

This guide is provided for Marine Corps commanders to facilitate the SECDEF-directed Stand-Down to Address Extremism in the Ranks.

Part I: Facilitator Guidance

- Highly Recommended
 - To give context and establish a good mindset for the training, begin the session with guidance from the SECDEF, Commandant and Sergeant Major of the Marine Corps, and Unit Leadership.
 - Conduct a rehearsal of the brief with a select audience prior to delivering it to all personnel within the unit.
 - When possible, have a command legal advisor or staff judge advocate present or available when conducting the stand-down.
 - Ensure that participation in the training is tracked and reported, and that feedback from the discussion groups is gathered and forwarded as directed.

- Do's and Don'ts of Facilitation
 - Do strongly reinforce the Marine Corps policy and values (e.g. Core Values; dignity and respect; professionalism; accountability for one's actions; no place for active participation in extremist/supremacist activity).
 - Do ensure everyone in the room can hear the discussion. Repeat questions and comments that may have been spoken too quietly for others to hear.
 - Do be alert to statements about Prohibited Activities (Extremism in the Ranks) which rely on inaccurate or misleading assumptions, misperception or myth. Correct these inaccuracies in a resolute, respectful manner.
 - Do refer to SECDEF and CMC messages to emphasize DoD and Marine Corps leadership's talking points.
 - Do not allow only a few participants to dominate the conversation.
 - Do not let the group stray off topic. Keep the conversation focused.
 - Do not speculate or guess if you do not know how to answer a question about statistics, resources, law or policy. Offer to research the question and provide an answer later and explain your plan for following up.
 - Do not disclose or permit discussion of ongoing investigations. , including details about alleged or suspected incidents. Illustrative "schoolhouse" training scenarios can elicit appropriate discussion while avoiding impermissible disclosure of sensitive or protected information.

Part II: Speaker Notes

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KEY THEMES:

The vast majority of Marines, Sailors, and civilian Marines uphold our core values, and do not support racially and ethnically motivated violent extremists, including white supremacists, and other domestic terrorists such as anti-government violent extremists. However, recent events have shown that we must be ever vigilant in our efforts to identify and combat such ideology within the ranks and organization.

The Marine Corps does not and will not tolerate supremacist or extremist conduct. All Hands deserve an environment free of unlawful discrimination, hate, and harassment. Such misconduct violate our shared commitment to support and defend the Constitution and those who promote these ideas seek to divide us as a nation. You make our Marine Corps better by showing others that you will not tolerate such misconduct.

- We will investigate reports of misconduct. Persons found in violation of law or policy will be held accountable

Unlawful discrimination of any kind, for any reason is corrosive to unit cohesion, violates Marine Corps core values and will not be tolerated. We strive to provide a climate of equality. Participation in supremacist or extremist activities is directly contrary to professionalism standards which all Marines are expected to follow.

- All people must be treated with dignity and respect.
- Illegal discrimination based on race, color, religion, sex (including gender identity), creed, ethnicity, national origin, or sexual orientation violates Marine Corps core values and will not be tolerated within our ranks.

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On February 5, 2021, the Secretary of Defense directed unit commanders and supervisors at all levels to conduct a leadership “stand down” within 60 days to address the issues of extremist ideology in our ranks.

Consider beginning the training conversation by reading portions meaningful to you directly from SECDEF Austin’s February 5, 2021 Memo re Stand-Down to Address Extremism in the Ranks. You may also choose to make the memo available to the training audience and spur engagement by asking participants what in SECDEF’s memo resonates with them.

KEY POINTS:

- “We took an oath to obey the law, support and defend the Constitution”
- “Without question, the vast majority of the men and women of this Department serve with honor and uphold our core values.”
- “Service in the DoD is a privilege that comes with added responsibilities and obligations”

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Remind audience of their duty to support and defend the Constitution. This is the oath they pledged their service to.

