members in their care as well as society at large.

Beyond mapping the basic theoretical landscape, the literature review also identified a model for evaluating acts of dissent by military leaders. The model, developed by West Point's Don Snider, highlights five critical factors for senior officers to consider before engaging in any act of dissent. These factors—the gravity of the issue, the relevance of the leader's expertise, the sacrifice incurred by the officer, the act's timing, and the authenticity of the leader—are used to assess the effect of dissent on the military's three essential trust relationships with the American people, civilian leaders in government, and junior officers and non-commissioned officers. As these relationships form the basis of civil-military relations, Snider's model is a useful tool for judging dissent's effect on the American civil-military balance. For these reasons, the author adopts Snider's framework and applies it to the General Fogleman's retirement decision.

The civil-military context of Fogleman's tenure as chief of staff was the focus of Chapter 3. According to many observers, the 1990s were a low-point in relations between the military and civilian statesmen.<sup>6</sup> The

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<sup>5</sup> For views typical of the *professional supremacist* school, see: Snider, "Dissent, Resignation, and Moral Agency"; James Dubik, "On Principled Resignation: A Response," *Foreign Policy* (blog), October 14, 2014, <https://foreignpolicy.com/2014/10/14/on-principled-resignation-a-response/>; James Dubik, "No Avoiding Moral Responsibility in War: Is There Ever a Time to Resign?," Association of the United States Army, January 13, 2015, <https://www.ausa.org/articles/no-avoiding-moral-responsibility-war-there-ever-time-resign>; and Andrew R. Milburn, "Breaking Ranks: Dissent and the Military Professional," *Joint Forces Quarterly*, no. 59 (Quarter 2010): 101–7.

<sup>6</sup> Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2005).

chapter focused on two sources of civil-military tension: the presidency of Bill Clinton and the changing geostrategic environment associated with the end of the Cold War. Clinton's administration experienced civil-military conflict beginning during his election campaign. Much of the military perceived Clinton as hostile to the military, a feeling exacerbated by his overwhelming focus on domestic policy concerns and his effort to lift the ban on open homosexual service in the armed forces.

The other source of civil-military tension during the period was the effort by politicians to capitalize on a peace dividend at the end of the Cold War. These efforts to reverse Reagan-era military spending levels resulted in several defense reform studies including the Base Force, Bottom-Up Review, the Commission on Roles and Missions, and the Quadrennial Defense Review (QDR). Though each of these initiatives was unique, they all had the goals of decreasing force structure, reducing military budgets, reevaluating hardware modernization decisions, and adjusting the overall defense strategy. As such, they were a significant source of turbulence for the services and strain to the civil-military climate of the 1990s.

With that civil-military relations context in mind, Chapter 4 detailed the three primary episodes that influenced Fogleman's decision to retire—the 1997 QDR, the legal case against 1st Lt Kelly Flinn, and treatment of Brig Gen “Terry” Schwalier in the aftermath of the Khobar Towers bombing. Together, these cases convinced Fogleman that his military advice was no longer “in the mix” with his civilian superiors, that he was out of step with the establishment, and that it was time for him to leave the service.<sup>7</sup> For Fogleman, the QDR was a missed opportunity for the real reform that was necessary for the altered strategic environment. Instead, it became a budget-driven “cut drill” that resulted

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<sup>7</sup> Jonathan Slinkard, Interview of Gen (ret.) Ronald Fogleman, in-person, March 21, 2018.



in significant reductions in the Air Force's budget, personnel, and key programs like the F-22.

Lieutenant Flinn's trial for adultery, false statements, and disobeying a direct order was another source of conflict between Fogleman and civilian elites. Following the Flinn camp's media campaign in the run-up to her court-martial, the case became a political issue for members of Congress who exerted pressure on the Air Force not to prosecute Flinn. Sensitive to the pressure and the case's publicity, Secretary of the Air Force Sheila Widnall entertained a request by Flinn's counsel for an honorable discharge. Fogleman, who saw the Flinn case as a question of trust, not adultery, found the idea of an honorable discharge appalling—a position he made known publicly on Capitol Hill and in the Pentagon. Fogleman preferred that the case should proceed to court-martial regardless of the political pressure on the Air Force. Instead, Widnall granted Flinn a general discharge, a measure between court-martial and honorable discharge.

The final and most salient episode of conflict between General Fogleman and civilian leadership was the Khobar Towers bombing and its aftermath. In June 1996, terrorists detonated a truck bomb outside the perimeter of a U.S. military compound at Khobar Towers in Saudi Arabia, killing 19 Airmen and wounding hundreds more. Following political pressure to hold someone accountable for the tragedy, the Department of Defense's report stated that General Schwalier, the installation's commander, did not take the necessary steps to protect his forces from attack. Fogleman bristled at this conclusion for several reasons. Schwalier had made dozens of force protection improvements at Khobar Towers in the months prior to the attack. Furthermore, the Air Force, which had the authority and responsibility to take criminal or administrative actions against Schwalier, had exonerated him in both inquiries it made into the Khobar disaster. Fogleman was also concerned about the "chilling effect" that punishing Schwalier might have on future

commanders who would prioritize force protection over mission accomplishment in war zones. As in the Flinn case, Fogleman made his dissenting views known in Congress and to his superiors at the Pentagon. Nevertheless, Secretary of Defense Cohen ultimately decided that Schwalier had been negligent in his responsibility to protect his forces and decided to withhold Schwalier's promotion to Major General.

The cumulative effect of General Fogleman's experiences with the QDR, the Flinn case, and the Khobar Towers bombing caused Fogleman to question whether his advice was still valued within the Department of Defense and if his outspoken opposition to civilian policies would harm the Air Force if he continued to serve as chief of staff. Accordingly, Fogleman decided it was in the best interest of the Air Force to request early retirement.

Chapter 5 of the study examined Fogleman's retirement decision through the lens of Don Snider's dissent evaluation framework identified in the literature review. The intent of the analysis was to determine how Fogleman's dissent in the form of retirement affected the three trust relationships that undergird American civil-military relations. Snider's model identifies five considerations for any act of dissent. The first factor in the framework is the gravity of the issue for American national security. Though on the surface the issues Fogleman faced did not have serious national security implications, for him each was directly linked to the effectiveness of military forces. The "failed" QDR effort left America less prepared for the 21<sup>st</sup> century strategic landscape than if the department had achieved meaningful reform.<sup>8</sup> The Flinn case was about trust and good order and discipline which are essential elements of combat effectiveness. Similarly, Fogleman's concerns about the resultant "chilling effect" from punishing Schwalier would ostensibly endanger the United States' ability to achieve its wartime missions. In

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<sup>8</sup> Ibid.

each case, therefore, Fogleman framed his dissenting views in terms of the national security implications.

The next aspect Snider's model considers is the relevance of the professional officer's knowledge and expertise. Fogleman's bona fides regarding this criterion are unquestionable. He was selected by the President and confirmed by the Senate to serve as the Chief of Staff. As the senior uniformed leader of the Air Force, Fogleman was credible to speak on all issues related to his service and its contribution to national defense. In his 34 years of service, Fogleman commanded at every level from squadron to combatant command and had two tours of duty in Vietnam. Furthermore, he had personally witnessed the effect of inconsistently-applied accountability on unit morale and effectiveness. Thus, his knowledge and expertise were germane for each of the issues about which he spoke out.

Fogleman's retirement also involved a significant degree of personal sacrifice, the third criteria in Snider's model. His decision to retire early came with both pragmatic and reputational costs. By retiring, Fogleman was ending the career to which he had devoted his entire adult life and sacrificing hundreds of thousands of dollars in retirement pay. Additionally, his retirement came with the brand of the first, and still the only, Air Force Chief of Staff to voluntarily depart before the end of his term. Yet, despite the costs, Fogleman still decided to leave because he assessed the personal costs and penalties for the Air Force to be much greater should he stay.

Assessing the timing of General Fogleman's retirement—Snider's fourth factor—was somewhat more complicated than with the model's previous three criteria. The decision to retire was based on the cumulative effect of the three issues examined in Chapter 4. However, while the QDR and Flinn affairs added to the growing rift between Fogleman and civilian officials, Cohen's impending decision on Schwalier was the more immediate cause of the retirement. Put differently, each

case contributed to Fogleman's departure, but they did not weigh equally in his decision. Nevertheless, Fogleman made his positions on the QDR and Flinn cases known as soon as practical, as suggested by Snider's model.<sup>9</sup> Furthermore, his decision timing suggests he took utmost care that it would deescalate rather than exacerbate civil-military tension.

The final element of Snider's dissent evaluation framework is the congruence of the act with previous service and leadership; or put another way, the leader's authenticity in dissent. The author found that General Fogleman's decision to retire was unambiguously consistent with his previous acts and behavior as chief of staff. In particular, his effort along with Secretary Widnall to establish the service's core values and his campaign for universal standards of accountability set the stage for his later actions, especially in the Flinn and Schwalier cases. As the "accountability general," Fogleman could neither allow Flinn to go unpunished for her indiscretions nor abide Cohen's punishment of Schwalier for something that, in Fogleman's view, he should not be held accountable for.<sup>10</sup>

### **Conclusions**

General Fogleman's act of dissent—a request for early retirement—was justified as viewed through the lens of Snider's evaluative framework. According to the analysis, General Fogleman's decision to retire stands up admirably to the five criteria established in the model. Thus, in the author's view, his dissent over the QDR, the Flinn case, and the punishment of Schwalier caused minimal harm to the trust placed in Fogleman by the public, government leaders, and members of the military. Each of the issues had significant implications for national

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<sup>9</sup> Don M. Snider, "Dissent and Strategic Leadership of the Military Professions" (Carlisle, PA: Strategic Studies Institute, February 2008), 28.

<sup>10</sup> The description of Fogleman as the "accountability general" is found in Tom Bowman, "Air Force Chief Resigns Over Disputes '97 Terrorist Bombing Was Source of Division," *tribunedigital-baltimoresun*, July 29, 1997, [http://articles.baltimoresun.com/1997-07-29/news/1997210031\\_1\\_air-force-fogleman-force-chief](http://articles.baltimoresun.com/1997-07-29/news/1997210031_1_air-force-fogleman-force-chief).

security, making his knowledge and expertise as chief of staff particularly relevant. Furthermore, his retirement came at great personal cost, was timed to minimize the perceived conflict between Cohen and himself, and was consistent with his emphasis on professionalism, the Air Force's core values, and his prior focus on accountability.

