



Department of Defense INSTRUCTION

NUMBER 1325.06

November 27, 2009

Incorporating Change 2, Effective December 20, 2021

USD(P&R)

SUBJECT: Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces

References: See Enclosure 1

1. PURPOSE. This Instruction:

- a. Reissues DoD Directive 1325.6 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5124.02 (Reference (b)).
- b. Establishes DoD policy, assigns responsibilities, and provides procedures for handling protest, extremist, and criminal gang activities by members of the Armed Forces.

2. APPLICABILITY. This Instruction applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

3. POLICY. It is DoD policy that:

- a. The Department of Defense shall safeguard the security of the United States.
- b. A Service member’s right of expression should be preserved to the maximum extent possible in accordance with the First Amendment of the Constitution and statutory provisions of titles 10 and 18, United States Code (U.S.C.) (References (c) and (d), respectively) (examples of which are set forth in Enclosure 2 of this Instruction) and consistent with good order and discipline and the national security.

c. A commander must not be indifferent to conduct that, if allowed to proceed unchecked, would destroy or diminish the effectiveness of his or her unit.

d. The proper balancing of these interests depends largely upon the calm and prudent judgment of the responsible commander.

4. RESPONSIBILITIES

a. Under Secretary of Defense for Personnel and Readiness (USD(P&R)). The USD(P&R) shall:

(1) Develop overall policy and guidelines for handling protest, extremist, and criminal gang activities among members of the Armed Forces.

(2) Approve policies and procedures that the Secretaries of the Military Departments develop to implement this Instruction.

b. Secretaries of the Military Departments. The Secretaries of the Military Departments shall:

(1) Establish policies and procedures, including updating punitive regulations where necessary, to implement this Instruction within their respective Departments.

(2) Ensure compliance with the training requirements set forth in paragraph 9.d.(4) and 10.e. of Enclosure 3 of this Instruction.

c. Commandant of the Coast Guard. The Commandant of the Coast Guard shall:

(1) Establish policies and procedures to implement this Instruction within the Coast Guard.

(2) Ensure compliance with the training requirements set forth in paragraph 9.d.(4) and 10.e. of Enclosure 3 of this Instruction.

5. PROCEDURES. The procedures set forth in Enclosure 3 provide guidelines that shall be applied to handling protest, extremist, and criminal gang activities among Service members. Specific problems shall be resolved only on the basis of the particular facts of the situation and in accordance with the provisions of Enclosure 3; other applicable DoD issuances; chapter 47 of Reference (c); and other applicable laws and regulations.

6. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <https://www.esd.whs.mil/DD/>.

7. SUMMARY OF CHANGE 2.

- a. This change, approved by the Secretary of Defense, revises policies for handling protest, extremist, and criminal gang activities among Service members at the recommendation of the Secretary of Defense's Countering Extremist Activities Working Group (CEAWG), in order to better define extremist activities and ensure that DoD extremist activities policy is easily understood by both Service members and commanders. Administrative changes were also made to this issuance to update references for accuracy.
- b. The revision to this issuance in this change do not invalidate any current policies or punitive regulations issued by the Secretaries of the Military Departments, or any subordinate commanders, until those policies or punitive regulations are expressly superseded by new policies or punitive regulations.

8. EFFECTIVE DATE. This Instruction is effective immediately.

Enclosures

1. References
 2. Constitutional and Statutory Provisions Relevant to Handling Protest, Extremist, and Criminal Gang Activities in the Armed Forces
 3. Procedures
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces," October 1, 1996 (hereby canceled)
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) Title 10, United States Code
- (d) Title 18, United States Code
- (e) The First Amendment to the Constitution of the United States
- (f) DoD Instruction 4105.70, "Sale or Rental of Sexually Explicit Material on DoD Property," June 2, 2006
- (g) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993
- (h) DoD Instruction 1334.1, "Wearing of the Uniform," October 26, 2005
- (i) DoD Manual 5200.02, "Procedures for the DoD Personnel Security Program (PSP)," April 3, 2017, as amended
- (j) Public Law 116-283, "The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021," January 1, 2021
- (k) Public Law 110-181, "The National Defense Authorization Act for Fiscal Year 2008," January 28, 2008

