



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

DLJ/T



FEB 7 2000

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR OF OPERATIONAL TEST AND EVALUATION  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR OF ADMINISTRATION AND MANAGEMENT  
DIRECTORS OF THE DEFENSE AGENCIES

**SUBJECT:** Civilian Employees' Participation in Political Activities

This memorandum replaces Deputy Secretary of Defense Memorandum, "Civilian Employees' Participation in Political Activity," dated November 2, 1994, which is hereby canceled. It also reiterates the DoD policy governing the political activities of senior political appointees. Political activities by members of the Armed Forces continue to be governed by DoD Directive 1344.10, reprinted in the Joint Ethics Regulation, DoD 5500.7-R, section 6-300.

Certain restrictions continue to apply to political activities by all civilian DoD employees. One generally applicable restriction is of particular note; except in very narrow circumstances, no employee may solicit, accept, or receive political contributions. Part I below summarizes this and other restrictions that apply to all civilian DoD employees.

By statute, certain DoD employees continue to be subject to more extensive restrictions. These employees include career members of the Senior Executive Service (SES), administrative law judges, members of contract appeals boards, and all employees (except any appointed by the President and confirmed by the Senate) of the National Security Agency (NSA), the Defense Intelligence Agency (DIA), and the National Imagery and Mapping Agency (NIMA). The additional restrictions applicable to these employees are set forth in Part II below.

Finally, the Department maintains its longstanding policy of imposing substantial additional restrictions on the political activities of senior political appointees. As discussed in Part III below, DoD officials appointed by the President and confirmed by the Senate, and those appointed by the Secretary of Defense to non-career SES positions, are prohibited from engaging in activities that could be interpreted as associating the Department with any partisan political cause or issue.

UQ1608 /00

Please contact the ethics counselor in your DoD Component's legal office for advice about applying these restrictions to particular cases.

## **Part I. Prohibitions Applicable to All Civilian Employees of the Department of Defense**

All DoD employees must take care that their activities do not create a conflict or apparent conflict of interest with the full and impartial performance of their official duties. To that end, DoD employees may not:

- A. use their official authority or influence to interfere with or affect the result of an election (including using their official title while participating in political activity and using their authority to coerce others to engage in political activity);
- B. solicit, accept or receive a political contribution;<sup>1</sup> solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate; or allow their official titles to be used in connection with fund-raising activities;
- C. run for nomination or election to public office in a partisan election;<sup>2</sup>
- D. solicit or discourage the political activity of any person who is a participant in any matter before or being carried out by the Department; or
- E. engage in political activities (to include wearing political buttons) while on duty, while in a Government occupied office or building, while wearing an official uniform, badge, insignia, or other similar item, or while using a Government vehicle.

---

<sup>1</sup> This rule does not prohibit soliciting, accepting or receiving a political contribution to a multi-candidate political committee from a fellow member of a federal labor organization or certain other employee organizations, as long as the solicited employee is not a subordinate and the activity does not violate point E of Part I. This rule also does not prohibit receipt or acceptance of political contributions in partisan elections held in certain designated communities, including Washington, D.C. and its suburbs. But solicitation of contributions is prohibited even in these designated communities.

<sup>2</sup> In certain designated communities, including some suburban areas surrounding Washington, D.C., an employee may run for office in a local partisan election but only as an independent candidate.

**Part II. Additional Prohibitions Applicable to All Career SES Members, Administrative Law Judges, Members of Contract Appeal Boards and Employees of the Defense Intelligence Agency, the National Security Agency, and the National Imagery and Mapping Agency.**

Career members of the SES, administrative law judges, members of contract appeals boards, and employees of the DIA, NSA, and NIMA remain subject to additional prohibitions on political activities.

This means that in addition to the restrictions set forth in Part I above, these individuals may not do such things as:

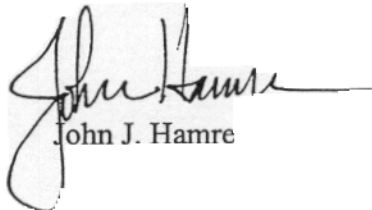
- A. take an active part in managing the political campaign of a candidate for partisan political office or a candidate for political party office;
- B. campaign for partisan political office;
- C. distribute fliers printed by a candidate's campaign committee, a political party or a partisan political group;
- D. serve as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a partisan political group, or be a candidate for any of these positions;
- E. organize or reorganize a political party organization or partisan political group;
- F. serve as a delegate, alternate, or proxy to a political party convention;
- G. address a convention, caucus, rally or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party, or partisan political group;
- H. organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for partisan political office or of a political party or partisan political group;
- I. canvas for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if such canvassing is done in concert with such a candidate, political party, or partisan political group;

- J. endorse or oppose a candidate for partisan political office or a candidate for political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material if such endorsement or opposition is done in concert with such a candidate, political party, or partisan political group;
- K. initiate or circulate a partisan nominating petition;
- L. act as recorder, watcher, challenger, or similar officer at polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office; or
- M. drive voters to polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.

**Part III. Additional Prohibitions Applicable to All Presidential Appointees  
Confirmed by the Senate and All Non-Career SES Members.**

**In addition to the restrictions set forth in Parts I and II above, Presidential appointees confirmed by the Senate and non-career SES members may not engage in any other activities that could be interpreted as associating the department with any partisan political cause or issue. This longstanding policy bars such officials, for example, from participating as organizers, speakers, hosts, or special guests in activities sponsored by the campaign committee of a political candidate, or in activities related directly or indirectly to fund-raising on behalf of a political candidate or political party. This does not preclude them from briefing partisan groups on issues of national defense or foreign policy, but they may not do so at partisan meetings that are conducted as fundraisers. Mere attendance at political fundraisers is allowed for all DoD employees.**

Please ensure that this guidance is disseminated to your civilian employees.

  
John J. Hamre