

UNCLAS //N05370//

ALCOAST 259/11

COMDTNOTE 5370

SUBJ: PROHIBITION ON EXTREMIST AND CRIMINAL GANG ACTIVITY A. DODI 1325.06, GUIDELINES FOR HANDLING DISSIDENT AND PROTEST ACTIVITIES AMONG MEMBERS OF THE ARMED FORCES B. COAST GUARD CIVIL RIGHTS MANUAL, COMDTINST M5350.4 (SERIES) C. ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION LIAISON AND OPERATIONS, COMDTINST 1620.1 (SERIES) D. PERSONNEL MANUAL, COMDTINST M1000.6 (SERIES) 1. REFERENCE (A), SIGNED ON 27 NOV 09, PROHIBITS EXTREMIST AND CRIMINAL GANG ACTIVITY BY MEMBERS OF THE ARMED FORCES. THIS DOD INSTRUCTION APPLIES TO THE COAST GUARD. REFERENCE (B) ADDRESSES COMMAND RESPONSIBILITIES RELEVANT TO THESE GENERAL PROHIBITIONS.

THIS MESSAGE FURTHER IMPLEMENTS REFERENCE (A) AND IDENTIFIES PROHIBITIONS PUNISHABLE UNDER THE UCMJ OR BY ADMINISTRATIVE SANCTIONS.

2. EXTREMIST ACTIVITY. COAST GUARD MILITARY PERSONNEL 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, NATIONAL ORIGIN OR THAT ADVANCE, ENCOURAGE, OR ADVOCATE THE USE OF FORCE, VIOLENCE, OR CRIMINAL ACTIVITY OR OTHERWISE ADVANCE EFFORTS TO DEPRIVE INDIVIDUALS OF THEIR CIVIL RIGHTS.

3. PARTICIPATION IN EXTREMIST ORGANIZATIONS AND CRIMINAL GANGS.

MILITARY PERSONNEL MUST REJECT ACTIVE PARTICIPATION IN CRIMINAL GANGS PURSUANT TO SECTION 544 OF PUBLIC LAW 110-181 AND IN OTHER ORGANIZATIONS THAT ADVOCATE SUPREMACIST OR EXTREMIST DOCTRINE, IDEOLOGY, OR CAUSES ATTEMPT TO CREATE ILLEGAL DISCRIMINATION BASED ON RACE, CREED, COLOR, SEX, RELIGION, ETHNICITY, OR NATIONAL ORIGIN OR ADVOCATE THE USE OF OR USE FORCE, VIOLENCE, UNLAWFUL MEANS OR CRIMINAL ACTIVITY TO DEPRIVE INDIVIDUALS OF THEIR CIVIL RIGHTS.

ACTIVE PARTICIPATION IN SUCH GANGS OR ORGANIZATIONS IS PROHIBITED.

ACTIVE PARTICIPATION INCLUDES THE PROHIBITIONS IN PARAGRAPH 5 OR OTHERWISE ENGAGING IN ACTIVITIES IN FURTHERANCE OF THE OBJECTIVE OF SUCH GANGS OR ORGANIZATIONS THAT ARE DETRIMENTAL TO GOOD ORDER, DISCIPLINE, OR MISSION ACCOMPLISHMENT OR ARE INCOMPATIBLE WITH MILITARY SERVICE.

