

March 16, 2026

The Honorable Pete Hegseth
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Secretary Hegseth:

I am writing to request clarification regarding several of your recent public statements about U.S. military operations against Iran, including that “no quarter” would be given to enemies of the United States.

The phrase “no quarter” has a well-established meaning in the law of armed conflict. Historically, and legally, it refers to a declaration by a military commander that no enemy combatants can be taken prisoner—that is, that they are to be killed rather than permitted to surrender.

Such a declaration is expressly prohibited under international law, including the Geneva and Hague Conventions, and would be a war crime punishable under the War Crimes Act of 1996 (18 U.S.C. 2441). The Department of Defense Law of War Manual adopts international law, including Article 23 of Hague IV Regulation, expressly stating it is “forbidden to declare that no quarter will be given” (Section 5.4.7).

Our military has taken that position not only because it is morally correct and a requirement of international and federal law; it has also done so because illegal behavior by our military would put our service members at greater risk of reciprocation and erode the good order and discipline that makes our fighting force the most effective in the world.

Your statement that “[w]e will keep pushing, keep advancing, no quarter, no mercy for our enemies” has called that commitment into question. Because members of the United States Armed Forces are legally obligated to comply with the law of armed conflict—and equally obligated not to follow unlawful orders—public statements by senior civilian leaders carry significant weight and can create confusion if they appear inconsistent with those legal obligations.

Although you have publicly tried to censure me for restating the legal duty of members of the military not to follow illegal orders, that is not only U.S. military law, but it is also a

longstanding legal principle on which every service member is trained during their service. Every member of our Armed Forces swears an oath to support and defend the Constitution, and they are taught to understand that unlawful orders must not be carried out.

Given the seriousness of your remarks and their potential implications please clarify:

1. Was your statement that there would be “no quarter” intended as a description of current U.S. policy or Rules of Engagement in conflict?
 - a. If your answer is in the affirmative, provide a copy of the specific U.S. policy or rule to which you were referring and the legal authority underlying that policy or rule.
 - b. If not, what did you intend when you stated: “We will keep pushing, keep advancing, no quarter, no mercy for our enemies.”?
2. Do you affirm that U.S. military operations will comply fully with the Geneva and Hague Conventions, the Law of Armed Conflict, the War Crimes Act, and the Department of Defense Law of War Manual?
3. Do you acknowledge that U.S. service members have both the right and the duty to refuse unlawful orders?

Clear guidance from the Secretary of Defense is essential to the professionalism and discipline of the United States Armed Forces. Our troops deserve certainty that their leadership gives the utmost respect to the laws that govern armed conflict and has a clear understanding of the importance of the reciprocal rules of engagement that protect their lives.

I look forward to your prompt response; I’m sure the over two million service members currently under your command do so as well.

Sincerely,



Mark Kelly
United States Senator

CC: President of the United States, Donald Trump
Chairman of the Joint Chiefs of Staff, General Dan Caine