



Written by [R. Cort Kirkwood](#) on November 24, 2025

Kelly Faces Possible Court-martial Over Video Urging Military Members to Disobey “Illegal Orders”

One of the Democrats who urged military members to disobey “illegal orders” might face serious legal repercussions.

The War Department announced that it is reviewing the federal law that forbids encouraging disloyalty and insubordination in the armed forces, and might recall retired Navy Captain Mark Kelly, the hate-Trump senator from Arizona, to active duty for a court-martial.

With five other hate-Trumpers, including former CIA operative Elissa Slotkin of Michigan, Kelly appeared in a video that told servicemen and women they “must” disobey “illegal orders,” despite not detailing what illegal orders the Trump administration has given.

President Donald Trump denounced them as seditionists. And Medal of Honor recipient Dakota Meyer accused the gang of six of confusing the ranks and disrupting the chain of command.



AP Images
Mark Kelly



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Pete Hegseth



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The video made by the “Seditious Six” was despicable, reckless, and false. Encouraging our warriors to ignore the orders of their Commanders undermines every aspect of “good order and discipline.” Their foolish screed sows doubt and confusion — which only puts our warriors in [Show more](#)



Department of War



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OFFICIAL STATEMENT:

The Department of War has received serious allegations of misconduct against Captain Mark Kelly, USN (Ret.). In accordance with the Uniform Code of Military Justice, 10 U.S.C. § 688, and other applicable regulations, a thorough review of these allegations

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The Video; Reaction

Kelly now faces what could be a court-martial because of [a video](#) that he, Slotkin and four other Democrats posted on X last week.

The shocking video [told service members](#) that the Trump administration, by which they mean Trump himself, “is pitting our uniformed military and intelligence community professionals against American citizens.”

That falsehood was followed by their demand that airmen, soldiers, and sailors disobey orders that they — the service members — consider illegal:

You all swore an oath to protect and defend this Constitution. Right now, the threats to our Constitution aren’t just coming from abroad, but from right here at home. Our laws are clear. You can refuse illegal orders. You can refuse illegal orders. You *must* refuse illegal orders. No one has to carry out orders that violate the law or our Constitution.

After [Trump accused](#) the six of sedition, noting that the crime is “[punishable by death](#),” they accused the president of wrongdoing by threatening that penalty. While Trump’s rejoinder might have been imprudent, he was correct. [10 U.S. Code 894](#) is clear:



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A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition *shall be punished by death* or such other punishment as a court-martial may direct. [Emphasis added.]

Dakota Meyer, a Marine who received the Medal of Honor in 2011 after a brutal, six-hour battle in Afghanistan in 2009, [chimed in](#) as well. “This type of rhetoric plants a subtle but dangerous seed,” he wrote at his Substack:

“Maybe you shouldn’t trust your chain of command.”

“Am I doing the right thing?”

That is how you crack the foundation of the American military — not through force, but through confusion.

He also noted the obvious. Neither Kelly, Slotkin, nor the rest face any penalty for disobeying an order.

“If even one of you takes their advice, your life is the one destroyed — not theirs,” [he continued](#):

You will lose rank, benefits, retirement, career, freedom. They’ll leave you behind before the ink dries on your charges. ...

When the consequences come, you will pay every cost.

The reason: Proving an order is illegal — or at least one that is not blatantly illegal, such as shooting civilians — is exceedingly difficult. The individual who disobeys the order must prove it is illegal.

War Department Statement

Just before noon today, the War Department implicitly warned that Kelly had better get an attorney. A military attorney familiar with the [Uniform Code of Military Justice](#) (UCMJ) would be best.

Noting it had received “serious allegations” against Kelly, the department cited [18 U.S. Code 2387](#) — “activities affecting armed forces generally.” That code applies to

[anyone who] “advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the [military or naval forces of the United States](#); or [who] distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States.”

The penalty can be 10 years in prison.

“A thorough review of these allegations has been initiated to determine further actions, which may include recall to active duty for court-martial proceedings or administrative measures,” the department wrote on X.

As well, the department reminded retirees that they remain subject to the UCMJ and all laws that “prohibit actions intended to interfere with the loyalty, morale, or good order and discipline of the armed forces.” The department reminded service members “that they have a legal obligation under the



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UCMJ to obey lawful orders and that orders are *presumed to be lawful*. [Emphasis added.] A servicemember's personal philosophy does not justify or excuse the disobedience of an otherwise lawful order."



War Secretary [Pete Hegseth elaborated](#), pointing to the video, which was "despicable, reckless, and false," he wrote:

Encouraging our warriors to ignore the orders of their Commanders undermines every aspect of "good order and discipline." Their foolish screed sows doubt and confusion — which only puts our warriors in danger.

Of the gang of six, only Kelly is still subject to the UCMJ.

"As was announced, the Department is reviewing his statements and actions, which were addressed directly to all troops while explicitly using his rank and service affiliation — lending the appearance of authority to his words," Hegseth continued. "Kelly's conduct brings discredit upon the armed forces and will be addressed appropriately."



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Senator Mark Kelly
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When I was 22 years old, I commissioned as an Ensign in the United States Navy and swore an oath to the Constitution. I upheld that oath through flight school, multiple deployments on the USS Midway, 39 combat missions in Operation Desert Storm, test pilot school, four space [Show more](#)



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Kelly, the recipient of two [Distinguished Flying Crosses](#), replied to Hegseth on X. After detailing his military career, Kelly said he would not back down:



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If this is meant to intimidate me and other members of Congress from doing our jobs and holding this administration accountable, it won't work. I've given too much to this country to be silenced by bullies who care more about their own power than protecting the Constitution.

Kelly was also an astronaut.



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