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NIMJ Statement of Concern about Secretary Hegseth's Political Interference with Military Justice

The board members of the National Institute of Military Justice (NIMJ) are deeply distressed about Defense Secretary Pete Hegseth's removal of the top uniformed lawyers in the Army, Navy, and Air Force prior to the expiration of their statutory four-year terms.

While military officers have been relieved before, the Secretary's firing of The Judge Advocates General (TJAGs) is wholly unprecedented. When pressed by the media for a reason for such an extraordinary move, Secretary Hegseth said he fired these top military lawyers because they might be "roadblocks to anything that happens."

We recognize that TJAGs are not entitled to autonomy nor are they immune from legitimate scrutiny from civilian leadership, and that at times there may be valid reasons for firing such an officer on an individualized basis. But the reasons for doing so matter, and these reasons must be expressed publicly. Here, it appears that there was no legitimate rationale for these firings—rather, they were motivated purely by partisan concerns.

Secretary Hegseth's justification raises more concerns than it answers. Among other issues, it rekindles the specter of unlawful command influence, which has been called "the mortal enemy of military justice."

The American military justice system has continuously battled against efforts of those tempted to put thumbs on the scales. A system that is fair—and is seen to be fair—is an essential reason why Americans allow their sons and daughters to join the military. A fair military justice system is a national security priority.

A fair military justice system requires structural independence. Those who play roles in the process must be able to do so without fear of recrimination. This includes the top service lawyers, who play important roles in training, leading, and supervising the military lawyers who are integral to the military justice system.

Since 1991, NIMJ has advocated for the fair administration of justice in the armed forces, as a non-partisan group of experts who are independent from the government. We do not always agree with the decisions of the TJAGs. In this case, we are concerned that their firing without sound justification sends the unwelcome message to those in the military justice system that they, too, might be arbitrarily fired simply for doing their jobs.

The Board of Directors
National Institute of Military Justice