ENCLOSURE 2

CONSTITUTIONAL AND STATUTORY PROVISIONS RELEVANT TO HANDLING
PROTEST, EXTREMIST, AND CRIMINAL GANG ACTIVITIES IN THE ARMED FORCES

1. CONSTITUTIONAL PROVISIONS. The First Amendment to the Constitution of the United States (Reference (e)) provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

2. STATUTORY PROVISIONS

a. Applicable to Members of the Armed Forces. These sections (among others) of Reference (c) apply to members of the Armed Forces:

- (1) Section 882 (Article 82). Solicitation.
- (2) Section 888 (Article 88). Contempt toward officials.
- (3) Section 889 (Article 89). Disrespect toward superior commissioned officer.
- (4) Section 891 (Article 91). Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
- (5) Section 892 (Article 92). Failure to obey order or regulation
- (6) Section 901 (Article 101). Improper use of countersign.
- (7) Section 903b (Article 103b). Aiding the enemy.
- (8) Section 917 (Article 117). Provoking speeches or gestures.
- (9) Section 934 (Article 134). General Article.
- (10) Section 938 (Article 138). Complaints of wrongs.
- (11) Section 1034. Protected communications; prohibition of retaliatory personnel actions.

b. Applicable to All Persons. These sections of title 18 of (Reference (d) apply to all persons, military and civilian, who are subject to that title:

- (1) Section 1381. Enticing desertion and harboring deserters.

- (2) Section 2385. Advocating overthrow of the Government.
- (3) Section 2387. Activities affecting the Armed Forces generally.
- (4) Section 2388. Activities affecting the Armed Forces during war.

ENCLOSURE 3

PROCEDURES

1. POSSESSION AND DISTRIBUTION OF PRINTED AND ELECTRONIC MATERIALS ON POST.

a. A commander is not authorized to prohibit the distribution of a specific issue of a publication distributed through official outlets such as post exchanges and military libraries. Prohibiting the sale or rental of sexually explicit material on DoD property is governed by DoD Instruction 4105.70 (Reference (f)).

(1) A commander may require prior approval of publications to be distributed on a military installation through other than official outlets to determine if the publication would:

(a) Create a clear danger to the loyalty, discipline, or morale of military personnel; or

(b) Materially interfere with the accomplishment of the military mission.

(2) Distribution of any publication determined to be a danger in any of the areas in paragraphs 1.a.(1)(a) and 1.a.(1)(b) of this enclosure shall be prohibited.

b. While the mere possession of unauthorized printed material may not be prohibited, printed material that is prohibited from distribution shall be impounded if the commander determines that an attempt will be made to distribute it.

c. The fact that a publication is critical of government policies or officials is not, in itself, a ground on which distribution may be prohibited.

2. **OFF-POST GATHERING PLACES.** Commanders have the authority to place establishments off-limits in accordance with established procedures when, for example, the activities taking place at these establishments include, but are not limited to, counseling, encouraging, or inciting Service members to refuse to perform duty or to desert; pose a significant adverse effect on Service members' health, morale, or welfare; or otherwise present a clear danger to the loyalty, discipline, or morale of a member or military unit.

3. **SERVICE MEMBER ORGANIZATIONS.** Commanders are not authorized to recognize or to bargain with any union representing or seeking recognition to represent Service members.

4. PUBLICATION OF PERSONAL WRITING MATTERS (TO INCLUDE WEB SITES, WEB LOGS (BLOGS), AND OTHER ELECTRONIC COMMUNICATIONS). Service members may not pursue personal writing for publication whether by traditional written or by electronic means (Web sites, blogs, and other electronic communications) during duty hours, nor may they use Government or non-appropriated funds or property for this purpose, on or off duty, unless it is for official use or authorized purposes only pursuant to section 2-301 of DoD 5500.7-R (Reference (g)). Publication of such matters by military personnel off-post, on their own time, and with their own money and equipment is not prohibited; however, if such a publication contains language the utterance of which is punishable under the Uniform Code of Military Justice or other Federal law or otherwise violates this Instruction or other DoD issuances, those involved in printing, publishing, or distributing the publication may face appropriate disciplinary or administrative action for such infractions.