Though his retirement was justified, Fogleman was cognizant that his decision might have a deleterious effect on civil-military relations. Therefore, he purposefully took additional steps to ensure that he left the Air Force in a way that defused the perceived civil-military tension. Specifically, he chose to leave quietly, without making a spectacle of his departure. Fogleman was not interested in becoming a "military martyr."<sup>11</sup> He assured the White House that he was not going to make an ordeal out of his decision.<sup>12</sup> In fact, he seemed hesitant to talk about it at all. Fogleman had "grave misgivings" about giving the initial interview explaining his retirement and sought assurances that the interview would not be published until the relevant players were no longer in government.<sup>13</sup> Even twenty years removed from the events, General Fogleman seemed reluctant to recount the reasons for his decision to the author: "Nobody's looking for the Ron Fogleman story on this thing. And I'm not looking to try and tell my story."<sup>14</sup> By not publicly airing his grievances with the administration, Fogleman's retirement became "a private affair over principle, not a public affair over primacy."<sup>15</sup>

Additionally, Fogleman timed his retirement in a way least likely to challenge the principle of civilian control. He was aware that leaving after Cohen announced his decision not to promote Schwalier would

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<sup>11</sup> Slinkard, Fogleman Interview.

<sup>12</sup> Ibid.

<sup>13</sup> Richard H. Kohn, "The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force," *Air and Space Power Journal* 15, no. 1 (Spring 2001): 22.

<sup>14</sup> Slinkard, Fogleman Interview.

<sup>15</sup> Dubik, "On Principled Resignation."

make the retirement look like an act of protest. Fogleman told Kohn, “I decided I was going to preempt the decision on Khobar Towers so that my leaving would not be in response to the decision on General Schwalier, to defuse that conflict.”<sup>16</sup> Fogleman wanted to avoid the impression that a standoff existed between himself and Secretary Cohen or that he was pushing back against the Secretary of Defense. According to Fogleman, “This wasn’t a fight between me and the [Secretary of Defense] or anything like that.”<sup>17</sup>

Yet, he suspected Cohen saw it differently and feared that his continued service as chief of staff was influencing Cohen’s decision about Schwalier. With Fogleman still serving, a decision by Cohen not to punish Schwalier might be perceived publicly as bending to the will of a vocal subordinate. Thus, Fogleman knew that a properly-timed departure could deescalate the perceived challenge to the Secretary’s authority, which might allow Cohen to reconsider his decision about Schwalier’s promotion. Fogleman astutely noted, “...the perception of a conflict was clearly going to affect [Cohen’s] decision [about Schwalier]. So, I wanted to take that off the table and give him one last opportunity to act on the Schwalier case on the merit and facts of the case, rather than the issue of the secretary of defense’s power vis-à-vis some service chief.”<sup>18</sup>

Fogleman went even further to defuse civil-military tension by suggesting his own role in the intractable rift with his bosses. Though he thought his actions justified, Fogleman recognized that he was both in the minority and in a subordinate role as related to his positions on the issues over which he dissented. Fogleman told the author, “If you’re in a

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<sup>16</sup> Kohn, “Early Retirement of Gen Fogleman,” 20.

<sup>17</sup> Slinkard, Fogleman Interview.

<sup>18</sup> Kohn, “Early Retirement of Gen Fogleman,” 20.

parade and you're the only guy out of step, it's pretty hard to blame it on the rest of the people in the parade."<sup>19</sup>

This propensity to be "out of step" and a "voice in the wilderness" was itself a source of conflict.<sup>20</sup> Consequently, Fogleman faced a dilemma: stay on and continue his outspoken, principled opposition to civilian policies or step aside early. Both options had potential impacts for civil-military affairs. Based on personal experience, he concluded that his departure could have benefits for both civilian leadership and the Air Force that outweighed the civil-military impacts of his departure:

Having spent three tours in Washington, I have watched how people can be gracefully continued in a position but just frozen out of any kind of effective participation. Knowing how bad that is for an institution, it is better to step aside and let the leadership appoint someone who they are more comfortable with, who will be able to represent the institution and play in the arena.<sup>21</sup>

With Fogleman gone, the Defense Department would be rid of a potential source of divisiveness and a challenge to its authority, while the Air Force would gain new leadership and avoid being sidelined for Fogleman's recalcitrance. Ultimately, Fogleman's loyalty to the institution became an important reason for his departure because he realized that his continued service was not in the best interest of the Air Force.<sup>22</sup>

Taken together, Fogleman's willingness to remain quiet about the reasons for his departure, his consideration for the timing of his announcement, his acceptance of some responsibility for the tension, and his ability to find an accommodation for both the department and

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<sup>19</sup> Slinkard, Fogleman Interview.

<sup>20</sup> Gigi Whitley, "Fogleman: QDR Failed to Revolutionize U.S. Military Force Strategy," *Inside the Air Force*, May 23, 1997, <https://insidedefense.com/inside-air-force/fogleman-qdr-failed-revolutionize-us-military-force-strategy>; Slinkard, Fogleman Interview.

<sup>21</sup> Kohn, "Early Retirement of Gen Fogleman," 21.

<sup>22</sup> *Ibid.*, 23.



the service demonstrate the care with which he made his decision to step down. Fogleman was aware of the potential effects his decision might have on civil-military relations, but he conscientiously sought to mitigate them. As a result, many scholars look upon his act of dissent favorably, judging it an exemplar of how senior officers should act in similar circumstances. This study shares Kohn's view about Fogleman's retirement. He writes, "Fogleman's decision to leave was neither a resignation nor an act of protest; it was a retirement. Had he resigned in protest, he would have waited until after the secretary of defense announced his decision in the Schwalier case and explained publicly and unambiguously that the request for retirement was the product of disagreements over specific decisions and policies."<sup>23</sup> Instead, Fogleman took many steps to ensure that his departure did not threaten the vaunted principle of civilian control.

General Fogleman's decision to retire early also demonstrates the importance of the personal and contextual elements surrounding any act of dissent. Snider argues that the decision to dissent can never be a "purely personal matter."<sup>24</sup> However, one cannot ignore the personal aspects of dissent either. It is apparent that Fogleman's departure was motivated by personal beliefs to a significant extent. When asked whether he had considered the precedent his retirement might set, Fogleman answered in part, "I was not thinking about trying to establish some future norm; I was thinking about it more in terms of my own personal views and perspectives on the substance of my service as chief of staff."<sup>25</sup> He further explained to the author:

Over time you build up within yourself an internal moral compass that—you may not want to admit it, but in your heart, you know when you're doing something whether it's right or wrong. And if whatever they're asking you to do, if

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<sup>23</sup> Ibid., 7.

<sup>24</sup> Snider, "Dissent and Strategic Leadership," 30.

<sup>25</sup> Kohn, "Early Retirement of Gen Fogleman," 21.

you think it doesn't fit within the bounds of that moral compass, then go do something else.<sup>26</sup>

Fogleman knew that whether he continued to serve or decided to leave the Air Force, he would have to make peace with his decision. Or, as he put it, “You really have to get up and look at yourself in the mirror every day and ask, ‘Do I feel honorable and clean?’”<sup>27</sup> As these statements make clear, for Fogleman, there was no purely external explanation for his decision. Rather, it was deeply personal.

Fogleman’s retirement decision was also truly context-dependent. It is tempting to treat the three sources of friction studied here—disagreements in the “tank,” over the Flinn case, and with Cohen’s decision on Schwalier—as discrete, independent events. Admittedly, this study has often done so for ease of analysis and to provide structure and readability to the paper. Nevertheless, one cannot forget that each of these events came to a climax in the span of approximately two months in 1997. The Department of Defense released the final QDR report in May, the same month in which the Kelly Flinn case ended, and Secretary Cohen handed down the Schwalier decision in July. Thus, one cannot ignore the cumulative effect of these issues. In fact, it is unclear whether any of these issues on its own would have led Fogleman to retire. Commentaries suggest and this study makes the case that the treatment of Schwalier was the most important of the three issues as it relates to the timing of Fogleman’s retirement announcement. Yet, Fogleman described Cohen’s decision on Schwalier as the culminating event, not the decisive event in his choice to retire.<sup>28</sup> Had only one or two of the conflicts arisen during Fogleman’s term it is unclear that the outcome would have been the same.

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<sup>26</sup> Slinkard, Fogleman Interview.

<sup>27</sup> Kohn, “Early Retirement of Gen Fogleman,” 19.

<sup>28</sup> Slinkard, Fogleman Interview.

Another important contextual issue was the fact that both the Flinn and Schwalier matters centered on accountability. As shown in the previous chapter, accountability was a particularly salient issue during Fogleman's tenure as chief of staff. However, both cases put Fogleman's conception of proper standards of accountability at odds with the political leadership's view on the matter. This consistent friction on a single theme of such importance to Fogleman reinforced his sense that he was out of touch with the thinking in Washington and, in the author's view, made dissent a more likely outcome. As Peter Feaver argues, "The trigger for Fogleman's decision to retire was thus his conviction that civilian superiors were punishing military officers capriciously—being reluctant to punish the clearly guilty (Flinn) for political correctness reasons and then determined to punish the not guilty (Schwalier) on equally dubious political grounds."<sup>29</sup> Because Fogleman had become the "accountability general," he could not tolerate these outcomes.

### **Implications**

The detailed study of General Fogleman's retirement laid out in these pages suggests several implications for the reader. First, Snider's model is a fine starting point for military leaders considering a public act of dissent. While the author used the model retroactively to analyze a specific act of dissent, Snider originally envisioned it as a tool for "would-be dissenters" to use proactively.<sup>30</sup> Use of Snider's framework keys senior officers to several important criteria and forces them to consider the effect of their actions on three "clients" of the military—the public, other members of the military, and the civilian elites charged with wielding the military instrument of power.

