



THIS WEEK'S FEATURE

First, Let's Kill All the Lawyers?

The JAG Corps didn't erode command culture — it filled the vacuum that faltering leadership left behind.

Lt Col (Ret) Ryan Sweazey

President & Founder, Walk the Talk Foundation

"The first thing we do, let's kill all the lawyers." — Shakespeare, Henry VI

The old Shakespeare line — “the first thing we do, let's kill all the lawyers” — has become a convenient shorthand for frustration with legalism. In the wake of Secretary Pete Hegseth's call to overhaul the military's legal apparatus, that sentiment has found new currency across Washington and within the ranks. Critics argue that military lawyers have become too powerful, too cautious, too quick to say no.

Some reform is overdue. But before we reach for Shakespeare's solution, it is worth pausing to ask a harder question: how did the Judge Advocate community come to wield so much influence in the first place?

The answer is not that lawyers seized power. It is that commanders surrendered it. Claims that an overreaching JAG Corps caused the decline in military leadership culture invert the true sequence of events. The opposite is the case: a pre-existing erosion of decisive command culture created the vacuum that lawyers inevitably filled.

THE COMMANDERS WHO OUTSOURCED COMMAND

For generations, the relationship between commanders and their legal advisors was straightforward. Commanders made decisions; Judge Advocates advised them on what the law permitted. The essential question from the commander was: What can I do?

Over time, that question subtly changed. Increasingly, commanders began asking not what they could do, but what they should do. And with that shift, the dynamic changed entirely.

Legal advisors are trained to analyze risk, compliance, and process. When commanders began framing operational or disciplinary decisions in those terms, lawyers inevitably became more central to the decision-making process. Soon the language of command itself changed. We have all heard the familiar refrain offered to justify a controversial decision: “JA has cleared this,” or “legal approved it.”



Those phrases should make every serious leader uneasy. A commander who defends a decision by pointing to legal approval is not exercising command. He or she is outsourcing it.

Over time, this abdication created a vacuum — and institutions abhor a vacuum. The Judge Advocate community stepped into the space that commanders left behind. Not through some grand design or conspiracy, but because someone had to answer the questions leaders were no longer willing to own themselves. The weaker the leadership, the more expansive the lawyers' role became. Far from causing the decline in command culture, the JAG Corps simply occupied the terrain that faltering leadership had already vacated.

In many respects, this dynamic turned the Judge Advocate Corps into a kind of shadow command structure. When legal clearance becomes the primary justification for decisions, the lawyers are no longer merely advisors. They become, functionally if not formally, decision-makers.

Blaming the lawyers for this outcome misses the point — and gets the causality backward. They did not rewrite the command relationships of the American military. Commanders did — by allowing legal sufficiency to substitute for leadership.

A commander who defends a decision by pointing to legal approval is not exercising command. He or she is outsourcing it.

NOT SO FAST, LEGAL EAGLES

None of this means the Judge Advocate Corps should escape scrutiny. Quite the opposite. If the system is going to be rebalanced, the legal community must also examine its own shortcomings.

On paper, the role of a military lawyer could not be clearer. The professional responsibility rules that govern Judge Advocates — across every service — require independence and candid legal advice. Army Regulation 27-26, Navy JAG Instruction 5803.1, and Air Force Instruction 51-110 all demand that military attorneys exercise independent professional judgment rather than simply endorse command preferences.

Judge Advocates are supposed to be the institutional guardrails of the military — officers whose professional duty is to ensure that the armed forces operate within the bounds of law. They are the ones who must tell commanders what they do not want to hear.

But the reality often looks very different. In too many cases, the culture has drifted from independent counselor to problem-solver whose job is to make the commander's preferred course of action legally workable. The phrase inside legal offices is well known: "get to yes."

Creative lawyering can help commanders accomplish legitimate objectives. Yet when the pressure to facilitate overwhelms the duty to question, the guardrails fail — whether by signing off on cursory Inspector General investigations, handing investigating officers little more than a regulation packet and a PowerPoint deck, or structuring paperwork to survive scrutiny rather than to meet the law's demands.



These are not merely technical mistakes. They reflect a deeper cultural drift. The regulations demand independence, but the personnel system often rewards compliance. Judge Advocates are rated and promoted by the very commanders they advise. Under those circumstances, the safest course is rarely to say “no.”

That incentive structure undermines both sides of the command relationship. Commanders begin to rely on legal clearance as a substitute for judgment. Lawyers begin to treat their professional independence as negotiable. And the very rules designed to protect the rule of law become aspirational language rather than operational reality.

Just as Inspectors General do not “derail careers” because they don’t have that authority, JAGs should not be held accountable for command-like decisions that leaders themselves refused to own.

RESTORING THE PROPER BALANCE

If reform is coming — and as Anastasia Obis reported in Federal News Network, Secretary Hegseth’s May 8 memo launching a sweeping, department-wide review of the military legal system signals that it is — then both sides of the command relationship must change.

That review directs the Pentagon’s general counsel to convene a panel tasked with evaluating legal programs across the services, cutting unnecessary bureaucracy, strengthening training and organization, and benchmarking military justice against the Justice Department and civilian systems — all with the goal of making legal professionals more effective in support of our warriors.

Commanders must reclaim the authority that belongs to them. Legal advice should inform decisions, not replace them. The proper response to “legal approved it” is simple: That’s not the point. What do you, the commander, believe is the right decision?

At the same time, the Judge Advocate Corps must recommit itself to the professional independence that defines the legal profession. Its role is not to rubber-stamp decisions or to serve as a convenient shield for command responsibility. It is to ensure that when the answer must be “no,” someone has the courage to say it — and that commanders have the fortitude to hear it.

The American military works best when commanders lead and lawyers advise. When that balance is lost, both institutions suffer. Reform should aim to restore that balance — not to scapegoat one side or the other. As this new review proceeds, its success will hinge on whether Pentagon leaders recognize that the JAG Corps did not erode command culture; it merely filled the void left by its absence.

Before we rush to “kill all the lawyers,” we should remember that the problem was never simply the presence of lawyers. It was the absence of leadership.

Lt Col (Ret) Ryan Sweazey is the President and Founder of the Walk the Talk Foundation. All articles are posted on LinkedIn and online at walkthetalkfoundation.org. The Star Chamber podcast is available on [Apple](#), [Spotify](#), and [YouTube](#).

TAKE ACTION



Sign the petition demanding Congress create an independent DoD Inspector General.

Over 3,000 signatories and counting.

[SIGN NOW →](#)

Contact Congress

Find your [Representative](#) or [Senator](#) and send them this issue.

The Star Chamber

[Apple](#) · [Spotify](#) · [YouTube](#)

Get Advised

Facing retaliation or an IG process? We can help.

Follow & share: [LinkedIn](#) · [Instagram](#) · [Facebook](#) · [X / Twitter](#) · Forward this issue

The Walk the Talk Foundation is a 501(c)(3) nonprofit. Your donation is 100% tax deductible. [Donate at walkthetalkfoundation.org](#) →

Questions or tips: francescagraham@walkthetalkfoundation.org or in the comments.