

Congress of the United States
Washington, DC 20515

September 8, 2025

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

Dear Secretary Hegseth,

I am writing to share serious concerns about the recent decision to allow up to 600 military attorneys to serve as temporary immigration judges. While I have deep respect for the men and women who serve as military lawyers, this plan raises troubling questions about military readiness, training, fairness, and the role of the military in our civilian justice system.

I am especially concerned about the impact this decision could have on military readiness. Judge advocates are a relatively small community of professional officers, yet they play an outsized role in the daily functioning of the armed forces, such as advising commanders, supporting courts-martial, and ensuring compliance with the law of armed conflict. Diverting as many as 600 attorneys from these core military missions risks creating gaps in legal coverage that could directly affect operations, and it is not clear that the impact to readiness was fully considered before moving forward with this proposal.

Despite a backlog of more than 3.4 million cases, this administration has chosen to reassign military attorneys while refusing to hire qualified immigration judges.¹ At the same time, more than 100 immigration judges have left or been dismissed in recent years, including at least 17 who were reportedly fired without cause this summer.² I understand the urgent need for more judges, but instead of adding trained professionals, the administration is turning to judge advocates with little background in immigration law. Career immigration judges typically go through months of training, mentorship, and a probationary period before taking on full caseloads.³ Expecting military attorneys to step into this role after only a short preparation period is unrealistic and unfair to the people whose futures depend on these decisions.

An equally troubling issue is the risk to judicial impartiality. The recent removal of immigration judges under questionable circumstances has already raised doubts in the fairness of the system. Judge advocates are not just lawyers, they are also officers who operate within the military chain of command. No one questions their professionalism or integrity but placing them in

¹ Transactional Records Access Clearinghouse (TRAC), Immigration Court Quick Facts, tracreports.org/immigration/quickfacts/eoir.html.

² Toropin, Konstantin, *Pentagon authorizes up to 600 military lawyers to serve as temporary immigration judges*, Associated Press, September 2, 2025, [Pete Hegseth approves 600 military lawyers to be temporary immigration judges | AP News](#); Santana, Rebecca, *Trump administration fires 17 immigration court judges across ten states*, Associated Press, July 15, 2025, [Trump administration fires 17 immigration court judges across ten states | AP News](#).

³ U.S. Department of Justice, Executive Office for Immigration Review Immigration Judge Training Fact Sheet, June 2022, <https://www.justice.gov/eoir/page/file/1513996/dl?inline>.

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immigration courts puts them outside their usual apolitical military role and into a civilian process where, given the current climate and the well-known positions of the Commander-in-Chief on noncitizens, there may be added pressure or at least the perception of it. That dual responsibility, serving as both lawyer and officer, creates tension and puts them in a precarious position, through no fault of their own. For families awaiting immigration decisions, including military families, even the appearance of political influence doesn't just look unfair; it risks undermining confidence in the fairness of the hearing itself.

I am deeply concerned that assigning military attorneys to serve as immigration judges risks blurring the line between military and civilian roles in our justice system and could set a damaging precedent for future administrations. While the Department may argue that safeguards exist to ensure compliance with the Posse Comitatus Act, which prohibits the use of the military in domestic law enforcement, the very act of placing judge advocates in this role raises serious questions about whether those limitations are going beyond what was intended.⁴

Finally, this plan does not appear to provide the administrative resources, such as translators and case staff, that judges need to manage caseloads fairly and efficiently.⁵ Without that support, the risks of error and delay only increase.

For these reasons, I respectfully request answers to the following questions:

1. What analysis has the Department conducted to evaluate how reassigning up to 600 judge advocates would affect military readiness, including the capacity to advise commanders, conduct courts-martial, and meet operational legal requirements across the Services?
2. What training will judge advocates receive before working as immigration judges?
3. What criteria will be used to select these attorneys? How many volunteered for this duty, and how many were directed to serve as an immigration judge?
4. How many Judge Advocates assigned to this role are active duty, Reserves/National Guard, or civilian Department of Defense attorneys?
5. How will the Departments ensure compliance with the Posse Comitatus Act and prevent unlawful use of military personnel in domestic law enforcement roles?
6. How will you safeguard the independence of military immigration judges?

Sincerely,



Chrissy Houlahan
Member of Congress

⁴ Toropin, *Pentagon authorizes up to 600 military lawyers to serve as temporary immigration judges.*

⁵ *Ibid.*