- Understanding that we support and defend the Constitution of the United States, not a supervisor, political appointee or person occupying a political office.
- If a question is asked regarding why the Oaths of Office and Enlistment differ slightly (e.g. enlisted swear to obey the orders of the President and officers appointed over them), it should be noted that the oaths are taken verbatim from different statutes (the Oath of Office at 5 U.S. Code 3331 and the Oath of Enlistment at 10 U.S. Code 502).
- Our oath has no expiration date.
- The oath we have pledged is much bigger than ourselves.
- Never forget that being a Marine is an honor and a privilege. You serve one of the most-respected institutions in America and that comes with added responsibilities and obligations. You are held to a higher professional standard and must set the example in all that you say and do.
 - Marines are held to a higher standard. Marines are subject to the UCMJ and accountability inherent in maintaining the good order and discipline for a fighting force.

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Law enforcement focuses on three elements when determining whether or not they are dealing with a domestic extremist activity or organization:

- Is the individual or group operating in the United States,
- Is the individual or group engaged in criminal activity (**focus is on action**), and
- Are the activities of the individual or group driven by extremist ideology/doctrine.

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DoDI 1325.06, Political Activities by Members of the Armed Forces, Encl (3), Paragraph 8:

- Marines 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.
- The Marine Corps places the highest importance on treating all personnel with dignity and respect, in an inclusive environment, free from impermissible discrimination, harassment, and hate. And as such, Marine Corps policy expressly prohibits Service members from actively advocating supremacist, extremist, or criminal gang doctrine, ideology and causes.
- **DUTY TO REJECT:** Marines must reject active participation in criminal gangs and in other organizations that advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes; including those that attempt to create illegal discrimination based on race, color, religion, sex (including gender identity), creed, ethnicity, national origin, or sexual orientation ; advocate the use of force, violence, or criminal activity; or otherwise engage in efforts to deprive individuals of their civil rights.
- Membership in a group alone isn't enough.
- The **focus is always on actions** of the service member that has crossed into active participation (misconduct) NOT only on status as a member

- There is no master list of prohibited organizations. The focus is on the conduct of the service member.

If you are in doubt about whether a contemplated action on your part or a questionable action on the part of a fellow Marine is permissible, don't operate on assumptions or supposition, ask for assistance from your Chain of Command, command SJA.

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While such conduct may not constitute "active participation," such signs offer an indicator for commands, prompting action and intervention (mentorship, inquiry, etc), that can avoid active participation in the future.

There are many reasons to report early:

- It affords the command the opportunity to take leadership actions (mentorship, counseling, etc.) to steer the Marine or civilian back to the right path with out it leading to disciplinary action.
- It needs to be reported to assess the trustworthiness of the Marine or civilian to have access and hold a security clearance.
- It acts as an early warning to prevent potential future acts of violence.

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Sources: DoDD1344.10, Political Activities by Members of the Armed Forces; DoDI 1325.06, Handling Dissident and Protest Activities Among Members of the Armed Forces; DoDI 1334.01, Wearing of Uniform; MCO 1020.34H, Marine Corps Uniform Regulations

Applicable to service members.

Political Activity – The military as an institution is only effective if we have the trust of the public. Our Constitution firmly establishes that the military is subordinate to civilian leadership—which is the executive administration regardless of political party. Therefore, we are an APOLITICAL institution and must remain vigilant in preserving our reputation as an APOLITICAL body. Subject public health regulations, service members are permitted to attend political assemblies IF the assembly is peaceful, otherwise lawful (permit), the attendee is not on duty, and not in uniform.

- Service members may not be a speaker at partisan events.
- Partisan means for a political party (e.g. Republican, Democrat).
- **Prior to speaking or writing publically (e.g. media articles or blog posts) it is a good idea to discuss with your chain of command and command SJA to ensure consistency with applicable policies.

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*Based on other regulatory prohibitions, civilians and contractors cannot actively advocate and participate at the worksite/installation. Other rules may prohibit fundraising, demonstrating, rallying, recruiting, training, organizing, or distributing materials (including posting on-line) at the worksite/installation.

Same rule set for contractors.

