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MEMORANDUM

From: Staff Judge Advocate, Marine Corps Installations East Marine Corps Base Camp Lejeune, North Carolina  
To: Distribution List

Subj: STAFF JUDGE ADVOCATE GUIDANCE TO MCIEAST PERSONNEL ON PERMISSIBLE AND PROHIBITED POLITICAL ACTIVITIES

Ref: (a) 5 USC 7321-7326  
(b) 5 CFR 733  
(c) 5 CFR 734  
(d) DoD Directive 1344.10  
(e) MCIEAST-MCB CAMELEJO 5560.2, MV and Traffic Regulations

Encl: (1) Summary of Permissible and Prohibited Activities

1. Purpose. This memorandum is intended to provide guidance to Marine Corps Installations East (MCIEAST) personnel on the limitations that exist for participation in political activities.

2. Background. The Presidential election brings the politics of the nation to the forefront in the media and private conversations. As political activity becomes more fevered, MCIEAST personnel may question to what extent they may participate. This memorandum outlines to what extent MCIEAST personnel can participate in political activity.

3. Political Activity Defined

a. Political activity is an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

b. Partisan political activity is any activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated organizations or clubs. This includes asking or encouraging others to take action for or against a political candidate or issue, assisting in raising funds to support a candidate or political issue, or assisting in organizing activities (rallies, marches, petitions, etc.) directed at the success or failure of a candidate or issue.

4. Affected Groups. When addressing permissible and prohibited political activity there are four groups of affected DoD personnel:

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(1) military personnel on active duty, (2) military personnel not on active duty, (3) further restricted civilian personnel (SES and senate confirmed employees), and (4) less restricted employees. However, based on the composition of MCIEAST personnel, this memorandum will focus on the following two.

a. Military personnel on active duty (includes reservists on active duty orders) - Active duty personnel must avoid the perception that their personal political activity implies DoD sponsorship, approval, or endorsement of a political campaign, candidate, or cause. As a general rule, military personnel on active duty are prohibited from engaging in partisan political activity at any time, regardless of whether the servicemember is in or out of uniform. Although active duty personnel may attend a political rally in civilian attire, they may not participate in any way except as a spectator. Even in their personal capacity (out of uniform), active duty personnel may not campaign for partisan candidates, engage in partisan fundraising activity, serve as an officer of a partisan club, or speak before a partisan gathering. In addition, active duty personnel are prohibited from publically displaying a political sign, banner, or poster at their on-base residence. The prohibition also applies to the barracks and privatized housing aboard an installation. See Enclosure (1)

b. Less restricted employees - This group includes all civil service (GS) and Non-appropriated Fund (NAF) employees within MCIEAST. As a general rule, less restricted employees may engage in partisan political activity in their personal capacity outside the federal workplace. See Enclosure (1)

5. Permitted Activity for All MCIEAST Personnel. Regardless of whether an individual is a military servicemember on active duty, or a less restricted civilian employee, all personnel can engage in the following political activity:

- a. Vote and promote/encourage others to vote
- b. Attend a political rally, fundraiser, meeting, debate, or convention as a spectator in civilian clothes, and when no inference or appearance of official sponsorship, approval, or endorsement can reasonable be drawn.
- c. Donate to a campaign
- d. Express personal political viewpoints outside the federal workplace.
- e. Write a letter to the editor or a newspaper or magazine. However, the letter cannot solicit or request the reader to vote for or against a political candidate or cause. If the writer uses their military rank with their name the editorial must contain a disclaimer stating: "The views expressed in this letter are those of the

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individual only and are not those of the Marine Corps or the Department of Defense."

f. Have a political bumper sticker on a privately owned vehicle. However, the bumper sticker must be within the standard dimensions of 9 x 3 inches or 10 x 3 inches for rectangle stickers and 5 x 3 inches or 7 x 5 inches for oval stickers. The size restrictions prohibit having "bumper stickers" that cover the entire back windshield or other large portions of the automobile. In addition, any bumper sticker must comply with the standards set forth in reference (e).