Snider's model, however, does have a few shortcomings. It assumes that a single act of public dissent arises over a single issue,

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<sup>29</sup> Feaver, *Armed Servants*, 216–17.

<sup>30</sup> Snider, "Dissent and Strategic Leadership," viii.

though Fogleman's case highlights that several sources of conflict can have a cumulative effect that leads to episodes of dissent over time. Additionally, Snider's timing criteria assumes that dissent should occur as soon as the leader deems it necessary. Yet, Fogleman's case showed that certain practical limitations of the timing of dissent exist (i.e., the need to avoid undue command influence during ongoing cases and investigations). Despite these shortcomings, Snider's framework provides military officials with an effective evaluative framework when contemplating public dissent and is at least as good as any other such model uncovered in the course of this study.

A second implication of the study is that senior officers' actions can affect the health of civil-military relations. This may seem like an obvious point when one considers high-profile civil-military ruptures such as General McArthur's firing over very public disagreements with President Truman about the strategy in the Korean War. However, the potential for civil-military tension was likely less obvious to General McChrystal as he made derogatory comments to a reporter about high-ranking government civilians, including the vice president. Senior officers serve at the nexus of strategy and policy. They are the ones empowered to provide advice to civilian decision-makers and entrusted with carrying out civilian orders. The tension between these two responsibilities can lead to civil-military friction. Thus, how military leaders deal with that tension affects whether it is exacerbated or ameliorated.

Relatedly, senior officers need to be aware of the forms of dissent available to them and think about when they would feel compelled to engage in dissent publicly. Wong and Lovelace provide a useful schematic for such a choice. Based on the degree of civilian resistance to military advice and the magnitude of the threat to national security, they

provide a range appropriate options for dissent.<sup>31</sup> Not every act is suitable for any issue, but the selection implies that military leaders could choose options that minimize the effect of dissent on civil-military relations. For example, General Fogleman chose to retire rather than resign. The implications of a high-profile military resignation would have been far more severe than they were for retirement. Similarly, had he chosen to continue to use only Congressional testimony as his outlet for dissent, it may have had less effect on civil-military relations than his retirement.

That said, one must bear in mind that any assessment of the health of civil-military relations is subjective. Military members may believe they have taken all necessary steps to dissent without threatening civilian control of the military. Yet, the dissenter's opinion or intent is not all that matters. How others perceive the act of dissent and the dissenter's motivations matter as much as, if not more than, the dissenter's own perceptions. Each party to the civil-military relationship is free to interpret the act and determine for themselves how it affects the health of civil-military relations. On this point, the importance of the modern media should not be understated. Ultimately, it will have an outsized role in determining the narrative associated with the dissent.

The study's final implication is that loyal dissent is possible. Senior military officers have an obligation to the nation and its civilian leadership to provide professional military advice for the purpose of ensuring national security. However, there is a right way to dissent that can minimize the potential damage to civil-military relations from public acts of dissent. Acts of dissent should only arise over grave national security issues for which the dissenter's knowledge and expertise are unquestioned and indispensable. The timing of the dissent is also

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<sup>31</sup> Leonard Wong and Douglas Lovelace, "Knowing When to Salute," *Orbis* 52, no. 2 (2008): 284–85.

critical. Not only should acts of dissent occur immediately, but ideally, they should take place in the pre-decision phase of the policy debate. While decision-makers formulate policy a healthy debate of potential options is necessary. Once civilian leaders have decided on a course of action, dissent fringes on insubordination. There may be exceptions to this rule, but they should be rare. Furthermore, military leaders should focus on speaking up, not out. They should express disagreements primarily within the chain of command, which includes both the executive and legislative branches. Appealing directly to the public, generally through the media, politicizes dissent and creates a challenge to the principle of civilian control. Even acts such as retirement and resignation that necessarily become public, should be conducted quietly in such a way that minimizes the effect to civil-military relations.

Returning to the paper's central question, *To what extent did General Fogleman's decision to retire affect American civil-military relations?* This study suggests it had little negative effect. A senior officer's decision to dissent is deeply personal and one that must balance the professional obligation to provide one's best military advice with the need to maintain subordination to civilian leaders. General Fogleman felt compelled to retire because his experiences in the "tank" and with the Flinn and Schwalier cases convinced him that his advice was no longer valued by the civilian leadership. He understood, however, that his personal decision to leave the service could have serious effects on civil-military relations. Therefore, he chose to leave quietly to defuse the perceived confrontation between himself and Secretary Cohen. In so doing, General Fogleman minimized the potential impacts of his early retirement decision on American civil-military relations and demonstrated that loyal dissent is possible.

## APPENDIX A

### GENERAL FOGLEMAN INTERVIEW TRANSCRIPT

[Note: The following is the transcript from an interview of General Fogleman by the author. The discussion took place on 21 Mar 2018 at General Fogleman's residence in Durango, Colorado. The entire interview was digitally recorded and initial transcription was performed by a machine transcription service. The author's refinement of that transcript is presented below. General Fogleman was provided a copy of the questions in advance of the interview.]

**Fogleman:** You indicate the Clinton years have been described as a low point in civil-military relations. I'm not sure who defines it that way. My personal view was, as I mentioned earlier, I thought when Les Aspin came over to be Secretary of Defense, that he had all the prerequisites and the background to be a strong Secretary of Defense in terms of academic and political and all that. But it turned out that he just could not get his hands around running the Pentagon which is a big organization.

So I really think that it was during that period of time when he came over that the military to a certain extent—because you know things have to happen, budgets have to be put out, decisions have to be made, programs built—the military just pressed on and did those things and in my view, Colin Powell drove a lot of that.

And as a result—as a result of the Bottom Up Review and the Base Force, things like that—the military drove the assumptions that went into shaping what the military would look like during the 1990s. And, ultimately, I think, that turned out to be not a good thing because what we ended up doing initially was we just took our Cold War force salami sliced it, and lived with the same sort of structure.

Now, the Air Force did in fact through its “Global Reach, Global Power” look at how it would restructure. So I think did an admirable job. It was the first service that did that. But the rest of the services were just kind of looking at—because of the two major regional contingency (MRC) assumptions—just coming down on the margin. As a result of that I think we wasted tens of billions of dollars maybe hundreds of billions of dollars during the 1990s maintaining a Cold War force structure that when we were challenged on 9/11 in the opening part of the 21st century turned out to be absolutely the wrong force structure. So, we had to redo the whole United States Army. We had to redo things. And so if there was I didn't I didn't sense a lot of hostility—tensions between the senior civilians and the military.



I mean, clearly there were people around Les Aspin that understood what was happening, but then Secretary Perry came in, he knew how to run the building, got things lined up, and I thought...and my personal assessment of President Clinton was, and I've said this many times—and he may have had many faults in many areas maybe—but as commander in chief, I thought he did a really good job. I started out in meetings with him when I was a CINC and became the chief. And I never saw him show up for a meeting with the Joint Chiefs or any group of military where he wasn't always well prepared. He asked good questions when we were talking about an issue. And in the main he took military advice.

And, so, if the military didn't like what they were getting in terms of policy decisions out of Clinton they really had to look in the mirror and figure out that they were the guys that were, you know, the cause of the problem.

**Slinkard:** Other than publishing "Global Reach, Global Power" was there a more concerted effort on the Air Force's part to fight the 2 MRC construct?

**Fogleman:** Actually no, it started on my watch. You know, after watching it for a couple of years and knowing that the Quadrennial Defense Review of 1997 was coming up. I started in '96 in speeches and trial balloons and all this kind of stuff, trying to challenge it, you know. And this is the kind of guy that Perry was as Secretary of Defense. I knew what the administration policy was on different things. But on occasion, I would have a problem with what the administration policy was. And when I did, on a couple of different occasions, I went down to see Secretary Perry and say I understand what the administration policy is here.

But as a service chief when I went through my confirmation process, I was asked very explicitly if I would always give my personal perspective on something. And I told them (the Congress)—and I ought to be able to remember a couple of particular issues—but I said you know on this particular issue I feel strongly about this. And Perry said, "Ron, that's your obligation to do that." I mean, that's the kind of guy he was. And I respected that. So anyway...

**Slinkard:** I'm sorry, so if you were asked for your particular position, you would tell him. But then if asked a similar question on the hill, you would give the same...

**Fogleman:** I'd say I understand that the prevailing policy is this, but this is how I feel about this. And so I sort of thought that I had this latitude and top cover in a sense. And while the administration policy was 2 MRC, I began—and this was a threat to the Army in particular. They were maintaining worthless force structure out there, and not doing a very good job. And besides, I had been—all my life—I was a big advocate of Guard and Reserve, okay. And so I thought during the 1990s, we had an opportunity to pull down the active force tremendously

in terms of manpower, put a lot of capability in the Guard and Reserve and use the dollars to modernize the force.

Well, that was seen as a threat. Because when you talked about who was modernizing and what they were trying to buy...Well, we had our fighter programs out there, we had the C-17, the tanker replacement program was down the road. And my view, was we had done a pretty good job of recapitalizing mobility with the C-17. It was going to take a long time, but we had done that. And we really needed to be looking at recapitalizing the fighter force and the bomber force. Space, I thought we were doing what we had to be doing it space. A lot of the programs were being driven by National Reconnaissance Office. Incidentally, during that period of time, the Undersecretary of the Air Force was, in fact, the director of NRO.

So anyway, to tell you how this thing went, in the fall of '96, Dan Christianson, army three star, he came to see me and he said, "The chairman [General Shalikashvili] asked me to come up and speak to you General Fogleman." He sat in my office, I had a couple of my Staff group guys there. And he said, "Sir, I have a message from the chairman. And the chairman told me to tell you that during the '97 QDR we do not need any Billy Mitchells."

**Slinkard:** That's a pretty clear message

**Fogleman:** And at that point, I knew the '97 QDR was...

**Slinkard:** Pro forma...

**Fogleman:** Yeah, there weren't going to be any changes. So, I ended the meeting right then. I said, "Please go back and tell the chairman I understand." So that that was one of those interesting little things that happens that had nothing to do with the...It may have been Shali giving me a message that came from somewhere else, but I always figured that was a message that came from Shali. And we were good friends. We lived next door to one another. You know, the original Five Guys hamburger joint was on Columbia Pike. The first one that ever opened. And there were occasions that Miss Jane and I, and Shali and his wife we would stand around the kitchen, eat five guys burgers and that kind of stuff.

