



## THIS WEEK'S FEATURE

# From Bastion of Justice to Court Jester: The Fall of the Military JAG Corps

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**Lt Col (Ret) Ryan Sweazey**

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*When legal advisers stop speaking truth to power and start telling power what it wants to hear, the rule of law becomes a casualty long before the first shot is fired.*

## THE IDEAL ROLE: SOOTHSAYERS OF THE RULE OF LAW

The U.S. military's Judge Advocate General's Corps (Judge Advocate in the USMC) once stood as a bastion of independent legal advice, safeguarding the rule of law amid the fog of war and the pressures of command. Today, it risks becoming a court jester—entertaining commanders with convenient opinions, absorbing blame when things go wrong, and standing silently by as dubious actions unfold. This transformation did not happen overnight, but the incentives, cultural shifts, and recent examples reveal a dangerous erosion of the JAG's core duty: providing candid, independent counsel, not rubber stamps.

Statute and regulation paint a clear picture of what JAGs should be. Under [10 U.S.C. § 9037](#) (and parallel provisions for other services), no officer or employee of the Department of Defense may interfere with the ability of the Judge Advocate General or assigned judge advocates to give **independent legal advice** to secretaries, service chiefs, or commanders. Army doctrine and professional conduct rules reinforce this: JAGs advise on compliance with law while identifying when boundaries are at risk, even under pressure to “get to yes.”

## THE REALITY: A “GET TO YES” INCENTIVE STRUCTURE

Reality has diverged sharply. The incentive structure rewards placation over principle. Commanders hold the power of evaluation and career progression; JAGs who consistently say “no” or raise hard questions risk being sidelined as obstacles rather than valued advisors. This “yes-man” dynamic undermines the independence Congress explicitly protected in law. One need not look beyond a JAG's rating chain to see who plays the role of string-puller: in many cases and in many services, it is the commander. So, much akin to the inherent conflicts of interest in the Department's Inspector General system, so too do we have the same issues with subornation. This breeds the incentive and reward system you'd expect to see: having legal officers choose sometimes between what should not be mutually-exclusive decisions between what is right and what is right by their career progression.

## SCAPEGOATS: THE COVID-19 VACCINE MANDATE DEBACLE

The COVID-19 vaccine mandate debacle offers a stark example of JAGs as scapegoats. Commanders enforced the mandate aggressively, often telling service members “JA cleared this” to justify disciplinary actions, including **thousands**



**of discharges later deemed unjust.** When the policy collapsed—rescinded by Congress and followed by reinstatement efforts with back pay (many of those promises still unkept)—the legal advice provided cover for commanders while JAGs bore retrospective criticism or institutional deflection. For a JAG, the irony was likely palpable – for years they played the role as de facto commanders as leaders abdicated responsibility (and presumably culpability) only for the institution to later turn on them blaming the corps for overreach, not those weak leaders for inefficacy, a theme we discussed in **“A Pause Before We Kill All the Lawyers.”**

## SPECTATORS TO DUBIOUS OPERATIONS

More recently, JAGs have been reduced to spectators in high-profile controversies. In the dubiously legal strikes on alleged drug boats in the Caribbean, the senior JAG at U.S. Southern Command raised concerns that the operations could amount to extrajudicial killings, exposing service members to liability. His views were overruled by higher authorities, including the **Justice Department’s Office of Legal Counsel**. JAG input on rules of engagement (ROE) has similarly been marginalized. Defense Secretary Pete Hegseth has publicly derided “stupid rules of engagement” as “politically correct and overbearing,” calling for “common sense, maximum lethality and authority for warfighters” and recounting instances where he instructed troops to **ignore JAG guidance on ROE in Iraq**. Promotion cancellations and holds—**reportedly targeting officers based on perceived ideology**—further illustrate a system where legal oversight appears sidelined in favor of command preferences.

*“When military lawyers become spectators rather than advisers, legal oversight has already been pushed to the sidelines.”*

## FROM INDEPENDENT VOICE TO COMPLIANT PUPPET

The result is a shift from independent voice of truth to compliant puppet. When **top JAGs are fired** or overhauled amid concerns they might act as “roadblocks,” the message to the corps is unmistakable: **align or be replaced**.

We cannot know every conversation that occurs behind closed doors. Yet, based on the facts and data at hand, very, very few JAGs have resigned in protest, gone public, or blown the whistle on these pressures. One acting Air Force JAG stepped down after assuming the role following the firing of the prior TJAG. High-level firings of TJAGs have occurred, but rank-and-file public dissent remains strikingly rare. This silence speaks volumes about the institutional incentives at play.

## COMPOUNDING CONCERN: THE RISE OF NDAS

Compounding these issues is the growing concern over service members being **required to sign NDAs**, often under the watchful eye of the JAG Corps. Recent reporting highlights NDAs tied to sensitive operations, such as those in Latin America, alongside broader pushes for expansive nondisclosure agreements—raising questions about transparency and accountability even as legal advisors oversee or facilitate such measures.

## THE HUMAN COST: INSIGHTS FROM WHISTLEBLOWER ADVOCACY

This erosion has real human costs. Through the Walk the Talk Foundation, which we founded to assist victims of reprisal and retaliation, we have supported nearly 500 clients over four-plus years—active duty, veterans, and civilians navigating DoD and VA accountability failures. Not a single one has been a JAG. Coincidence? Not at all.



In our work, we repeatedly witness JAGs rubber-stamping “legally sufficient” on sham administrative investigations. We also see abhorrently inadequate training provided to Investigating Officers (IOs) tasked with inquiries carrying serious ramifications—often amounting to nothing more than sending the IO a PowerPoint presentation or a stack of electronic regulations—followed by inadequate scrutiny during legal reviews of those same investigations.

Those entrusted with upholding the law’s guardrails rarely become its victims in the same way, precisely because the system protects its own when they stay in line. Whistleblowers and truth-tellers outside that protective bubble—pilots, analysts, operators—face the full force of institutional resistance, often without robust JAG advocacy for independence.

## RESTORING THE JAG CORPS

The military’s strength has always derived from disciplined adherence to law and ethics, not expediency. A JAG Corps that prioritizes “get to yes” over “get to right,” that serves as a shield for commanders rather than a check, and that spectates on legally questionable operations does a disservice to the warfighters it exists to support. Restoring the JAG’s statutory independence—through stronger protections, cultural reinforcement of candor, and accountability for interference—is not weakness. It is the foundation of legitimate command authority and moral credibility in combat and in peace.

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