



Responding to Potentially Unlawful Orders

- Get the order clearly (preferably in writing)
 - Restate it back or request written clarification
 - Do not delay compliance while seeking clarification
 - Ensure you understand who the order is coming from
- Assume immediate compliance is required unless told otherwise
- If the order is manifestly unlawful and requires commission of a clearly criminal act (such as harming civilians), or if you have actual knowledge that it violates the law, you have a duty to disobey that order
- Seek internal advice right away if circumstances permit
 - Chain of command
 - JAG (defense counsel or legal assistance)
 - IG, chaplain
 - Avoid statements of refusal unless the order is clearly illegal
- Understand the legal standard
 - You must obey lawful orders
 - You must not obey patently illegal orders (e.g., orders directing a crime)
 - For unclear orders, get advice—lawfulness is a legal determination
- Document everything
 - Who gave the order, when/where, witnesses, circumstances
 - Keep contemporaneous notes in a secure place
- If compelled to comply, comply while preserving your rights
 - Take no extra actions beyond what the order requires
 - Maintain documentation for later review
- Use protected communication channels if needed
- IG, DoD hotline, Congress, legal counsel
- Report concerns or retaliation through lawful whistleblower avenues
- After the event, get independent legal counsel immediately
 - Especially if the order may have violated law/regulation
 - Or if you face consequences for raising concerns
- At any point, contact The Orders Project for confidential attorney referrals.