**Slinkard:** Sir, I'm sorry to interrupt, but it sounds like a lot of the tension was inter-service tensions over how to restructure?

**Fogleman:** Over time this built and it does play into my decision. But the fact of the matter is...I don't think there was ever a real issue in the fundamental civil-military relations construct during this period of time, particularly when Perry was the SECDEF, John Deutsch started out in acquisition and then became the DEPSECDEF. They were...there's no doubt who was in charge.

This paper here answers the question, the proper role, of military officers in relation to civilian leadership.

The one you asked, what were my interactions with members of congress? One of the things that was still prevailing in Congress during this period of time, was you still had a lot of guys who had served in the military. And so you had people who had a different kind of perspective. So I can remember Sonny Montgomery was a congressman from Mississippi for years who ran the House Armed Services Committee (HASC). And there was a guy, a congressman from California, Ron Dellums. He was very much a California politician, but through longevity et cetera, he ended up being the chairman of the HASC. And everybody just thought this was going to be the end of the earth. He was the chairman until Newt Gingrich's '94 thing when the Republicans came in. But the thing about Dellums that I discovered—first of all, he was a Vietnam vet not many people knew that—in fact, he had a war trophy in his office, and it was the receiver on a gun that had taken a hit that was his. The other thing about Dellums is he knew the Congress. So even after he was no longer the chairman but was still serving, and I was the chief, I would go meet with Dellums. And I talked to him about the Secretary and this is sort of the agenda that I see – Mr. Chairman I'd call him. And he would give me advice. He'd say, "Well, you know, you're going to get push back from these guys," or whatever, "the guy you ought to talk to to be on your side is this guy." What people didn't know about that relationship.

Sam Nunn had a staffer who he and I later became pretty good friends, Arnold Pinaro was this guy's name. He was a Marine reserve guy. And when I was getting ready for my confirmation hearing he basically called the Air Force a bunch of liars and I really got pissed.

It wasn't Republicans, Democrats...it was national security. I also met during this time frame Jimmy Inhoff (R-OK), who was a relatively young Senator at that time. I had gone to pilot training in Oklahoma and both my kids were born there, and so we became people that could talk.

Lindsey Graham came into the Congress at that time, and he was a Lieutenant Colonel Air Force JAG. I remember going over and talking to him, asking what we could do to help him. He wanted to continue his Reserve service, so we made arrangements so that could all happen. So it was kind of interesting.

Conrad Burns was a senior Senator from Montana. I got along fine with these guys. I mean, every now and then...there were a couple guys that were snakes in the grass.

After I testified on the Kelly Flinn thing...very interesting. I went back and the secretary (SecAF) was there when that happened and she was taken aback by all this. Flinn had made herself and the media had made her a media darling...and I went over to testify with the Secretary (Widnall) on Air Force readiness. It had nothing to do with Kelly Flinn. But, Senator Harkness from Iowa raised the issue and I had had it up to here in this thing, and I couldn't speak publicly because of command influence. But by this time the case had gotten to the secretary so was

on her desk. So, I just unloaded and basically said, "Look, everybody's trying to make this about moral turpitude and, you know this is not about that. It's about lying. It's about trust. And that's all in this thing right here (referring to an article he provided to me).

**Slinkard:** So, it sounds to me as if you're generally classifying civil-military affairs as functional during the period. I mean, they didn't seem to restrict your obligation to advise and you obviously followed their policy. So the differences were maybe over policy but not necessarily some deeper...

**Fogleman:**...Push back. Our problem is, you'll see in the paper. You know, I taught military history. I had a deep and abiding understanding of the threat of the man on horseback and all that kind of stuff. So, I just never saw anything. And I had been, of course, through all the historical stuff on MacArthur and Truman...And, you know...So, anyway. So I've talked a little bit...Senior military officers are required, are expected to give advice, counsel. And you know, there are things that the military works for collectively and the joint staff in terms of, you know...We have a national security strategy that should come out of the White House and you have the national military strategy that ought to come out of the Pentagon, and then it flows down to the services.

So early influences, what if anything, contributed to my early retirement? There wasn't anything really other than my understanding of the role of civil-military relations in America and I was deeply influenced by the McMaster book. But in terms of.... I hadn't seen anybody face a similar dilemma, or you know any of that kind of stuff. So it wasn't influenced by having witnessed anybody...

Now, my tenure was involved in some high visibility episodes involving accountability.

**Slinkard:** So when I say that I'm obviously talking about the Black Hawk shootdown... these sorts of things.

**Fogleman:** Yeah. And that's important because it's important in a larger context of the message I was trying to get to the force and how the force looks at the messenger. When I became the chief, there were a couple of troubling issues out there hanging that I thought needed to be addressed. But as I mentioned, I didn't have a lot of lead time on being told I was going to be the Chief. And the day before I was sworn in as the chief the four stars were all in Washington. And I met with the guys. And I basically said, "Look, here's my take on things. The force has been jostled about with a tremendous amount of turbulence over the last several years: post-Cold War environment; we re-did the MAJCOMS; and Tony (Gen McPeak) had his drive on patches....there was a lot of stuff going on...uniform changes all this kind of stuff.

**Slinkard:** So, some self-inflicted and some other kind of externally-imposed change?

**Fogleman:** In fact, I used to talk about internal and external. What were the drivers that cause turbulence...there's internal turbulence and external. External, you can't do a whole lot about...you've got to have a long-range plan. But internal stuff we could. So, I told my fellow four stars. I think we owe the force a period of stability. And so what I'm going to try and do is in the early weeks and months of my tenure, I'm going to try and eliminate or put to bed as much of the internal turbulence as I can. And then we're going to settle down and we're going to drive this force. Everybody knowing which route we're...And there had been some integrity issues..

And there was some question about preferential treatment for certain general officers and things of that nature. So I did a couple of things. The first thing I did was I thought through my feelings on accountability and pass/fail items. And some of those I got as I was mentored coming up through the TAC system by Bill Creech, but he used to talk about pass/fail items. As a leader, you never lose your temper in public. As a leader, you never take advantage of your position—you know for sexual or other favors. As a leader, you should set the example. And as a leader, you cannot afford to tolerate any kind of harassment or prejudice. Because if you do, you diminish your force.

And so, I had these pass/fail items. I wanted to talk about that. And I wanted my general officers to set the tone from the very top. So I did something that had never been done in the Air Force and has never been done since. I had a mandatory general officers call in Omaha—every Active duty, Guard, and Reserve general officer—BG (Brigadier General) through four stars was required to attend. The only people who didn't have to show up for that were those who were in the Pacific. And then I went out and did it in the Pacific. And those over in Europe, I went and I did it in Europe.

And I basically got up and said, “Okay, here are the things I expect of you.” And it included everything from personal performance to there's not going to be any harassment. If I catch any of you have taking advantage of your position for this, that, or the other thing.

And I also laid out the...If you're a Brigadier you get two slices at the apple. And after the second time of not getting picked up, I expect you to send me a letter requesting retirement. And I'll decide whether I want you to retire, but you will send me the letter. And I said the same thing for all the ranks. So everybody understood what the rules were. And these were things that nobody had shared with them before, you know, but I was just getting it out there. And my philosophy was that we were an all volunteer force. And therefore, there wasn't anybody in force that had to be there.



And we were nearing the end of the period in which there had been a draft, so people came into the air force maybe for some reason. So then I said, "We are all part of the military profession, the profession of arms. It's a unique profession. It's a profession that requires people to take an oath. It's a profession that if called upon to do so, you are expected to lay down your life, for family, friends, for freedoms, all these things. But we do it voluntarily and the thing that brings good order and discipline to all this is we all know the fundamentals. To start at the bottom.

Congress recognized that we're so unique that they gave us a unique set of laws called the UCMJ. The UCMJ, though, is just the crudest foundation. Anybody can read it and you know what your bounds are. So, if you're a volunteer that means that you ascribe to uniform code of military justice.

Then we also have regulations and morals, mores and customs and things like that. I expect you to hold your people accountable to those things. But I said, if this is going to be effective, this stuff has got to be universally known. Everybody's got to understand what's expected of them. So carry that message back. And you in particular have to understand what's expected of you, and you need to set the rules. But, it's not just that it has to be universally known. I said, it's got to be uniformly applied. So this applies to you as a general officer just like it applies to a sergeant or an airman. I wanted to get that so that everybody understood that this was what I expected.

**Slinkard:** Was this before or after the establishment of the Core Values?

**Fogleman:** It was before, but this was this was in order to set the tone early on. That was how I tried to communicate to my flag officers and to the staff. And then the other thing I did is I would travel around. And when I did, I would have these...I'd get as many people as I could in a hangar and stand up there and I would tell them what I felt about pass/fail items, what I expected of an all volunteer force. You know, our whole purpose for existing is to fight and win America's wars. I said this is not a social action agency, it's not an employment agency. We are here to fight America's wars. That's what this is about. You're part of a larger thing.

So you know, I was in the process of doing all that and then the Black Hawk shoot-down thing occurred and I had to deal with the outcome. And there were a couple of lessons that came out of that. One lesson was don't self-investigate. In other words, the Air Force was involved in that and the Air Force put a Brigadier General in charge of it and the investigation, and guess what? There was some stuff that came out in that relative to things that EUCOM had done that never got into the report because it was criticizing the Army because they weren't on the ATO and things like that. So I said, never again, will we self-investigate. This is why Gene Downing ended up investigating Khobar.

The other thing that had happened is I'm not in the chain of command. This was going up to the Secretary. So I'm sitting there, because I'm not

in the chain of command, and I'm reading this report and read it all. And they mete out some justice. There was a letter of reprimand, there was an Article 15. And I also fundamentally thought I understood what happened, having been a fighter guy.

But anyway, life goes on and it's a couple of months later when a package comes across my desk and it happens to be an assignment package of one of the pilots who was involved. So I'm looking at this thing. There's no letter of reprimand in it. There's no nothing.

