

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-508

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LAW

**POLITICAL ACTIVITIES, FREE
SPEECH AND FREEDOM OF
ASSEMBLY OF AIR FORCE
PERSONNEL**

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This Air Force Instruction (AFI) implements Air Force Policy Directive (AFPD) 51-5, *Administrative Law, Gifts and Command Relationships*. This Instruction provides specific prohibitions and guidance to Air Force (AF) members regarding political activities, dissident and protest activities, and organizing for the purpose of negotiating or collective bargaining. This Instruction incorporates law as well as Department of Defense policy found in Department of Defense Directive (DoDD) 1344.10, *Political Activities by Members of the Armed Forces*, Department of Defense Instruction (DoDI) 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, and DoDI 1354.01, *DoD Policy on Organizations that Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining*.

This Instruction applies to all AF members, to include: uniformed personnel in the Regular Air Force (RegAF); uniformed personnel in the Air Force Reserve (AFR) and Air National Guard (ANG); AF civilian employees including employees of nonappropriated fund programs; and, government contract employees. **Note:** Failure to observe the mandatory provisions in paragraphs 2.3.5., 2.4.1.-2.4.1.19., 2.5.1.2., 2.6.3., 2.6.4.1., 2.6.5., 3.2., 3.3., 3.4.1.-3.4.2., 3.6.-3.6.3., and 4.3.-4.6. of this Instruction by RegAF military members, AFR military members on active duty or inactive duty for training, and ANG military members in Title 10 status is a violation of Article 92 of the UCMJ. ANG members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this Instruction, may be held

accountable through similar provisions of their respective state military codes. Civilian employees are subject to administrative and/or disciplinary action for violations of the mandatory provisions of this Instruction in accordance with AFI 36-704, *Discipline and Adverse Actions* or Air Force Manual (AFMAN) 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*, as applicable. This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility of this publication for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the Judge Advocate functional chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the AF Records Disposition Schedule located in the AF Records Information Management System.

SUMMARY OF CHANGES

This new AFI merges content from three superseded AFIs. That content has not been substantially revised and is consistent with the Department of Defense (DoD) publications listed above.

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Chapter 1

OVERVIEW AND ROLES AND RESPONSIBILITIES

1.1. Overview. This AFI provides guidance and prohibitions to all AF members, including military and civilians, related to political activities, dissident and protest activities, and representational and organizational activities. Each of the chapters below covers one of these categories.

1.1.1. Political Activities. It is DoD policy to encourage active duty members to carry out their rights and responsibilities of United States citizenship. While on active duty, however, members are prohibited from engaging in certain political activities in order to maintain good order and discipline and to avoid conflicts of interest and the appearance of improper endorsement in political matters. These activities are proscribed below in Chapter 2.

1.1.2. Dissident and Protest Activities. AF commanders have the inherent authority and responsibility to take action to ensure the mission is performed and to maintain good order and discipline. This authority and responsibility includes placing lawful restrictions on dissident and protest activities, which is discussed below in Chapter 3.

1.1.3. Unionization of Military Members Illegal. Membership in military unions, organizing of military unions, and recognition of military unions are violations of Federal law and punishable by fine or imprisonment under Title 10, United States Code, Section 976. (T-0). The specific statutory prohibitions are included in Chapter 4.

1.2. Roles and Responsibilities .

1.2.1. Commanders. Specific responsibilities for Commanders are articulated in Chapter 3, paragraphs 3.1.-3.1.3., and Chapter 4, paragraphs 4.2.2.-4.2.4.

1.2.2. Director of Military Force Management Policy, Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters Air Force (AF/A1P), and the Director of Civilian Force Management, Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters Air Force (AF/A1C). Specific responsibilities for AF/A1P and AF/A1C are included in Chapter 4, paragraph 4.2.1.

1.2.3. Judge Advocates. Specific responsibilities for The Office of The Judge Advocate General (AF/JA) and Staff Judge Advocates (SJAs) at all levels of command have specific responsibilities included in Chapter 2, paragraph 2.2. Specific responsibilities for The Office of The Judge Advocate General Administrative Law Directorate (AF/JAA) are included in Chapter 4, paragraph 4.2.1.

Chapter 2

POLITICAL ACTIVITIES BY MEMBERS OF THE AIR FORCE

2.1. Application of This Chapter to the Total Force.

- 2.1.1. The provisions in this Chapter apply to all AF members on active duty for more than 30 days.
- 2.1.2. Paragraph 2.9. of this Chapter establishes responsibilities for members of active duty for 30 days or less.
- 2.1.3. Additionally, certain restrictions, as stated herein, also apply to retired regular members and members of the Reserve Component, even when not on active duty.

2.2. Responsibilities.

2.2.1. The Office of The Judge Advocate General (AF/JA).

2.2.1.1. Shall advise and assist the Secretary of the Air Force (SECAF), the Secretariat, and the Air Staff on matters related to AF military members' participation in political activities.

2.2.1.2. Shall receive, review, and forward for SECAF action any requests by members to file evidence of nomination or candidacy for nomination as required by law. See paragraphs 1.5. and 1.6.

2.2.2. **Staff Judge Advocates (SJAs).** Shall advise and assist their respective commands and assigned members on matters related to participation in political activities. This applies to SJAs at all levels of command.

2.3. Permitted Activities. In accordance with DoDD 1344.10, AF members may:

- 2.3.1. Register to vote, vote, and express a personal opinion on political candidates and issues, but not as a representative of the AF or DoD. **(T-0).**
- 2.3.2. Promote and encourage others to exercise their voting rights, if such promotion does not constitute use of their official authority or influence to interfere with the outcome of any election. **(T-0).**
- 2.3.3. Join a partisan or nonpartisan political club and attend its meetings when not in uniform, but not in any official capacity nor listed as a sponsor (see restrictions in paragraph 2.4). **(T-0).** The restriction on wearing the uniform to meetings also applies to retired and Reserve Component members. **(T-0).**
- 2.3.4. Attend partisan and nonpartisan political fundraising activities, meetings, rallies, debates, conventions, or activities as a spectator when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn. **(T-0).**
- 2.3.5. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with the performance of military duties, is performed when not in uniform, and receives SECAF's prior approval. SECAF may not delegate the authority to grant or deny such permission. **(T-0).** Requests to serve as an election official shall be forwarded through command channels with recommendations to Headquarters Air Force,

Office of The Judge Advocate General, Administrative Law Directorate (AF/JAA). **(T-1)**.
Note: Military members who violate any of these provisions are subject to prosecution under Article 92, UCMJ, in addition to any other applicable violation of the UCMJ or Federal law.

