

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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December 22, 2025

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

Dear Attorney General Bondi:

Secretary of Defense Pete Hegseth has offered multiple, conflicting explanations of the Trump Administration's decision to kill dozens of people in the waters off Venezuela.¹ The most disturbing of these incidents to come to light, at least so far, took place on September 2, 2025, when Secretary Hegseth is alleged to have ordered a second attack on two survivors of an initial military strike on a small boat he says was carrying drugs to the United States.² Reporting suggests that the "[t]wo survivors were clinging to the smoldering wreck" when the commander overseeing the operation "ordered a second strike to comply with Hegseth's instructions.... The two men were blown apart in the water."³

Secretary Hegseth later argued that these two individuals were "gang members" who were "trying to poison our country with illicit drugs."⁴ He has, of course, offered no evidence for either assertion. It now appears that the boat he destroyed was heading to Suriname, not the United States, at the time it was destroyed.⁵

To be clear, the entire Caribbean operation appears to be unlawful. Congress has never authorized military force against Venezuela; a boat moving towards Suriname does not pose a

¹ David E. Sanger & Helene Cooper, *For Trump, Hegseth's Take-No-Prisoners Approach Is a Growing Liability*, N.Y. TIMES (Dec. 1, 2025), <https://www.nytimes.com/2025/12/01/us/politics/trump-hegseth-drug-boat-strike-venezuela.html>; see also Rex Huppke, *Hegseth's boat strike story keeps changing. No big deal!*, USA TODAY (Dec. 5, 2025) <https://www.usatoday.com/story/opinion/columnist/2025/12/05/trump-hegseth-venezuela-drug-boat-strikes-war-crimes/87607207007/>.

² Alex Horton & Ellen Nakashima, *Hegseth Order on First Caribbean Boat Strike, Officials Say: Kill Them All*, WASH. POST (Nov. 28, 2025), <https://www.washingtonpost.com/national-security/2025/11/28/hegseth-kill-them-all-survivors-boat-strike/>.

³ *Id.*

⁴ Aaron Blake, *All the Ways the Trump Administration Has Changed Its Story on the Boat Strikes*, CNN (Dec. 8, 2025), <https://www.cnn.com/2025/12/08/politics/boat-strikes-venezuela-trump-administration>.

⁵ Rebecca Schneid, *Boat Destroyed in 'Double-Tap' Strike Was Not Heading to U.S., Admiral Reportedly Tells Lawmakers*, TIME (Dec. 6, 2025), <https://time.com/7339154/admiral-bradley-boat-strike-hegseth/>.

clear and present danger to the United States; and the classified legal memoranda the Trump Administration has offered us to justify the attacks are entirely unpersuasive.⁶ The deliberate targeting of these two individuals is a blatant violation of the Department of Defense's Law of War Manual, which clearly states: "[p]ersons who have been incapacitated by ... shipwreck are in a helpless state, and it would be dishonorable and inhumane to make them the object of attack."⁷

We write because these strikes appear to violate not just the laws of war but also federal criminal law. **We request that the Department of Justice (DOJ) open a criminal investigation into whether these strikes violated either the War Crimes Act or the federal murder statute—and, given what we know about September 2, it must be one or the other.**

If we are at war, then you must investigate this conduct as a potential war crime. The War Crimes Act authorizes the DOJ to investigate and prosecute allegations of murder, torture, rape, and the cruel and inhumane treatment of noncombatants.⁸ The statute applies "regardless of where the offense occurs," whether or not the victim is a national of the United States, and even if the offender is a member of the Armed Forces of the United States.⁹ If indeed the United States is engaged in armed conflict with the drug trafficking cartels operating out of Venezuela, then the deliberate targeting of unarmed and vulnerable individuals constitutes a war crime and a violation of the War Crimes Act.¹⁰

Under pressure to explain himself, Secretary Hegseth has variously claimed that he missed the details of the September 2 strike because of the "fog of war," and that he actually left the room before any explicit order was given to kill the survivors.¹¹ Later reporting suggests that he gave a general order to kill all passengers aboard ahead of the strike but delegated the specific order to kill survivors to a subordinate.¹²

⁶ Caitlin Yilek, *Trump's Venezuela Boat Strikes Fuel War Crimes Allegations. Are They Legal?* CBS NEWS (Dec. 4, 2025), <https://www.cbsnews.com/news/trump-hegseth-venezuela-boat-strikes-war-crimes-are-they-legal/>; see also Charlie Savage & Julian E. Barnes, *Spy Agencies Do Not Think Venezuela Directs Gang, Declassified Memo Shows*, N.Y. TIMES (May 5, 2025), <https://www.nytimes.com/2025/05/05/us/trump-venezuela-gang-ties-spy-memo.html>.

