



# Legal Support for Members of the US Military participating in the NATO Protests

The *Military Law Task Force* of the National Lawyers Guild has endorsed the *IVAW March for Justice and Reconciliation*, and has offered legal support to *this and other NATO demonstrations*.

Members of the US military — active-duty, reservists and veterans — have joined the demonstrations in Chicago. As the Military Law Task Force of the National Lawyers Guild, we stand ready to coordinate legal support for active-duty service-members, reservists and veterans who are facing harassment and/or legal sanctions for participating in these important protests. (We can be reached by telephone at 619.463.2369 or on our website at [NLGMLTF.org](http://NLGMLTF.org).)

We also want to correct some of the misinformation given to members of the military about the right to protest. Contrary to popular opinion, active-duty members of the military do retain some of their constitutional rights. While there are some military-specific restrictions on these rights, most protest actions are in fact legal.

*Department of Defense (DoD) Instruction 1325.06, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces"* and relevant case law lay out the basic ground rules of what servicemembers can and can't do, but in a nutshell the basic thing to remember is that servicemembers retain their right to protest, except under the situations listed here.

Along with these basic guidelines, other restrictions apply to partisan/electoral political activity — See *DOD Instruction 1344.10 – Political Activities by Members of the Armed Forces*. And new changes to DoD 1325.06 may encourage commanders to counsel or even investigate servicemembers who engage in legal demonstrations or other legal protest activity, just to be sure they won't engage in anything illegal. If this happens, the Military Law Task Force encourages servicemembers to contact us for help.

And it is more important to remember that commanders often break the law, and seek to intimidate and threaten service-members who act within the boundaries of the law. If you or someone you know experiences this, please know that the MLTF has your back, and we can help you find a lawyer and/or a G.I. Rights counselor

For more information:

**MILITARY LAW TASK FORCE**  
of the National Lawyers Guild  
[www.NLGMLTF.org](http://www.NLGMLTF.org) ▪ 619-463-2369

## GUIDELINES

1. **No protests while in uniform (some commanders have interpreted this to include even wearing part of one's uniform, such as wearing only one's uniform boots with civilian clothing)**
2. **No protests on military property**
3. **No protests while on duty**
4. **No protests outside the United States**
5. **No protesting that includes the use of "disrespectful" speech about one's command chain (including the President), even if this speech is stating the truth**
6. **No protesting in situations that constitute a "breach of law and order" or where "violence is likely to occur" (arguably an unconstitutionally vague provision)**
7. **No protests or statements saying or implying one is representing the military. (If one chooses to identify oneself as a member of the military in a press interview, the safest thing to do might be to include a statement that "what I say here is my opinion alone, and not that of the US military.")**

## SPECIAL CONSIDERATIONS FOR RESERVISTS

The military sometimes believes that the limits on protests apply to drilling reservists and inactive reservists (IRR) even on their own, civilian time. In the past, IRR members have faced admin discharges from the reserves for demonstrating in uniform or making "disrespectful" remarks about the commander-in-chief. Some, but not all, of those cases were dropped when groups like ACLU and MLTF challenged them. But reservists may want to think about possible consequences when protesting in public.

in your area to assist you in fighting back against unjust treatment. Please contact the MLTF for more assistance.