2.3.6. Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, if the signing does not obligate the member to engage in partisan political activity and is done as a private citizen and not as a representative of the AF or DoD. **(T-0)**.

2.3.7. Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues or political candidates, if such action is not part of an organized letter-writing campaign or a solicitation of votes for or against a political party or partisan political cause or candidate. If the letter identifies the member as being on active duty status (or if the member is otherwise reasonably identifiable as a military member), the letter must clearly state that the views expressed are those of the individual only and not those of the AF or DoD. Members must apply this principle to personal views written for publication in all forms of print and electronic media (i.e., magazines, social media, blogs). **(T-0)**.

2.3.8. Write a personal letter, not for publication, expressing preference for a specific political candidate or cause, if the action is not part of an organized letter-writing campaign on behalf of a partisan political cause or candidate. **(T-0)**.

2.3.9. Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, subject to limitations under Title 2, United States Code, Section 441a and Title 18, United States Code, Section 607. **(T-0)**.

2.3.10. Display a political bumper sticker on the member's private vehicle (but see paragraph 2.4.1.11). **(T-0)**.

2.3.11. Wear a political button or t-shirt when not in uniform, performing military duties, or under circumstances that could reasonably give rise to an appearance of official endorsement. **(T-0)**.

2.3.12. Participate fully in the Federal Voting Assistance Program. **(T-0)**.

2.4. Prohibited Activities.

2.4.1. **Note:** Military members who engage in any of the prohibited activities listed in this paragraph and subparagraphs (2.4.1.1.-1.4.1.19.) are subject to prosecution under Article 92, UCMJ, in addition to any other applicable provision of the UCMJ or Federal law. Members shall not:

2.4.1.1. Participate in partisan political fundraising activities (except as permitted in paragraph 2.3.), rallies, conventions (including making speeches in the course thereof), management of campaigns, or debates, either on one's own behalf or on that of another. This prohibition applies whether the individual is in uniform or not, and regardless of whether an inference or appearance of official sponsorship, approval, or endorsement may be drawn. Participation includes more than mere attendance as a spectator. **(T-0)**. (See also paragraphs 2.4.1.9 and 2.4.1.16.)

2.4.1.2. Use official authority or influence to interfere with an election, to affect its course or outcome, to solicit votes for a particular candidate or issue, or to require or solicit political contributions from others. **(T-0)**.

- 2.4.1.3. Allow, or cause to be published, partisan political articles, letters, or endorsements signed or written by the member that solicit votes for or against a partisan political party, candidate, or cause. **(T-0)**. This is distinguished from a letter to the editor as permitted under the conditions described in subparagraph 2.3.7.
- 2.4.1.4. Serve in any official capacity or be listed as a sponsor of a partisan political club. **(T-0)**.
- 2.4.1.5. Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate or cause. **(T-0)**.
- 2.4.1.6. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party, candidate, or cause. **(T-0)**.
- 2.4.1.7. Conduct a political opinion survey under the auspices of a partisan political club or group, or distribute partisan political literature. **(T-0)**.
- 2.4.1.8. Perform clerical or other duties for a partisan political committee or candidate during a campaign, on an election day, or after an election day during the process of closing out a campaign. **(T-0)**.
- 2.4.1.9. Solicit or otherwise engage in fund-raising activities in federal offices or facilities, including military reservations, for any partisan political party, candidate, or cause. **(T-0)**. (See also paragraphs 2.4.1.1 and 2.4.1.16.)
- 2.4.1.10. March or ride in a partisan political parade. **(T-0)**.
- 2.4.1.11. Display a political sign, banner, or poster (as distinguished from a bumper sticker) on a private vehicle. **(T-0)**.
- 2.4.1.12. Display a large political sign, poster, banner, or similar device visible to the public at one's residence on a military installation, even if that residence is part of a privatized housing development. **(T-0)**.
- 2.4.1.13. Participate in any organized effort to provide voters with transportation to the polls, if the effort is organized by or associated with a partisan political party, cause, or candidate. **(T-0)**.
- 2.4.1.14. Sell tickets for, or otherwise actively promote, partisan political dinners and similar fundraising events. **(T-0)**.
- 2.4.1.15. Attend any partisan political event as an official representative of the AF or DoD, even without actively participating, except as a member of a joint Armed Forces color guard at the opening ceremonies of the national convention of a political party recognized by the Federal Elections Commission, or as otherwise authorized by the SECAF. **(T-0)**.
- 2.4.1.16. Make a campaign contribution to, or receive or solicit (on one's own behalf) a campaign contribution from, any other military member on active duty, or an officer or employee of the federal government for promoting a political objective or cause. Any contributions not prohibited by this paragraph remain subject to the gift provisions of sections 2635.301-2635.304 of Title 5, Code of Federal Regulations. **(T-0)**. (See also paragraphs 2.4.1.1 and 2.4.1.9)

2.4.1.17. Participate, while in uniform, in any activity such as unofficial public speeches, interviews, picket lines, marches, rallies or any public demonstration which may imply AF sanction of the cause for which the demonstration or activity is conducted. **(T-0)**. Authorization to wear the uniform under certain circumstances may be granted in accordance with DoD Instruction 1334.01, *Wearing of the Uniform*, as implemented by AFPD 36-29, *Military Standards*, and AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*.

2.4.1.18. Engage in the public or organized recruitment of others to become partisan candidates for nomination or election to a civil office. **(T-0)**.

2.4.1.19. Commissioned officers shall not use contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession in which the member is on duty or present as prohibited and punishable under Article 88, UCMJ. **(T-0)**.

2.4.2. With the exception of subparagraph 2.4.1.19, and subject to any other restrictions in law, a member of the AF not on active duty may take the actions and participate in the activities prohibited in subparagraph 2.4.1 above, provided the member is not in uniform and does not otherwise act in a manner that could reasonably give rise to the inference or appearance of official sponsorship, approval, or endorsement. **(T-0)**.

2.4.3. Activities not expressly prohibited above may be contrary to the spirit and intent of this Instruction. Any activity that may be reasonably viewed as directly or indirectly associating the AF or DoD with a partisan political activity or is otherwise contrary to the spirit and intention of this Instruction shall be avoided. **(T-0)**.

2.5. Nomination or Candidacy for Civil Office. For the purposes of this Chapter, “civil office” includes: a civil office in the U.S. Government that is an elective office, an office requiring an appointment by the President, or a position on the executive schedule under Title 5, United States Code, Sections 5312-5317; or a civil office in a State; the District of Columbia; a territory, possession, or commonwealth of the U.S.; or any political subdivision thereof.

2.5.1. Except as authorized by subparagraph 2.5.3., a RegAF member, or a retired regular or Reserve Component AF member on active duty under a call or order to active duty for more than 270 days, may not be a nominee or candidate for a civil office described in paragraph 2.5., except when SECAF personally grants permission. **(T-0)**.