6. Prohibited Activity for All MCIEAST Personnel

a. Engaging in partisan political activity in the federal workplace. This includes engaging in such activity on a personal electronic device (phone, tablet, etc.) while in the federal workplace.

b. Soliciting or coercing votes, or other political activity, from a subordinate

c. Using government equipment, including government email, for partisan political purposes

d. Using government time for partisan political purposes

e. Soliciting or accepting a campaign contribution at any time whether on or off duty

f. Using government title in connection with partisan political purposes

g. Placing current political campaign paraphernalia, such as buttons, bumper stickers, or candidate photos, in the federal workplace. Displays of photos with past candidates for public office, like a mayor, governor, senator, or President are permitted. However, a stand-alone photo of the current candidate for mayor, governor, senator, or President is not permitted.

7. Political Activity on Social Media.

a. All MCIEAST personnel may express their personal views on public issues or political candidates via social media platforms such as Facebook, Twitter, Instagram, Snapchat, or personal blogs. However, all personnel must be aware of the following considerations:

(1) For the social media post to be a permissible personal opinion about a candidate or political issue, the social media account must not identify the individual as an active duty servicemember or employee of the federal government.

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(2) Frequently, social media accounts have pictures of the individual in uniform or posts that clearly reference military and/or government employment. If this is the case, any politically oriented social media post on that account is not done in the individual's personal capacity.

(3) If the servicemember or federal employee still wishes to express personal views on a social media account that connects them to federal employment, posts must contain a disclaimer similar to the one detailed in paragraph 5e, above.

b. Like/Follow vs Share

(1) Active duty military personnel and less restricted civilian employees may "follow", "friend", or "like" a political party's or candidate's social media page/account.

(2) However, active duty military personnel MAY NOT "share", "re-tweet", forward, or post hyperlinks to a political party's or candidate's social media page, account, or individual post. In addition, active duty military personnel cannot encourage others to engage in this activity. This type of conduct is considered partisan political activity that is directed at the success or failure of a candidate or issue, which is prohibited.

(3) Less restricted civilian employees can "share", "re-tweet", forward, or post hyperlinks to a political party's or candidate's social media page, account, or individual post, and encourage others to do so, as long as they are conducting this activity in their personal capacity and are not in the federal workplace.

8. Examples of Violations. By way of example, the following are political activities that all personnel within MCIEAST should be aware are prohibited:

a. Reserve officer, not on active duty, in uniform sitting in front row of a partisan political rally

b. Providing a color guard to a partisan political rally

c. Military personnel in uniform singing the National Anthem or God Bless America at a partisan political rally

d. A military member suggests that friends like a partisan political group or candidate on social media

e. Sharing, forwarding, or re-tweeting an article on social media that addresses why a candidate is not fit for office and/or should not be elected

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f. A supervisor, civilian or military, telling a subordinate who he/she is voting for

g. Expressing personal views about political candidates or issues in the federal workplace. There is no water cooler exception.

h. Forwarding a funny political email/cartoon to coworkers via government email

9. Candidates Visiting Military Installations. Political candidates running for office, which includes an incumbent that is running for reelection, must follow strict rules if they intend to visit a military installation. There are prohibitions regarding the types of staff members that can come aboard the installation, events the candidate can attend, what pictures are taken and how they can be used, and access to media. If a candidate intends on visiting your installation, immediately contact your local Staff Judge Advocate or Counsel, and Public Affairs Officer for assistance.

10. Conclusion: All personnel are required to exercise prudence and professionalism in regard to their roles involving political activity. It is important that all levels of military and civilian leadership set a good example in the workplace regarding political activities, remind subordinates about the rules and regulations, encourage and support voting, and contact your local Staff Judge Advocate or Eastern Area Counsel if there are any questions.



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