


**ASTRONAUTS FOR AMERICA**

**THE BOAT STRIKES: LETHAL FORCE WITHOUT DUE PROCESS**

*Founding Value: Unalienable Right (of all Men) to Life...; Constitutional Principles: Due Process of Law; Separation of Powers; Rule of Law. Institutional Norms: Executive Constraint; Truth, Science and Evidence.*

**BOTTOM LINE**

Since September 2025 U.S. forces have killed at least 231 people in 69 strikes destroying 70 small watercraft suspected of carrying drugs, without boarding them, charging anyone, or showing evidence that any boat carried narcotics. The legal basis is a classified Justice Department opinion that the oversight committees have not been allowed to read. Congress should demand that opinion, require public after-action reporting on every strike, and bring the War Powers resolution back to a vote.

**NARRATIVE**

Since September 2025, U.S. forces have conducted lethal strikes on small high-speed boats in the Caribbean and Eastern Pacific suspected of trafficking narcotics, killing over 200 people across roughly [65 strikes](#). For decades this was Coast Guard work: interdict the vessel, refer the crew for prosecution under the [Maritime Drug Law Enforcement Act \(MDLEA\)](#), with rights to counsel, trial, and appeal. In February 2025 the Justice Department stopped prosecuting foreign boat crews seized this way, sending them home for local prosecution; new Department policies advised against prosecuting “[low-level narcotics offenders](#)” so resources could focus on top cartel targets. By September, the U.S. Southern Command (SOUTHCOM) began using lethal force outright against the boat crews, notifying Congress that cartels are “non-state armed groups” in a “non-international armed conflict” with the U.S., and that suspected traffickers are “[unlawful combatants](#).” Legal scholars broadly dispute that this meets the legal threshold. A non-international armed conflict requires a group organized for military-style operations against the state and violence that is protracted and intense, not sporadic; cartels, however violent, are organized for profit rather than hostilities against the United States, and international law experts have concluded that drug trafficking is not “hostilities” or “combat” in the legal sense. [A classified Justice Department opinion](#), withheld from oversight committees despite repeated requests, reportedly provides the legal basis service members rely on. In at least one case, U.S. forces fatally [struck survivors a second time](#) as they clung to wreckage. News accounts said that Secretary of Defense Hegseth ordered the follow-on strike; the admiral who oversaw the operation later [told Congress under oath](#) that he received no such order. Lawmakers have been shown classified video of the destruction but not the written orders that would resolve the dispute. The Pentagon has yet to release evidence that any given boat carried narcotics. The Staff Judge Advocate for U.S. Southern Command reportedly warned superiors in August 2025 that the strikes [could amount to extrajudicial killings](#), exposing service members to legal liability; his objection was reportedly overruled, and the Justice Department’s classified opinion asserts that [troops are not liable](#) for carrying out the strikes. The Pentagon has denied that any SOUTHCOM lawyers raised such concerns. Even under the old MDLEA process the Coast Guard came up empty a meaningful share of the time: in fiscal year 2024, its best on record, boardings found no drugs in 27% of stops; in 2021 the miss rate topped 40%. The strikes offer no comparable check, as there were no boardings or physical inspections. Lawmakers say the Pentagon has told them it need not identify who is on a boat before killing them, relying instead on an unspecified “connection to a designated terrorist organization or affiliate,” as well as behavioral cues like using cartel smuggling routes and not displaying national flags.

**FINDINGS**

| PROXIMATE CAUSE(S)                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTRIBUTING CAUSE(S)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ROOT CAUSE(S)                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Since September 2025, the military has killed over 200 people in 65 strikes on suspected drug boats in the Caribbean and Pacific, based on a classified legal opinion withheld from relevant oversight committees.</li> <li>No boarding, charges, trial, or public evidence has been offered that any struck vessel carried narcotics.</li> <li>At least one strike was followed by a second lethal strike on survivors clinging to wreckage.</li> </ul> | <ul style="list-style-type: none"> <li>Separation of Powers subverted: the executive unilaterally classified a law-enforcement matter as an “armed conflict,” bypassing Congress’s sole authority to declare war or authorize the use of force.</li> <li>Rule of Law sidestepped: the legal basis for killing is contained in a classified opinion never submitted to judicial or congressional review, so no outside body has tested it.</li> <li>Executive Constraint violated: a proven, sixty-year-old statutory</li> </ul> | <ul style="list-style-type: none"> <li>Some argue lethal strikes deter trafficking more effectively than arrest and prosecution. This is not backed by evidence.</li> <li>The deeper root cause is the temptation by leadership to substitute spectacular military force for the slower, mundane work of law enforcement and legislation (deterrence through intimidation). Classifying a maritime crime problem as an “armed conflict” makes it easier for the executive to</li> </ul> |

- SOUTHCOM’s senior military lawyer warned in August 2025, before the strikes began, that they could constitute extrajudicial killings; the objection was overruled, and DOJ’s classified opinion holds that participating troops are not liable.