5. ON-POST DEMONSTRATIONS AND SIMILAR ACTIVITIES.

a. The commander of a military installation or other military-controlled facility under the jurisdiction of the United States shall prohibit any demonstration or activity on the installation or facility that could:

- (1) Result in interference with or prevention of orderly accomplishment of the mission of the installation or facility; or
- (2) Present a clear and present danger to the loyalty, discipline, or morale of the Service members.

b. It is a crime for any person to enter a military reservation for any purpose prohibited by law or lawful regulations, or for any person to enter or re-enter an installation after having been barred by order of the commander pursuant to section 1382 of Reference (d).

6. OFF-POST DEMONSTRATIONS BY SERVICE MEMBERS. Members of the Armed Forces are prohibited from participating in off-post demonstrations under any of these circumstances:

- a. They are on-duty.
- b. They are in a foreign country.
- c. The activities constitute a breach of law and order.
- d. Violence is likely to result.
- e. They are in uniform in violation of DoD Instruction 1334.1 (Reference (h)).

7. **GRIEVANCES.** The right of members to complain and request redress of grievances against actions of their commanders is protected by section 938 (article 138) of Reference (c). In addition, a member may petition or present any grievance to any member of Congress or an inspector general, among other officials, pursuant to section 1034 of Reference (c). An open-door policy for complaints is a basic principle of good leadership. Commanders should personally ensure that adequate procedures exist for identifying valid complaints and taking corrective action.

8. **EXTREMIST ACTIVITIES.** This Section identifies harms to the military from extremist activities, discusses the authority of the commander to maintain good order and discipline, and lists prohibited actions by members of the Armed Forces involving extremist activities.

a. Extremist activities are inconsistent with the responsibilities and obligations of military service, as well as the oaths of office and enlistment, and can be prohibited even in some circumstances in which such activities would be constitutionally protected in a civilian setting. Active participation in extremist activities as defined below is prohibited and, as appropriate, may be punished in the military context for several overlapping, compelling reasons. First, such active participation undermines morale and reduces combat readiness. Second, it calls into question the individual's ability to follow orders from, or effectively lead and serve with, persons of diverse backgrounds, preventing maximum utilization and development of the Department's most valuable asset: its people. Finally, such behavior damages the Nation's trust and confidence in the Department as an institution and the military as a professional fighting force.

b. Enforcement of this policy is the responsibility of every command. It is the commander's responsibility to maintain good order and discipline in the unit, and every commander has the inherent authority and responsibility to take appropriate actions to accomplish this goal. Active participation in extremist activities (which includes some forms of conduct with respect to groups and organizations that actively participate in extremist activities) does not accord with military values and is not conducive to good order and discipline. All Service members will cultivate an environment free from extremist activities. Service members will be held appropriately accountable for active participation in extremist activities, whether in their individual capacity or on behalf of a group.

c. Military personnel are prohibited from actively participating in extremist activities.

(1) **Extremist Activities.** The term "extremist activities" means:

(a) Advocating or engaging in unlawful force, unlawful violence, or other illegal means to deprive individuals of their rights under the United States Constitution or the laws of the United States, including those of any State, Commonwealth, Territory, or the District of Columbia, or any political subdivision thereof.

(b) Advocating or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature.

(c) Advocating, engaging in, or supporting terrorism, within the United States or abroad.

(d) Advocating, engaging in, or supporting the overthrow of the government of the United States, or any political subdivision thereof, including that of any State, Commonwealth, Territory, or the District of Columbia, by force or violence; or seeking to alter the form of these governments by unconstitutional or other unlawful means (e.g., sedition).

(e) Advocating or encouraging military, civilian, or contractor personnel within the DoD or United States Coast Guard to violate the laws of the United States, or any political subdivision thereof, including that of any State, Commonwealth, Territory, or the District of Columbia, or to disobey lawful orders or regulations, for the purpose of disrupting military activities (e.g., subversion), or personally undertaking the same.

(f) Advocating widespread unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.

(2) Active Participation. For purposes of this section, the term “active participation” means the following, except where such activity is within the scope of an official duty (e.g., intelligence or law enforcement operations):

(a) Advocating or engaging in the use or threat of unlawful force or violence in support of extremist activities.

(b) Advocating for, or providing material support or resources to, individuals or organizations that promote or threaten the unlawful use of force or violence in support of extremist activities, with the intent to support such promotion or threats.

