



Written by [Alex Newman](#) on October 28, 2024

Biden-Harris Policy on Military Intel in Policing Sparks Alarm

Just weeks before painting Donald Trump as a Hitler-style wannabe fascist dictator ahead of the hotly contested election, the Biden-Harris administration quietly issued a controversial directive that critics say could authorize the U.S. military to spy on or help kill Americans on U.S. soil. The Pentagon denied some of the more serious claims, painting the directive as routine and non-controversial.

But critics are expressing grave concerns. Former Congressman Ron Paul (R-Texas), speaking on his podcast *Liberty Report*, cited the policy as evidence that the United States is becoming a “police state.” U.S. lawmakers, retired military officials, and a wide range of analysts from across the political spectrum sounded the alarm about the measure as well.



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DoD Directive 5240.01

Citing powers usurped by earlier executive orders, the measure in question is known as DoD Directive 5240.01, or “[DoD Intelligence and Intelligence-Related Activities and Defense Intelligence Component Assistance to Law Enforcement Agencies and Other Civil Authorities](#).” Reissued September 27, it quietly went into effect last month before raising widespread alarm nationwide last week.

Among other controversial elements, critics and analysts warn, it could allow U.S. forces to support spying on and even deadly confrontations with Americans under certain circumstances. The policy points to another DoD directive governing the use of deadly force by the U.S. military on U.S. soil, even as the [Posse Comitatus Act](#) limits the role of troops domestically.

While the directive does not create any specifically new authorities, it does purport to set conditions for military intelligence aid to civil authorities in situations that could involve deadly force. One key segment that stirred much concern requires that, generally speaking, the U.S. Secretary of Defense approve the provision of any and all military intelligence assistance to civilian authorities that may involve killing somebody on U.S. soil.

Growing Role of Military in Local Law Enforcement

The new directive also purports to allow the U.S. Department of Defense to share military intelligence with federal, state, and local law enforcement in connection with alleged violations of state or federal law. It states that such intelligence sharing must be done in accordance with Pentagon policy. However, civil-liberties activists are sounding the alarm about the growing role of military intelligence in law enforcement represented by the directive and other policies.



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Early reporting on the directive by several media outlets suggested that it authorizes the Pentagon to kill and even “assassinate” Americans on U.S. soil for activities including protests. However, the initial reports that went viral have in some cases been [updated to provide a more nuanced view](#) of the policy and its effects. Still, the policy raises troubling issues, critics say.

[An article by GreenMedInfo](#) that generated billions of views on social media highlighted a number of dangers in the directive. While establishment “fact-checkers” were quick to dismiss concerns, true experts did not. Georgetown Law Professor Rosa Brooks, for instance, [told The Washington Post](#) that the new directive represented “another small incremental step in the steady expansion of executive emergency powers that has been going on since 9/11.”

Multiple Critics

Critics of the policy include General Mike Flynn (Ret.), former chief of the U.S. Defense Intelligence Agency and national security advisor to former President Donald Trump at the start of his first term. Flynn, who remains a key leader in the Make America Great Again movement, reposted an image of the directive on his X account from another account. The post suggested that the policy attempts to legitimize a violation of the federal law (Posse Comitatus) that is supposed to protect Americans from military involvement in domestic policing.

Lawmakers have also expressed concerns about the policy on major media platforms. “This is exactly what the Democrats said Trump would do. And they’re doing it,” argued U.S. Congressman Andy Harris (R-Md.) [in a recent interview](#) on Newsmax as concern over the directive was sending shockwaves across America. “This means that after an election, they could declare [a] national emergency and literally call out the Army in the United States.”

A number of prominent journalists and former military officials have also criticized the measure. From suggesting it is a tool to keep “Obama” in power after the election, to arguing that it is an unconstitutional violation of the Posse Comitatus Act, critics across social media have lambasted it.

RFK Jr.