So I jump in, dig deeper and discover that this stuff had sort of been swept under the rug. That was then what led me to make the video on accountability. And so, when I went back and said, hey, this is bullshit guys.

I've got to do something about this. Somebody over there did not get the message, and so there were some people relieved in that chain of command. I made the thing (video), but just to make my point...A little known fact, but the chief at that time had some extraordinary powers relative to the rated force. The chief can take a rated officer's wings away from them like that. At that time...

**Slinkard:** That's according to instruction or regulation?

**Fogleman:** Yeah...you just had to have the balls to do something about it. So what I did...These guys were skating. And I knew one of them, a good guy, but it really is screwed up. So, what I did is I suspended their aeronautical ratings for five years, which hadn't been done by anybody. And so that meant if they wanted to stay in the Air Force, they could, but they weren't going to be in the rated force. But at the end of five years, they could actually appeal and get their ratings back if they wanted to. They both chose to go do something else. That's what led to that tape on accountability. Trying to explain the rules and all that.

When you talk about the high visibility episodes, that's one of those things that set in my mind.

The Kelly Flinn case...she was very clever at taking this to the media and becoming a media darling. But again, I'm not in the UCMJ. I'm sitting back, I'm watching all of this. This is coming up to the secretary. We had a female Air Force General Counsel at that time, who was generally a pretty good gal, but the Air Force was getting beat up. And so I think she and the secretary were looking for the easy way out.

But when I got word that the secretary was thinking about an honorable discharge. I said, Madame Secretary, "If you give her an honorable discharge, you need to find yourself a new chief of staff." Because I could not be talking to the force about accountability, I could not be putting out videos, I could not be doing this stuff and then have somebody who clearly violated all this who would walk away with an honorable discharge. That's the only time—and it wasn't a big huffy confrontation—it was just, hey, look, you are entitled to do whatever you want. But you need to know, I cannot abide by this. You can get a different Chief.



**Slinkard:** I read her (Flinn's) book and I obviously understand how her perspective might be covered...So the chain of events is essentially there's a court martial scheduled and it's during that time that you're hesitant to give undue influence to how the court martial might result. But then it seems like at some point as that's about to happen, that her counsel floats this idea (of an honorable discharge). And it becomes essentially like a plea deal directly with the secretary. Am I understanding that correctly?

**Fogleman:** Yes, because the secretary is the next one in line. Where the Kelly Flinn thing started to come off the track was in the article 32 proceeding. Do you know what an article 32 proceeding is? Okay. So you are accused of some crime. An article 32 is the convening of the military equivalent of a grand jury. So a commander convenes article 32 to listen to the evidence, to determine whether or not a charge should be made under UCMJ. So. In the case of Kelly, Flinn the commander...and the commander has the prerogative to make it closed or open.

And so in this case, the commander chose to make it a closed article 32. Terrible, terrible mistake. Because at the Article 32 is where everybody comes forward and says, hey, I told her, this is what she was doing with my husband. You know all this stuff. If the article 32 had been open, Kelly Flinn would never have been able to go to the media because it was all there.

And so, one of the lessons out of this when it was all done is I put the word out to the field that, on my watch, I do not want to see another closed Article 32. Now the commander who had actually worked for me was a good guy—retires as a three star—but he screwed that up and he apologized for it, but he was trying to protect her and the enlisted gal. She did the crime, you know, it should have been out there. So that was a kind of an interesting part of this that never really came out.

**Slinkard:** And so you think the lack of that publicity fueled the folks on the Hill that were making these principled stands about the Air Force overstepping?

**Fogleman:** Because what she did then is, because none of the evidence was out there—it was closed, she turned the whole thing around and said, "They're trying to drive my sex life and all this kind of stuff. Of course, it was all bullshit. So as you see, as I said up on the Hill, this isn't about trying to dictate mores, this is somebody who is charged with the nuclear mission, who lied. And as you'll see in this article, I point out this was a waste. She was an Academy grad, she knew better, she went through flight training. She knew better. She's operating a very complex airplane. People have to trust you. They knew she lied...this wasn't about sex. This was about good order and discipline. And so the Hill was kind of the time that broke the log jam.

**Slinkard:** I know there was some resistance on the Hill. Do you think that was what was driving the secretary to entertain a plea?

**Fogleman:** Yeah. This was the beginning of political correctness of the Air Force.

**Slinkard:** What about at the SECDEF level? Was there a known or stated position?

**Fogleman:** No. See, this is unique. You go look at it. This is not a SECDEF effort responsibility, this is a service responsibility, and guess what? The Schwalier thing was not a SECDEF responsibility. It was a service responsibility.

That issue was usurped by the SECDEF (Secretary William Cohen), which was one of my issues. But if you go look, what the chain of command does...Now, what the SECDEF can do based on a decision that's made by the service, he can change something or he can call it up for review. But the decision is the decision of the service. Kind of an interesting little...so anyway.

How did I feel about the outcome of the general discharge relative to my desired outcome? As I say in my op-ed piece, if it had been up to me, if I would have been in the chain of command, she would have gone to court martial. The testimony would all come out. She would have been dishonorably discharged. Given that the secretary and the general counsel were not willing to do that, the fact that she ended up with a general discharge, I'm okay with that.

**Slinkard:** In your estimation, is the fact that this even became public because she had been built up publicly as the first B-52 pilot, or do you think this would've had resonance either way?

**Fogleman:** Well, I think that played in her favor. But again, if it had been an open Article 32 she would have gotten no sympathy, no traction.

Now it's an accountability issue, but it's a good order and discipline issue. You can't have somebody doing something like this in a nuclear unit, you know, nuclear, in both senses.

**Slinkard:** Did you think her advocates didn't understand those ramifications?

**Fogleman:** They were clueless...didn't care. I think once I spoke up, the support for her started to go off, started to decrease. But until somebody spoke up, nobody was willing to take on the media juggernaut that it was out you're making her the darling of the day.

**Slinkard:** It was easy to frame it as a witch hunt prior to that?

**Fogleman:** Absolutely.

**Slinkard:** All right, sir I think that brings us to Khobar Towers.

**Fogleman:** Khobar towers was a very interesting situation for a couple of different things. First of all, when Khobar Towers happened, Shali called me and said, "Hey Ron, you're going to have to appoint somebody to investigate this thing." And that's when I said, "Sir, I don't want want self-appointment here. I've been down that path with the Blackhawk thing, and I'd like to have somebody from another service actually go do this."

And he and I talked about who that might be. Wayne Downing had just retired. And I knew Wayne, he and I had been friends and colleagues since we were colonels, even though he'd been Army and I'd been Air force, we'd done stuff together. We worked on some highly classified stuff together. And so I suggested Wayne Downing might be a good guy. So Shali then went and found out he was available and that he'd be willing to do it.

And so, Khobar happens in June. Wayne goes off, does his investigation and comes back.

You asked the question, what was my opinion of the Downing Report? My answer is "Which Downing Report?" There were two Downing Reports. The first one, when he came back, he came in and sat down in my office and ran through what he had discovered. And I said, okay, what about culpability, accountability on this? And he basically said, hey, look, this guy did...he went beyond. He did virtually everything he could do to protect his troops.

Now you have to realize that in Washington, during this period of time, you got a bunch people up on the Hill crying for somebody's head. They want this and they want that—all this shit. So what happens is Downing submits his report to the DOD JAG for review. And while it is in that review, the conclusions of the report get changed.

**Slinkard:** And Perry is still the secretary at that time?

**Fogleman:** Perry is still the secretary. But Perry's not involved in this. The guy who is monitoring this is John White who was the Undersecretary by this time. So when it gets modified it comes out and talks about the potential for liability/culpability, then the secretary calls me and says, "Okay, Ron, we have the Downing report and it indicates to me culpability on this thing. So, I want you to appoint somebody to go investigate."

And so Jim Record who had already retired or was through the retirement process—three star, 12AF commander who had more time in the Middle East as a flag officer than anybody, in any service, just because of the positions he had been in. I selected him to go do the Air Force thing.

And he went off and did it. And because Downing had done a lot of the legwork and all I mean, you know. So there were some little hints, clues that come along here. So the first thing that happens is Record finishes the report comes back and I tell OSD, "Record finished his report and we're ready to go with it."

Well, White says, "We would really like this report not to come out until after the election." Because Clinton was up for reelection. But I said, "But the report's done."

"Well, let's do a two part release: we'll release part one and then after the election we'll release part two." Okay, so basically in it Record says "Look, everybody said this guy—they were even ridiculing him that he had gone overboard on this stuff."

So the election's over and then I pulse OSD and say, "Can we get this report out now?" "Well, now we don't want that report to come out yet because Perry is going to be stepping down, he's going to retire. And so we don't want his retirement embroiled."

So they submit the Record report to OSD General Counsel for review, where it just sits and sits and sits and doesn't come out. And in the meantime, I want to get this report out. So the next thing that happens is Perry resigns. They announced that Cohen's coming in. So now we don't want the report to come out until Cohen is confirmed. We don't want him to have to address this issue in the confirmation. So he goes through the confirmation processes and now it's February of '97. And I go back and I say, "Okay, now let's get the report out." White says, "Well, you know there's some things in here that I'd really like you to appoint another guy to go look at."

Now this is the biggest mistake I made at that point, I should have said bullshit. One, this is an Air Force report, not an OSD report. Two, all this stuff's been looked at so, publish the report. But I went along and brought in somebody else. They (Lt Gen Swope and Maj Gen Hawley) did their little thing, and it didn't take very long. And I said, okay...

**Slinkard:** And that report essentially confirms the Record report, right?

**Fogleman.** Yeah. Let's publish the report because we were coming up on the one-year point. Then it was "Well, Cohen wants to review it." Again, it's an Air Force report. So you know, if the Secretary (of the Air Force) and the Chief say, "This is the Air Force report and we're done—I'm not going to change it."

So, Cohen's going to review it. So, I have a couple of meetings with Cohen, and he's got a cast of thousands around when I go in the meeting. I said, "Mr. Secretary, I'd like to get this report out." "Well, I'm reading it. I'm reviewing it." So I bring a couple of issues up, ask a couple questions, and I get off flags in his eyes. He's not reading the fucking report. He hadn't even looked at it.

