GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

GENERAL COUNSEL

MAR 0 7 2002

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS
ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

SUBJECT: DoD Personnel Participating as Speakers in Non-Partisan Public Policy Conferences and Congressional "Town Hall" Meetings

This responds to your request for a legal opinion regarding whether DoD may provide civilian or military personnel to speak about the war against terrorism at non-partisan public policy conferences and "town hall" meetings sponsored by individual members of Congress in their respective districts.

You have advised me that DoD is considering participation in a Congressional Town Hall Speakers Program designed to provide citizens across the country with an update on the war against terrorism. DoD would provide speakers for this purpose, on request, to any member of Congress, regardless of political party affiliation. Every town hall meeting would be open to the public, and would not be a political fundraising event or rally. DoD speakers would be confined to providing information regarding the war and other issues related to DoD, and would not be authorized to endorse or support partisan political candidates, causes, or issues.

After careful consideration of the preceding background information, it is my opinion that DoD's participation in non-partisan public policy conferences and the Congressional Town Hall Speakers Program complies with applicable Federal statutes and regulations concerning government ethics and political activity by DoD personnel. Consequently, DoD may support such conferences and also may support such "town hall" meetings events that are arranged, promoted, and put on by office-holders in their official, representative roles. The Office of the Assistant Secretary of Defense for Legislative Affairs should consult beforehand with each sponsor to confirm that the conference is non-partisan and dedicated to public policy or that the "town hall" meeting is an official Congressional function and not a political event. A conference is non-partisan provided it is sponsored by an entity or organization that is not a political party. It is dedicated to public policy as long as the speaker is invited to discuss the war against terrorism or any other official DoD business. Consistent with the ethics rules of the U.S. Senate and the U.S. House of Representatives, a "town hall" meeting is an official Congressional

function and not a political event as long as it is not organized and funded by a Congressman's campaign and provided no political fundraising will take place.

Consistent with the preceding guidance, DoD may provide both active duty and civilian personnel to participate as speakers in non-partisan public policy conferences and Congressional "town hall" meetings to address the war against terrorism or any other official DoD business.

William J. Haynes II

cc:
Larry Di Rita, Special Assistant to the Secretary of Defense