- alternative, the MDLEA, already existed for exactly this problem; it was set aside by choice.
- Truth and Evidence withheld: The Pentagon has yet to disclose evidence that any given boatman was an imminent threat. The secrecy makes that precedent more dangerous.

act unilaterally, free of the standards and authorization the Constitution requires for criminal proceedings. That substitution becomes a precedent available to any future administration confronting any disfavored group it can redescribe without evidence as an imminent threat.

**Norm Erosion:** *Executive Constraint:* the norm that the executive resorts to courts and Congress, not unilateral lethal force, to resolve questions of guilt, was set aside for strikes ordered on classified legal authority the other branches cannot see. *Truth, Science and Evidence:* the Pentagon has withheld the classified legal opinion from Congress and the public and released no evidence that struck vessels carried narcotics. Public reporting falls far short of showing an imminent threat from these suspected “low level narcotics offenders.”

## RECOMMENDATIONS

### LEGISLATORS

- Demand the classified Justice Department legal opinion be provided to the relevant committees, and codify in statute an explicit, enforceable prohibition on striking non-combatants or combatant survivors or anyone rendered unable to pose a threat.
- Bring the bipartisan [War Powers resolution](#) back to a vote; the previous attempt failed 49-51.
- Engage the other side. Concern about these strikes spans the political spectrum; build on that common ground rather than letting it split along party lines.
- Require public, after-action reporting for each strike, including the evidence relied upon and the identities or nationalities of those killed, consistent with the reporting Congress already requires for other uses of force.

### GOVERNMENT EXECUTIVES

- The Secretary of Defense should release the classified Office of Legal Counsel opinion to the relevant congressional committees and explain the legal basis relied upon for each strike, including any strike on survivors of a prior strike.
- Military personnel retain an independent duty under the Uniform Code of Military Justice to refuse a patently illegal order, including an order to kill a non-combatant or a combatant no longer able to resist. The oath for active duty regular and reserve officers is to the Constitution, not to the official giving the order.
- All government leaders must speak the truth to their staffs and to the American people, and demand that their subordinates speak truth to power.

### CITIZENS

- Read the [Fifth Amendment’s due process clause](#) and the [Former JAGs Working Group statement](#).
- Ask your representatives whether they have seen the classified legal opinion, and how they voted on the War Powers resolution.
- Ask your elected officials why a proven, sixty-year-old law enforcement framework was set aside for lethal force.
- Visit [AstronautsForAmerica.org](#) for the Candidate Integrity Pledge.
- Consider Robb Willer’s finding that persuasion works best when arguments connect to values the other side already holds.
- Challenge your school boards to increase emphasis on civics at all levels.
- Use social media, and challenge local news outlets, to publicize inspiring examples of good government.
- Vote!

**Key Sources:** *Maritime Drug Law Enforcement Act*, 46 U.S.C. §§ 70501–70508; *Former JAGs Working Group*, Pentagon “No Quarter” orders (November 2025); *Just Security*, *Timeline of Boat Strikes*; *Human Rights Watch*, *Q&A on Caribbean and Pacific operations* (December 2025); *CNN*, *classified DOJ opinion* (October 2025); *USNI News* strike tracking; *Sen. Rand Paul*, public statements; *U.S. Senate War Powers vote* (November 2025); *NBC News*, *SOUTHCOM legal objection* (December 2025); *PBS NewsHour*, *admiral testifies there was no “kill them all” order* (December 2025); *CBS News*, *the classified DOJ opinion on the boat strikes* (December 2025); *U.S. Coast Guard FY2024 Performance Report*

**Appeal to Our Crewmates:** This “Failure Is Not an Option” briefing is one of a series by Astronauts For America, distilling our “America, We Have a Problem” series briefings into cause factors and actionable recommendations. We are not constitutional scholars; we defer to experts and use primary sources: court decisions, congressional records, peer-reviewed scholarship and news reporting rather than commentary or opinion. Please use the “Contact Us” feature on our website to tell us what we can do to help our democracy keep faith with our American ideals.