2.5.1.1. SECAF may not delegate the authority to grant or deny permission under paragraph 2.5. and shall not authorize a service member to perform any activity while on active duty that is otherwise prohibited by other provisions of law, policy, regulation, or instruction. **(T-0)**.

2.5.1.2. Permission of SECAF is required for a service member regardless of whether evidence of nomination or candidacy for civil office is filed prior to commencing active duty service or whether the service member is an incumbent in the relevant office. If a service member covered by the prohibition in paragraph 2.5.1 becomes a nominee or candidate for civil office prior to commencing active duty, then the service member must request permission in writing and submit the request to SECAF before entering active duty.

Note: Military members who violate this paragraph are subject to prosecution under Article 92, UCMJ, in addition to any other applicable violation of the UCMJ or Federal law.

2.5.1.3. If SECAF denies the request, the service member must take affirmative actions to decline the nomination or withdraw as a candidate. **(T-0)**.

2.5.1.4. Requests for SECAF consideration shall be forwarded through command channels with recommendations to AF/JAA. **(T-1)**.

2.5.2. A retired RegAF member or Reserve Component member serving on active duty under a call or order to active duty for 270 days or less may remain or become a nominee or candidate for a civil office described in paragraph 2.5., provided there is no interference with the performance of military duties. **(T-0)**.

2.5.3. Exceptions to the prohibitions of subparagraph 2.5.1.:

2.5.3.1. Enlisted members, regardless of duty status, may seek, hold and exercise the functions of a nonpartisan civil office as a notary public or member of a local school board, neighborhood planning commission, and similar local agency. Officer members on active duty may seek, hold, and exercise the functions of a nonpartisan civil office on an independent school board that is located exclusively on a military reservation. Such offices must be held in a non-military capacity and may not interfere with the performance of military duties.

2.5.3.2. All military members may serve as a regular or reserve civilian law enforcement officer or member of a civilian fire or rescue squad when approved by the member's commander. Such service must be in a personal capacity, may not involve the exercise of military authority, and may not interfere with the performance of military duties. **(T-0)**. In the case of regular officers on the active duty list or full-time National Guard and retired and reserve officers on active duty under a call or order for a period of more than 270 days, however, the position must not be a civil office described in paragraph 2.5. **(T-0)**. Refer to AFI 31-118, *Security Police Standards and Procedures*, for further guidance regarding off-duty employment of Security Forces personnel.

2.6. Additional Limitations on Nominees or Candidates for Elective Civil Office.

2.6.1. Military members not on active duty who are nominees or candidates for the offices described in paragraph 2.5. may, in their campaign literature (including web sites, videos, television, and conventional print advertisements):

2.6.1.1. Use or mention or permit the use or mention of their military rank or grade and military service affiliation, but must clearly indicate their retired or reserve status.

2.6.1.2. Include or permit the inclusion of their current or former specific military duty, title, or position, or photographs in military uniform, when displayed with other non-military biographical details. Any such military information must be accompanied by a prominent and clearly displayed disclaimer that neither the military information nor photographs imply endorsement by the DoD or the Department of the AF; e.g., "John Doe is a member of the Air National Guard. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of the Air Force or the Department of Defense." **(T-0)**.

2.6.2. Military members described in paragraph 2.6.1. may NOT, in campaign literature (including web sites, videos, television, and conventional print advertisements):

2.6.2.1. Use or allow the use of photographs, drawings, and other similar media formats of themselves in uniform as the primary graphic representation in any campaign media, such as a billboard, brochure, flyer, web site, or television commercial. For the purpose of this Instruction, “photographs” include video images, drawings, and all other similar formats of representational media. **(T-0)**.

2.6.2.2. Depict or allow their depiction in uniform in a manner that does not accurately reflect their actual performance of duty. For the purpose of this Instruction, “photographs” include video images, drawings, and all other similar formats of representational media. **(T-0)**.

2.6.3. Any member on active duty who is permitted to be, or otherwise not prohibited from being, a nominee or candidate for civil office as described in paragraph 2.5., may NOT participate in any campaign activities. **(T-0)**. **Note:** Military members who violate this paragraph are subject to prosecution under Article 92, UCMJ, in addition to any other applicable violation of the UCMJ or Federal law. This includes open and active campaigning and all behind-the-scenes activities. For example, a service member on active duty who is a candidate or nominee may not:

2.6.3.1. Direct, control, manage, or otherwise participate in their campaign, including behind-the-scenes activities. **(T-0)**.

2.6.3.2. Make statements to or answer questions from the news media regarding political issues or government policies or activities unless specifically authorized to do so by an appropriate supervisor or commander. **(T-0)**.

2.6.3.3. Publish or allow to be published partisan political articles, literature, or documents that they have signed, written, or approved that solicit votes for or against a partisan political party, candidate, issue, or cause. **(T-0)**.

2.6.4. Nominees or candidates for office described in paragraph 2.6.3. must:

2.6.4.1. Take affirmative, documented efforts to inform those who work for them and those whom they control that the nominees or candidates may not direct, control, manage, or otherwise participate in campaign activities on their own behalf while on active duty. **(T-0)**. **Note:** Military members who fail to comply with this paragraph are subject to prosecution under Article 92, UCMJ, in addition to any other applicable violation of the UCMJ or Federal law.

2.6.4.2. Take all reasonable efforts to prevent current or anticipated advertisements that the nominees or candidates control from being publicly displayed in any media while on active duty. This includes web sites devoted to the nomination or candidacy. Web sites created before entry on active duty may not be updated or revised and may be ordered shut down at SECAF direction.

2.6.5. Military members who require permission to be nominees or candidates under this Instruction, or who are on active duty and are not otherwise prohibited from being a nominee or a candidate, must complete the acknowledgment of limitations at Attachment 2. **(T-0)**. Those who require permission must complete the acknowledgment before permission may be

granted. **(T-0)**. Those who do not require permission must complete the acknowledgment within 15 days of becoming a nominee or candidate or within 15 days of entry on active duty if already a nominee or candidate. The acknowledgment must be forwarded through the service member's chain of command to the first general officer in the military chain of command. **(T-1)**. If elected to the office, a copy of the acknowledgement shall be maintained in the service member's personnel record for the duration of the term of office. **(T-0)**. **Note:** Military members who fail to complete the acknowledgment and obtain the required permission to be a nominee or candidate are subject to prosecution under Article 92, UCMJ, in addition to any other applicable violation of the UCMJ or Federal law.

