



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 21ST THEATER SUPPORT COMMAND
NORTHERN LAW CENTER-SHAPE
Unit 21420
APO AE 09705

INFORMATION PAPER

SUBJECT: Political Activities of Military Personnel

1. PURPOSE: To provide information on Soldier participation in political activities.

2. REFERENCES:

A. 5 U.S.C. §§ 7321 - 7325

B. 10 U.S.C. § 101(d)(5)

C. 18 U.S.C. § 603

D. 18 U.S.C. § 607

E. 32 U.S.C. §§ 316, and 502 - 505

F. 5 C.F.R. Part 733, Political Activities of Federal Employees

G. DODD 1344.10, 2 August 2004, Political Activities by Members of the Armed Forces on Active Duty

H. DOD 5500.7-R, The Joint Ethics Regulation

I. AR 600-20, Army Command Policy, 30 March 1988, paragraph 5-3

3. POLITICAL ACTIVITIES OF MILITARY PERSONNEL

A. The political activities of officers and enlisted members of the Active Army, the USAR, and the ARNG are governed by DODD 1344.10 and AR 600-20, paragraph 5-3. The Hatch Act Amendments, 5 U.S.C. §§ 7321 - 7325, and 5 C.F.R. Part 733, only apply to civilian Federal employees (including Federal technicians employed by the National Guard and USAR). The Hatch Act does not apply to military members.

1. The restrictions in AR 600-20 apply to soldiers on active duty, which is defined as full-time duty in the active military service of the United States without regard to duration or purpose, including active duty for training, annual training, attendance at military schools, and full-time National Guard duty. They do not apply to inactive duty for training, or to National Guard soldiers serving in state status.

2. Full-time National Guard duty is defined in 10 U.S.C. § 101(d)(5) as training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States in the member's status as a member of the National Guard of a State or Territory, under 32 U.S.C. §§ 316, 502, 503, 504, or 505, (drills, field exercises, and attendance at military schools) for which the member is entitled to pay from the U.S. or for which the member has waived pay from the U.S.

B. Soldiers on active duty may:

1. Register, vote, and express their opinions on political candidates and issues, but not as representatives of the Armed Forces;

2. Attend partisan and nonpartisan political meetings or rallies as spectators, however, they may not attend:

a. In uniform,

b. During duty hours,

c. When violence is likely to result, or

d. When their activities constitute a breach of law and order;

3. Make monetary contributions to a political organization, but not to other members of the Armed Forces on active duty or employees of the Federal Government, and subject to the following:

a. 18 U.S.C. § 607 prohibits anyone "receiving any salary or compensation for services from money derived from the Treasury of the United States" to solicit a political contribution from any other such person;

b. 18 U.S.C. § 603 prohibits officers and employees of the Federal Government, and anyone "receiving salary or compensation for service from money derived from the Treasury of the United States" from making a political contribution to any other such person who is the "employer or employing authority" of the contributor;

1). This prohibits both contributions to the individual and to the individual's campaign committee, but does not prohibit contributions to political parties;

2). In 1991, the Counsel to the President issued an opinion that this statute "may prohibit any Federal employee from contributing to the authorized campaign committee of the President;"

4. May encourage other military members to vote;

5. Serve as an election official, if such service:

- a. is not in uniform;
- b. does not interfere with military duties; and
- c. has the prior approval of the installation commander;

6. Sign a petition for legislative action or to place a candidate's name on the ballot, but only in the soldier's personal capacity;

7. Write a letter to the editor expressing personal views, and place bumper stickers on cars (but not large banners or posters).

C. Soldiers on active duty may not:

1. Use their official authority or influence for interfering with an election, soliciting votes for a particular candidate or issue, or requiring or soliciting political contributions from others;

2. Participate in partisan political management, campaigns, or conventions;

3. Write and publish partisan political articles that solicit votes for or against a partisan political party or candidate, speak before partisan political gatherings, or participate in partisan political radio or television shows;

4. Serve in any capacity or be listed as a sponsor of a partisan political club;

5. Distribute partisan political literature or conduct a political opinion survey under the auspices of a partisan political group;

6. Use contemptuous words against the President, Vice President, Congress, the Secretaries of the military departments, Defense, or Transportation, and the Governors or legislatures of any state or territory where the soldier is on duty;

7. Engage in fund-raising activities for partisan political causes on military reservations or in Federal offices or facilities;

8. Attend partisan political events as official representatives of the Armed Forces

4. FURTHER INFORMATION

For more information please contact the Northern Law Center at DSN 423-4910.