So by this time, I'm getting—there are other things going on within the tank like the 2 MRC thing and a lot of other stuff here. Truly, I started thinking, hey, I'm out of step.

And the other thing about the Khobar Towers thing was after it happened, there was a group of folks who jumped on an airplane, and ran over there (Saudi Arabia), and stood looking at the gaping hole. I didn't do any of that. I waited until after that initial onslaught and everything.

The Hill was in an uproar, and all this good stuff. And Perry, went to the Hill and said, "Look, this is my responsibility as the secretary of defense. If you want to hang somebody hang me—this happened on my watch. He was a very admirable kind of guy."

So after this I took my chief of security and my JAG, and I go there to meet with Schwalier. So we arrive and before we're going to have the meeting with everybody Schwalier asked if he could talk to me alone.

Now, Schwalier was a guy that I had only met personally once and I had only ever communicated with him one other time. He was the Colonel in charge of colonel assignments on the Air Staff when I was in Korea. So I had talked to him about some assignments for some of my colonels. That was the only time in my life I ever talked to him before he got this assignment to go to Saudi and then he came in as a courtesy call on the chief as he was on his way out to a high visibility job.

And so that's when I met him. He went off and I had nothing to do with him then until this thing occurred. So this wasn't, you know, some guy that I've known, or some, you know, brother-in-law deal.

So anyway...Schwalier and I had this meeting and he said, "Look Chief, this happened on my watch. And I know what's happening in Washington." He said, "If it would be best for the Air Force, I will retire. I'll take the blame. And I said, "No, I don't want you to do that and here's why. Because if you do, we will never find out. And never be able to talk about what the real issue is."

To me, the real issue...By 1997 in my own mind—this came up in tank discussions and things like this—we were already involved in the war on terror. But we were not, as a nation or as a department of defense, acknowledging it.

There had been an attack on the JUSTMAG (OPM-SANG) or whatever they call it, in Saudi Arabia. There were a series of these events that had occurred, but this was the culmination of events in my view. We were in a war with these guys and yet, we're not posturing ourselves like we're in a war with them. So this was a big issue with me.

So Schwalier agreed. And so we went down the path. And then, as this thing unfolds and it keeps going, I'm getting frustrated. In December Schwalier comes to me again and says, "Look, I'll just retire because, you know, It's not worth it for the Air Force." And again I said, "No, I want to stay the course."

See there's one level. The SECDEF never knew what I was going to do with this Schwalier thing. It was the Air Force that was to take the action. All I wanted was the fucking report. At that point, I would've sat down with Schwalier and with the Secretary (Widnall) and we would have decided whether Schwalier got promoted or didn't get promoted.

It was an Air Force decision that was taken out of our hands. And, the fact, that I didn't particularly respect the guy that did it—Cohen... But clearly I was out of step, you know, in terms of what everybody wanted to do and all that.

And so you ask some questions so let me go through them...

So the Downing Report...it got changed. And that was at the DoD JAG level.

And now the chilling effect...My deal was this. We're sending these colonels, lieutenant colonels out on these joint task forces, things like this. And we're at war. And people are going to attack them, they're going to kill people, you're going to do this. And we treat this like some peace



time incident. And so what's that guy going to do out there? He's going to spend his whole time covering his ass not doing his mission.

So, that was the idea that this would have a chilling effect on mission accomplishment. Admit you're at war. Understand that when you were at war, you do whatever you can to avoid casualties and accomplish the mission. But you're gonna take casualties occasionally. That was the thing.

**Slinkard:** I'd like to go back to the Record Report. Was the second part ever formally released?

**Fogleman:** I don't think so. I don't know.

**Slinkard:** So it was in review before it was ever really released. Is that essentially your view?

**Fogleman:** I mean, if they had a problem with it—and I told them that—if there something in there that you have a problem with, send it back, and we'll look at it. That's when White in February said, "Oh, I'd like you to look at this, this and this." And I knew it was bullshit. And I should have just said, it was bullshit, we're not going to look at it. But that allowed them to continue.

**Slinkard:** So would you say that you had not even reached a decision about Schwalier's promotion when the decision was taken out of your hands?

**Fogleman:** It was taken out of my hands and, you know, you had this perception that this whole thing was being driven by politics. And so here I am this guy who's been the accountability guy in the Air Force and they want me to throw this guy under the bus. Now...

I wanted to be able to talk about, look, we're at war. This is what's happening. Now I don't know how this Schwalier thing would have come out, but given Terry's willingness to step down, you know, he'd come forward on a couple of occasions to do that. I don't know. But I never got the chance.

But what I wanted to do and why I timed my thing was Cohen started to make this a situation where this Fogelman guy as a military guy is pushing back on the Secretary of Defense. But I said, "That's not what's happening here, and I'll tell you what, to make it easy for you to make your decision, I'll just go away." And so, I'm outta step—it's time to go away.

**Slinkard:** So your decision to retire was made to defuse...

**Fogleman:** Right...the impression that there was a civil-military threat—an issue of who's in charge.

**Slinkard:** So you were cognizant of the fact that this episode had potential civ-mil implications?

**Fogleman:** I didn't see it as if I wasn't trying to upset the civil-military relations on this thing.

**Slinkard:** So where does Secretary Widnall fit into this back and forth with OSD?

**Fogleman:** She was for all intents and purposes...I mean, I don't go to her and say, I'm gonna do this or do that—but she was just on the sidelines. You have to go back and look at where Widnall came from, where White came from. All of them are out of Harvard, MIT kind of thing. But literally, she was not from my perspective, at all engaged. We would discuss things if we're going to say something or do something, but I wouldn't get any guidance from her.

**Slinkard:** Did Dr. Kohn approach you to do the interview in 1997?

**Fogleman:** It was his idea to do the interview with me because I just simply didn't want to talk about it. I didn't want to be seen as some military martyr. But what Dick (Dr. Richard Kohn) did, he said, "Look, this is going to be with you for the rest of your life and I think you owe it to yourself to do this interview now." And he said, "I will not release it until you tell me I can, but the facts will start to get cloudy in your mind." So if anything I have to say here today is at odds with anything in that interview, it is the relevant document.

**Slinkard:** I'd say there's remarkable consonance actually.

**Fogleman:** Well, let me tell you a little aside. One of the most enlightening things that has happened to me in my career was when I was a two star, I went down to Maxwell for some kind of a conference and I was down there and there was a retired Air Force four star who had been a B-17 pilot during the Second World War, who was standing up talking about the history of B-17 operations in the bomber campaign and all that and it was a great speech.

And right in the middle of the speech he stopped and hesitated awhile and everyone was wondering was he having a stroke or something like that. And he said, "You know, one of the things I've discovered about getting older, is the older I get the better I can remember with absolute clarity, things that never happened." I have always tried to use that as my own milestone to make sure that as I get older, I'm not remembering things that never happened.

And so, like I say, Kohn, recognized that and that's why he came not too long...

**Slinkard:** It was the December of 1997, if I recall. And that was something I didn't realize until I went back and reread the interview recently—that it was conducted and then held. So, did he reach back out to you at some point?

**Fogleman:** Yes. He came to me. I said, "Look, nobody's looking for the Ron Fogleman story on this thing. And I'm not looking to try and tell my story. But I understand your logic that says we probably ought to do this and capture the facts." And so that's why I say the interview is the relevant document in terms of facts in my mind.

**Slinkard:** Did you have—so this would have been almost 3 and a half years later that it was published—any reservations at that point of releasing it? Did you think enough time had passed?



**Fogleman:** Yeah, at that point all of the players had sort of moved on

**Slinkard:** Did you previously know Dr. Kohn? Perhaps in his role as the Air Force historian?

**Fogleman:** I got my masters at Duke. Duke and UNC have always had this competition not only in basketball but also in academics, and particularly as relates to history programs. And so I knew him more by reputation as a guy who had been the academic adviser for different people who had gone there—Air Force people. I can't say that I remember exactly when Dick was the Air Force historian. I don't remember. But we never had a close relationship.

**Slinkard:** So, he essentially cold called you in '97 requesting an interview? You didn't reach out to him?

**Fogleman:** He was the one that asked me about it.

**Slinkard:** Well, I guess the last question in that section is one we've kind of touched on it, but it this is an important distinction I think that is made in the literature. And so that's one I wanted to get at. [The question referred to is: In your interview with Dr. Kohn you clearly distinguished between your retirement request and a resignation in protest. Why was that distinction so important to make?]

**Fogleman:** Well, it was very interesting because somewhere you ask who, who advised me on this decision. The only person I really talked about this before I did it was Miss Jane. And basically when Miss Jane and I—first of all, clearly I didn't expect to be the chief. And when it happened...we had actually been sort of looking forward to retirement and so when this occurred...And we really enjoyed our tour at Scott [as TRANSCOM and AMC Commander].

Now I'm going back to Washington and I said, look, this is a tour, it's not a sentence. So when we accomplish what we think we're going to accomplish, we can go away. And we talked about that. So that had been our underlying philosophy of the thing.

And so I guess...The other thing was, I had written a note and sent it down to the Secretary (SecAF Widnall), the day I came in. And I wrote a little explanation for the force.

Look when your leader gets out of step in Washington, you're going to suffer. So I'm going to take myself out of the equation. We bring in fresh blood and go. Don't cry for me Argentina, kinda thing. It was just, you know, it was time. So that was what we did. So it really was a decision to retire.

Now I ended up talking to retired general Perry Smith a couple of times in my career. He was the driving force that led me to put a lot of emphasis on strategic planning. He said it had atrophied in the Air Force and he thought it was a terrible thing. And that was early in my tenure. But on this issue, after it occurred, Perry called me.

We talked about what is a resignation in protest, whatever. Clearly it doesn't fall into that camp. What was interesting with it was,

if not within minutes, certainly within hours after I sent [my note] down to Secretary Widnall, I got a call from the White House.

And I said, look, I'm not going out making a big statement against the administration, that's not what this is all about. This is, you know, it's time for me to go and so I'm gonna go.

