

Legal Support for Members of the US Military participating in the Occupy Wall Street Protests

The National Lawyers Guild has endorsed the Occupy Wall Street protests in New York City and thousands of cities worldwide and offered legal support.

Members of the US military have joined the OWS protests in many locales. As the Military Law Task Force of the NLG, we stand ready to coordinate legal support for active duty servicemembers, 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.)

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) Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces" and relevant case law lays out the basic parameters of what servicemembers can and can't do, but in a nut-shell the basic thing to remember is that servicemembers retain their right to protest, except under the following situations:

1. Protests while in uniform (some commanders have interpreted this to even include wearing part of one's uniform, such as wearing only one's uniform boots with civilian clothing)

2. Protests on military property
3. Protests while on duty
4. Protests outside the United States
5. 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. Protesting in situations that constitute a "breach of law and order" or where "violence is likely to occur" (arguably an unconstitutionally vague provision)

Along with these basic guidelines, other restrictions apply to partisan/electoral political activity – See *DOD Instruction – Political Activities by Members of the Armed Forces 1344.10*.

And it is more important to remember that commanders often break the law, and seek to intimidate and threaten servicemembers 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 in your area to assist you in fighting back against unjust treatment. Please contact us for more assistance.

For more information:



Military Law Task Force of the NLG
www.NLGMLTF.org
619-463-2369