(c) Knowingly communicating information that compromises the operational security of any military organization or mission, in support of extremist activities.

(d) Recruiting or training others to engage in extremist activities.

(e) Fundraising for, or making personal contributions through donations of any kind (including but not limited to the solicitation, collection, or payment of fees or dues) to, a group or organization that engages in extremist activities, with the intent to support those activities.

(f) Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities, with knowledge of those activities.

(g) Actively demonstrating or rallying in support of extremist activities (but not merely observing such demonstrations or rallies as a spectator).

(h) Attending a meeting or activity with the knowledge that the meeting or activity involves extremist activities, with the intent to support those activities:

1. When the nature of the meeting or activity constitutes a breach of law and order;
2. When a reasonable person would determine the meeting or activity is likely to result in violence; or
3. In violation of off-limits sanctions or other lawful orders.
 - (i) Distributing literature or other promotional materials, on or off a military installation, the primary purpose and content of which is to advocate for extremist activities, with the intent to promote that advocacy.
 - (j) Knowingly receiving material support or resources from a person or organization that advocates or actively participates in extremist activities with the intent to use the material support or resources in support of extremist activities.
 - (k) When using a government communications system and with the intent to support extremist activities, knowingly accessing internet web sites or other materials that promote or advocate extremist activities.
 - (l) Knowingly displaying paraphernalia, words, or symbols in support of extremist activities or in support of groups or organizations that support extremist activities, such as flags, clothing, tattoos, and bumper stickers, whether on or off a military installation.
 - (m) Engaging in electronic and cyber activities regarding extremist activities, or groups that support extremist activities – including posting, liking, sharing, re-tweeting, or otherwise distributing content – when such action is taken with the intent to promote or otherwise endorse extremist activities. Military personnel are responsible for the content they publish on all personal and public Internet domains, including social media sites, blogs, websites, and applications.
 - (n) Knowingly taking any other action in support of, or engaging in, extremist activities, when such conduct is prejudicial to good order and discipline or is service-discrediting.

9. COMMAND AUTHORITY AND RESPONSIBILITIES.

- a. Commanders have the authority and responsibility to prohibit Service members from active participation in extremist activities, and other activities that adversely affect good order and discipline within the command. This includes, but is not limited to, the authority to order the removal of symbols, flags, posters, or other displays from military-controlled areas, to place areas or activities off-limits, and to order Service members not to participate in activities that are contrary to the good order and discipline of the unit, or pose a threat to the health, safety, and security of military personnel or a military installation.

b. Commanders may, as appropriate, pursue adverse administrative action in addition to or in lieu of punitive action in response to a Service member's active participation in extremist activities, pursuant to military service regulations and other existing authorities. Adverse administrative action may include involuntary separation, reassignment, loss of security clearance, denial of reenlistment, and other administrative or disciplinary actions deemed appropriate by the commander, based on the specific facts and circumstances of the particular case.

c. Preventive Activities. Commanders should remain alert for signs of future extremist activities. Commanders should intervene early, primarily through counseling, when observing such signs even though the signs may not rise to the level of active participation or threaten good order and discipline, but only suggest such potential. The goal of early intervention is to minimize the risk of future extremist activities. In these situations, commanders will educate the Service member regarding the potential adverse effects of their actions.

(1) For example, commanders may advise Service members that extremist activities are inconsistent with the military's goals, beliefs, and values, as well as the oaths of office and enlistment. Additionally, commanders may advise Service members that active participation in extremist activities:

(a) Will be taken into consideration when evaluating duty performance, to include appropriate remarks on evaluation reports.

(b) Will be taken into consideration when selections for positions of leadership and responsibility or military educational opportunities are made.

(c) Will result in a report to the appropriate agency for possible revocation of security clearance, which may lead to separation from the Armed Forces.

(d) May result in reassignment.

(e) May result in reclassification or bar to reenlistment actions, as appropriate.

(f) Will result in reports to law enforcement and/or counterintelligence authorities, as appropriate.

(2) Commanders should consider all available resources to assist Service members showing signs of potential involvement in extremist activities, such as command-directed mental health evaluations, financial counseling sessions, etc.

d. Reporting Requirements. Commanders should remain attentive for signs of extremism involving Service members in their command, even though the signs may not rise to the level of active participation or threaten good order and discipline, but only suggest such potential. A commander notified of suspected extremist activities must take appropriate actions to investigate and address the allegations in consultation with their servicing judge advocate.