⁷ *Department of Defense Law of War Manual*, Office of General Counsel, U.S. Dept. of Defense (updated Dec. 2016) https://ogc.osd.mil/Portals/99/departments_of_defense_law_of_war_manual.pdf (hereinafter "*DOD Law of War Manual*") at §5.9.4.

⁸ 18 U.S.C. § 2441(d).

⁹ *Id.* § 2441(b)(2).

¹⁰ "It is ... prohibited to conduct hostilities on the basis that there shall be no survivors, or to threaten the adversary with the denial of quarter. This rule is based on both humanitarian and military considerations." *DOD Law of War Manual* at §5.4.7.

¹¹ Katherine Doyle, *Pete Hegseth Says He Didn't See Survivors in the September Boat Strike Because of 'the Fog of War'*, NBC NEWS (Dec. 2, 2025), <https://www.nbcnews.com/politics/national-security/pete-hegseth-says-didnt-see-survivors-september-boat-strike-war-rcna246978>.

¹² Noah Robertson, Alex Horton, & Ellen Nakashima, *How a U.S. Admiral Decided to Kill Two Boat Strike Survivors*, WASH. POST (Dec. 11, 2025), <https://www.washingtonpost.com/national-security/2025/12/11/frank-bradley-boat-strike-survivors/>.

These facts are alarming and warrant investigation. Giving a general order to kill any survivors constitutes a war crime.¹³ Similarly, carrying out a such an order also constitutes a war crime, and the *Manual for Courts-Martial* explicitly provides that “acting pursuant to orders” is no defense “if the accused knew the orders to be unlawful.”¹⁴

Outside of war, the killing of unarmed, helpless men clinging to wreckage in open water is simply murder. The federal criminal code makes it a felony to commit murder within the “special maritime and territorial jurisdiction of the United States,”¹⁵ which is defined to include the “high seas.”¹⁶ It is also a federal crime to conspire to commit murder.

In anticipation of your prompt response to this letter, we want to address two memos by the DOJ’s Office of Legal Counsel (OLC) and make clear they do not—and cannot—provide any legal protection for the Secretary’s conduct.

First, in 2010, OLC issued a memorandum arguing that the federal murder statute does not apply when the target of a military strike is an enemy combatant in a congressionally authorized armed conflict.¹⁷ In that case, where Congress had explicitly authorized the use of military force against al Qaida, and where the target was determined to be “a leader of [al Qaida on the Arabian Peninsula] whose activities in Yemen pose a ‘continued and imminent threat’ of violence to United States interests,” a lethal drone strike was determined to be a lawful activity.¹⁸

In stark contrast, in the case of the Venezuelan boats, Congress has not authorized military force of any kind. It is not even clear that the sporadic use of military force to target these boats constitutes “armed conflict” as the term is properly defined.¹⁹ The people in the boat destroyed on the first pass were not at war with the United States. They weren’t even *headed* towards the United States. If they had been headed to the United States, the Trump Administration might have considered deploying the U.S. Navy and U.S. Coast Guard to perform the important but almost routine task of interdicting a drug vessel attempting to evade U.S. authorities.²⁰ And even if none of these things were true—if the Trump Administration *had* secured congressional authority, if the United States *were* at war with Venezuela, if the boat *had* been headed to the United States, if the men on it *did* pose an imminent threat of violence to United States interests—killing the two men floating in the water after the initial strike *still*

¹³ *Id.* at § 18.3.2.1.

¹⁴ Rule 916(d), *Manual for Courts-Martial United States* (2024 Ed.).

¹⁵ 18 U.S.C. § 1111(b).

¹⁶ *Id.* at § 7(1).

¹⁷ Memorandum for the Attorney General, *Re: Applicability of Federal Criminal Laws and the Constitution to Contemplated Lethal Operations against Shaykh Anwar al-Aulaqi*, Office of Legal Counsel, U.S. Dept. of Justice (July 16, 2010).

¹⁸ *Id.*

¹⁹ Michael Schmidt, *Striking Drug Cartels under the Jus ad Bellum and Law of Armed Conflict*, JUST SECURITY (Sept. 10, 2025), <https://www.justsecurity.org/120235/drug-cartels-jus-ad-bellum-loac/>.

²⁰ Mark Nevitt, *Using Labels, Not Law, to Justify Lethal Force: Inside the Venezuelan Boat Strike*, JUST SECURITY (Sept. 5, 2025), <https://www.justsecurity.org/119985/labels-ustify-lethal-force-venezuelan-boat-strike/>.

would have been plainly unlawful. In short, the 2010 OLC memo provides Secretary Hegseth with no legal protection whatsoever.

