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‘Horribly wrong’: US veterans condemn Trump’s politicization of military

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George Chidi

Experts infuriated by president accusing Democrats of ‘sedition’ for urging soldiers to refuse illegal orders

Veterans have condemned the politicization of the military after Donald Trump accused Democratic lawmakers of “sedition, punishable by death” after a small group of them released a video in which they urged US soldiers not to follow any “unlawful” orders.

The extraordinary exchange was sparked after Democratic lawmakers with military or national security backgrounds – the congressional representatives Maggie Goodlander, Jason Crow, Chris DeLuzio and Chrissy Houlahan, and the senators Mark Kelly and Elissa Slotkin – posted a video on Facebook addressed to US service members.

“The administration is pitting our uniformed military and intelligence professionals against American citizens,” they said, and added: “You must refuse illegal orders.”

Although they did not specify which orders might be illegal, Trump has come under fire for sending the US military into American cities for poorly defined reasons, including amid peaceful protests against a vast and aggressive deportation campaign.

“Seditious behavior, punishable by death!” Trump responded in a post on Truth Social. “Each one of these traitors to our Country should be arrested and put on trial.” He also reposted a message from another user reading: “Hang them George Washington would!”

His comments infuriated the military’s legal community.

“He uses sedition and treason very broadly and inappropriately,” said David Frakt, a retired air force officer and attorney in the judge advocate general (JAG) corps, the military justice branch. “The irony is that if anyone committed sedition or treason, it was the people that he urged to overthrow the government on January 6 [2021] – and you know, he pardoned all of those people and calls them patriots and martyrs and all the rest.”

The rhetoric of execution places the safety of lawmakers at risk, Frakt said. “I think all of those people are very likely in fear for their life now, not because Trump would actually prosecute them for something

because they didn't actually commit a crime … but that they're the 'enemy of the people,' and [the administration is] going to go after them. They're going to say, 'Well, Trump will pardon me.'"

He expressed a shared anger with the Democrats in the video about the legal environment facing US service members, citing as an example the recent actions by the US government to blow up the vessels of alleged drug-trafficking boats off the Caribbean coast of Venezuela and in the Pacific, which he said was illegal and "not a close call in any way … it is laughable."

Sinking these boats is "murder, not combat", he said. "Adherence to the law is taking a back seat."

Don Christensen, a retired air force colonel and former chief prosecutor of the air force, described Trump's comments on sedition as "horribly wrong".

He also condemned Senator Lindsey Graham, a former air force attorney, who sent a letter to the Democratic lawmakers after their video aired asking exactly what orders they believe were unlawful, but who has not condemned the president's comments.

"Graham knows everything [Trump is] saying is wrong because Lindsey Graham was an attorney, and he's given briefings to the troops when he was an attorney about unlawful orders and the obligation not to follow them, and he knows what the law is," Christensen said. "He should be full-throated out there saying what the president is doing is wrong."

But while Christensen agreed with Frakt that the Venezuela attacks were illegal, he noted that disobeying orders in those operations would be difficult for US service members.

"I think those are clearly unlawful orders, but for those that are dealing with this, they're in a tough position, because the last thing that in my mind they want is to have this to be an issue in the criminal court, where a court system determines whether or not that's a lawful order."

Indeed, while military attorneys are outraged at Trump's comments, some expressed concern for the fate of service members who take the burden of refusing an order upon themselves.

"If a service member thinks an order is unlawful, they can disobey it, but they disobey at their peril," said Rachel VanLandingham, a law professor at Southwestern Law School in Los Angeles and a retired air force lieutenant colonel who served as a military attorney.

Orders are presumed to be lawful, she said. The legal duty to disobey arises only when an order is "manifestly, patently unlawful", meaning any "person of ordinary understanding" would know it is criminal, like an order to murder non-threatening civilians. That bar is intentionally extremely high, drawn from cases like the My Lai massacre of hundreds of unarmed civilians in the Vietnam war.

The lawmakers' video elides that legal nuance, she said: orders can be unlawful without being manifestly unlawful, meaning troops who follow them are not guilty of breaking the law, even if the underlying theory is "bullshit". The US strikes on alleged drug boats are highly dubious, she said, but the situation is legally "murky", not "murder".

VanLandingham said more retired general officers should criticize the legal and moral problems with the way Trump is deploying the military, rather than telling troops they "must disobey" without specifying

which orders meet the manifest-unlawfulness threshold – which is, in her view, irresponsible.

"It was a political message," VanLandingham said. "I think the American people should say, 'Wait, what, who's looking out for the service members here?' Not the Dems. Not those Dems. They weren't."

A duty to disobey illegal orders is not new: it "has always been the law", said Coretta Johnson Gray, a former air force attorney. What is unusual now is the heightened anxiety among service members who normally operate without questioning the legality of typical orders.

There's also a world of legal difference between dropping a bomb on a boat and setting up tents in a field when **ICE** (Immigration and Customs Enforcement) is running an operation, she said.

Facing a questionable order, a service member's first responsibility is to get clarification from their chain of command, she said. Following that, they should seek guidance from a military chaplain or a member of the judge advocate general's corps.

However, given that one of the first acts of the incoming secretary of defense, **Pete Hegseth**, was to fire or demoting legal advisers to the service branches, there are concerns that the **JAG corps** is becoming politicized, too.

Gray further expressed alarm that many military lawyers are quitting the service. "It's important to have good people who have integrity in these positions, because if you get rid of everybody who could even question, you really got a problem."

She urged active-duty senior leadership to publicly reaffirm their oath to the constitution and their political neutrality. "You don't want the American people to think … the military is going to change based on [who's in charge]," she said.

Kevin Courtney, an attorney with the Military Law Center and a former marine captain, warns that the current political discourse around unlawful orders puts junior service members in a dangerous position.

Trump's intervention is "a dangerous comment for the president to start getting into, literally the politics of whether service members should be following rules or not."

The risk, he said, was that "if you are politically motivated … if you're a liberal, you might follow the video's guidance. If you're conservative, you might follow the president" – creating a politicized split inside the ranks.

Courtney repeatedly stressed the core legal principle that "every order is presumed lawful." The only exceptions are the extreme and obvious ones: "I want you to shoot that guy in the street. OK, well that's not gonna be a lawful order."

A "10-minute decision" not to follow an order "could take 10 years to really fix", he said.

The public should be concerned about politics influencing the military, Courtney said.

"The reason the public honors veterans and service members so highly and puts them in high regard is because they represent all of America. They're not only representing Democrats or only representing

Republicans. And when the president comes in and starts to politicize it, I think half the country has an opportunity to start looking at the military in a degraded light."