(1) Upon a credible report or suspicion of extremist activities, commanders will notify the appropriate:

- (a) Military Criminal Investigative Organization(s).
 - (b) Counterintelligence organization(s), as appropriate.
 - (c) Command security manager, if the military member possesses a security clearance.
 - (d) Legal office.
 - (e) Insider Threat Hub.
- (2) Additionally, where appropriate, the commander will ensure that substantiated allegations of active participation in extremist activities are recorded in the personnel system of record, in accordance with Reference (i) and applicable Military Service guidance.
- (3) Each Military Department is required to establish a mechanism for commands to report extremist activities by Service members. The Military Departments must track all reported extremist activity, conforming with the requirements of Section 554 of Reference (j).
- (4) The Military Departments shall ensure that the policy and procedures on prohibited activities in Paragraphs 8-9 of this enclosure are included in initial active duty training, precommissioning training, professional military education, commander training, and other appropriate Service training programs.

10. CRIMINAL GANGS

- a. Service members must not actively advocate criminal gang doctrine, ideology, or causes.
- b. Service members must reject active participation in criminal gangs pursuant to section 544 of Public Law 110-181 (Reference (k)) and in other organizations that advocate criminal gang doctrine, ideology, or causes. Active participation in such gangs or organizations is prohibited. Active participation, as applied to criminal gangs, includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting on-line); knowingly wearing gang colors or clothing; having tattoos or body markings associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are otherwise incompatible with military service.
- c. Commanders have the authority to employ the full range of administrative and disciplinary actions, including administrative separation or appropriate criminal action, against Service members who engage in activity prohibited in paragraphs 10.a. or 10.b. of this enclosure.

d. The functions of command include vigilance about the existence of such activities; active use of investigative authority to include a prompt and fair complaint process; and use of administrative powers such as counseling, reprimands, orders, and performance evaluations to deter such activities.

e. The Military Departments shall ensure that the policy and procedures on prohibited activities in this Paragraph are included in initial active duty training, precommissioning training, professional military education, commander training, and other appropriate Service training programs.

f. Preventive Activities. Commanders must remain alert for signs of future prohibited criminal gang activities. They 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. The goal of early intervention is to minimize the risk of future criminal gang activities.

GLOSSARY

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

| TERM | DEFINITION |
|--------------------------------------|---|
| advocacy | When made with the intent to promote or endorse extremist or criminal gang activities, affirmative statements or actions taken to encourage action, promote an organization, or further the spread of information regarding extremist activities. Advocacy may occur through oral, written, electronic or nonverbal communication, including the display of images or symbols. |
| liking | The use of the “like” function on social media platforms, generally to signal endorsement or support of the “liked” content. Liking includes the use of emojis or reactions that signal endorsement or support, or platform-specific actions such as “favoriting,” when also implying endorsement. Liking, in the context of the communication concerned, must imply or state endorsement, agreement or promoting of the content. |
| literature | Printed materials, leaflets, circulars, or other written materials, including electronic or cyber content. |
| material support or resources | Any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation, except medicine or religious materials. |

| TERM | DEFINITION |
|---|---|
| sharing | In the social media, electronic, or cyber context, an action taken to replicate content from one online location to another (with or without additional comment), typically for viewing by other members of an individual's social media network. Sharing also includes, but is not limited to, platform-specific terms such as "re-tweeting." |
| subversion | Actions designed to undermine the military, economic, psychological, or political strength or morale of a governing authority. |
| terrorism | The unlawful use of violence or threat of violence, often motivated by religious, political, or other ideological beliefs, to instill fear and coerce individuals, governments or societies in pursuit of terrorist goals. |
| widespread unlawful discrimination | Extensive discrimination, including disparate treatment of individuals or groups on the basis of race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation, that deprives such persons or groups of constitutional rights or violates Federal, state or local laws, such as those concerning civil rights and fair housing. It does not include discrimination that is authorized by law, military regulations, or military policies; lawful efforts to overturn, amend, or enact laws applicable to discrimination or lawful support for causes or organizations that engage in such efforts; or isolated incidents of discrimination. |