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U.S. Troops Navigate Duty Amid Illegal Orders

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A new survey of U.S. active-duty personnel suggests most service members can distinguish between lawful and unlawful commands and would resist orders they view as clearly illegal. The findings arrive as Washington, D.C., security policy draws national attention, following an August 11 announcement by President Donald Trump that he was activating National Guard troops and asserting control over the city's police department.

Researchers at the University of Massachusetts Amherst's Human Security Lab fielded the study from June 13 to June 30, 2025, using a sample of 818 active-duty troops. The topline

report asked respondents about scenarios that are prohibited under U.S. and international law and which actions they would consider so obviously unlawful that they would have no choice but to disobey.

On specific acts, 45% of respondents said shooting unarmed civilians would be “obviously unlawful,” 43% selected starving a civilian population, 38% chose detaining people in inhumane conditions, and 37% selected torturing prisoners. Smaller but notable shares flagged firebombing a city (35%), indefinite detention (35%), and forced deportation to a third country (34%) or without due process (27%) as actions they would deem unlawful.

Open-ended responses, summarized in the report, frequently referenced the Constitution, the Uniform Code of Military Justice, and international humanitarian law as guides for determining illegality. While the survey is not a measure of actual battlefield behavior, it offers a snapshot of how troops think about legal red lines in hypothetical scenarios.

Academic work helps explain how resistance to unlawful orders can occur in practice. Criminologist Eva Whitehead’s research on conscientious disobedience finds that when some soldiers refuse or resist a manifestly unlawful order directly or indirectly, others are more likely to follow. Her analysis highlights mechanisms ranging from openly declining to carry out a command to indirect methods such as raising questions or seeking clarification up the chain of command.

Outside the academy, military legal groups advise service members that they are obligated to refuse “manifestly unlawful” orders and outline channels for reporting concerns, including inspector general complaints or Article 138 petitions. Separate reporting has noted increased inquiries to the GI Rights Hotline this summer, reflecting heightened interest in legal guidance.

The survey’s authors emphasize that the results do not predict how individuals will act under stress, but they indicate broad awareness of legal limits among U.S. forces. With periodic deployments for domestic missions and intensifying political debate, clarity on what constitutes a lawful order remains central to both military effectiveness and civilian protection.