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UNPROTECTED SPEECH – CRIMINAL CONTINUED

- Incitement; speech is
 - Directed to inciting or producing
 - Imminent lawless action, and
 - Is likely to incite or produce such action
- True threats
- Speech integral to criminal conduct
- Fighting words

18 USC 2387. Activities affecting the Armed Forces generally:

- Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:
 - Advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or
 - Distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States
- Shall be fined under this title or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

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Sources: 5 U.S.C. §§ 7321 – 7326 (Hatch Act – only applicable to civilians); DoDD 1344.10, Political Activities by Members of the Armed Forces; DoDI 1325.06, Handling Dissident and Protest Activities Among Members of the Armed Forces; MARADMIN 662/19, Guidance on Political Campaigns and Activity

- Use caution when expressing political opinions verbally, online, or in writing (e.g. letters to the editor) because campaigning for a candidate or advocating a partisan cause (asking for money or votes, passing out fliers, etc.) is PROHIBITED.
- Contemptuous and disrespectful language is PROHIBITED.
- A disclaimer that your views are not the views of the U.S. Marine Corps **is required** if you identify yourself as a service member.

Note: Active duty personnel and civilian employees have different rules when it comes to political activities. Active, reserve, and retired military members are subject to the provisions of DoD Directive 1344.10 (Political Activities by Members of the Armed Forces). Civilians are governed by the “Hatch Act.” In general, many prohibitions applicable to military personnel are the same for civilians while they are on duty or in the federal workplace. That said, civilians enjoy greater latitude to participate in political activities when off-duty and not at work.

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Service members

- If you are in doubt about whether a contemplated action on your part or a questionable action on the part of a fellow Marine is permissible, don't operate on assumptions or supposition, ask for assistance from your Chain of Command and your command SJA.

Civilians when they are NOT at work:

- May not be candidates in partisan elections.
- May not use official authority to interfere with an election or while engaged in political activity.
- May not invite subordinate employees to political events or otherwise suggest that they engage in political activity.
- May not knowingly solicit or discourage the political activity of any person with business before the agency.
- May not solicit, accept, or receive political contributions (including hosting or inviting others to political fundraisers) unless both persons are members of the same federal labor or employee organization, the person solicited is not a subordinate employee, the solicitation is for a contribution to the organization's political action committee, and the solicitation does not occur while on duty or in the workplace.
- If you are in doubt about whether a contemplated action on your part or a questionable action on the part of a fellow civilian employee is permissible, don't operate on assumptions or supposition, ask for assistance from your Chain of Command and your region CL attorney.

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- Social Media is forever. Even if you take it down—someone took a screen shot
- This is your reputation . . . and the reputation of the U.S. Marine Corps.
- Do not post on social media angry or impassioned. Really consider your words and whether you should use them.
- When in doubt, Google the 2021 Marine Corps Social Media Handbook, engage with your chain of command or, simply don't post it!

Slide 17

4th bullet applies to Service members only as it refers to UCMJ. The following slide 18 covers the wide range of speech that can violate the UCMJ.

- However, civilians may be subject to speech that is criminal. See slide 11.

5th bullet refer to slide 17. Civilians off duty not in a federal work place are not subject to this restriction.

Social Media - Civilian Discipline

- Social media posts, even off-duty posts from a personal electronic device, may result in discipline if they “disrupt the workplace.”
- Evaluation factors include:
 - Job-related
 - Egregious
 - Interfered with mission
 - Undermined public confidence
 - Affected performance
 - Disrupted the workplace
 - Impacted the employee/employer relationship
- Disciplinary actions are becoming more prevalent.
- Case by case inquiry – context matters.

Slide 18

Article 88 only applies to officers. Officials are: President, Vice President, Congress, SECDEF, Secretaries of a military department, Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession.

KEY POINTS: These actions violate various provisions of the UCMJ and Marine Corps Policy and can be punished or result in administrative consequences.