2.7. Military Members Elected or Appointed to Civil Office.

2.7.1. Civil Office in the United States Government . Except as authorized by law, AF members may not hold or exercise the functions of civil office in the United States Government that is an elective office, requires an appointment by the President, or is a position on the executive schedule under Title 5, United States Code, Sections 5312 -5317. This applies to AF members serving on Active Duty in the RegAF, and members who are either retired RegAF or a member of a Reserve Component serving on active duty under a call or order to active duty for more than 270 days., A member who occupies a civil office described above who is called to active duty for more than 270 days must resign from the civil office; entering a "leave of absence" or similar "inactive" status is insufficient to comply with this prohibition. **(T-0)**.

2.7.1.1. This prohibition does not apply to any retired RegAF member or Reserve Component service member serving on active duty under a call or order to active duty that specifies a period of active duty of 270 days or less, provided there is no interference with the performance of military duties. For example, Senator Smith, a lieutenant colonel in the AF Reserve, is permitted to perform active duty service while holding elected office and exercising the functions of her elected civil United States Government office so long as she is not called to active duty for more than 270 days and her exercise of those functions do not interfere with the performance of her military duties.

2.7.1.2. If the call or order specifies a period of active duty of more than 270 days, the prohibition applies beginning on the first day of the active duty period. **(T-0)**.

2.7.1.3. A member on active duty in the AF may hold or exercise the functions of a civil office in the United States Government that is not described in paragraph 2.7.1. when assigned or detailed to that office (while on active duty) or to perform those functions, provided the assignment or detail does not interfere with military duties.

2.7.1.4. Any active duty AF member authorized to hold or exercise, or not prohibited from holding or exercising, the functions of civil office under paragraph 2.7.1.1. is still subject to the prohibitions of subparagraph 2.4.1. **(T-0)**.

2.7.2. Civil Office in a State or Other Political Subdivision . Except as authorized by law, RegAF members may not hold or exercise the functions of civil office in the government of: a State; the District of Columbia; a territory, possession, or commonwealth of the United States; or in any political subdivision thereof. **(T-0)**.

2.7.2.1. This prohibition does not apply to members who are either retired RegAF or a member of a Reserve Component and serving on active duty under a call or order to active duty that specifies a period of active duty of 270 days or less, provided there is no

interference with military duties. For example, City Mayor Koziarz, a retired major recalled to active duty, may perform active duty service while holding his elected office and exercising the functions of that office so long as his recall to service is for 270 days or less; he serves as the mayor in a non- military capacity; and there is no interference with his military duties while serving as mayor.

2.7.2.2. A retired RegAF or Reserve Component member on active duty under a call or order to active duty for more than 270 days may hold — but shall NOT exercise — the functions of a civil office as set out in subparagraph 2.7.2., provided **(T-0)**:

2.7.2.2.1. Holding the office is not prohibited under the laws of: that State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof; and

2.7.2.2.2. SECAF grants permission after determining that holding such office does not interfere with the performance of military duties. SECAF may not delegate the authority to grant or deny such permission. **(T-0)**.

2.7.2.2.3. For example, if City Mayor Koziarz, a retired major, is recalled to active duty for a period in excess of 270 days, he may continue to hold his elected office, unless he is prohibited from doing so under state law or SECAF determines that continuing to hold the office would interfere with the performance of his military duties. While Major Koziarz remains on active duty, however, he may not exercise any of the functions of his civil office.

2.7.3. Members affected by the prohibitions against being a nominee or candidate or holding or exercising the functions of a civil office may request retirement (if eligible), discharge, or release from active duty. SECAF may approve these requests, consistent with the needs of the AF. Absent compelling circumstances, requests will normally not be approved if the member is:

2.7.3.1. Obligated to fulfill an active duty service commitment.

2.7.3.2. Serving or has been issued orders to serve afloat or in an area that is overseas, remote, a combat zone, or a hostile fire pay area.

2.7.3.3. Ordered to remain on active duty while the subject of an investigation or inquiry.

2.7.3.4. Accused of an offense under the UCMJ or serving a sentence or punishment for such offense.

2.7.3.5. Pending other administrative separation action or proceedings.

2.7.3.6. Indebted to the United States.

2.7.3.7. In a Reserve Component and serving involuntarily under a call or order to active duty that specifies a period of active duty of more than 270 days during a period of declared war or national emergency, or other period when a unit or individual of the ANG or other Reserve Component has been involuntarily called or ordered to active duty as authorized by law.

2.7.3.8. In violation of this Instruction or an order or regulation prohibiting such member from assuming or exercising the functions of civil office.

2.7.4. No actions undertaken by an AF member in carrying out assigned military duties shall be invalidated solely by virtue of such member having been a candidate or nominee for a civil office in violation of the prohibition of paragraph 2.5. or having held or exercised the functions of a civil office in violation of the prohibitions of paragraphs 2.7.1. or 2.7.2. **(T-0)**.

2.8. Duty Restrictions. No member of the AF may be assigned or detailed to perform duties in the legislative or judicial branches of the United States Government. **(T-0)**. A member may, however, perform such duties if under a scholarship, fellowship, grant, or internship, or for a specific duration on a specific project as a member of the staff, court, or committee of the Congress. The member must first agree to incur an active duty service obligation to commence at the termination of the assignment or detail, and equivalent to the length of the assignment or detail, or to the service obligation prescribed in other applicable regulations, whichever is greater. **(T-1)**.

2.9. Air Force Members on Active Duty for 30 Days or Less. In addition to complying with all other mandatory provisions herein regarding prescribed and proscribed actions for active duty AF members, members on active duty for less than 30 days will:

2.9.1. Give full time and attention to performing military duties during prescribed duty hours. **(T-0)**.

2.9.2. Avoid any outside political activities that may be prejudicial to performing military duties or inconsistent with the accepted customs and traditions of the Armed Forces. **(T-0)**.

2.9.3. Refrain from participating in any political activity while in military uniform and from using government facilities for political activities. **(T-0)**.

Chapter 3

DISSIDENT AND PROTEST ACTIVITIES

3.1. Commanders .

3.1.1. AF commanders must preserve the service member's constitutional right of expression to the maximum extent possible, consistent with good order, discipline, and national security. **(T-0).**

3.1.2. No commander should be indifferent to conduct that, if allowed to proceed unchecked, would impair the effectiveness of his or her unit. Commanders have the authority to take administrative and disciplinary actions in response to dissident and protest activities as discussed further in this Chapter.

3.1.3. To properly balance these interests, commanders should exercise calm and prudent judgment and should consult with their SJAs. In appropriate cases, commanders may find it advisable to confer with higher authority before initiating action to restrict manifestations of dissent.