4. EXTREMIST ORGANIZATIONS AND CRIMINAL GANGS. EXTREMIST ORGANIZATIONS AND ACTIVITIES ARE ONES THAT ADVOCATE RACIAL, GENDER, OR ETHNIC HATRED OR INTOLERANCE ADVOCATE, CREATE, OR ENGAGE IN ILLEGAL DISCRIMINATION BASED ON RACE, CREED, COLOR, SEX, RELIGION, ETHNICITY, OR NATIONAL ORIGIN OR ADVOCATE THE USE OF OR USE FORCE OR VIOLENCE OR UNLAWFUL MEANS TO DEPRIVE INDIVIDUALS OF THEIR RIGHTS UNDER THE UNITED STATES CONSTITUTION OR THE LAWS OF THE UNITED STATES, OR ANY STATE, BY UNLAWFUL MEANS. A CRIMINAL GANG MEANS AN ONGOING GROUP, CLUB, ORGANIZATION, OR ASSOCIATION OF MULTIPLE PERSONS THAT HAS AMONG ITS PRIMARY PURPOSES THE COMMISSION OF ONE OR MORE CRIMINAL OFFENSES UNDER FEDERAL OR STATE LAW, OR THE LAWS OF THE JURISDICTION IN WHICH IT OPERATES, OR WHOSE MEMBERS ENGAGE OR HAVE ENGAGED WITHIN THE PAST FIVE YEARS IN A CONTINUING SERIES OF OFFENSES. AN EXTREMIST ORGANIZATION MAY, BUT NEED NOT BE A CRIMINAL GANG, AND A CRIMINAL GANG MAY, BUT NEED NOT BE AN EXTREMIST ORGANIZATION.

5. PROHIBITIONS. MILITARY PERSONNEL ARE PROHIBITED FROM TAKING ANY OF THE FOLLOWING ACTIONS IN SUPPORT OF CRIMINAL GANGS AND EXTREMIST ORGANIZATIONS OR ACTIVITIES. PENALTIES FOR VIOLATIONS OF THESE PROHIBITIONS INCLUDE THE FULL RANGE OF STATUTORY AND REGULATORY SANCTIONS, BOTH CRIMINAL (UCMJ), AND ADMINISTRATIVE. THESE PROHIBITIONS ARE PUNITIVE IN NATURE AND CONSTITUTE A LAWFUL GENERAL ORDER. FAILURE TO COMPLY WITH THESE PROHIBITIONS CAN RESULT IN DISCIPLINARY ACTION, INCLUDING NONJUDICIAL PUNISHMENT OR COURT-MARTIAL FOR VIOLATION OF ARTICLE 92 OF THE UCMJ:

A. PARTICIPATING IN PUBLIC DEMONSTRATIONS OR RALLIES, OR ATTENDING A MEETING OR ACTIVITY WITH THE KNOWLEDGE THAT THE DEMONSTRATION, RALLY, MEETING OR ACTIVITY INVOLVES AN EXTREMIST ORGANIZATION OR CAUSE WHEN ON DUTY, WHEN IN UNIFORM, WHEN IN A FOREIGN COUNTRY (WHETHER ON OR OFF DUTY OR IN OR OUT OF UNIFORM), WHEN IT

CONSTITUTES A BREACH OF LAW AND ORDER, WHEN IT IS LIKELY TO RESULT IN VIOLENCE, OR WHEN IN VIOLATION OF OFF LIMITS SANCTIONS OR A COMMANDING OFFICERS ORDER.

B. FUND RAISING ACTIVITIES.

C. RECRUITING OR TRAINING MEMBERS (INCLUDING ENCOURAGING OTHER COAST GUARD PERSONNEL TO JOIN).

D. CREATING, ORGANIZING, OR TAKING A VISIBLE LEADERSHIP ROLE IN SUCH AN ORGANIZATION OR ACTIVITY.

E. DISTRIBUTING LITERATURE ON OR OFF A MILITARY INSTALLATION, INCLUDING THE INTERNET,

(1) THE PRIMARY PURPOSE AND CONTENT OF WHICH CONCERNS ADVOCACY OR SUPPORT OF EXTREMIST CAUSES, ORGANIZATIONS, OR ACTIVITIES AND

(2) THE LITERATURE PRESENTS A CLEAR DANGER TO THE LOYALTY, DISCIPLINE, OR MORALE OF COAST GUARD OR OTHER ARMED FORCES PERSONNEL, OR THE DISTRIBUTION WOULD MATERIALLY INTERFERE WITH THE ACCOMPLISHMENT OF A COAST GUARD OR OTHER MILITARY MISSION.

