November 9, 2026

Re: Secretary of Defense Pete Hegseth impeachment vote

Dear Representative:

The American Civil Liberties Union (ACLU) writes to provide members of the House of Representatives with important and relevant background information on the lethal boat strikes that are the subject of one of the draft articles of impeachment proposed by Congressman Thomas Massie, which may be voted on this week. Although the ACLU generally does not take positions on the appointment, impeachment, or removal of government officials, we are providing this background information based on our litigation and advocacy related to the unlawful boat strikes, as we believe the major civil liberties and human rights concerns related to the strikes should be considered by Congress as it considers these articles of impeachment. Finally, while this letter focuses specifically on the lethal boat strikes, we do not mean to imply that the other draft articles of impeachment against Secretary Hegseth raise matters less worthy of Congress's consideration.

For over a year, the United States has carried out an extrajudicial and illegal campaign of lethal boat strikes in the Caribbean Sea and eastern Pacific Ocean, murdering at least 244 people thus far. On September 2, 2025, the United States struck a small boat in the Caribbean Sea that had 11 people on board. Nine were killed in the first strike. Two survived, clinging to the wreckage for around 45 minutes before a second "double tap" strike killed them. In the year since the Trump administration launched its campaign, the United States has conducted at least 72 strikes and killed at least 244 civilians, including the family members of two ACLU clients. Federal officials, including the Secretary of Defense, have publicized videos of the boat strikes, boasting and celebrating their own roles in killing defenseless people.

These premeditated and intentional killings lack any plausible legal justification under domestic or international law. Thus, they were simply murders, authorized directly by Secretary Hegseth**,** and obeyed by military officers down the chain of command.

Secretary Hegseth bears direct operational authority and command responsibility for this lethal campaign. As Secretary of Defense, he stands directly in the military chain of command below the President, exercising statutory authority over the combatant commands executing these strikes. Public reporting further indicates that Secretary Hegseth has personally

AMERICAN CIVIL LIBERTIES UNION

National Political Advocacy Department
915 15th Street, NW, 6th Floor
Washington, DC 20005-2112
aclu.org

Deirdre Schifeling
Chief Political & Advocacy Officer

Anthony D. Romero
Executive Director

Deborah N. Archer
President

reviewed and authorized the targeting protocols used in these operations.[1] Further he has repeatedly defended the lethal strikes in congressional testimony and public press briefings, asserting Department of Defense authority to execute these strikes extrajudicially and without prior congressional authorization.[2] Under any standard, Secretary Hegseth is personally accountable for the department's execution of these killings.

The Trump administration has publicly claimed that these military strikes are lawful under the laws of war as part of a bizarre novel armed conflict against unnamed drug cartels. The Office of Legal Counsel has also reportedly blessed the strikes as lawful and purported to immunize personnel who authorized and carried them out, in a secret memorandum. Along with the Center for Constitutional Rights (CCR) and the New York Civil Liberties Union, the ACLU is suing for the immediate release of this memorandum.[3]

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But there is no actual armed conflict against these criminal organizations that could justify the use of lethal force against the boats or the men in them, and the use of force has not been authorized by Congress. In such circumstances, to use lethal force, the U.S. government must first pursue non-lethal measures like arrest and demonstrate that lethal force is an absolute last resort to protect against a concrete, specific, and imminent threat of death or serious physical injury. Not even the government has claimed its strikes have met this standard. And even if the strikes had been conducted as part of a real or authorized armed conflict, they would still be illegal under the laws of war because, at a minimum, the military advantage they accomplish are not remotely proportional to their costs to human life. The strikes are thus premediated killings of civilians outside of armed conflict, constituting murders under domestic law and extrajudicial killings under international human rights law.

While many of the strikes' victims remain unknown, according to investigative journalists and Senator Tim Kaine (who has reviewed classified

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[1] Alex Horton & Ellen Nakashima, Hegseth Order on First Caribbean Boat Strike, Officials Say: Kill Them All, Wash. Post (Nov. 28, 2025), https://www.washingtonpost.com/national-security/2025/11/28/hegseth-kill-them-all-survivors-boat-strike; see also Congress to Probe US Strikes on Boats in Caribbean, Def. One (Dec. 1, 2025) (quoting White House confirmational statement that "Secretary Hegseth authorized Admiral Bradley to conduct these kinetic strikes"). https://www.defenseone.com/policy/2025/12/congress-probe-us-strikes-boats-caribbean/409853/

[2] Hegseth Defends Deadly Boat Strikes Near Venezuela During Cabinet Meeting: "We've Only Just Begun", YouTube (Dec. 2, 2025), https://www.youtube.com/watch?v=1yTA8VkpF3A (public remarks asserting Department of Defense authority to use lethal force for deterrence over traditional arrest-and-extradition protocols); Hugo Lowell, Hegseth Says Four Killed in US Strike on Alleged Drug Boat Off Venezuelan Coast, The Guardian (Oct. 3, 2025), https://www.theguardian.com/us-news/2025/oct/03/hegseth-venezuela-deadly-boat-strike.

