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Military Intervention in Illiberal Election Environments

Problems of collective action, military preferences, and abuses of power must be addressed.

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Experts and political leaders alike have recently raised concerns that the current US administration may try to use the military to intervene in the upcoming 2026 midterm elections. Administration officials have refused to rule out the possibility that they would deploy military forces to polling sites, and a recently leaked internal memo explores the prospect of deputizing National Guard soldiers as immigration officers to perform enforcement around the election.[1] Secretary of Defense Pete Hegseth announced on September 29 that the Department of Defense would begin employing cyber capabilities to ensure the security of digital election infrastructure—a job that was previously the responsibility of the now-disbanded civilian Cybersecurity and Infrastructure Security Agency (CISA).[2]

The threat of military intervention during an election **as a potentially repressive force** presents novel challenges for military and political leaders as well as civil society. In particular, there are significant concerns about how military leaders may respond to orders that could jeopardize the integrity of elections. What are the red lines for military leaders should they be ordered to intervene in election administration? How should civil society leaders communicate with the public in the event that military forces are deployed? What strategies are (more or less) likely to be effective in preventing military involvement?

To investigate these questions, the Democracy and Security Network (DSN) at GMF researched a series of cases that exemplify the challenges leaders face when national security forces are involved in domestic repression. DSN subsequently held a tabletop exercise (TTX) in February 2026 that asked participants to run through three scenarios based on the periods before, during, and after the 2026 US midterm elections. Each scenario was developed based on the findings of a previous workshop held with civil-military relations experts, and discussed in our original report, "Military Meddling". Participants were selected to represent military, legal, and political fields, and were specifically asked to act in keeping with how their organization, principal, or profession might respond to the three prompts provided. All sessions were held under the Chatham House Rule (meaning, the information coming from the meetings could not be attributed to any individual) so as to preserve participants' ability to speak freely.

DSN identified three central challenges that military, political, and civil society leaders in the United States are likely to face: (1) Leaders exercise excessive power through legal yet ethically questionable means; (2) Military leaders are biased toward compliance; and (3) Collective action is difficult because dissent is costly. In this policy brief, each challenge is explained, illustrated with a case study, and then applied to the United States based on our findings from the tabletop exercise. Overall, it is clear that while the challenges prodemocracy movements face are substantial, they can be overcome with the right strategy and approach.

Challenge 1: Abuses of Legal Authorities

One of the most common tactics that today's illiberal leaders employ to consolidate power is the erosion of democratic checks and balances through legal means. Often this means passing new legislation or "ruling by decree" in order to justify illiberal actions, but it can also mean expanding power through novel readings of laws already on the books. These abuses of power create difficulties to prodemocracy actors because they appear on the surface to be legal—even as they undermine democratic institutions and accountability.

Case Study: Hungarian Opposition Under Orbán

The case of Hungary under former Prime Minister Viktor Orbán demonstrates the ways that illiberal leaders can abuse executive power legally by either exploiting laws already on the books or passing new laws that expand the role of the military in civil society. Starting with the 2015 Syrian refugee crisis, Orbán's government, helped by its parliamentary supermajority, promoted an executive governance framework that the prime minister abused to consolidate his power and integrate military forces into civilian life.

In 2015, escalating violence in the Syrian civil war forced over a million people to seek asylum in Europe, sparking a refugee crisis across the continent. In response, the Hungarian government added a clause to its 2007 Asylum Law empowering it to declare a state of crisis due to mass migration.[3] Activated nationwide in 2016 through a decree, the status granted the executive broad powers that allowed Orbán to circumvent due process, reduce checks on corruption, and authorize the military to assist civilian law enforcement in border protection and asylum enforcement (including traditional law enforcement operations)—all in the name of national security.[4]

Over the next four years, the Orbán government consistently pushed the boundaries of the asylum laws to further expand its authority, often through overly broad readings of existing clauses or by using its supermajority to legally codify otherwise questionable practices. When asylum numbers dropped to levels that should have automatically ended the state of emergency, the government extended the law anyway, citing a newly added clause that allows for extension if the prime minister determines there are "direct threats to public safety, public order, and public health".[5] Another legislative amendment in 2017 expanded the military's search and deportation powers beyond border areas to the entirety of the country.[6] Later, the government amended the Defense Act to authorize the military police to act as a civilian law-enforcement power independently of the police, which effectively created a poorly constrained parallel domestic law enforcement force.[7]

While the government broadened its authority to search and detain people within its borders, it launched a state-funded public communications campaign that designated asylum-seekers and those attempting to assist them existential threats to the country. Between 2015 and 2018, the state spent approximately $250 million on billboards, television advertisements, and biased surveys misleadingly called national consultation campaigns. Per capita, this figure represents roughly double what all US presidential campaigns and issue organizations spent during the 2016 election cycle.[8] The government then relied on these narratives to justify legislation forcing civil society organizations that received foreign funding to register as foreign-supported entities and criminalizing legal or humanitarian support for undocumented immigrants.[9]

Overall, the Orbán government repeatedly abused the executive's discretionary authority during crisis management by increasing military domestic enforcement powers and the government's ability to target its opponents. This lasted for over a decade, until Orbán's 2026 electoral defeat.