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The below excerpt from the Presidentially Approved Adjudicative Guidelines for Determining Eligibility For Access to Classified Information (Guideline A: Allegiance to the United States)

Office of the Director of National Intelligence Security Executive Agent Directive 4, effective 8 June, 2017 (National Security Adjudicative Guidelines for Determining Eligibility For Access to Classified Information or Eligibility to Hold a Sensitive Position)

GUIDELINE A: ALLEGIANCE TO THE UNITED STATES (excerpt)

The Concern. An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

Duty to Self-Report: All military personnel or civilians/contractors with a security clearance or in sensitive positions, as a condition of continued eligibility must self-report any personal arrests or any

behaviors from counterparts that are either criminal in nature or call into question their character and trustworthiness to continue serving in such a position.

Failure to Report: Failure to report concerning behaviors removes an opportunity for the Department to help a Service member or civilian employee, and could place themselves, the Department, and others at risk. A report of concerning behavior does not necessarily result in punitive actions against an individual.

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18 U.S.C. 2331(5) the term “domestic terrorism” means activities that—

involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States

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- If you observe a Marine actively participating in an extremist organization in a manner that you suspect violates the UCMJ or the DoD’s, DoN’s, or Marine Corps’s extremism policies, report the Marine to the chain of command, a supervisor, or military criminal investigator.
- Extremist conduct by all personnel that does not rise to the level of a violation of the UCMJ or other applicable laws, or the the DoD’s, DoN’s, or Marine Corps’s extremism policies may still be a concern under the U.S. Government’s national security adjudicative guidelines, used to assess eligibility for access to classified information or to hold a sensitive position. Creditable allegations of actions addressed in the guidelines found in Security Executive Agent Directive 4, “National Security Adjudicative Guidelines,” June 8, 2017, must be reported to security management personnel. (Mention who this is for your unit/organization and provide contact information if possible).
- Statements showing association with violent extremist behavior by Marine Corps personnel or contractors may also be considered a risk factor by the Insider Threat Program. If you observe any behaviors of concern (including extremist activity or anomalous behavior out of character) within your unit, ranks, or organization, report it through your chain of command or supervision, local security manager, or directly to the component insider threat program office. (Mention who this is for your particular unit/organization and provide contact information if possible.)

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In the 1st bullet scenario the Marine may take it as a teaching/mentoring moment and counsel and educate their fellow Marine. We must use our judgment and experience when engaging in a correctable moment. There is no need to be confrontational. Be professional and if tensions escalate, break contact and engage leadership.

- Posting a racist comment itself does not necessarily mean the Marine has participated in an extremist activity. However, the behavior is still unacceptable. In addition, Marine may have violated the PAC order (e.g. harassment, unlawful discrimination).

If the 3d bullet scenario involved a commissioned officer the officer may have committed a violation of Article 88 of the UCMJ. For example:

- The officer posts (public vs private) contemptuous language (disrespectful, insulting, disdainful, etc.) about the President (or Vice President, Congress, SECDEF, Secretaries of a military department, Secretary of Homeland Security, or Governor or legislature of any state) on line to a group chat/public forum would be in violation of Article 88 of the UCMJ.

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Example One: Paramilitary Activity

In September 2019, as a result of an FBI investigation, an Army junior enlisted member was arrested and charged in the federal criminal justice system with one count of distributing information related to explosives and weapons of mass destruction. During the investigation, it was discovered that the Service member had “disseminated guidance on how to construct improvised explosive devices” and had spoken about his desire to travel to Ukraine to fight with the Azov Battalion, a paramilitary group with neo-Nazi sympathies. At the time of his arrest, the Service member stated that he did this to cause “chaos.” He was administratively discharged from the Army and sentenced to 30 months in federal prison.

Example Two: Domestic Extremism

In February 2019, the FBI arrested a junior officer in the U.S. Coast Guard after uncovering a stockpile of weapons, ammunition, and opioids in his home. The member planned to conduct a widespread domestic terror attack targeting politicians and journalists in the Washington, D.C. area. The officer was a self-described white nationalist and conducted thousands of internet searches on neo-Nazi and neo-fascist websites using his government computer. The officer was dropped from the Coast Guard rolls and sentenced in federal court to 13 years in prison.

