

Discussion of EDP #16 Presented on Page 50

Political Activity

Summary of Judge Advocate's Assessment

Incident #1: Soliciting political support violates provisions of 18 U.S.C. 609 and DoD Dir 1344.10. People on active duty in the Armed Forces may not use their official authority to influence or solicit votes or political contributions from members of the Armed Forces.

Incident #2: Telling a crude, demeaning joke about the President to military subordinates demonstrates a lack of respect for the President and is a violation of Article 88 of the Uniform Code of Military Justice that prohibits commissioned officers from using contemptuous words against the President; Vice President; Congress; Secretary of Defense; Secretary of a military department; Secretary of the Treasury; or the Governor or legislature of any State, Territory, Commonwealth, or possession.

Incidents #3 & 4: As noted above, only the bodies of "Congress" and the "Legislatures," not the individual members, are included in Article 88. Assuming the discussion at the officers' club was not contemptuous of the President, the officers at the bar did not pose a problem. Expressions of opinion made in purely private conversations as occurred at the dinner are normally not violations.

Incident #5: Broadcasting of the Rush Limbaugh show is not expressly prohibited by the DoD Directive 1344.10. Nevertheless, it is clearly a partisan show, and broadcasting it over the loudspeaker during working hours gives the appearance of endorsement. The action violates the spirit of the directive and should not be done.

A copy of the complete analysis from which this summary is extracted is available upon request from the editor.

Visiting General's Action

Among the nearly 200 officers who have discussed this EDP, opinions vary widely as to how the visiting general should react to each of these incidents—a reflection perhaps of the various styles of leadership encountered in the Corps. A few recommended that the general take immediate corrective action upon encountering each incident—to include initiating disciplinary action against the officer who told the crude joke in Incident #2. Most others would have taken lower key approaches and raised the political issue in only one or two specific cases. Although Incident #3 involving the discussions in the bar was not necessarily illegal, many considered it highly inappropriate

and thought the officers should have known enough to keep their conversation private.

In order to reestablish the correct apolitical tone throughout the command, almost all the players thought the visiting general should discuss the incidents with the base commander and suggest that he hold one or more professional military education sessions and issue a directive summarizing the pertinent regulations. Occasionally, an event or unusual publicity draws inordinate attention to politicians or political issues. Military leaders should be sensitive to these situations and mindful of the constraint imposed upon service personnel.

These approaches represent the immediate reactions of individual Marines and should not be construed as official solutions. Comments are welcomed.