

United States Senate

WASHINGTON, DC 20510

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September 15, 2025

Dear Judge Advocates General of the United States Army, Navy, and Air Force and Staff Judge Advocate to the Commandant of the Marine Corps:

Each Military Services' Judge Advocate General's Corps, and Marine Judge Advocates, remain a cornerstone of military readiness and good order, ensuring that our servicemembers, commanders, and institutions operate within the law. Judge Advocates not only safeguard compliance with the Uniform Code of Military Justice (UCMJ), but also provide indispensable counsel on operational law, ethics, and international obligations. Their stability, independence, and professional focus are central to maintaining the credibility and effectiveness of our armed forces.

We write to you regarding the recent authorization by Secretary Hegseth to assign up to 600 military lawyers to serve as temporary immigration judges within the Department of Justice to support the Trump administration's misguided and potentially illegal immigration policies. We understand that the Services are expected to identify the first tranche of 150 attorneys "as soon as practicable," with additional groups to follow. Additionally, twenty uniformed judge advocates are being detailed to serve as Special Assistant U.S. Attorneys (SAUSAs) in the U.S. Attorney's Office for the District of Columbia to support the prosecution of civilians.

We are deeply concerned about the implications of these assignments and the JAG Corps' ability to continue effectively supporting adherence to the rule of law. These roles, unlike collateral duties, require extended full-time commitment away from the servicemembers' parent commands. Moreover, these reassignments come at a time only shortly after Congress completely overhauled how the military investigates and prosecutes serious "covered" criminal offenses under the UCMJ by establishing the Offices of Special Trial Counsel (OSTCs) in each of the Services. Further, we have deep concerns that

using military judge advocates as temporary immigration judges unavoidably violates the Posse Comitatus Act.

Judge advocates serving as immigration judges will make final, binding decisions on an immigrant's status, including adjudication of asylum applications and final removal orders. These military officers would serve under the command and control of the Attorney General and would execute administrative determinations at the direction of the Attorney General. These actions are inherently law enforcement actions that may not be performed by members of the armed forces.

We request written responses to the following questions by October 1, 2025, detailing your best military advice and assessment of how these large-scale assignments will impact:

Operational Readiness and UCMJ Case Load

1. Are highly trained OSTC litigators being drawn from their billets to fulfill these DOJ requirements? If so, how many, and from what OSTC offices?
2. What is the anticipated impact on UCMJ case processing, particularly on ensuring victims' rights under 10 U.S.C. § 806b and meeting statutory and constitutional timelines for both victims and accused?
3. How will commands be augmented with legal support when judge advocates are absent from their units on these extended assignments?

Career Development and Command Support

4. How will these assignments affect JAG officers' professional development, particularly opportunities to support the warfighter through operational deployments, exercises, and underway experiences?
5. Do these DOJ details compete with or displace other essential assignment opportunities that develop JAGs' operational and leadership skills?
6. What measures are in place to ensure that these assignments are equitably distributed across the services without overburdening any single branch or office?
7. How will the Department preserve the OSTC's progress in building specialized trial capacity if litigators are diverted?
8. How will the Department preserve the uniformed JAG defense offices to ensure accused are provided with meaningful representation if attorneys are diverted?

The JAG Corps' independence and operational focus are critical for ensuring discipline, accountability, and compliance with the rule of law. These highly polarized new interagency assignments risk undermining military justice functions and readiness.

To facilitate informed oversight, we request additional written responses to the following questions by October 15, 2025, as well:

9. How many JAG officers from each service are slated for temporary duty as immigration judges and SAUSAs?
10. From which commands, billets, and offices are these personnel being drawn?
11. What is the process for selecting the personnel?
12. How will the services ensure that diversion of OSTCs, trial counsels, and defense counsels does not create delays or diminish quality in court-martials?

13. What analysis has been conducted to measure the impact on victims' rights and case processing under the UCMJ?
14. What analysis has been conducted to measure the impact on accused's rights and case processing under the UCMJ?
15. What career impacts—positive or negative—are anticipated for officers assigned to these details?
16. What mechanisms will be used to restore affected commands' legal support during these assignments?
17. Are there plans to limit or rotate participation to mitigate readiness risk across the Services?
18. Finally, have you conducted an analysis on the application of the Posse Comitatus Act to the performance of duties as temporary immigration judges by judge advocates, and if so, what is the result of that analysis?

We remain extremely disturbed about the impacts on readiness of using military personnel to perform what are traditionally Department of Justice functions. Additionally, this demonstrates how the Trump administration views skilled personnel as pawns to be traded between agencies, rather than as professionals essential to their core missions, in order to advance misguided immigration policies. We urge transparency and careful stewardship in balancing interagency needs with the enduring responsibility to support commanders, protect victims, and strengthen the warfighter.

We look forward to your prompt response.

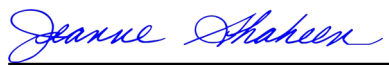
Sincerely,



Mazie K. Hirono
United States Senator



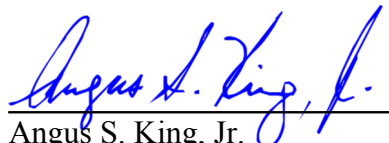
Jack Reed
United States Senator



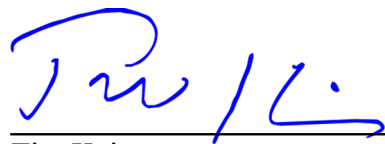
Jeanne Shaheen
United States Senator



Richard Blumenthal
United States Senator



Angus S. King, Jr.
United States Senator



Tim Kaine
United States Senator



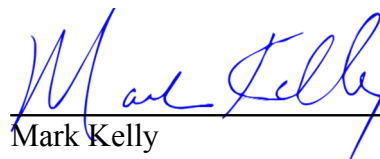
Tammy Duckworth
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Kirsten Gillibrand
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Elizabeth Warren
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Mark Kelly
United States Senator



Jacky Rosen
United States Senator



Gary C. Peters
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