TTX Lesson #1: "Lawful but Awful" Orders Limit Leaders' Ability to Draw Red Lines

The February tabletop exercise found that government actors also use their power to maximize the likelihood of military compliance with orders to repress, even when those orders are generally seen as unlawful. They do this by issuing so-called "lawful but awful" orders. These orders then dull military leaders' sense of right and wrong by systematically chipping away at leaders' ethics. They then become both less sensitive to legal red lines and less credible when they finally do try to stop unlawful actions. This administrative version of "boiling the frog" proved extraordinarily effective in limiting military-affiliated participants' ability to draw red lines as the scenarios progressed.

The term "lawful but awful" first became prominent in the immediate aftermath of the 2024 election as civil-military relations experts sought to warn the public that military leaders would comply with policies that seemed distasteful but were nevertheless legal. Since its introduction, however, the term has taken on life within military circles as well—and opened up opportunities for abuse by actors less committed to preserving civil-military norms. In the scenarios presented at the tabletop exercise, we routinely found that military-affiliated participants eventually became desensitized to "lawful but awful" orders, and that those orders made it harder for individuals and organizations to draw red lines. Indeed, by the end of the final scenario—which included an order by the president to forcibly quell election-related protests in Washington DC using any and all necessary force—not one participant in the military-affiliated group had been able to clearly articulate a red line.

These technically legal abuses of power also made it much more difficult for the legal and political communities to mount effective responses, as both the messaging and legal arguments quickly became about technicalities rather than values statements.

Challenge 2: The Military Is Biased Toward Compliance

One of the central challenges to prodemocracy movements is the prospect of physical repression at the hands of the state. As Tiananmen Square, Saudi Arabia during the Arab Spring, and numerous other examples from history show, the prospect of physical violence can discourage citizens from protesting, reduce the effectiveness of protest leaders, and ultimately kill a protest movement. Indeed, military force is, by definition, the most powerful tool of repression that leaders have at their disposal. However, a professional military is often also the security force that is least likely to comply with repression orders; professional militaries generally see their missions as external and are less tied to the survival of the regime. Nevertheless, militaries are designed to ensure compliance, with severe consequences for those who disobey lawful orders. How a protest takes shape, therefore, can have significant impacts on whether military leaders participate in the repression of prodemocracy movements.

Case Study: Protesters Engage the Egyptian Military to Reduce the Likelihood of Repression

In December 2010, a Tunisian street vendor lit himself on fire in an act of protest against the repressive Ben Ali regime. The incident inspired mass protests against authoritarian governments across the Middle East in a period now known as the "Arab Spring". When massive protests erupted in Egypt on January 25, 2011, the crowds were met with overwhelming force from the riot police resulting in violent clashes. After the police forces collapsed and withdrew from the streets, President Hosni Mubarak deployed military troops on the streets to restore order, enforce a curfew, and protect critical infrastructure. While troop deployment was expected, questions remained about whether the military would side with prodemocracy forces or repress the protesters to defend the regime.

Egyptian activists and protest organizers understood the significance of the role that the military could play in their movement. They saw the army as distinct from the regime, and met with acquaintances in military intelligence to understand how the army would react to mass protests.[10] This distinction is significant because the Egyptian military, despite its obvious ties to the Mubarak government, had distanced itself from the regime's daily repression of citizens. This allowed the institution to maintain popularity among the people and led some to believe that troops would protect protesters.[11] Nevertheless, the threat of military repression at the behest of Mubarak was still high and posed an existential challenge to the movement, so protesters were cautious not to provoke the army.[12]

Because Egyptian activists were cognizant of the threat from both the military and the security forces, they circulated a 26-page guide titled "How to Protest Intelligently". Egyptian activists had spent a lot of time studying other nonviolent resistance movements and understood that remaining peaceful could lower the chances of violence from the regime forces.[13] The guide encouraged protesters to maintain peace and refrain from any malicious activities, and explicitly identified winning members of the police and army over to the side of the people as one of the strategic goals of the protests. When the army entered Tahrir square, the crowd followed this guidance and began chanting "the people and the army are one hand."[14] In addition to the popular chant, protesters frequently interacted with soldiers; they shook hands, hugged, and took pictures.[15] These tactics were

intended to minimize the likelihood of confrontation while also encouraging soldiers to side with the people.

