

United States Senate

WASHINGTON, DC 20510

The Honorable Pete Hegseth
Secretary of Defense
United States Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

March 3, 2025

Secretary Hegseth:

The Judge Advocate General's (JAG) Corps is an essential pillar of our military, ensuring adherence to the rule of law, upholding the Uniform Code of Military Justice (UCMJ), and providing critical independent legal advice to commanders at all levels. The JAG Corps is not only a vital element in maintaining good order and discipline within our armed forces, but it is also a key component of operational readiness. By law, JAG officers provide guidance on military justice, international law, operational law, administrative compliance, and ethics, ensuring that our warfighters operate within the bounds of national and international legal frameworks. The stability and impartiality of the JAG Corps are paramount, and any undue interference in its functioning directly impacts the effectiveness and credibility of our military.

We write to you with deep concern regarding the recent relief of Judge Advocate Generals. This action not only undermines the integrity of the military justice system but also appears to be in direct violation of federal law, specifically 10 U.S.C. §§ 7037(e) (Army) and 9037(f) (Air Force). The Army statute explicitly states: "No officer or employee of the Department of Defense may interfere with— (1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Army or the Chief of Staff of the Army; or (2) the ability of judge advocates of the Army assigned or attached to, or performing duty with, military units to give independent legal advice to commanders." The Air Force and Navy statutes contain substantively identical language.

By arbitrarily and baselessly removing duly selected and highly qualified JAG officers, the Administration undermines the military justice system and has interfered with the independent legal counsel that uniformed attorneys provide to commanders and the Department itself. Such removals create an unmistakable chilling effect, signaling to all judge advocates that their positions are contingent not upon their legal expertise and adherence to the law, but rather upon political or personal loyalty. Further, this move undermines the rigorous selection and confirmation process established by Congress.

We are also deeply troubled by your follow-up statement after the firings where you said, "We want lawyers who give sound constitutional advice and don't exist to attempt to be roadblocks." This characterization of legal advisors within the military undermines the critical apolitical role they play in ensuring adherence to the Constitution, the UCMJ, and international law. Military lawyers are not "roadblocks" as you describe; they are guardrails, ensuring that orders issued by commanders are lawful and the armed forces uphold the principles that distinguish our military from those that serve autocrats around the world. Furthermore, your assertion that the selection

process for senior legal officers is an “insulated” system that perpetuates the status quo disregards the legal framework established by 10 U.S.C. Chapter 36, which specifically governs the appointment, promotion, and selection of military officers, including those of the Judge Advocate General’s Corps. This is not a self-perpetuating bureaucracy; it is a system codified by law to ensure that those entrusted with legal oversight are experienced, competent, and independent enough to provide candid legal counsel, even under difficult circumstances. Undermining this structure risks politicizing the military and eroding the very professionalism that has long been its foundation.

We are also troubled that you plan to reduce the rank of JAG leadership from a three-star to a two-star general or flag officer. This position was elevated to three-stars to signal the United States’ commitment to the rule of law as the foundation of good decisions and to ensure they could advise policymakers on our most critical national security decisions, following the abuses at Abu Ghraib. Demoting the military’s champions for lawfulness sends a clear and troubling message across the force. JAGs play a crucial role in ensuring the U.S. military complies with international law, including the DoD Law of War Manual, DoD Directive 3000.09, and the Army Field Manual on Interrogation, which govern the conduct of armed conflict, the use of autonomous weapon systems, and authorized military interrogation techniques. Without independent legal counsel, military operations risk violating international law, exposing U.S. forces to war crimes allegations, damaging alliances, and undermining global legitimacy. The absence of sound legal advice can lead to unlawful targeting decisions, excessive use of force, or misuse of emerging technologies, increasing operational and strategic risks. It endangers uniformed service members by ceding moral high ground to our adversaries in their own conduct and prosecution of armed conflict.

Such actions by the Administration amount to a betrayal of public trust and an erosion of the apolitical foundation of our military legal system. These arbitrary dismissals are a direct violation of their statutory protections. It sends a dangerous message that military legal professionals who provide objective, legally sound advice may be removed at will, thereby making it impossible for the JAG Corps to function as prescribed by law.

Given these grave concerns, we demand immediate clarification on the legal justification for these reliefs and an explanation as to how these actions comply with Title 10 statutes governing the selection and tenure of JAG officers. Additionally, we request a detailed account of the individuals involved in the decision-making process and any documentation that led to these dismissals.

To facilitate proper congressional oversight, we request responses to the following questions by March 13, 2025:

1. What is the legal basis for the removal of these JAG officers?
2. Were any communications or directives issued to justify these removals? If so, please provide them for review.
3. Do you plan to appoint two- or three-star officers to replace these JAG officers?
4. What analysis has the Department conducted to determine that the replacements for these JAG officers should be two-stars?

5. How does the Department plan to ensure the continued independence of the JAG Corps in light of these dismissals?
6. Were any external political or administrative pressures exerted on the decision to remove these officers?
7. How will the Department mitigate the chilling effect this decision has had on the ability of JAG officers to provide independent legal counsel?
8. What measures will be put in place to restore trust in the military justice system and prevent similar actions in the future?
9. Will you follow the legally-prescribed process in selecting the next Judge Advocates General of the Army, Navy, and Air Force?

The rule of law is a foundational pillar of our nation, and the DoD must uphold it without exception. The independence of military legal professionals must be preserved, and any actions that erode this independence must be rectified without delay. Failing to integrate JAGs into military planning who are free to give independent legal advice to the commander threatens not only compliance with the law but also the safety and effectiveness of U.S. forces. As you committed at your confirmation hearing to respond promptly to the committee, we expect a response to these straightforward questions, along with full transparency in addressing the damage these firings have inflicted upon the military justice system.

Sincerely,



Mazie K. Hirono
United States Senator



Jack Reed
United States Senator



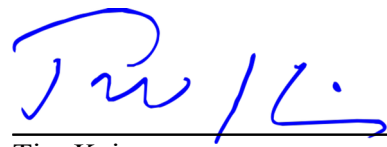
Jeanne Shaheen
United States Senator



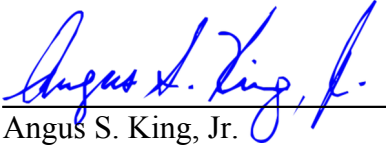
Kirsten Gillibrand
United States Senator



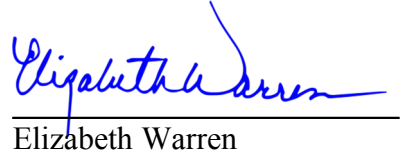
Richard Blumenthal
United States Senator



Tim Kaine
United States Senator



Angus S. King, Jr.
United States Senator



Elizabeth Warren
United States Senator



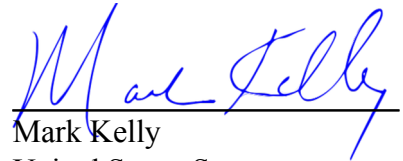
Gary C. Peters
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Tammy Duckworth
United States Senator



Jacky Rosen
United States Senator



Mark Kelly
United States Senator



Elissa Slotkin
United States Senator