

National Security Leaders & Bi-Partisan Opposition to Reported Memorial Day Pardons for War Crimes

- ☑ **General Martin Dempsey USA (Ret.):** “Absent evidence of innocence or injustice the wholesale pardon of US servicemembers accused of war crimes signals our troops and allies that we don’t take the Law of Armed Conflict seriously. Bad message. Bad precedent. Abdication of moral responsibility. Risk to us.”¹
- ☑ **General Charles Krulak USMC (Ret.):** “If President Trump issues indiscriminate pardons of individuals accused – or convicted by their fellow servicemembers -- of war crimes, he relinquishes the United States’ moral high ground and undermines the good order and discipline critical to winning on the battlefield. I urge the President against taking this step and hope that Members of Congress will oppose it.”²
- ☑ **General Barry R McCaffrey USA (Ret.):** “Uniform Code of [Military] Justice is a Federal law passed by Congress. Trump is circumventing Good Order and Discipline. Terrible signal to our Armed Forces.”³
- ☑ **Admiral William McRaven USN (Ret.):** “A senior officer is not allowed to imply how he thinks the investigation should come out... That is called unduly influencing the investigation. So by the president signaling that he wants to or might pardon any individual, I’m concerned that
- that unduly influences the commanders below him.”⁴
- ☑ **Admiral James Stavridis USN (Ret.):**⁵ “For the Commander-in-Chief to reach into the military system and provide a pardon, especially in a preemptive way before a trial and appeal process, is a mistake. It will undermine our own standards, as junior enlisted personnel try to understand a pardon for doing something we constantly train to avoid. It strengthens enemy propaganda, as they will correctly say that we do not hold ourselves accountable for our own standards. It undercuts our relations with allies who have strong systems in place to prevent these kinds of actions. And it spurs our enemies on to even more barbaric behavior as the battlefield descends into moral chaos on both sides of the line of combat. This kind of pardon disrespects every single one of our soldiers, sailors, airmen and Marines who follow the strict standards of the Code of Conduct.”⁶
- ☑ **Lieutenant General Mark Hertling USA (Ret.):** “While these pardons reportedly being considered by the President would be “legal,” they are also immoral and anathema to military discipline, unit cohesion, and our forces’ professionalism. If applied as reported, the pardons would damage the way the US military

¹ https://twitter.com/Martin_Dempsey/status/1130809276191035392

² <https://www.humanrightsfirst.org/press-release/statement-general-charles-krulak-usmc-ret-opposing-reported-memorial-day-pardons>

³ <https://twitter.com/mccaffreyr3/status/1130163877939777536>

⁴ <https://taskandpurpose.com/mcraven-trump-pardons-war-crimes>

⁵ <https://www.msnbc.com/weekends-with-alex-witt/watch/retired-admiral-s-thoughts-on-trump-possibly-pardoning-soldiers-accused-of-war-crimes-59940933571>

⁶ <http://time.com/5593657/trump-military-pardons-mistake/>

is perceived by our allies and partners around the world and give credence and reinforcement to our enemies. They would cause even more damage to civil-military relations in our republic and send a very bad message to all those who serve.”⁷

- ✓ **Colonel David Laplan USMC (Ret.):** “[P]ardons like these send a message to those who are in the military now that serious crimes can be forgiven, and so the thought of there being military justice - of people being held accountable for violations of their oath and for the law - can be wiped away with a pardon. Two, our allies have to then wonder can they trust that we are going to hold people accountable when they commit wrongdoing? And third, and maybe most important, is it shows our enemies and our adversaries if we are not willing again to hold people accountable for the crimes they commit, then how do their actions compare? Are they more likely to do the same kind of things to our service members that our service members have committed if they're not being held accountable?”⁸
- ✓ **Lieutenant Colonel Amy McGrath USMC (Ret.):** “I don’t think he understands this is an insult to our military and anyone who has honorably served in combat, and it’s particularly disgraceful to do this on Memorial Day, a day where we pay our respects to those who gave their lives serving honorably for our country.”⁹
- ✓ **Lieutenant Colonel Gary Solis USMC (Ret.):** “I think this kind of witless clemency, these

[possible] pardons are harmful not only to the presidency, but more significantly, for the military justice system.... It gives tacit encouragement to further misadventures in war crimes.”¹⁰

- ✓ **Chris Jenks (General Counsel’s Office of the Department of Defense 2017-2018):** “[The] President’s issuance of preemptive pardons would denigrate everyone in the United States military who is committed to a fair and effective military justice system.”¹¹
- ✓ **Representative Dan Crenshaw (R-TX):** “These cases should be decided by the courts, where the entirety of the evidence can be viewed. Only after that should a pardon be considered.”¹²
- ✓ **Senator Tammy Duckworth (D- IL):** “I don’t think presidential pardon powers and especially something as egregious as war crimes should be something done as a political ploy, and that seems like what he’s doing.”¹³
- ✓ **Representative Seth Moulton (D-MA):** “[Through] “through all the tragedies of that war, for all the hard days that we had, we never lost our values. And I think it is an insult to the 99.9 percent of veterans who could say the same, when the president pardons war criminals.” ¹⁴
- ✓ **Senator Mitt Romney (R-UT):** “I think it’s a terrible idea to pardon someone who is legitimately convicted of committing war crimes. It’s unthinkable.”¹⁵

⁷ <https://www.cnn.com/2019/05/20/opinions/trump-military-pardon-hertling/index.html>

⁸ <https://www.npr.org/2019/05/22/725845393/possible-presidential-pardons-are-coming-for-u-s-servicemen-convicted-of-war-cri>

⁹ <https://twitter.com/AmyMcGrathKY/status/1130092692367650818>

¹⁰ <https://www.washingtonian.com/2019/05/23/qa-war-crimes-law-expert-gary-solis-on-the-case-of-eddie-gallagher/>

¹¹ <https://www.justsecurity.org/64185/sticking-it-to-yourself-preemptive-pardons-for-battlefield-crimes-undercut-military-justice-and-military-effectiveness/>

¹² <https://www.nationalreview.com/corner/crenshaw-navy-seal-should-face-war-crimes-trial-before-trump-considers-pardon/>

¹³ https://www.huffpost.com/entry/trump-pardon-war-crimes-mitt-romney_n_5ce4697ae4b0547bd12e82e8

¹⁴ https://twitter.com/PNS_News/status/1130477193929416704

¹⁵ https://www.huffpost.com/entry/trump-pardon-war-crimes-mitt-romney_n_5ce4697ae4b0547bd12e82e8