

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

AIR FORCE INSTRUCTION 51-903

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Law

DISSIDENT AND PROTEST ACTIVITIES

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This Instruction implements Air Force Policy Directive (AFPD) 51-9, *Civil Law for Individuals*, and Department of Defense Instruction (DoDI) 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*. It provides prohibitions and guidance regarding dissident and protest activities involving Air Force installations or Air Force members. It applies to all Air Force military personnel serving on active duty or active duty for training. **Military members who violate the prohibitions contained in paragraphs 2, 4, 4.1, 6, 6.1 and 6.2, are subject to disciplinary action under Article 92, or other applicable articles of the Uniform Code of Military Justice.** Violations may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws. All waiver requests must be submitted through the chain of command to the OPR for submission to the appropriate outside agency. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS). Refer recommended changes and questions about this publication to AF/JAA using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through the JA functional chain of command.

SUMMARY OF CHANGES

This publication has been revised in accordance with DoDI 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*. Major changes were made concerning

off-limits action; prohibited activities; activities constituting active participation; and new guidance on the functions of command.

1. Authority and Responsibility of Commanders. Air Force 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.

1.1. Air Force commanders must preserve the service member's constitutional right of expression to the maximum extent possible, consistent with good order, discipline, and national security.

1.2. No commander should be indifferent to conduct that, if allowed to proceed unchecked, would impair the effectiveness of his or her unit.

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

2. Writing for Publications. Air Force members may not write for unofficial publications, including blogs and other electronic social media journalistic forums, during duty hours. 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. If such a publication contains language, the utterance of which is punishable by the Uniform Code of Military Justice 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 Air Force member may be ordered to remove the degrading comments or cease and desist from maintaining said media forum. Members who violate these prohibitions are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the Uniform Code of Military Justice.

3. Off-limits Action. Action may be initiated under AFJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, to place establishments "off limits" when, for example, activities taking place include 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.

4. Prohibited Activities. Military personnel must reject participation in organizations that advocate or espouse supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal causes; attempt to create illegal discrimination based on race, color, gender, religion, national origin, or ethnic group; advocate the use of force or violence; or otherwise engage in the effort to deprive individuals of their civil rights. Members who violate this prohibition are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the Uniform Code of Military Justice.

4.1. Active participation, such as publicly demonstrating or rallying, fund raising, recruiting and training members, organizing or leading such organizations, knowingly wearing gang

colors or clothing; having tattoos or body markings associated with such gangs or organizations, or otherwise engaging in activities in relation to such organizations or in furtherance of the objectives of such organization that the commander concerned finds to be detrimental to good order, discipline, or mission accomplishment, is incompatible with military service and prohibited. Members who violate this prohibition are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the Uniform Code of Military Justice.

4.1.1. Mere membership in the type of organization enumerated is not prohibited. However, membership must be considered in evaluating or assigning members (AFI 36-2406, *Officer and Enlisted Evaluation Systems*; and AFI 36-2706, *Equal Opportunity Program, Military and Civilian*).

4.1.2. A supremacist organization is characterized by 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 is usually restricted to those belonging to that particular race, color, gender, national origin, or ethnic group.

4.1.3. An extremist organization is characterized by members sharing a common belief in a particular ideology or viewpoint, which might otherwise be politically or socially acceptable, but that espouse the use or threat of force or violence to obtain their goals.

4.1.4. 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. The latest assessment may be found at <http://www.fbi.gov/stats-services/publications/2011-national-gang-threat-assessment>. 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.

4.2. 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.

4.3. 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.

4.3.1. 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 5. Signs could also include possession of literature, or visiting websites, associated with such gangs or organizations, or with related ideology, doctrine, or causes. 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 Department's values and to ensure that the Service member understands what activities are prohibited.

5. Training Policy on Prohibited Activities. The policy on prohibited activities shall be included in initial active duty training, pre-commissioning training, professional military education, commander training, and other appropriate Air Force programs.

6. Demonstrations and Similar Activities. Demonstrations or other activities within an Air Force installation, 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. Members who violate this prohibition are subject to disciplinary action under Article 92, in addition to any other appropriate articles of the Uniform Code of Military Justice.

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 (AFI 31-101, *Integrated Defense*; 18 U.S.C. 1382).

6.2. Air Force 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. Members who violate this provision are subject to disciplinary action under Article 92 of the Uniform Code of Military Justice.

6.3. The distribution or posting of printed or written materials on Air Force installations is prohibited without prior approval of the installation commander or delagatee.

7. Military Grievances. The right of Air Force members to complain and request redress of their grievances against actions of their commanders is protected by Article 138, UCMJ (AFI 51-904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*) and by the Inspector General Complaints Resolution System (AFI 90-301, *Inspector General Complaints Resolution*). Military personnel may also petition or present a grievance to any member of Congress 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.

CHRISTOPHER F. BURNE
Lieutenant General, USAF
The Judge Advocate General

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

- 18 U.S.C. § 1382, *Entering Military, Naval, or Coast Guard Property*, 11 January 2011
- DoD Instruction 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, 27 November 2009
- AFPD 51-9, *Civil Law for Individuals*, 31 December 2009
- AFI 31-101, *Integrated Defense*, 8 October 2009
- AFJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 27 July 2006
- AFI 36-2406, *Officer and Enlisted Evaluation Systems*, 2 January 2013
- AFI 36-2706, *Equal Opportunity Program, Military and Civilian*, incorporating Change 1, 5 October 2011
- AFI 51- 904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*, 30 June 1994
- AFI 90-301, *Inspector General Complaints Resolution*, 23 August 2011
- AFMAN 33-363, *Management of Records*, 1 March 2008

Adopted Forms

- AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

- AFI**—Air Force Instruction
- AFJI**—Air Force Joint Instruction
- AFPD**—Air Force Policy Directive
- DODI**—Department of Defense Instruction
- FBI**—Federal Bureau of Investigation
- JA**—Judge Advocate
- UCMJ**—Uniform Code of Military Justice
- USC**—United States Code