3.2. Writing for Publications. Military members may not write for unofficial publications, including blogs and other electronic social media journalistic forums, during duty hours. **(T-0).** While unofficial publications, such as "underground newspapers," are not prohibited, they may not be produced using government or non-appropriated fund property or supplies on or off-duty. **(T-0).** If such a publication contains language, the utterance of which is punishable by the UCMJ or other Federal laws, those members involved in printing, publishing, or distributing such materials are subject to discipline for such infractions. Merely hosting a blog or other electronic social media journalistic forum does not rise to the level of publishing or distributing the comments that third parties may post there. However, if said media forum routinely receives comments that adversely impact mission accomplishment (e.g., degrades morale, good order, and discipline) then the hosting AF member may be ordered to remove the degrading comments or cease and desist from maintaining said media forum. **Note:** Military members who violate this paragraph are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the UCMJ.

3.3. "Off-limits" Actions. Commanders may initiate action under Air Force Joint Instruction (AFJI) 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, to place establishments "off limits" to military members when, for example, activities taking place at such installations include, but are not limited to, counseling, encouraging or inciting members of the Armed Forces to refuse to perform their duty or to desert, or involve acts with a significant adverse effect on health, welfare, or morale of military members. Military members are prohibited from going to off-limits establishments. **Note:** Military members who violate this paragraph are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the UCMJ.

3.4. Prohibited Activities. Military personnel must not actively advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal discrimination based on race, creed, color, sex, religion, ethnicity, or national origin or those that advance, encourage, or advocate the use of force, violence, or criminal activity or otherwise advance efforts to deprive individuals of their civil rights. **(T-0).**

3.4.1. Military personnel must reject active participation in criminal gangs and in other organizations that (**Note:** Military members who violate this paragraph, to include any of its subparagraphs, are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the UCMJ):

- 3.4.1.1. Advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes;
- 3.4.1.2. Attempt to create illegal discrimination based on race, creed, color, sex, religion, ethnicity, or national origin;
- 3.4.1.3. Advocate the use of force, violence, or criminal activity; or
- 3.4.1.4. Otherwise engage in efforts to deprive individuals of their civil rights.

3.4.2. Active participation in such gangs or organizations is prohibited. (**T-0**). **Note:** Military members who violate this paragraph, to include any of its subparagraphs, are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the UCMJ.

3.4.2.1. Active participation includes, but is not limited to:

- 3.4.2.1.1. Fundraising for, or donating money to, the organization;
- 3.4.2.1.2. Demonstrating or rallying;
- 3.4.2.1.3. Recruiting, training, organizing, or leading members;
- 3.4.2.1.4. Distributing material (including posting on-line);
- 3.4.2.1.5. Knowingly wearing gang colors or clothing;
- 3.4.2.1.6. Having tattoos or body markings associated with such gangs or organizations; or
- 3.4.2.1.7. Otherwise engaging in activities in furtherance of the objective of such gangs organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service.

3.4.2.2. Mere membership in the type of organization listed above is not prohibited. However, membership must be considered in evaluating or assigning members, both military and civilian, as addressed in AFI 36-2406, *Officer and Enlisted Evaluation Systems*, and, AFI 36-2706, *Equal Opportunity Program, Military and Civilian*. (**T-1**).

3.4.2.3. A supremacist doctrine, ideology, or cause is characterized by, but is not limited to, having a fundamental tenet of its nature that particular members of one race, color, gender, national origin, or ethnic group are genetically superior to others. Membership in such organizations is usually restricted to those belonging to that particular race, color, gender, national origin, or ethnic group.

3.4.2.4. An extremist doctrine, ideology, or cause is characterized by, but is not limited to, a common belief which might otherwise be politically or socially acceptable, but that espouse the use or threat of force or violence to obtain their goals.

3.4.2.5. A commander's best tool for identifying whether or not a particular organization is a recognized criminal gang is the FBI's National Gang Assessment. Refer to the FBI website for gang information at <https://www.fbi.gov/investigate/violent-crime/gangs>. This assessment is periodically updated so users should verify that they are accessing the

FBI's most recent report. However, this publication may be supplemented, with Air Force Office of Special Investigations (AFOSI) input, at any level, to locally augment the list of recognized criminal gangs.

3.4.3. Commanders are authorized to use the full range of administrative procedures, including separation or appropriate disciplinary action against military personnel who actively participate in such groups.

3.4.4. It is a function of command to be vigilant about the existence of the type of activities enumerated above. Commanders should intervene early, primarily through counseling, when observing such signs even though the signs may not rise to active advocacy or active participation or may not threaten good order and discipline, but only suggest such potential. Active use of investigative authority to include a prompt and fair complaint process, and the use of administrative powers, such as non-punitive counseling, and performance evaluations should be used to deter such activities. The goal of early intervention is to minimize the risk of future prohibited activities.

3.4.4.1. Examples of such signs, which, in the absence of the active advocacy or active participation, could include mere membership in criminal gangs and other organizations covered under paragraph 3.4.

3.4.4.2. Signs could also include possession of literature, or visiting websites, associated with such gangs or organizations, or with related ideology, doctrine, or causes.

3.4.4.3. While mere membership, possession of literature or visiting such websites on a non-Government computer normally is not prohibited, it may merit further investigation and possibly counseling to emphasize the importance of adherence to the AF values and to ensure that the Service member understands what activities are prohibited.

3.5. Training Policy on Prohibited Activities. The DoD policy on prohibited activities shall be included in initial active duty training, pre-commissioning training, professional military education, commander training, and other appropriate AF programs. **(T-0).**

3.6. Demonstrations and Similar Activities. Demonstrations or other activities within military installations, which could result in interference with or prevention of the orderly accomplishment of a mission of the installation or which present a clear danger to loyalty, discipline, or morale of members of the Armed Forces, are prohibited. **(T-0).** **Note:** Military members who violate this paragraph are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the UCMJ. This prohibition applies to military members, civilians, and contractors.

3.6.1. It is a crime for any person to enter a military installation for any purpose prohibited by law or unlawful regulation, or for any person to enter or reenter an installation after having been barred by order of the installation commander in accordance with AFI 31-101, *Integrated Defense* and 18 U.S.C. 1382. **(T-0).** **Note:** Military members who violate this provision are subject to disciplinary action under Article 92 of the UCMJ. This prohibition applies to military members, civilians, and contractors.

3.6.2. Military members are prohibited from participating in demonstrations when they are on duty, when they are in a foreign country, when they are in uniform, when their activities constitute a breach of law and order, or when violence is likely to result. **(T-0).** **Note:** Military

members who violate this paragraph are subject to disciplinary action under Article 92 of the UCMJ.