Ultimately, the protesters' actions were successful, and the army helped to usher Mubarak out of power after just ten days of prodemocracy demonstrations. However, the outcome was not a forgone conclusion. Had the protests in Tahrir Square been more violent, and had protest organizers not been so deliberate in engaging the military as an ally, the army may very well have complied with orders to violently suppress the protests—as they did just one month later when prodemocracy protesters demanded an immediate transition to civilian rule.[16] The Egyptian case thus clearly demonstrates the difficulty of prodemocracy protest when there is uncertainty about how the military may respond, and the lengths to which effective organizers had to go to maximize the likelihood that military leaders would support the protest movement.

TTX Lesson #2: Violence Makes Compliance More Likely

Because there is a significant amount of research suggesting that repression is more likely when protests are not completely peaceful, many of the exercise scenarios were explicitly designed to create a slippery slope of escalating violence. This tested participants'—particularly military-affiliated ones'—threshold for actions. Scenarios included targeted violence perpetrated by spoiler groups, increasing agitation and escalating property damage in response to contested elections, and mistakes made by exhausted service members that led to the shooting of protesters.

In each of the three scenarios, **military-affiliated participants were biased to comply with orders to repress**. As discussed in the previous section, lawful but awful orders corrode leaders' sense of ethical responsibility, increasing the likelihood that military members will execute even unlawful orders. And because it is extremely difficult for service members to collectively discuss and debate their ethical and legal obligations in a crisis situation, the pressure to obey is overwhelming—even where the orders would cross personal, professional, and legal red lines. While the bias toward compliance is necessary to ensure effectiveness during normal operations, in this case military leaders' inherent preference to follow orders led to a willingness to participate in actions that would almost certainly erode Americans' trust in both democratic institutions and the military itself.

In our scenarios, violence ultimately provided military leaders with the pretext necessary to justify complying with orders that undermined democratic processes, or to excuse fellow service members who did comply with such orders. Even in scenarios in which the violence was clearly perpetrated by a "lone wolf", such an act was enough to neutralize significant opposition to antidemocratic orders. And once violence had reached critical levels, legal challenges became more difficult because excuses to deploy military forces were no longer obviously disingenuous. Keeping protests nonviolent and condemning violent rhetoric were critical to depriving military-affiliated participants of their inherent bias to comply with orders from above.

Challenge 3: Collective Action is Difficult With Incomplete Information

Finally, organization and collective action are essential for prodemocracy groups to challenge authoritarian governments and signal viable political opposition to the public. Research has shown that in authoritarian societies, people frequently misrepresent their political beliefs under perceived social, political, or legal pressure. This false support of the system leads to the perception that the government has more support than it actually does. When individuals believe that their position is unpopular, they are less likely to dissent, which creates a false sense of acceptance. Conversely, the right to assembly allows dissatisfied citizens to gauge the size and extent of opposition to the current regime, making collective action easier.[17]

Case Study: Putin's Russia

Putin's Russia provides a useful case study for examining the challenge of collective action. Repressive actions against protests and civil society organizations have created misperceptions in the population regarding support for the government, resulting in a lack of collective action that supports Putin's hold on power.

Over the course of Putin's rule, Russian citizens have encountered increasing limitations on their ability to publicly protest government policies. Crackdowns began in 2004 when the State Duma passed the Federal Law on Assemblies, which placed restrictions on the right to peaceful assembly.[18] Since 2014, nine of the 13 amendments to the law have been aimed at limiting anti-government activity, including prohibitions on who can protest and when and where; arbitrary refusals to grant permits; and bans on spontaneous assemblies.[19] Crackdowns on freedom of assembly have increased since Russia invaded Ukraine, with thousands arrested in anti-mobilization protest along with additional fines or criminal charges for anti-war activity.[20] The Russian government has also worked to suppress the right to associate with domestic and international opposition groups, banning human rights organizations or other groups critical of the regime and labelling them "foreign agents" or "undesirable organizations".[21] New laws have also expanded the definition of treason to target civil groups critical of government policy. Punishments for protest and association with unfavorable groups are steep, with violators facing exorbitant fines or jail time for "discrediting" the armed forces or sharing "false information".[22]

