



DoD DIRECTIVE 1442.11

POLITICAL ACTIVITY RULES FOR DoD POLITICAL APPOINTEES

Originating Component: Office of the General Counsel of the Department of Defense

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Incorporates and Cancels: Deputy Secretary of Defense Memorandum, "Civilian Employees' Participation in Political Activity," November 2, 1994

Approved by: Kathleen H. Hicks, Deputy Secretary of Defense

Purpose: This issuance establishes policy and assigns responsibilities regarding the participation of DoD political appointees in political activity pursuant to Sections 7321-7326 of Title 5, United States Code.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

a. Presidential appointees requiring Senate confirmation, non-career senior executive service members, and non-permanent appointees in the Defense Intelligence Senior Executive Service:

(1) Are subject to the restrictions in Subpart D of Part 734 of Title 5, Code of Federal Regulations.

(2) Are prohibited from engaging in activities that create the appearance of DoD association or support for any partisan political cause or issue.

(a) This policy bars such officials from participating, for example, 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 fundraising on behalf of a political candidate or political party.

(b) This does not preclude such officials from briefing partisan groups on issues of national defense or foreign policy, but they may not do so at partisan meetings conducted as fundraisers. To avoid the appearance of preferential treatment, such officials must be willing to provide briefings to similarly situated groups as schedules permit.

(3) If they are DoD employees detailed outside of the DoD, remain subject to this issuance.

(4) If they are **not** DoD employees but are detailed to the DoD, are subject to this issuance for the duration of their detail.

b. Presidential appointees not requiring Senate confirmation and Schedule C political appointees:

(1) Are restricted from engaging in political activities in accordance with Subchapter III of Chapter 73 of Title 5, United States Code and Parts 733 and 734 of Title 5, Code of Federal Regulations.

(2) If they are DoD employees detailed outside of the DoD, will adhere to the political activity policies of the organization to which they are detailed.

(3) If they are **not** DoD employees but are detailed to the DoD, are subject to this issuance for the duration of their detail.

c. Civilian employees not serving as political appointees may participate in political activities in accordance with Subchapter III of Chapter 73 of Title 5, United States Code, and Parts 733 and 734 of Title 5, Code of Federal Regulations.

d. Service members may participate in political activities in accordance with DoD Directive 1344.10.

SECTION 2: RESPONSIBILITIES

2.1. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

The General Counsel of the Department of Defense, through the Standards of Conduct Office:

- a. Develops and distributes written guidance on participation in political activities by civilian personnel covered by this issuance as described in Paragraph 1.2.
- b. Provides overall legal guidance on the application of the political activity rules to political appointees in the DoD, pursuant to DoD Directive 5145.01.
- c. Represents the DoD to the U.S. Office of Special Counsel and the Office of White House Counsel in all matters of suspected violations of political activity laws or regulations by DoD political appointees.

2.2. ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS.

The Assistant to the Secretary of Defense for Public Affairs, in consultation with the Office of Under Secretary of Defense for Personnel and Readiness (Legal Policy) and the Standards of Conduct Office, provides updated public affairs guidance during congressional election years.

2.3. SENIOR LEGAL ADVISORS TO THE RELEVANT DOD COMPONENTS.

The senior legal advisors to the relevant DoD Components, as defined in the glossary:

- a. Provide advice on the application of the political activity rules to DoD political appointees within their Component.
- b. Consult with the General Counsel of the Department of Defense in all matters of suspected violations of political activity laws or regulations by political appointees in their organization.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
GS	general schedule

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
political appointee	Officials who hold positions to which they are appointed: By the President with the advice and consent of the Senate; By the President without the advice and consent of the Senate; As non-career members of the senior executive service (including non-permanent appointees in the Defense Intelligence Senior Executive Service); or As Schedule C employees.
Schedule C political appointee	Type of political appointment, primarily serving as confidential assistants, policy experts, special counsels, and schedulers, at grade GS-15 or below.
senior legal advisor	The General Counsels of the Military Departments, Defense Agencies, DoD Field Activities, and other DoD Components that have a general counsel, as well as the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps, and the Legal Counsel to the Chairman of the Joint Chiefs of Staff with respect to the Chairman and the Joint Staff as a DoD Component. Does not include the staff judge advocates for the Combatant Commands.

REFERENCES

Code of Federal Regulations, Title 5

DoD Directive 1344.10, “Political Activities by Members of the Armed Forces,”
February 19, 2008

DoD Directive 5145.01, “General Counsel of the Department of Defense (GC DoD),”
December 2, 2013, as amended

United States Code, Title 5