**Limitations on Political Activities**

**By John Jakubowski**

William Butler Yeats; one of the great poets of the 20th Century referred to the troubles in Ireland as “a terrible beauty.” The process leading up to, and during the Irish uprising in 1921 was a paradox; both frightening and wonderful. Our own American revolution might be viewed similarly. Democratic processes; from electing officials to represent us, through the “sausage-making” of crafting legislation can be terrible beauties in their own right. Every fall, the beautiful storm of electing representatives is upon us.

As Department of Defense (DOD) employees and Service Members, there are restrictions on engaging in political discourse. As election season approaches you should be aware of some of the various political activities that are prohibited in the Federal workforce, during duty hours, or while on Federal property.

The Hatch Act and DOD Instruction 1344.10 basically seeks to ensure that Federal employees and Service Members do not engage in activities that result in the success or failure of a political party, candidate, or group. The law endeavors to ensure that the Government operates fairly and without preference toward any party or individual, that employees and Service Members are insulated from political coercion in the workplace, and that promotions (or demotions) are based on merit (or performance) rather than on any particular political affiliation.

Per longstanding DOD policy, active duty personnel may not engage in partisan political activities, and all military personnel should avoid the inference that their political activities imply or appear to imply DOD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. Members on active duty may not campaign for a partisan candidate, engage in partisan fundraising activities, serve as an officer of a partisan club, or speak before a partisan gathering. However, active duty Service Members may express their personal opinions on political candidates and issues, make monetary contributions to a political campaign or organization, and attend political events as a spectator when not in uniform.

Personal opinions, however, may not be contemptuous. Article 88 of the Uniform Code of Military Justice (UCMJ), prohibits commissioned officers from using “contemptuous” words against the President, Vice President, Congress, the Secretary of Defense, the Secretaries of the military departments, the Secretary of Transportation, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which the officer is on duty or is present.

As for civilian employees, generally, the law and implementing policy, and regulation prohibit most from being a candidate for nomination or election to public office in a partisan election. Civilian employees may not use their official authority to influence or interfere with the results of an election. This would include using an official title or position while engaged in political activity, inviting subordinate employees to political events, or otherwise suggesting to subordinates that they attend political events or undertake any partisan political activity.

Civilian employees may not knowingly solicit or discourage the participation in any political activity of anyone who has business before their employing office. Further, a civilian employee may not during duty solicit, accept, or receive a donation or contribution for a partisan political party, or candidate for partisan political office.

Civilian employees are not permitted while on duty to distribute or display campaign materials or items, or perform campaign related chores. You also may not, on duty, wear or display partisan political buttons, t-shirts, signs, or other items, nor make a political contribution to any partisan political party, or candidate for partisan political office. Posting a comment to a blog or any social media site that advocates for or against a partisan political party is also not permitted on duty.

Civilian employees may be a candidate in a nonpartisan election, they may register and vote as they choose, and assist in voter registration drives. Participation in nonpartisan campaigns, making contributions to political campaigns, parties, or partisan political groups is permissible as is attending political fundraising functions, attending political rallies and meetings, and joining political clubs or parties while not on duty. Further, there is no prohibition against expressing opinions about candidates and issues as long as the expression is made while off duty, and it is not made in any Federal room or building. Political expression while wearing a uniform or official insignia, or while using any Federally owned or leased vehicle is not allowed.

There are lots of “do’s and don’ts” to consider. You should try to be generally aware of the provisions noted as that terrible, beautiful storm of the democratic process rages around you. And, if you have questions, or concerns please ask your supervisor to raise them through the appropriate chain of command to your servicing Office of the Staff Judge Advocate.