[3] *See ACLU v. DOJ*, No. 25 Civ. 10189, 2026 WL 3217306 (S.D.N.Y. Oct. 27, 2026) (rejecting government's motion for reconsideration and ordering government to produce additional information about who in the executive branch has reviewed the memo and for what purposes to consider whether executive privilege has been waived); *see generally* https://www.aclu.org/cases/foia-case-seeking-legality-of-trump-admins-boat-strikes.

information about the strikes), the strikes have killed ordinary people with no connection to drug trafficking.[4] That includes Chad Joseph and Rishi Samaroo, two Trinidadian men who worked as fishermen and farmhands in Venezuela and were killed in an October 14, 2025, strike while returning home to see their loved ones. The ACLU, the ACLU of Massachusetts, and CCR represent their family members in a lawsuit against the United States government seeking compensation for their wrongful deaths.[5]

Before the United States killed him, Mr. Joseph lived with his wife and their three children in Las Cuevas, Trinidad. To support his family, he often traveled to Venezuela to fish and for farmwork. On October 12, he called his wife to let her know that he had found a boat ride home from Venezuela and would see her in a couple of days. On October 14, his wife and mother saw social media reports of a boat strike; fearing that the boat was his, they repeatedly called him but got no reply. His family has not heard from him since.

Like Mr. Joseph, Mr. Samaroo was working on a farm in Venezuela in the weeks before his death, taking care of goats and cows and making cheese. In an October 12 call with his sister, he told her he was returning home to Trinidad and would see her in a few days because their mother had fallen ill, and he wanted to help take care of her. That was the last time Ms. Korasingh or anyone else in the family heard from him.

The ACLU, CCR and U.N. human rights experts have also called on international human rights bodies, such as the Inter-American Commission on Human Rights, to investigate the strikes and hold the perpetrators accountable.[6]

These heinous strikes have flagrantly violated domestic and international law, devastated countless families, terrified communities, and, by the administration's own admission, failed to achieve their purported goal of stopping drugs from entering into the United States. Because Secretary Hegseth exercised direct authority over these operations, approved the

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[4] *Unmarked Watery Graves*, Airwars (Aug. 27, 2026), https://airwars.org/boat-strikes-latin-america; *Piper Hudspeth Blackburn,* 'They Are Murder Victims': Senator Suggests US Strikes Have Killed People Who Weren't Involved in Drug Trafficking, CNN (Aug. 3, 2026), https://www.cnn.com/2026/08/03/politics/tim-kaine-boat-strikes-illegal

[5] *Burnley v. United States*, Am. C.L. Union (Jan. 27, 2026), https://www.aclu.org/cases/burnley-v-united-states.

[6] Press Release, Am. C.L. Union, Legal Experts Underscore Illegality of U.S. Boat Strikes at Inter-American Commission on Human Rights Hearing (Mar. 16, 2026), https://www.aclu.org/press-releases/legal-experts-underscore-illegality-of-u-s-boat-strikes-at-inter-american-commission-on-human-rights-hearing. *See also* Ben Saul (U.N. Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), *Killing "Narco-Terrorists" at Sea: The Legality of Military Attacks on Criminal Groups and Drug Trafficking under International Human Rights Law and Other Applicable International Law*, Briefing Note ¶ 23 (Sept. 2026) [hereinafter Saul Briefing Note], https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr-ct-briefing-note-targeting-narco-terrori.pdf.

underlying targeting policies, and ratified extrajudicial killings carried out under his command, his actions represent a profound breach of constitutional and legal obligations. We urge leaders in Congress to take this into account as they debate articles of impeachment against Secretary of Defense Hegseth.

If you have questions, please contact Senior Policy Counsel Kia Hamadanchy at khamadanchy@aclu.org or (734)-649-2929.

Sincerely,



Chris Anders
Director, Democracy & Technology



Kia Hamadanchy
Senior Policy Counsel

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