Robert F. Kennedy Jr., a longtime Democrat who dropped out of the presidential race to support Trump, is another prominent critic to blast the scheme. [In comments made](#) at a Turning Point USA event, Kennedy highlighted the irony surrounding Harris recently claiming that Trump might turn the military against Americans even as the administration behaves lawlessly. Then he warned:

The Biden-Harris administration has done something — two weeks ago — that has never been done in American history, which is to send a lethal-force directive to the Pentagon changing the law to make it legal for the US military ... to use lethal force against American citizens on American soil.

RFK Jr. Flips the Script on Kamala's Lies About Trump Using the Military on the Public

It turns out that the Biden-Harris regime expanded domestic military authority to include LETHAL force.

What this means is the Department of Defense now has the power to step in and use...
pic.twitter.com/ic4N8Voae7



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— The Vigilant Fox ☐ (@VigilantFox) [October 24, 2024](#)

Kennedy, a strong critic of Biden and Harris' authoritarian tendencies, continued:

Technically now, it's legal for the U.S. military — under this directive, it will become legal for the U.S. military to shoot and kill Americans who engage in political protest because they disagree with policies in the White House.

I'm not making this up; any of you can look it up. This is a Democratic initiative. This did not come during the Trump administration. This did not come from Donald Trump. It came from the Democratic Party, and that's why I left the Democratic Party.

Pentagon Disputes Danger

In a statement provided to *The New American*, Pentagon spokesman Sue Gough disputed the interpretation broadly circulated by critics:

The reissued directive does not reflect any change to DOD's views toward its role in supporting civil authorities, to include law enforcement; rather, it provides clarification and delineates the approval authorities for activities conducted by Defense Intelligence Components.

DOD issuances, including this directive, and the activities they govern, must comply with all applicable law, including the Posse Comitatus Act. This directive requires a legal review of all requests for intelligence assistance, which provides further safeguards to ensure that DOD activities comply with all U.S. laws, including the Posse Comitatus Act.

According to Gough, the policies in the reissued directive governing the U.S. military's use of force on U.S. soil are "not new." They also do not authorize the Pentagon to use lethal force against Americans or people in the United States, "contrary to rumors and rhetoric circulating on social media," she said:

While the paragraph that's been most frequently referenced on social media is new to this directive, it does not reflect any change to DOD's policy regarding the use of lethal force by DOD personnel. That is addressed in DoDD 5210.56, "Arming and the Use of Force."

Reissue "In No Way" Related to Election

In the end, the reissued directive "simply affirms that this long-standing policy" also applies to military intelligence agencies and assets when they are providing intelligence assistance to civil authorities, including law enforcement, Gough added. She also said the release of the update was "in no way" timed in relation to the upcoming election or "any other event."

In short, under the Pentagon's telling, the policy merely provides "guidance and oversight" of its support for civil authorities, including law enforcement. Why the military is providing intelligence to state and local law enforcement that is not directly related to war in the first place appears to have escaped scrutiny by most apologists for the directive and the Biden-Harris administration as they frantically seek to attack all critics.

Gough continued her explanation:



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The directive is consistent with and complements other DOD policies that provide guidance and oversight of DOD support to civil authorities other than intelligence assistance. This revision provides clarification and uniformity to procedures and constraints on DOD responses to requests from civil authorities, to include law enforcement seeking intelligence assistance from a DOD Intelligence Component.

The directive “affirms” that the secretary of defense “must approve support that may result in the use of lethal force, which ensures that these requests receive the highest level of scrutiny and review at the department, to include legal review,” Gough concluded. This apparently confirms some of the concerns of critics regarding the military’s ability to participate in potentially deadly operations on U.S. soil.

For Trump?

Some conservatives have argued in behind-the-scenes discussions that the new directive could be useful to an incoming President Trump seeking to quell the unrest expected in response to an election win. However, the idea that the Biden administration would be working to hand Trump new authorities to clamp down on pro-Democrat, anti-Trump riots sounds implausible at best.