Example Three: Organizing and Recruiting

In May 2019, an Air Force senior enlisted member was alleged to have been a member of Identity Evropa, a neo-Nazi and white supremacist organization. The Service member also allegedly physically posted supremacist propaganda on several occasions. Furthermore, he allegedly served as an organizer with Identity Evropa, recruited other members, and appeared in photographs wearing clothes with the Identity Evropa logo and taking part in a protest sponsored by the group. He was demoted in grade and administratively separated from the Air Force.

Example Four: Racist and Supremacist Statements

In 2019, an enlisted Marine shared a number of racist social media posts, including one of himself in blackface and with Nazi propaganda. One of the posts depicted military explosives placed in the shape of a Swastika. The member was administratively discharged from the Service.

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As such actively advocating and actively participating in supremacist and extremist organizations and activities are prohibited as it is incompatible with treating others with dignity and respect.

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Q: If there have been issues with extremism inside the Department of Defense for a long time, why is the Secretary of Defense so focused on this now?

A: The increased level of domestic protests around the country in the past several months has emboldened some violent extremist groups to take more aggressive anti-government and racially motivated actions. These groups are known to actively target current and former military personnel. In light of current events, the Secretary wants DoD personnel at all levels to understand the threat and be trained and educated to take appropriate actions when they see indicators of extremism.

Q: Does DoD actually have a problem with extremist groups?

A: We are seeing an increase in concerning behavior. We believe this is based on societal increases, but there's also an increase in the reporting of suspect behavior. We are actively tracking down these leads and identifying any other associations with these sorts of groups. That's why we need all DoD personnel to report concerning behaviors appropriately so we can thoroughly review all credible reports.

Q: Does DoD check the social media records of Service members, DoD civilian employees, and prospective recruits?

A: Consent for obtaining publicly available social media information is provided when Service members and DoD civilian employees submit their Personnel Security Questionnaire (SF-86) to initiate the background investigation process. DoD is examining a scalable means of implementing social media screening in conjunction with background investigations. Furthermore, the FBI currently screens social media for extremism and criminal activity.

Q: I thought Service members retained their Constitutional rights when they joined the military. Are you telling me I no longer have the right to Free Speech or Peaceful Assembly?

A: Service members and DoD civilian employees have access to classified information and occupy sensitive positions with access to lethal equipment, training, and tactics. Everyone with access to

classified information or in a sensitive position is evaluated continuously, using government-wide guidelines to assess their strength of character, honesty, discretion, sound judgment, reliability to protect classified or sensitive information, and trustworthiness. Any doubt is resolved in favor of the national security.

Potentially disqualifying conditions include:

- Involvement in, support of, or association/sympathy with persons attempting to or training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States;
- Association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:
 - Attempt to overthrow the U.S. Government or any state government;
 - Prevent Federal, state, or local government personnel from performing their official duties;
 - Gain retribution for perceived wrongs caused by the Federal, state, or local government; or prevent others from exercising their rights under the Constitution or laws of the United States or any state.

Although Service members enjoy the right to free speech protected by the First Amendment, the unique character of the military community and of the military mission requires a balancing of those rights with the important purpose of the military. In fact, the Supreme Court of the United States noted as follows: “[t]his Court has long recognized that the military is, by necessity, a specialized society separate from civilian society. We have also recognized that the military has, again by necessity, developed laws and traditions of its own during its long history. The differences between the military and civilian communities result from the fact that ‘it is the primary business of the military is to fight or be ready to fight wars should the occasion arise.’”

The Supreme Court went on to note that: “[w]hile the members of the military are not excluded from the protection granted by the First Amendment, the different character of the military community and of the military mission requires a different application of those protections. The fundamental necessity for obedience, and the consequent necessity for imposition of discipline, may render permissible within the military that which would be constitutionally impermissible outside it.” (Parker v. Levy, 417 U.S. 733 (1974))