3.6.3. The distribution or posting of printed or written materials on AF installations is prohibited without prior approval of the installation commander or delegatee. **(T-0)**. **Note:** Military members who violate this paragraph are subject to disciplinary action under Article 92 of the UCMJ. This prohibition applies to military members, civilians, and contractors.

3.7. Grievances.

3.7.1. **Military Grievances.** The right of military members to complain and request redress of their grievances against actions of their commanders is protected by Article 138, UCMJ, as addressed in AFI 51-904, *Complaints of Wrongs Under Article 138, UCMJ*, and by the Inspector General Complaints Resolution Program in accordance with AFI 90-301, *Inspector General Complaints Resolution Program*. Military personnel may also petition or present a grievance to any member of Congress or an inspector general, among other officials, without fear of reprisal. An open door policy for complaints is a basic principle of good leadership. Commanders should ensure that adequate procedures exist locally for identifying complaints and taking necessary corrective actions.

3.7.2. **Civilian Grievances** . The protections of Article 138, UCMJ, and the AF Inspector General Complaint Resolution Process do not cover matters concerning employment conditions for civilian employees. These matters must be processed under applicable grievance, complaint, or appeal systems as stated in other directives. **(T-1)**. Refer to AFI 90-301 for other agencies and grievance channels for handling civilian complaints.

3.7.3. **Contractor Grievances** . The protections of Article 138, UCMJ, and the AF Inspector General Complaint Resolution Process do not cover matters concerning employment conditions for contractor employees. Defense contractors can direct complaints to the Inspector General Department of Defense Hotline (<http://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>).

Chapter 4

REPRESENTATIONAL AND ORGANIZATIONAL ACTIVITIES OF AIR FORCE PERSONNEL

4.1. Unionization of Military Members Illegal. All AF members, military and civilian, must comply with Title 10, United States Code, Section 976 and with this Instruction. While the AF will make every effort to inform its members and employees about which organizations are Military Labor Organizations, the failure of the AF to inform its members that a particular organization is a Military Labor Organization will not shield those members from liability under Title 10, United States Code, Section 976 or under this Instruction. **(T-0).**

4.2. Responsibilities .

4.2.1. AF/JAA, AF/A1P, and AF/A1C .

4.2.1.1. Act as the primary Air Staff contacts for matters related to this Chapter, and will be information addressees on all correspondence and messages required in this Chapter.

4.2.1.2. AF/A1P will immediately forward all reports received from installation commanders, as directed in paragraph 4.2.3.3., to the Assistant Secretary of the AF for Manpower and Reserve Affairs, Headquarters Air Force (SAF/MR) through the Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters Air Force (AF/A1) for transmission to SECAF and the Secretary of Defense (SECDEF) in accordance with DoDI 1354.01. **(T-0).**

4.2.2. **Unit Commanders .** Take actions consistent with this Instruction and DoDI 1354.01. **(T-0).** See Table 4.1 for guidance to follow when particular actions prohibited by this Chapter occur.

4.2.3. Installation Commanders .

4.2.3.1. Make administrative determinations whether an organization is a Military Labor Organization on a case-by-case basis. **(T-0).** In doing so, the Commander must follow the definition of Military Labor Organization found in Attachment 1. **(T-0).** See the guidelines in Attachment 4. Coordinate with the servicing SJA as appropriate.

4.2.3.2. Publicize information through command channels when an organization has been determined to be a Military Labor Organization which inform military members:

4.2.3.2.1. That the identified organization poses a clear danger to discipline, loyalty, or obedience to lawful orders; **(T-0)** and,

4.2.3.2.2. That knowing, active membership in that organization by a military member, with the intent to promote conduct prohibited by this Instruction, is not permitted. **(T-0).**

4.2.3.3. Immediately report through intermediate commanders to their MAJCOM commander, all incidents concerning requests for permission or attempts to engage in activities prohibited by this Chapter (See Table 4.1). **(T-0).** Provide information copies to AF/JAA, AF/A1P, and AF/A1C. See the minimum required reporting information at Attachment 3.

4.2.4. **Commanders Superior to the Installation Commander.** Intermediate commanders or higher authority provide guidance to installation commanders as appropriate. **(T-3).**

4.2.5. **All AF Members .** Must assist installation commander in identifying incidents or conduct prohibited in this Chapter. **(T-0).**

4.3. Prohibited Activities by AF Members. It is unlawful for a member of the AF, knowing of the activities or objectives of a particular Military Labor Organization to:

4.3.1. Join or maintain membership in such organization **(T-0)**; or

4.3.2. Attempt to enroll any other member of the armed forces as a member of such organization. **(T-0).**

4.4. Prohibited Activities by All Airmen. It is unlawful for any AF member, military member or civilian employee, to:

4.4.1. Enroll in a Military Labor Organization any member of the armed forces or to solicit or accept dues or fees for such an organization from any member of the armed forces **(T-0)**;

4.4.2. Negotiate or bargain, or attempt through any coercive act to negotiate or bargain, with any civilian officer or employee, or any member of the armed forces, on behalf of members of the armed forces, concerning the terms or conditions of service of such members **(T-0)**;

4.4.3. Negotiate or bargain on behalf of the United States concerning the terms or conditions of military service of members of the armed forces with any person who represents or purports to represent members of the armed forces. **(T-0).**

4.4.4. Organize or attempt to organize, or participate in, any strike, picketing, march, demonstration, or other similar form of concerted action involving members of the armed forces that is directed against the Government of the United States and that is intended to induce any civilian officer or employee, or any member of the armed forces, to:

4.4.4.1. Negotiate or bargain with any person concerning the terms or conditions of service of any member of the armed forces **(T-0)**;

4.4.4.2. Recognize any Military Labor Organization as a representative of individual members of the armed forces in connection with any complaint or grievance of any such member arising out of the terms or conditions of service of such member in the armed forces **(T-0)**; or

4.4.4.3. Make any change with respect to the terms or conditions of service in the armed forces of individual members of the armed forces. **(T-0).**

4.5. Improper Use of Military Installations. The use of any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity for the purpose of engaging in any activity prohibited by this Chapter is unlawful. **(T-0).**

4.5.1. No member of the AF, including military member, civilian officer or employee, may permit or authorize the use of any military installation, facility, reservation, vessel, or other property of the United States for any meeting, march, picketing, demonstration, or other similar activity which is for the purpose of engaging in any activity prohibited by this Chapter. **(T-0).**

4.5.2. AF Installations include bases, stations, sites, facilities, aircraft, and other property controlled by the Department of the Air Force. On joint bases and overseas locations, this Instruction will apply when the AF is the supporting component. **(T-1)**.

4.6. Representation by Military Labor Organizations. It shall be unlawful for any Military Labor Organization to represent, or attempt to represent, any member of the Air Force before any civilian officer or employee, or any member of the armed forces, in connection with any grievance or complaint of any such member arising out of the terms or conditions of service of such member in the Air Force. **(T-0)**.

