

# **EXHIBIT F**



**SECRETARY OF WAR  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000**

**JAN 05 2026**

Captain Mark E. Kelly, USN (Ret)  
c/o Arnold & Porter  
601 Massachusetts Avenue, NW  
Washington, DC 20001-3743

ATTN: Mr. Paul J. Fishman, Esq.

**Re: Secretarial Letter of Censure**

Dear Captain Kelly:

Pursuant to my authority as Secretary of War, I hereby issue this Secretarial Letter of Censure for conduct that I have determined to be prejudicial to good order and discipline in the Armed Forces of the United States, conduct which brings discredit upon the same and conduct unbecoming an officer.

Between June 2025 and December 2025, you engaged in a sustained pattern of public statements that characterized lawful military operations as illegal and counseled members of the Armed Forces to refuse orders related to those operations.

Additionally, on November 18, 2025, you participated in and distributed a video titled "Don't Give Up the Ship," in which you identified yourself as "a Captain in the United States Navy" and stated: "We want to speak directly to members of the military... This administration is pitting our uniformed military... against American citizens... You can refuse illegal orders. You must refuse illegal orders... Know we have your back... Stand up for our laws, for our Constitution."

On November 20, 2025, you issued a joint statement defending the video and reinforcing your call for refusal of what you characterized as "unlawful orders." On November 21 and 23, 2025, you criticized military leadership for "firing admirals and generals" and surrounding themselves with "yes men," asserting you would "ALWAYS defend the Constitution." On November 25, 2025, you stated that intimidation would not work and called your advice to refuse orders "non-controversial."

Throughout December 2025, you continued to accuse me and senior military officers of war crimes and to frame resistance to lawful orders as protecting against overreach.

It is my determination that your conduct:

1. **Undermines the Chain of Command:** By publicly accusing the Secretary of War and senior military officers of war crimes and characterizing lawful operations as illegal, you have directly attacked the legitimacy of military leadership and the lawfulness of their orders.
2. **Counsels Disobedience:** By telling servicemembers they “can refuse illegal orders” and “must refuse illegal orders” in the context of operations you have specifically characterized as illegal, you have counseled members of the armed forces to refuse lawful orders related to National Guard deployments and counter-narcotics operations.
3. **Creates Confusion About Duty:** Your statements create confusion among servicemembers about their duty to obey lawful orders. When a retired officer with your credentials tells servicemembers that current operations constitute war crimes and illegal orders, it directly prejudices good order and discipline by encouraging servicemembers to second-guess lawful orders.
4. **Brings Discredit Upon the Armed Forces:** Your public accusations of war crimes and illegal conduct by military leadership bring discredit upon the armed forces by falsely portraying lawful military operations as criminal acts.
5. **Is Conduct Unbecoming an Officer:** By counseling servicemembers to refuse orders while simultaneously characterizing specific operations as illegal, you have engaged in conduct that seriously compromises your standing as an officer and brings dishonor to the officer corps.

When viewed in totality, your pattern of conduct demonstrates specific intent to counsel servicemembers to refuse lawful orders. This pattern demonstrates that you were not providing abstract legal education about the duty to refuse patently illegal orders. You were specifically counseling servicemembers to refuse particular operations that you have characterized as illegal.

Your conduct has had, and continues to have, a detrimental impact on military discipline and good order. When a retired officer with a previously distinguished service record and a current position of authority tells servicemembers that their appointed leaders are committing war crimes and that they must refuse orders, it: undermines trust in leadership; creates legal confusion; encourages insubordination; damages morale; and harms public confidence.

For the reasons stated above, I hereby formally CENSURE you for conduct prejudicial to good order and discipline in the armed forces and conduct unbecoming an officer.

Your conduct represents a serious breach of the standards expected of officers in the United States Navy, even in retirement. Your use of your military rank and credentials to undermine lawful military operations and to counsel servicemembers to refuse lawful orders is incompatible with the trust and confidence placed in commissioned officers.

This Letter of Censure will be placed in your official military personnel file.

You have the right to submit a written rebuttal to this Letter of Censure within thirty (30) days of receipt. Any rebuttal you submit will be placed in your official military personnel file along with this Letter of Censure. However, you do not have a right to appeal this administrative action.

Additionally, for the reasons set forth above, I believe good cause exists to reopen the determination of your retired grade under the provisions of 10 U.S.C. §1370. Accordingly, I will direct the Secretary of the Navy to recommend to me whether a reduction in grade is appropriate in your case.

After receiving the Secretary of the Navy's recommendation, I will determine if a reduction is warranted. Any reduction in retired grade would result in a corresponding reduction in retired pay.

I remind you that, as a retired Naval officer, you remain subject to the Uniform Code of Military Justice. If you continue to engage in conduct prejudicial to good order and discipline, you may subject yourself to criminal prosecution or further administrative action. Your status as a sitting United States Senator does not exempt you from accountability for conduct that undermines good order and discipline in our Armed Forces.

A large, stylized handwritten signature in black ink, appearing to read "P. B. G." followed by a long horizontal stroke that ends in an arrowhead pointing to the right.