**Slinkard:** I'm sorry, just to put a finer point on it. When you say it's time for me to go, it seems like there is a level of frustration that your advice, which is your role as the service chief, is just not being heeded?

**Fogleman:** It's no longer valued. It isn't so much that it's heeded. You don't expect your advice to be followed necessarily, but you want it to be in the mix. I had watched in Washington people who had just been frozen out in a sense that I could ...Hell I could've stayed on for another year and done all that. But I would have been going through the motions.

And the Air Force—the primary spokesman in the military arena would have been crippled in a sense. I mean, again, I could have gone through the motions, but that's really where you say what's really good for the institution

**Slinkard:** Do you think the effect was the same on the Hill and in the Pentagon? Did you get a sense that maybe your advice wasn't being valued in both venues?

**Fogleman:** No, no. I think on the Hill, there wasn't a big...Again, there were a couple of incidents in the tank that when they were all done, that's the way we did it. We went around, you know, army chief, The Navy, and the Marines, and me, and the chairman and the vice chairman...All of a sudden I'm sitting here, saying I'm the only guy in the room that sees this as something different here.

If you're in a parade and you're the only guy out of step, it's pretty hard to blame it on the rest of the people in the parade. Over time, you say, okay, if this is the way they want to deal with this issue—and a lot of it had to do you know, not a lot— but some of it really did have to do with this 2MRC thing. What should the military really look like? What should we really be spending our money on?

**Slinkard:** And do you think your position on that was viewed as service parochialism?

**Fogleman:** I suspect it was. I mean, again, Billy Mitchell? Sure, I got it. It's pretty straightforward.

**Slinkard:** Okay, so Dereliction of Duty. One personal side note...my thesis advisor, Wilbur Wright, a B-1 guy, was in the intern program. He actually has a vivid memory of the interns being on your calendar the day you announced your retirement decision. And he recalls you bringing the book up during your sit down with them, which I guess transpired only hours after you had made your decision.

**Fogleman:** No, I was—I was deeply impacted I guess when I read McMaster's book, specifically by the failure of the Joint Chiefs. They

just totally kissed away their responsibility. There was no military advice being garnered, at that point.

There's the whole Maxwell Taylor thing in there that plays a role later in life. But anyway, to see the results of this group of military guys not coming together. They knew in their hearts that they were not doing their job and it was impacting people.

Now, my own experience in Vietnam had really nothing to do with how I viewed the book. You know, I was 26 years old, had a flat belly. I was invincible—shit. All I cared about was take the wingman out, bring the wingman back—survive. I wouldn't be involved in anything political. You pissed and moaned about the bombing pods, but I wasn't thinking about any geo-strategic thoughts or anything like that as a captain or a major.

But then having come up through the military, you know, and moving from leadership position to leadership position—I watched all the dynamics.

There was an event that occurred shortly after I became CINCTRANS. That fall, fall of '92, I asked my staff where is the most isolated group of AMC people serving this year at Thanksgiving? Where were they? And they said. We have a detachment in Mogadishu. Actually, it was in Kenya—Mombasa. And I said, okay, I'm going to go visit. I want to go visit these guys.

And so it's kind of a funny story. So I load up my command airplane with all the thanksgiving trimmings...I'm gonna take care of the troops that are living in hostile territory.

So I get over there, I land and they were part of a joint task force and there was a Marine one star was heading the thing up. So I land at this airfield in Mombasa and I get out and I don't see any tents and so I ask this guy, "Where are my troops?" And he says, "Sir, they're downtown." Mombasa has historically been a vacation place for Brits going back to Colonial days. He said because of the terrorist activity and all the stuff that's gone on, the hotels had a lot of cancellations this year. So he came to me and said, "Hey, how about us put your people up for TDY rates?" So he says, "Your guys are all staying in 4 & 5 star hotels."

So anyway, I go downtown and I have an all hands call. We're going to have an American Thanksgiving here. And you can hear them start to mumble. Who the hell wants turkey, we're eating ribs you know—lobster?

Although I did meet another guy there at that time, who was a Lieutenant Colonel. I had read an article that guy had written. He ended up being the Air Force JAG. Dunlap. He had written an article that I read in Airman Magazine and I'm telling these guys about this article—not realizing that he's sitting there, the guy that wrote it. He

said, sir, I'm Charlie Dunlap—the guy that wrote the article. This would have been in '92. So it was kinda funny you meet guys like that.

So these guys who were supporting a C-130 operation that was flying food into the refugee camps in Somalia, and all the media were showing the flies crawling over these kids who were starving to death. So I get in a C-130 and I make my first assault landing flying into this place. I go in there. Landing on this little dirt strip. Go to full beta and I'm thinking this isn't a big deal. And then all of a sudden the red dirt rolls up, I go IFR and I don't know what's in front of me or not it front of me. So I got a little respect for them...

But I'm on the ground. And I was like the senior US representative who had been in Somalia for like 10 years. Amazing. But the word comes out, the NGOs, they want to talk to you. So I go talk and basically they said, "Sir, we have a message that we'd like you to take back to the United States. And the message is between the food that's coming in at the port in the effort to you guys and the Germans were also putting in, hundreds of thousands of people are not dying in refugee camps. We have fixed that problem. Our message is, do not bring US military forces into this place. Because they're not needed and this is not a good idea."

So I go home. Get back to Scott and pick up a hotline and call chairman, Colin Powell. I say, "Colin, I just got back from Somalia and here's the message: hundreds of people were not dying every day in the camps, and there's no need to send US military forces." Very interesting answer. He says, "Ron, you know that and I now know that. But the people in this town have decided that we're gonna go in there, so we're going to go anyway."

So, I say, "Thank you, mister chairman" and hung up. Then I picked up the phone, talking to CINCCENT, Joe Hoar and said, "Joe understand we're going in. Tell me what you need where you need it. So we went off and did it. That was kind of the beginning of doing things because you could, not because you had to. And that led us down a path that I think has been a slippery slope."

Anyway, McMaster's book, I read it. I don't remember how recently, but it couldn't have been that long. I took a very dim view of the JCS and how they'd done that.

**Slinkard:** I would argue and I think you clearly articulated that what McMaster says the chiefs did was abdicate their responsibility to provide advice, which I think sounds different than giving your advice and it being ignored.

**Fogleman:** See these guys failed to speak up—that was the thing.

**Slinkard:** A lot of the dissent literature in civil-military relations literature talks about this idea that I give my advice. And my view is either heeded or unheeded and now there's potentially this delta between my desires and the politicians' desires. What if anything are the appropriate responses to that?

**Fogleman:** I think if the military is allowed to develop a position and is allowed to put it forward, which these guys weren't doing that, and then they are overruled, then you either feel so strongly that what you're being told to do is wrong, that you either collectively or as individuals say, "Sir, with all due respect, I think it is bad for my service and bad for my people, and you need to get somebody else to do that. I am not going to do that." And you just go away.

And it doesn't take too many people going away until somebody else in society starts to say what the hell's going on. There never was a what the hell's going on. In my case, I wasn't looking for the rest of society to say, what the hell's going on.

Clearly my fellow members of the joint chiefs...And, you know, I was being given the opportunity. The fact that I thought we were pissing away tens of billions of dollars on force structure was worthless...Okay, that was my view. My going away was not just over that one issue. But in general, I was starting to find myself on the other side of whatever.

**Slinkard:** There are morality issues. There are legal issues. And there's a school of thought that says, if you're given a legal order as a military member by the civilian authorities, you execute. And then if you are unwilling or unable to do that, then your recourse is to step away?

**Fogleman:** You don't get to decide whether it's an illegal order, in the sense that you have to understand how the process works, that makes it a legal order.

After Goldwater-Nichols, the process was the chairman can elect to sit down with Service chiefs to get collective input and wisdom, but ultimately, the chairman is the guy that goes in, advises the president, the SECDEF, and the national security advisor. That's the way it works. So you're part of the team that hopefully is helping the chairman come to a conclusion. If your inputs are not being valued or are off the chart, that's when you gotta ask yourself the question.

**Slinkard:** In the Khobar case, it sounds like in your view of your Title 10 responsibilities that there was this overstep by the SECDEF into service's responsibilities.

**Fogleman:** The problem was that OSD was afraid of the political backlash of a decision that might come out of the Air Force, and therefore they wanted to pull that up and make that decision at their level. That was my view, particularly when I was told to delay the report, to go through a review, all that.

**Slinkard:** Which statutorily he had the authority to do after your report was submitted and the service had made its initial decision? So he (Cohen) essentially jumped ahead in the process?

**Fogleman:** That's right. You can ask yourself the question why did they do that? They did not like the conclusion of the Record Report—that's why they did it.



You're going to have well, Downing said this and Record said this and you've got all this bullshit going on in Washington. So you can understand why they are trying to do this, but that doesn't make it right.

**Slinkard:** Going back just briefly to Dereliction of Duty...so the JCS essentially abdicates its responsibility. Is your argument that had they made the recommendations that McMaster indicates they should have and then the SECDEF and the President said, no we're not doing that for political reasons, what in your estimation should have been there recourse at that point?

**Fogleman:** I think it was Johnson who was the army chief that later said he should have resigned. And I think that should have been their recourse if, again, if they strongly felt...Now who was the chairman during that period? Maxwell [Taylor], who was a political hack who was brought in as the chairman. And this was before Goldwater-Nichols when all the service heads were supposed to be equal in providing advice.

**Slinkard:** There seems to be in the book the idea that the chiefs were deliberately sidelined by the Secretary in the Tuesday meeting discussions, and that they just accepted that fact and failed to..

**Fogleman:** ...To act on it.

**Slinkard:** Interesting. It's a really fascinating book and then add the fact that now he (McMaster) has ascended to what he has ascended to...really interesting.

Okay, so last section...I'm sure you'll probably blow through these.

So the first question is did you think that maybe the civilians didn't understand the military business to the same level that you did?

**Fogleman:** I don't think Cohen did. I think Perry did. But I think Cohen was was a political hack.

**Slinkard:** Why were the outcomes in the Flinn and Schwalier cases critical, in your view, to Air force culture or accountability?