F. (1) COMMITTING ANY INTENTIONAL ACT, INCLUDING CONDUCT OR SPEECH, WHEN ON DUTY, WHEN IN UNIFORM, AT ANY TIME WHEN ABOARD A MILITARY VESSEL OR INSTALLATION, WHEN UTILIZING A GOVERNMENT COMMUNICATIONS SYSTEM, OR WHEN COMMUNICATING WITH ANOTHER MEMBER OF THE ARMED FORCES, WHICH:

(A) IS MOTIVATED, IN WHOLE OR IN PART, BY THE OFFENDERS BIAS AGAINST THE RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN, DISABILITY, OR SEXUAL ORIENTATION OF A PERSON OR PERSONS AND

(B) PLACES CAUSES A PERSON HAVING SUCH STATUS TO HAVE A IN REASONABLE APPREHENSION OF BODILY HARM, OR REASONABLY INTERFERES WITH EFFICIENT PERFORMANCE OF MILITARY DUTIES, OR THE MAINTENANCE OF GOOD ORDER AND DISCIPLINE WITHIN THE COAST GUARD AND

(C) INTENTIONALLY SELECTS A PERSON OR PERSONS MOTIVATED BY THE OFFENDERS BIAS IN PARAGRAPH 5.F.(1)(A), OR, UNDER THE CIRCUMSTANCES, IS REASONABLY PERCEIVED BY THE PERSON OR PERSONS HAVING SUCH STATUS, TO BE INTENTIONALLY SELECTING THEM BASED ON THAT BIAS.

(2) FOR THE PURPOSES OF PARAGRAPH 5.F.(1), CONDUCT OR SPEECH MAY INCLUDE BUT ARE NOT LIMITED TO THE DISPLAY, PRESENTATION, CREATION OR DEPICTION OF:

(A) A NOOSE, A SWASTIKA, OR ANY OTHER SYMBOL WIDELY IDENTIFIED WITH OPPRESSION OR HATRED, IRRESPECTIVE OF SIZE, TYPE OR HOW IT IS DISPLAYED OR PRESENTED

(B) OTHER SYMBOLS THAT WOULD REASONABLY BE CONSTRUED TO ENCOURAGE OPPRESSION OR HATRED OR

(C) PHOTOGRAPHS, IMAGES, OR OTHER PRINTED OR ELECTRONIC MATERIAL THAT WOULD REASONABLY BE CONSTRUED TO BE EVIDENCE OF OPPRESSION OR HATRED.

G. WEARING GANG COLORS OR CLOTHING OR ACQUIRING, WHILE IN THE SERVICE COAST GUARD, TATTOOS OR BODY MARKINGS WITH THE KNOWLEDGE THAT SUCH COLORS, CLOTHING, TATTOOS OR BODY MARKINGS ARE ASSOCIATED WITH CRIMINAL GANGS OR ORGANIZATIONS.