Second, it was recently reported that OLC has issued a new classified memorandum suggesting that “personnel taking part in military strikes on alleged drug-trafficking boats in Latin American would not be exposed to future prosecution.”²¹ This memo reportedly argues that the President’s inherent constitutional authority in an undeclared “armed conflict” will shield the entire chain of command from criminal liability.²² Experts in criminal law, constitutional law, and the law of armed conflict find this sweeping, unsubstantiated claim implausible, at best.²³

We remind you that, even if it is the policy of this Administration to condone murder, a future administration will be free to revoke an OLC memo that it finds unprincipled, unpersuasive, or both. For example, in 2002, Deputy Assistant Attorney General John Yoo drafted the now infamous “torture memos,” a series of OLC opinions asserting that the federal prohibition on torture did not apply to United States officials conducting “enhanced interrogation techniques” on detainees in our custody.²⁴ By 2009, a new presidential administration had revoked the entire set of memoranda.²⁵ Nothing about your new OLC memorandum will protect Secretary Hegseth or anyone else under his command if the legal reasoning behind that opinion is fundamentally unsound and unpersuasive.

It is not surprising that the author of the torture memos was once viewed as a “guiding light” for President Trump and his allies.²⁶ John Yoo’s expansive views of presidential power are no doubt popular with a president who claims, without evidence, that the people his Administration have killed in the Caribbean are connected to the drug trade and therefore perfectly lawful targets for our military.²⁷ But, interestingly enough, John Yoo was one of the first conservative legal scholars to raise concerns about “a broad, amorphous military campaign against the illegal drug trade, which would violate American law and the Constitution.”²⁸ And when news of Secretary Hegseth’s “no survivors” order broke, Professor Yoo made his position clear:

²¹ Ellen Nakashima, et al., *U.S. Troops Not Liable in Boat Strikes, Classified Justice Dept. Memo Says*, WASH. POST (Nov. 12, 2025), <https://www.washingtonpost.com/national-security/2025/11/12/trump-drug-boat-venezuela-legal/>.

²² *Id.*

²³ See, e.g., Marty Lederman, *Legal Flaws in the Trump Administration’s Notice to Congress on “Armed Conflict” with Drug Cartels*, JUST SECURITY (Oct. 3, 2025), <https://www.justsecurity.org/121844/trump-notice-drug-cartels/>.

²⁴ Memorandum for Alberto R. Gonzales, Counsel to the President, *Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A*, Office of Legal Counsel, U.S. Dept. of Justice (Aug. 1, 2002).

²⁵ David Stout, *Holder Tells Senators Waterboarding is Torture*, N.Y. TIMES (Jan. 15, 2009), <https://www.nytimes.com/2009/01/16/us/politics/16holdercnd.html>.

²⁶ Asawin Suebsaeng & Adam Rawnsley, *He Wrote the Bush-Era ‘Torture Memos.’ Trumpworld Sees Him as a ‘Guiding Light.’* ROLLING STONE (July 11, 2024), <https://www.rollingstone.com/politics/politics-features/trump-john-yoo-maga-influence-torture-memos-1235057959/>.

²⁷ Caitlin Yilek, *Trump’s Venezuela Boat Strikes Fuel War Crimes Allegations. Are They Legal?* CBS NEWS (Dec. 4, 2025), <https://www.cbsnews.com/news/trump-hegseth-venezuela-boat-strikes-war-crimes-are-they-legal/>.

²⁸ John Yoo, *What’s Wrong with a Military Campaign Against the Drug Trade*, WASH. POST (Sept. 23, 2025), <https://www.washingtonpost.com/opinions/2025/09/23/trump-boat-strikes-drug-cartels-venezuela/>.

If you look at the U.S. law of war manual, which is the definitive interpretation of the way we fight, the laws of armed conflict for the United States, it says clearly that you are not allowed to give orders that say 'no survivors.' Commanders are not allowed to give orders [that] say 'no quarter.'

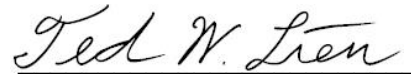
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[The law of war manual] has gray areas. But one gray area, that one area that's not gray, that's clear, is you can't fire on the wounded. You can't kill survivors who can no longer fight. So, the admiral should not have obeyed the order that Secretary Hegseth gave. And even the soldiers who carried out the admiral's orders should not have obeyed.²⁹

Attorney General Bondi, even those who condoned and defended torture in the name of America are saying that the Trump Administration has violated both federal law and the law of war. We urge you to do your duty as this country's chief law enforcement officer to investigate the Secretary's apparent and serious violations of federal criminal law.

Sincerely,


Jamie Raskin
Ranking Member


Ted W. Lieu
Member of Congress

cc: The Honorable Jim Jordan, Chairman

²⁹ Laura Coates Live, *Legal Architect of Bush's 9/11 Response: Double-Tap Strike Violates the Law of War*, CNN (Dec. 1, 2025), <https://www.cnn.com/2025/12/01/politics/video/legal-architect-of-bushs-9-11-response-double-tap-strike-violates-laws-of-war>.