



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104

SAGC

8 July 2010

MEMORANDUM FOR

SECRETARY OF THE ARMY (SASA), 101 ARMY PENTAGON, WASHINGTON, DC
20310

UNDER SECRETARY OF THE ARMY (SAUS), 102 ARMY PENTAGON,
WASHINGTON, DC 20310

SUBJECT: Political Activities by Army Officials

1. The Secretary of Defense (SECDEF) provides annual guidance to Department of Defense (DOD) agencies regarding the use of DOD property and personnel for political purposes. SECDEF Message 2741449Z APR 27, DOD Public Affairs Policy Guidance Concerning Political Campaigns and Elections, sets out the rules applicable to 2010 political campaigns.

2. A "campaign" begins when (1) the Candidate makes formal announcement or (2) files with the applicable federal, state or local election commission. The campaign ends one week after election.

3. Army installations and officials should encourage and welcome Candidates seeking official information or briefings from Army officials. Moreover, the SECDEF guidance is not intended to inhibit political representation of the constituents who live on or by an installation, or are employed by the installation. However, the guidance significantly restricts Candidate campaigns and non-Candidates, including political party personnel and private citizens, who seek to campaign on behalf of a Candidate.

4. SECDEF prohibited activities include:

a. Publications in Command newspapers relating to campaign news, partisan discussions, cartoons, editorials, commentaries or straw polls.

b. Access to Army officials or installations for the purposes of conducting campaign activities. As stated in paragraph 3, Candidates may receive official briefings and may represent constituents, but Candidates may not use their presence at an Army installation or a meeting with Army officials as part of a campaign or record their visit to be used in campaign material. Moreover, Candidates may not use Army installations as site for town-hall meetings that are part of a campaign.

SAGC
POLITICAL ACTIVITIES BY ARMY OFFICIALS

c. Army officials may not officially support off-installation political events, except joint color guards at national political conventions. Off-installation support includes serving as honored guests or event speakers, providing personnel, equipment or other logistical support. Speeches, articles, and public comments by Army officials must not contain any political or Candidate sponsored material.

5. In addition to the SECDEF Message, the Anti-Lobbying Act, 18 U.S.C. 1913, prohibits grass roots lobbying efforts, such as encouraging citizens to contact their elected representatives about an issue, or directing members of industry to support a particular Army program. No appropriated funds may be used to pay for any personal service, salary, advertisement, electronic or printed communication that is intended to influence "...in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation...." The statute does not prohibit Army officials expressing personal views regarding merits or deficiencies of legislation, as long as the view clearly indicates personal capacity. Recurring Appropriations Act provisions also prohibit the use of appropriated funds for publicity or propaganda purposes not authorized by the Congress or to influence Congressional action on any legislation or appropriation matters pending before the Congress.

6. Tours of private corporations or private facilities while on official duty and with Candidates or Members of Congress can unintentionally result in political or grass roots statements. In order to comply with the SECDEF Message, the Anti-Lobbying Act and the Appropriations Acts, Army officials should use reasonable efforts to ensure that public statements made to or in the presence of Candidates or Members of Congress reflect only established Army policies or procedures. In addition, Army officials should coordinate with Candidate or Congressional staff to prevent an official visit from converting to grass roots or campaign events. For example, an Army official visits contractor facility in the presence of a Member of Congress, who has announced re-election. A question and answer session with workers, reporters and citizens follows the visit. During the session, the Army official thanks the workers for their dedication in producing a product that enhances Army missions and war-fighting capabilities. The Member of Congress immediately takes the stage with the Army official and promises to introduce legislation continuing or increasing funding for the Army program, thereby creating jobs for his constituents. Not wanting to be impolite, the Army official remains on the platform with the Congressman during the political and campaign statements, applauds at the end the statements and takes pictures shaking hands with the Congressman. While each statement independently may be appropriate, the combined presence of the officials and the comments contravene the Anti-Lobbying statute and

SAGC
POLITICAL ACTIVITIES BY ARMY OFFICIALS

SECDEF policy. Prior coordination regarding content or arranging for a break between statements would prevent violations.

7. The point of contact is the undersigned at brian.howell3@us.army.mil or (703) 614-1166.



BRIAN HOWELL
Associate Deputy General Counsel
(Ethics & Fiscal)