Citing Trump’s own comments in a Fox News interview, a number of left-wing media outlets suggested that Trump was the one plotting to use the military to round up adversaries in the event of mass chaos in the aftermath of the election. After acknowledging concerns about terrorists, Chinese Communist Party operatives, and others, Trump had suggested that homegrown radicals may be a more dangerous foe:

I think the bigger problem is the enemy from within, not even the people who have come in, destroying our country. I don’t think they’re the problem in terms of Election Day. I think the bigger problem are the people from within, we have some very bad people, we have some sick people, radical left lunatics. And it should be very easily handled by, if necessary, by [the] National Guard, or if really necessary, by the military, because they can’t let that happen.

Broader Issues

Setting aside the specific details of the new DoD policy, there are several broader issues that are once again in the spotlight as a result of it. Among concerns raised by critics is that the policy facilitates federal intrusion in local and state civilian governance, paving the way for more military involvement in civilian law enforcement. Communists, globalists, and other totalitarians have [long been working to usurp control over state and local law enforcement](#) and weaponize it against Americans.

The proliferation of so-called “emergencies” that are constantly exploited to trample on the U.S. Constitution is also worrisome. In fact, just last month, the Biden-Harris administration extended [Proclamation 7463](#), first triggered days after the attacks on September 11, 2001, to continue the state of emergency for yet another year. The scheme purports to authorize military involvement in civilian law enforcement, and even allow the executive branch to exercise congressional powers.

Expanding Executive Authority

And that is just the tip of the iceberg. The Congressional Research Service pointed to over 100 statutes purporting to expand executive authority during a so-called national emergency declared by the president. The Brennan Center for Justice, meanwhile, has identified 136 such laws. Countless



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executive orders purporting to authorize massive (and unconstitutional) powers for the executive branch are on the books already, many of them dealing with the Federal Emergency Management Agency (FEMA).

Critics say it must stop. [Wrote](#) former Democratic U.S. Congressman Dennis Kucinich (Ohio):

The White House has demonstrated, in several administrations, both Democrat and Republican, “threat inflation” for the sake of spending endless money on wars, and manipulating fears to hold on to power to continue to spend endless money on even more wars in the ultimate protection racket. As a result, the constitutional system of checks and balances is being obliterated in favor of an Imperial Presidency, and, as the Constitution is eroded, so too, are our liberties.

The United Nations appears to be learning from the U.S. government’s example. In its recently approved Pact for the Future, the UN and its member governments [call for the UN to assume](#) a “central role” in dealing with real and imagined “complex global shocks.” Under the policy brief that was synthesized into that section of the final agreement, socialist UN Secretary-General António Guterres said that in a declared global emergency, all sectors of society must recognize the “primary role of intergovernmental organs [such as UN agencies] in decision-making.”

While the new (reissued) DoD policy may not grant any new powers to the military to assassinate Americans, as some claim, the number of statutes and broad range of largely unconstitutional executive orders represent a real reason to be alarmed. Even the 1807 Insurrection Act, as amended over the generations, purports to allow the president to deploy U.S. troops on American soil for certain purposes, authority that could easily be abused by a rogue president.

Unconstitutional

Of course, the U.S. Constitution does allow *Congress* — not the president — to call forth the *militia* to suppress insurrections, repel invasions, and even enforce (constitutional) federal laws. However, America’s Founders never envisioned a permanent, standing army that could be deployed by a president at his own discretion. Instead, leaning on Switzerland’s example, the framers of the Constitution had in mind a citizen militia that would be extremely difficult to abuse for tyrannical purposes.

The fact that this military intelligence directive is gaining so much attention is a positive development. It is long past time for Americans to have a serious discussion about the role of the federal government and the military in domestic affairs, and especially policing. The federal government is becoming increasingly bloated and tyrannical. Americans must work at the local, state, and federal levels to protect liberty and the Constitution from all enemies, foreign and domestic. Eternal vigilance is required.



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