4.7. Violations. Under Title 10, United States Code, Section 976, violators of the prohibitions in paragraphs 4.3. through 4.6. above may be fined or imprisoned not more than 5 years, or both, under Title 18 of the United States Code. Additionally, Air Force members who violate paragraphs 4.3. through 4.6. are subject to disciplinary action under Article 92 of the UCMJ. Civilian employees who violate paragraphs 4.4. through 4.6. may be subject to disciplinary action up to and including removal.

4.8. Permissible Activities.

4.8.1. AF civilian employees may join or be a member of any organization that engages in representational activities with respect to terms or conditions of civilian employment to the extent consistent with the Federal Service Labor-Management Relations Statute, Title 5, United States Code, Sections 7101, et seq., and other applicable law and regulation.

4.8.2. AF military members may:

4.8.2.1. Present complaints or grievances over terms or conditions of military service through established military channels, including the Office of the Inspector General.

4.8.2.2. Petition Congress for redress of grievance or communicate with any member of Congress.

4.8.2.3. Seek or receive information or counseling from any source.

4.8.2.4. Be represented by qualified counsel, whether or not retained by an organization on his or her behalf, in any judicial or administrative proceeding with respect to which there is a right to counsel of choice.

4.8.2.5. Belong to lawful organizations other than Military Labor Organizations.

4.8.2.6. Take any other administrative action to seek administrative or judicial relief as is authorized by applicable laws and regulations.

4.8.3. Commanders or supervisors may give due consideration to the views of military members presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations for the purpose of improving conditions or communications at the AF installation involved.

4.9. Guidance for Commanders . Table 4.1. contains guidance for commanders, and the SJAs who advise them, on dealing with activities prohibited by this Chapter. This guidance is for example only and does not override the judgment of individual commanders or the advice of their SJAs.

Table 4.1. Guidance for Commanders.

RULE	A	B	C	D
	If	and	the unit commander or installation commander	the installation commander
1	an individual or organization claims to represent military members of the Armed Forces	the purpose is for negotiation or collective bargaining over terms or conditions of military service	advises the individual or organization that he or she is prohibited from negotiating or collectively bargaining over terms or conditions of military	reports the incident
2	an individual or organization requests permission to negotiate or collectively bargain on behalf of military members		denies the request	reports the incident
3	an individual or organization attempts to negotiate or collectively bargain on behalf of military members of the Armed Forces		takes disciplinary or administrative action, when appropriate, against those who engaged in prohibited activity	reports the incident
4	an organization that claims to represent military members of the Armed Forces threatens a strike, slowdown, work stoppage or other collective job-related action, or picketing		advises the organization and all military personnel that they are prohibited from engaging in strikes, slowdowns, work stoppages, or other collective job-related actions, or picketing	reports the incident
5	an organization that claims to represent military members of the Armed Forces engages in a strike, slowdown, work stoppage or other collective job-related action, or picket	the organization and military members have been advised that such activity by military personnel is prohibited	takes necessary action to return to normal operation and takes disciplinary or administrative action, when appropriate, against those who engaged in prohibited activity	reports the incident

6	an individual or organization pickets for the purpose of causing or coercing military members of the Armed Forces to engage in a strike, slowdown, work stoppage or other collective job-related action		takes disciplinary or administrative action, when appropriate, against those who engaged in prohibited activity	takes necessary action to stop such activity on the installation and reports the incident
7	an individual or organization requests permission to conduct a demonstration, meeting or protest, or engage in speechmaking picketing or leafleting, or other such activity	the purpose is to solicit military members of the Air Force to join an organization that participates, or is substantially likely to participate, in negotiation or collective bargaining, strikes or other concerted actions	informs the installation commander	denies the individual or organization access to the installation and/or denies permission to conduct such activities and reports the incident
8		the organization proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Armed Forces		
9	an individual or organization attempts on-base distribution of literature soliciting membership or promoting an organization which purports or proposes to represent military members in negotiation or collective	permission has not been requested	halts distribution, reviews the literature for violations of this Instruction, takes disciplinary or administrative action, when appropriate, against those who engaged in prohibited activity	reports the incident

	bargaining	permission to distribute was previously denied	takes disciplinary or administrative action, when appropriate, against those who engaged in prohibited activity	halts further distribution, confiscates available literature, removes violators from the base, and reports the incident
10	an individual or organization distributes literature soliciting membership or promoting an organization which purports or proposes to represent military members in negotiation or collective bargaining	distribution is through the US mail	takes no action	reports the incident
11	a military member asks about the legality of joining a union or other organization		advises member active membership is prohibited in organizations that violate this Instruction when the member knows the organization engages in prohibited conduct and the member intends to promote such conduct and further advises member that it is permissible to belong to an organization which engages in representational activities with respect to terms or conditions of off-duty employment	takes no action

JEFFREY A. ROCKWELL
Lieutenant General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

2 U.S.C. § 441

5 U.S.C. §§ 5312-5317, 2105, 3101, 7101, 7113

10 U.S.C. § 976

18 U.S.C. §§ 592-594, 596, 602-603, 606-609, and 1382

5. C.F.R. §§ 2635.301-2635.304

DoDD 1344.10, *Political Activities by Members of the Armed Forces*, 19 February 2008

DoDD 5200.27 *Acquisition of Information Concerning Persons and Organizations not Affiliated with the DoD*, 7 January 1980

DoDI 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, 27 November 2009

DoDI 1334.01, *Wearing of the Uniform*, 26 October 2005

DoDI 1354.01, *DoD Policy on Organizations that Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining*, January 19, 2007

AFPD 36-29, *Military Standards*, 24 September 2014

AFPD 51-5, *Administrative Law, Gifts and Command Relationships*, 31 August 2018

AFI 31-101, *Integrated Defense (ID)*, 2 July 2017

AFI 31-118, *Security Police Standards and Procedures*, 5 March 2014

AFJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 27 July 2006

AFI 33-360, *Publication and Forms Management*, 1 December 2015

AFI 36-2406, *Officer and Enlisted Evaluation Systems*, 8 November 2016

AFI 36-2706, *Equal Opportunity Program, Military and Civilian*, 5 October 2010

AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*, 18 July 2011

AFI 51-904, *Complaints of Wrongs Under Article 138, UCMJ*, 6 March 2018

AFI 71-101, Volume 1, *Criminal Investigations Program*, 8 October 2015

AFI 90-301, *Inspector General Complaints Resolution*, 27 August 2015

AFMAN 33-363, *Management of Records*, 1 March 2008

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations & Acronyms

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

DOD—Department of Defense

DODD—Department of Defense Directive

DODI—Department of Defense Instruction

FBI—Federal Bureau of Investigation

JA—Judge Advocate

MAJCOM—Major Command

SECAF—Secretary of the Air Force

SECDEF—Secretary of Defense

UCMJ—Uniform Code of Military Justice

USC—United States Code

Terms

Active Duty—Full-time duty in the active military service of the United States regardless of duration or purpose, full-time duty in the Air National Guard, and duty in the Air National Guard when federalized. Active duty includes full-time training duty; annual training duty; and attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary concerned.

