

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

December 9, 2025

The Honorable Pam Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Attorney General Bondi and Director Patel:

We write with grave concern that the Trump Administration is weaponizing the Federal Bureau of Investigation (FBI) against federal lawmakers who merely restated current law. This abuse of federal law enforcement authority as an instrument of retribution against the President's political opponents is a threat to the constitutional freedoms of all Americans.¹

On November 18, six Members of Congress who are former members of the military and the intelligence community published a video reiterating that members of the armed services may refuse to comply with illegal orders, which is the law of the land.² As you know, the Uniform Code of Military Justice requires servicemembers to follow “lawful government order[s] or regulation[s],”³ and the Manual for Courts-Martial explicitly states that the “inference [of lawfulness] does not apply to a patently illegal order.”⁴ With regard to violations of the law of war, the Department of Defense's Law of War Manual also states that “each member of the armed services has a duty to refuse to comply with clearly illegal orders to commit violations of the law of war.”⁵ Indeed, servicemembers may be prosecuted for carrying out a patently unlawful order to commit a war crime.⁶

Nothing these Members of Congress said in this video is unlawful—they were simply restating existing law. Secretary of Defense Hegseth himself has in the past echoed this well-known legal truism in his own words: “If you’re doing something that is just completely unlawful and ruthless, then there is a consequence for that. That’s why the military said it won’t follow unlawful orders from their commander-in-chief.”⁷ Attorney General Bondi, you have reaffirmed this yourself as recently as last year in an amicus brief you submitted to the U.S. Supreme Court, stating: “Any presidential order to the military to use lethal force without legal justification

¹ See e.g., Peter Eisler et al., *Trump's Campaign of Retribution: At Least 470 Targets and Counting*, REUTERS (Nov. 26, 2025), <https://www.reuters.com/investigates/special-report/usa-trump-retribution-tracker/>.

² See @senatorelissaslotkin, YOUTUBE (Nov. 18, 2025), <https://youtube.com/shorts/Fk9Gh3qwW4I?si=K7gljaXT6QgyBjGH>.

³ See 10 U.S.C. § 892, Art. 92.

⁴ See MANUAL FOR COURTS-MARTIAL, UNITED STATES pt. IV, ¶ 16 (2024 ed.), available [https://jsc.defense.gov/Portals/99/2024%20MCM%20files/MCM%20\(2024%20ed\)%20\(2024_01_02\)%20\(adjusted%20bookmarks\).pdf](https://jsc.defense.gov/Portals/99/2024%20MCM%20files/MCM%20(2024%20ed)%20(2024_01_02)%20(adjusted%20bookmarks).pdf).

⁵ U.S. Dep't of Def., Law of War Manual 18.3 (Jun. 2015, updated Jul. 2023) (Duties of Individual Members of the Armed Forces), available at <https://media.defense.gov/2023/Jul/31/2003271432/-1/-1/0/DOD-LAW-OF-WAR-MANUAL-JUNE-2015-UPDATED-JULY%202023.PDF>.

⁶ *Id.* at 18.3.2.1.

⁷ Pete Hegseth ~ *The Conservative Forum* ~ 4-12-2016, Liberty Forum, YOUTUBE (Apr. 15, 2016), <https://www.youtube.com/watch?v=8eUE4OQ2QV0>.

would be an order calling for the commission of a grave felony crime. And any military officers who knowingly issued or carried out such an unlawful order would themselves be criminally liable.”⁸ You continued: “The military would not carry out a patently unlawful order from the president to kill nonmilitary targets. Indeed, service members are required not to do so.”⁹

Despite no predicate whatsoever, the FBI's political leadership is reportedly pressuring the Washington Field Office to open a seditious conspiracy investigation into the six federal lawmakers for these lawful statements.¹⁰ This contradicts Director Patel’s public promise that the question of “is there a lawful predicate to open up an inquiry and investigation or is there not” would be “made by the career agents and analysts here at the FBI.”¹¹ This is particularly alarming because President Trump himself has publicly claimed that the lawmakers’ lawful statements are “SEDITIONOUS BEHAVIOR, punishable by DEATH.”¹² The President also shared a different post that read: “HANG THEM GEORGE WASHINGTON WOULD.”¹³

It is facially unconstitutional to prosecute protected speech, whether that speech is by the American people or their representatives in Congress, and it is absurd to contend that statements reiterating the law alone are a predicate for a seditious conspiracy investigation. President Trump has repeatedly weaponized the federal law enforcement against American citizens as part of his increasingly desperate attempts to distract from the lawlessness, corruption, and incompetence of his Administration.¹⁴ This country deserves federal law enforcement that uphold the law, not use the threat of prosecution in attempt to chill speech—particularly speech that advances legislative oversight of our Armed Forces to comply with the law.