This crackdown on dissent in both its active and online forms has allowed the Russian government to silence any open opposition to the war in Ukraine or the Putin regime. It is extremely difficult, therefore, for activists to organize challenges to the status quo. Yet there are some indicators that suggest support for the regime is not absolute. Indeed, research from 2022 suggests that Russians may have been misrepresenting their views on the war in Ukraine by as much as ten percentage points.[23] The difference between public and private preference suggests that Moscow has succeeded in curbing dissent against the state by imposing significant personal risk for open protest and creating a paranoid atmosphere of distrust among its citizens. This distrust can be observed in everyday life, where—supported by the state's call for denunciations—citizens have reported their neighbors, coworkers, or acquaintances to the Federal Security Service, leading to the arrest of thousands of "traitors".[24] While prodemocracy activists have tried to find workarounds and alternate protest forms, the inability to discern others' true beliefs has made collective action almost impossible.

TTX Lesson #3: Collective Action Is Difficult, Especially Within the Military

One of the most persistent narratives throughout the tabletop exercise was nonspecialists' belief that senior leaders of the military, political leaders, or legal professionals would act definitively to prevent the most harmful events from occurring. Yet the exercise revealed exactly the opposite: Participants who represented military-affiliated organizations or who had military backgrounds found it very difficult to identify so-called red lines throughout the exercise. Similarly, while non-lawyers hoped for quick wins in court, participants who represented legal organizations found that litigation would likely be contested and drawn out. Finally, participants in the political leader group found that the bar for speaking out against illiberal actions—particularly in the midst of an election cycle—was extraordinarily high. As a result, each group was left thinking that another group would take definitive (yet risky) action, even as they themselves found it difficult to fight back.

The participants' reactions and findings present a classic collective action problem. No individual wanted to be the only person speaking out, because of both fear of retribution and a belief that one voice would make little difference. Further, there was profound uncertainty about the willingness of other members of the community to speak up.

This was particularly acute among military-affiliated participants, for clear organizational reasons. Unlike civil society, where protections remain for speech and dissent, the hierarchical military culture more closely resembles Putin's Russia—and particularly in the reportedly low-trust environment fostered by Hegseth and the second Trump administration. Military service members are taught from the outset that they have an obligation to obey all lawful orders. They are taught significantly less about how and when to resist unlawful orders, however, in part because such instances are assumed to be extremely rare. As a result, military leaders have a difficult time, particularly when there is gradual ramp-up and escalation, in identifying, naming, and respecting explicit ethical and legal red lines. Today, it is difficult, if not impossible, to hold discussions about resistance even to patently unlawful orders. Recent purges within the Department of Defense have created, in the words of one former senior leader, a "climate of fear" inside the Pentagon.[25] Similarly, recent reviews of curricula in professional military education have de-emphasized and heavily critiqued ethics education, with the result that it is difficult for officers to have a clear understanding of what their peers, superiors, and subordinates would consider to be red lines.[26] This creates an enormous collective action problem within the ranks.

Yet the finding was not strictly limited to the military. Political leaders in the scenario—especially those competing in close elections in which they were reliant on pro-administration votes—were also hesitant to speak out even under extreme circumstances that directly undermined US democracy. Legal professionals faced a different problem: Similar to Orbán's actions in Hungary, the administration's demonstrated abuses of regular order in the court system, combined with its novel readings of existing statutes, made legal contestation both difficult and drawn out. Participants in the legal community found that lawsuits would take time to resolve, leaving an opportunity for illiberal actors to act quickly and take advantage of the deference that courts traditionally afford the executive branch when dealing with national security issues.

Overcoming Challenges

Recommendations for each of the three communities that participated in the February tabletop exercise are meant to help address problems of collective action, military preferences, and abuses of power.

- **Commit to Ethical Behavior.** Military veterans, and especially retired senior officers, should speak publicly about red-line issues. Public discussion of both ethical and legal red lines helps to solve the collective action problem and signal that there are others across the force who can and will refuse to comply with unlawful orders. They should reaffirm the importance of and a commitment to professional ethics across the force, remind the American people that there is no place for the military in administering or adjudicating elections, and clearly identify the major red lines to which today's currently serving senior leaders should adhere.
- **Know the Law.** Legal professionals must give clear guidance on the legal bounds of military involvement in elections or other domestic operations. They should identify ahead of time, to the extent possible, the pretextual justifications that may be put forward so that military and political leaders are better prepared to respond to unlawful orders.
- **Public Pressure.** Political and civil society leaders should use their bully pulpit to ensure that prodemocracy actions and movements remain nonviolent, engage military leaders as allies, and demand accountability for abuses of power. This relieves some of the pressure that military leaders may face to comply with repressive orders, reduces the likelihood of escalation, and creates countervailing pressure on military leaders to know and respect the law and the civilian spirit of elections.

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