**Fogleman:** The Flinn thing was an accountability issue. You cannot go out there and tell people what the rules are, and then let somebody run off and violate the rules and get away with it because then good order and discipline breaks down. So that, to me, was the biggest issue with the Flinn case.

In the Khobar case, it was this idea that we were at war and nobody was acknowledging it. And so you start to hang commanders that you send out there in a war for doing the things that you can anticipate.

And you say, so was this a fruitless effort? Were you just off tilting at windmills? Yeah, probably. I don't know. Maybe, but what's really interesting is one of the people who much later in life came to me was the commander of the USS Cole? And you go look at how the USS Cole

situation was handled, vis-à-vis Khobar Towers, then you can actually begin to say maybe it made a difference in terms of how people were looking at this and responsibility.

I admire the navy's philosophy that says the captain goes down with the ship and you're ultimately responsible. I admire that and I believe it also in a peacetime environment where you're just not paying attention to what's going. But in a wartime environment some guy sinks the destroyer in a battle and that guy's fighting his heart out while he's in that, the Navy doesn't hold that guy responsible. They give him another destroyer and send that guy back. It's the same thing with some guy who's off on some task force or on some land operation. My argument was we were already there (in a state of war). It just wasn't acknowledged. Wake up gang. And that was kind of what I was talking about in the tank.

**Slinkard:** When I read the [Kohn] interview previously and it made references to the tank, I always assumed this was about some of those trading force structure for modernization kind of decisions like losing 100 Raptors during one of the reviews—that sort of thing. But you're saying there were other issues.

**Fogleman:** There were more fundamental issues. We didn't fight those kind of things out in the tank. I mean, everybody was for as much as we can get. There were always these discussions at some level—you know what's the allocation of the defense budget—33%, 34%, 28% whatever. It had always been there. But these were things that were in the program side of the house, not so much in a tank policy discussion, strategy kind of stuff.

**Slinkard:** I know this is one of those difficult counterfactuals. If the Schwalier decision had been an isolated incident, do you see a different outcome for your decision? Or do you think it was that salient of an issue?

**Fogleman:** I don't think you can isolate it because you have to look at it in context of how I came in [to the CSAF position], what I staked my reputation and my legacy on.

**Slinkard:** So is it fair to describe it as a culminating event, not a decisive event?

**Fogleman:** Well, it was certainly culminating. But it was an extension. My position vis-à-vis the Khobar Towers thing, I think was an extension of what I had as fundamental beliefs and what I saw emerging. We're at war and why isn't somebody paying attention to this?

You can go all the way back to the Marine barracks in the '80s incident and start looking at this, but I was looking more in the context of the period of the '90s, just in what I had been witnessing around the world.

**Slinkard:** Following your decision to retire, you decide to hold your ceremony in Colorado Springs, is that right?



**Fogleman:** Well, basically what I said is I just want to go away. I've had a good life. I'm trying to ride off into the sunset. Miss Jane and I came out here.

Because we were scheduled to retire in '98 I had a builder that I had engaged to build the main house we built this here [the guest house]. Every stick of wood, every bit of wiring and plumbing, we did ourselves. We built the exterior of it in eight days while I was still on active duty. Took leave to come out here.

In fact, I had gone out to jump out of the C-17 because they run into an issue. I stopped coming back. Hugh Shelton and I. We had a C-21. I had them drop me off in Albuquerque. I came up here. My dad, my stepmother, my wife—we built this place in eight days, but it took two and a half more years to finish the inside, but we knew we were coming here.

In the spring of '97, in order to get this thing started, I went to my contractor, and said, "Look, I know how things work. Start building the house. We're going to need it next year. Pull your people on and off—do whatever you need to do. So when I suddenly decide to retire I show up here and have a partially-built house.

So I tell this guy I'd like to get into that thing by the end of the year.

So, I said, "I don't want a parade. I don't want anything. By this time, John Hamre is the deputy SECDEF and he contacted me and said...Miss Jane and I drove out here with the cats and got all set up...And he said, "The Air Force tells me that they've got a parade. It's the end of the basic cadet summer. It's on the first of September. We would like you to allow us to retire you properly.

So I said, "If they'll send a C-21 over, let me fly over and back for my last flights, then I'll do it."

It was interesting because I had the chiefs of the other services came out and they ended up presenting me with distinguished service medals from each of the services. So my fellow service chiefs from the tank thought enough of me that that was part of the retirement ceremony.

**Slinkard:** What sort of reception did you get from other service chiefs, general officers within the Air Force during that terminal phase (between July and September 1997)

**Fogleman:** I mean, I received probably thousands of emails, hundreds and hundreds of notes and letters and things. Some of those are have been retained and I donated...Miss Jane just wants to get rid of that crap. So most it went to the Air Force Academy library or Air Force Museum. So I don't dwell on that stuff. There were lots and lots of notes and things like that.

**Slinkard:** Did you have any idea or were you involved at all in the deliberations about who would replace you?

**Fogleman:** Not really. When you become the Chief, your primary job is to start growing your successor. I was told this, and if you're really good at, you will make sure that you present the civilian leadership with more than one option.

If the horse stumbles or health concerns come in, then there is a path. And so even though I was a year out, I was looking at who the four stars were, who had runway left, and who had done various jobs.

And I personally thought Mike Ryan was a natural. And that's something that you do sit down with the Secretary and talk about from time to time. Not as I was leaving necessarily, but you just say, here's sort of the way I see the general officer force. So that's what you do.

And so, I didn't play a big role in Ryan becoming Chief, other than the fact that I had moved him through the positions. He was one of the guys who was going to be out there as a player when you got to that point in time.

**Slinkard:** Did you have any concern that he would have uphill challenges after your departure?

**Fogleman:** No. I tried to put it in the context that I was going to be of little or no value by staying on. And a new guy could start afresh and establish his relationships and do what he wanted to do. I didn't feel that I particularly disadvantaged him in any way.

**Slinkard:** Why did you choose not to be more explicit about the reasons for your departure? You obviously wrote a brief note to the service...

**Fogleman:**...To the troops. I thought that was as much as they needed to know. This wasn't a fight between me and the SECDEF or anything like that. When you've done what you wanted to do, it's time to move on.

**Slinkard:** Would you say it was deliberately an effort to defuse any perceived tension with the Secretary?

**Fogleman:** Those were very carefully selected words. I spent a lotta time working on that, in the sense that I wanted the force to feel that I wasn't abandoning them. On the other hand we're in a profession where people move on. Your loyalties are to the institution, not to people.

**Slinkard:** It's been 20, almost 21, years now, how often do you think about it in your daily life?

**Fogleman:** I don't.

**Slinkard:** No regrets, I assume?

**Fogleman:** I've never looked back.

**Slinkard:** If someone came you today, or even in the last two decades and said, I'm facing an issue you may have experienced, what advice would you give?

**Fogleman:** I'd try to explain that I think all of us start out in a raw form of clay back in the beginning and you keep getting shaped. And over time you build up within yourself an internal moral compass that—you may not want to admit it, but in your heart, you know when you're

doing something whether it's right or wrong. And if whatever they're asking you to do, if you think it doesn't fit within the bounds of that moral compass, then go do something else.

Because it's hard to be true to an institution if you can't be true to yourself. That would be my advice. I would hope nobody would ask me, what should I do? What you do is up to you. I think that one of the traps that the guys (the JCS) got in to during Vietnam was, "Well I'm the best qualified guy to do this. If I go away, it will have an impact. I ought to stay here and keep fighting the fight. Maybe not. Maybe not."

**Slinkard:** You still follow all this pretty closely. How would you assess civil-military affairs today?

**Fogleman:** I guess my answer would be covered by the speech I gave you. The genius of civil-military relations in the United States began with the constitution. And it was the division of authority between the executive branch, with the president being the commander in chief, and the congressional branch, where they reserved the power to declare war, to raise and support armies, to provide and maintain a navy, to make the rules. So that was a great balance. That was very well-structured thing. You've got to remember that the guys who put that together damn near all of them had military experience because they were just coming out of the revolution.

And that same group when they put together that construct—of a very small standing military and the Minute Man. Over time that never was a big issue as things progressed until in a sense you had the Truman/MacArthur thing, which is kind of the first big flow. Which, again, occurs in an era post-World War II where a hell of a lot of people had served.

So you had a lot of people in the congress and most of those people, their military experience was not as professionals. They had been part-timers in World War II mobilization.

So, what you have is a situation today over time where the number of people serving in the congress who have any military experience is very small, although it's increasing as more people get involved. And so there is just...I don't think there's much understanding of what the military side of the thing is.

If you look at "Declare war," "raise and support armies," "provide and maintain a navy," "make rules for the government on the regulation of land and naval forces," "make all laws that should be necessary and propel for carrying into execution of force-going powers," the Congress literally has abdicated its responsibilities in many ways. You know, we haven't had a declaration of war. And we've had a hell of a lot of conflict. How long has it been since they passed a budget? A fundamental budget for the United States?

I think there is an erosion of civilian involvement and control that might be on a different scale akin to what happened in the early 90s where Aspin couldn't get his act together in the Pentagon and the

military had to keep going. And so here we got a situation where the congress likes to twitter around on the edges and screw with the political correct stuff and all that, but they never get around to passing a budget.

I mean, you have the HASC and the SASC and they're about the only people who take the time to really understand what's in the thing. So I think that we've got a secretary of defense who is not bashful about speaking up and I think he's got great impact on what's going on here.

So we are in an era in which civil-military relations are much different than it has been in the past. Are we in any danger? People talk about well, you have Mattis (SECDEF) and Kelly (White House Chief of Staff). That's not an issue, in my view.

The president, whatever you think about the president, is still the commander in chief and he's got the authorities and, by the way he's got a lot shorter and lot quicker action lines than the Congress does as it dicks around.

So the Congress ought to start paying attention, in my view, to where we're at. But, I don't see any particular crisis in Washington right now. And I don't see any great potential for the president or these guys doing something really stupid because, again—back to what constitutes a legal order. How do you go about doing that? You know it's a very collaborative process. You don't want the guy in the missile silo or the guy in the trench trying to sit there and say, well, I'm not going to do that because, I don't believe in it. You can't have it.

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