⁸ BRIEF FOR THREE FORMER SENIOR MILITARY OFFICERS AND EXECUTIVE BRANCH OFFICIALS AS AMICI CURIAE SUPPORTING PETITIONER at 9, *Trump v. United States*, 603 U.S. 593 (2024).

⁹ *Id.*

¹⁰ Ben Penn, *FBI Seeks ‘Seditious Conspiracy’ Probe of Democratic Lawmakers*, BLOOMBERG (Dec. 3, 2025), <https://news.bloomberglaw.com/us-law-week/fbi-seeks-seditious-conspiracy-probe-of-democratic-lawmakers>. See also, Greg Jaffe, *Democrats Say F.B.I. Is Investigating Them Over Illegal Orders Video*, N.Y. TIMES (Nov. 25, 2025), <https://www.nytimes.com/2025/11/25/us/politics/congress-military-video-fbi.html> (“The F.B.I. inquiry into the six lawmakers is being conducted by the bureau’s counterterrorism division”).

¹¹ See Catherine Herridge (@C_Herridge), X (Nov. 24, 2025, 10:26 PM), https://x.com/C_Herridge/status/1993159385187598588.

¹² See Shawn McCreesh, *Trump Accuses Democrats of Sedition, ‘Punishable by Death,’ Over Message To The Military*, N.Y. TIMES (Nov. 20, 2025), <https://www.nytimes.com/2025/11/20/us/politics/trump-democrats-sedition-death-punishment.html>.

¹³ *Id.*

¹⁴ See e.g., Straight Arrow News, *DOJ Expected to Seek Re-Indictment of Letisha James*, USA TODAY (Dec. 5, 2025), <https://www.usatoday.com/videos/news/2025/12/05/doj-expected-to-seek-new-indictment-of-letitia-james-report/87601862007/>; Caitlyn Rosen, *Judge Poised to Issue TRO Protecting Reporters, Protesters From ICE Force*, COURTHOUSE NEWS SERV. (Oct. 5, 2025), <https://www.courthousenews.com/judge-poised-to-issue-tro-protecting-reporters-protesters-from-ice-force/>; Nadine El-Bawab, *Judge Finds Trump Administration Violated Constitutional Rights of Pro-Palestinian Protesters*, ABC NEWS (Sept. 30, 2025), <https://abcnews.go.com/US/judge-finds-trump-administration-violated-constitutional-rights-pro/story?id=126088669>; Mariana Alfaro & Jacob Bogage, *Trump Administration Will Block SNAP Management Funds for Blue States*, WASH. POST (Dec. 2, 2025), <https://www.washingtonpost.com/politics/2025/12/02/trump-administration-blocks-snap-administration-funds/>; Peter Eisler et al., *Trump’s Campaign of Retribution: At Least 470 Targets and Counting*, REUTERS (Nov. 26, 2025), <https://www.reuters.com/investigates/special-report/usa-trump-retribution-tracker/>.

The Department of Justice's resources would be better spent ensuring that the Department of Defense is following the law as it conducts military action. Given these troubling reports, we request that you provide the following by December 29, 2025:

1. All documents and communications dated or occurring after November 18, 2025, between the Department of Justice and/or the Federal Bureau of Investigation and President Trump or any other White House official relating to the statements of six Members of Congress about refusing illegal orders.
2. All documents and communications dated or occurring after November 18, 2025, between the Department of Justice and/or the Federal Bureau of Investigation and the Washington Field Office and the U.S. Attorney's Office for the District of Columbia relating to the statements of six Members of Congress about refusing illegal orders.
3. All documents and communications dated or occurring after November 18, 2025, between the Department of Justice and/or the Federal Bureau of Investigation and the Department of Defense relating to statements of the six Members of Congress.

We expect full and immediate compliance with this request.

Sincerely,



Richard J. Durbin
Ranking Member



Sheldon Whitehouse
United States Senator



Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



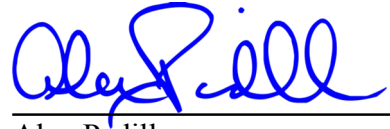
Richard Blumenthal
United States Senator



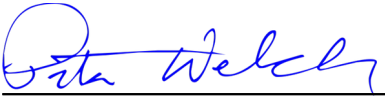
Mazie K. Hirono
United States Senator



Cory A. Booker
United States Senator



Alex Padilla
United States Senator



Peter Welch
United States Senator



Adam B. Schiff
United States Senator