Aid and Abet—Means to be present during, or have knowledge of, the commission of any act prohibited by this Instruction and to assist, command, counsel, or otherwise encourage such an act.

Civil Office—A non-military office involving the exercise of the powers or authority of civil government, to include elective and appointive office in the U.S. Government, a U.S. territory or possession, State, Commonwealth, county, municipality, or official subdivision thereof. This term does not include a non-elective position as regular or reserve member of a civilian law enforcement, fire, or rescue squad.

Civilian Employee—An employee as defined in Title 5, United States Code, Section 2105. This includes Air Reserve Component Military Technician employees who may be wearing a military uniform. This definition also applies to “Civilian Officer or Employee” as addressed in Chapter 4.

Collective Job—Related Action — Any activity by two or more persons that is intended to and does obstruct or interfere with the performance of a military duty assignment.

Conspire—To join or agree with one or more persons to commit an act prohibited by this Instruction.

Installation Commander—The officer so identified by administrative order or command directive and as such is responsible for duties assigned to the "Installation Commander" by federal statutes and AF directives.

Military Labor Organization—Any organization that engages in or attempts to engage in: (1) negotiating or bargaining with any civilian employee or Air Force member, on behalf of Air Force members, concerning the terms or conditions of military service of such members; (2) representing individual Air Force members before any civilian employee or any Air Force member, in connection with any grievance or complaint of any such member arising out of the terms or conditions of that member's military service; or (3) striking, picketing, marching, demonstrating, or, any other similar form of concerted action directed against the Government of the United States and which is intended to induce any civilian employee or any Air Force member to: (a) negotiate or bargain with any person concerning the terms or conditions of military service of any Air Force member; (b) recognize any organization as a representative of individual Air Force members in connection with complaints and grievances of such members arising out of the terms or conditions of such members' military service; or, (c) make any change with respect to the terms or conditions of military service of individual Air Force members.

Military Member—A member of any uniformed service in a Title 10 status, to include members of a reserve component. Additionally, for purposes of this Instruction, the term includes members of the Air National Guard performing duty or training in any Title 32 status.

Negotiation or Collective Bargaining—A process whereby a commander or supervisor, military or civilian, acting on behalf of the United States, engages in discussions with a military member or members of the Air Force (purporting to represent such members), or with an individual group, organization, or association purporting to represent such members, for the purpose of resolving bilaterally, terms or conditions of military service.

Nonpartisan Political Activity—An activity supporting or relating to candidates who do not represent, or issues not specifically identified with, national or state political parties or associated or ancillary organizations. Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character which are not considered under this Instruction as specifically being identified with national or state political parties.

Partisan Political Activity—An activity supporting or relating to candidates who represent, or issues specifically identified with, national or state political parties or associated or ancillary organizations. A candidacy, declared or undeclared, for national or state office is a partisan political activity, even if the candidate is not affiliated with a national or state political party.

Social Media Journalistic Forums—Include, but are not limited to, blogs, microblogs, websites, web pages, and other platforms connected with the online community.

Solicit—To use words or any other means to request, urge, advise, counsel, tempt, or command another to commit any act prohibited by this Instruction.

Terms or Conditions of Military Service—Terms or conditions of military compensation or duty, including, but not limited to, wages, rates of pay, duty hours, assignments, grievances, or disputes.

Underground Newspapers—Include, but are not limited to, publications, printed material, magazines, journals, videos, blogs, microblogs, posts, websites, web pages, etc., from an unofficial, unsanctioned, or illegal but informal movement or group.

Attachment 2**CANDIDACY OR NOMINATION FOR POLITICAL OFFICE ACKNOWLEDGMENT
OF LIMITATIONS**

A2.1. Acknowledgement of limitations must be prepared by any member on active duty (or who is about to enter active duty) who is:

A2.1.1. Granted permission to remain or to become a candidate or nominee for civil office, (paragraph 1.5.1.) (“Alternate A”); or

A2.1.2. Not otherwise prohibited from remaining or becoming a candidate or nominee for civil office (paragraph 1.5.2.) (“Alternate B”).

A2.2. Prepare the acknowledgement as a letter or memorandum, signed by the member and addressed through the member’s immediate commander to the first general or flag officer in the member’s chain of command.

Attachment 3**SAMPLE REPORT**

A3.1. Reports made under paragraph 4.5.4 should at a minimum include the information described in the table below.

A3.2. Review DoDI 1354.01 for requirements to report actions to SECAF and SECDEF.

Figure A3.1. Sample Report.

<p>TO: Intermediate Commanders and [MAJCOM, FOA, or DRU] Commander [DATE] CC: AF/A1P, AF/A1C, AF/JAA SUBJECT: Military Union Incident</p> <ol style="list-style-type: none">1. Name of installation2. Type of incident (request or attempt for negotiation or collective bargaining; strike or other concerted action; distribution of literature; active membership; or other prohibited activity)3. Name(s) of individual(s) or organization4. Narrative statement of incident (i.e., who, what, when, where, etc.)5. Brief summary of the organization's constitution, bylaws, statement of purpose submitted by the individual or organization, any other information and the source6. Summary of commander's action

Attachment 4

ADMINISTRATIVE DETERMINATIONS GUIDELINES

A4.1. To determine whether an organization is a Military Labor Organization, whether a person is a member of a Military Labor Organization, or whether such person or organization is in violation of any provision of this Instruction, consider the history and operation of the organization (including its constitution and bylaws, if any) and the person. Consider evidence of conduct constituting a prohibited act.

A4.2. To determine whether the commission of a prohibited act by a person can be imputed to the organization, consider factors such as: (1) the frequency of such act; (2) the position in the organization of persons committing the act; (3) whether the commission of such act was known by the leadership of the organization; and (4) whether the commission of the act was condemned or disavowed by the leadership of the organization.

A4.3. Gather any information about persons and organizations not affiliated with the Department of Defense needed to make the determinations required by this Chapter in strict compliance with the provisions of AFI 71-101, Volume 1, *Criminal Investigations Program*. Counterintelligence or security investigative personnel shall not acquire this information. The organization itself shall be considered a primary source of information.