6. COMMAND AUTHORITY REGARDING EXTREMIST AND CRIMINAL GANG ACTIVITY.

COMMANDING OFFICERS HAVE THE AUTHORITY TO PROHIBIT MILITARY PERSONNEL FROM ENGAGING IN OR PARTICIPATING IN ANY OTHER ACTIVITIES THAT THE COMMANDING OFFICER DETERMINES WILL ADVERSELY AFFECT GOOD ORDER AND DISCIPLINE OR MORALE WITHIN THE COMMAND. THIS INCLUDES, BUT IS NOT LIMITED TO, THE AUTHORITY TO ORDER THE REMOVAL OF SYMBOLS, FLAGS, POSTERS, OR OTHER DISPLAYS FROM UNACCOMPANIED PERSONNEL HOUSING, TO PLACE AREAS OR ACTIVITIES OFF-LIMITS (SEE REFERENCE (C)), OR TO ORDER COAST GUARD MILITARY PERSONNEL NOT TO PARTICIPATE IN THOSE ACTIVITIES THAT ARE CONTRARY TO GOOD ORDER AND DISCIPLINE OR MORALE OF THE UNIT OR POSE A THREAT TO HEALTH, SAFETY, AND SECURITY OF COAST GUARD OR OTHER ARMED FORCES PERSONNEL OR A COAST GUARD OR OTHER MILITARY INSTALLATION. COMMANDING OFFICERS SHOULD CONSULT THEIR SERVICING STAFF JUDGE ADVOCATE BEFORE IMPOSING SUCH SANCTIONS UNLESS CONSULTATION WOULD CAUSE AN UNREASONABLE DELAY IN THE CIRCUMSTANCES.

7. COMMAND OPTIONS FOR DEALING WITH EXTREMIST OR CRIMINAL GANG ACTIVITY. IN ADDITION TO UCMJ ACTION UNDER ARTICLE 92 (VIOLATION FOR FAILURE TO OBEY A LAWFUL

GENERAL ORDER OR REGULATION FOR A VIOLATION OF THE PROHIBITIONS), A COMMANDING OFFICERS OPTIONS FOR DEALING WITH EXTREMIST OR CRIMINAL GANG ACTIVITY INCLUDE:

A. UCMJ ACTION POSSIBLE VIOLATIONS DEPENDING ON THE CIRCUMSTANCES INCLUDE THE FOLLOWING:

(1) ARTICLE 116 RIOT OR BREACH OF PEACE.

(2) ARTICLE 117 PROVOKING SPEECHES OR GESTURES.

(3) ARTICLE 134 GENERAL ARTICLE, SPECIFICALLY, CONDUCT WHICH IS PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OR SERVICE DISCREDITING.

COMMANDING OFFICERS MUST CONSULT WITH THEIR SERVICING STAFF JUDGE ADVOCATE IF CONSIDERING USING ARTICLE 134 IN THE CONTEXT OF EXTREMIST OR CRIMINAL ACTIVITY.

B. INVOLUNTARY SEPARATION FOR UNSATISFACTORY PERFORMANCE OR MISCONDUCT.

C. BAR TO REENLISTMENT.

D. OTHER APPROPRIATE ADMINISTRATIVE OR DISCIPLINARY ACTION, SUCH AS THOSE DESCRIBED IN PARAGRAPH 8.B.

8. COMMAND RESPONSIBILITY REGARDING EXTREMIST ORGANIZATIONS AND CRIMINAL GANGS.

ANY MILITARY PERSONNEL INVOLVEMENT WITH OR IN A CRIMINAL GANG OR EXTREMIST ORGANIZATION OR ACTIVITY (SUCH AS MEMBERSHIP, RECEIPT OF LITERATURE, OR PRESENCE AT AN EVENT) COULD THREATEN THE GOOD ORDER AND DISCIPLINE OF A UNIT. IN ANY CASE OF APPARENT MILITARY PERSONNEL INVOLVEMENT WITH OR IN CRIMINAL GANGS OR EXTREMIST ORGANIZATIONS OR ACTIVITIES, WHETHER OR NOT VIOLATIVE OF THE PROHIBITIONS IN PARAGRAPH 5 ABOVE, COMMANDING OFFICERS MUST TAKE POSITIVE ACTIONS TO EDUCATE MILITARY PERSONNEL, PUTTING THEM ON NOTICE OF THE POTENTIAL ADVERSE EFFECTS THAT PARTICIPATION IN VIOLATION OF COAST GUARD POLICY MAY HAVE UPON GOOD ORDER AND DISCIPLINE IN THE UNIT AND UPON THEIR MILITARY SERVICE. THESE POSITIVE ACTIONS INCLUDE:

A. EDUCATING COAST GUARD PERSONNEL REGARDING THE COAST GUARDS EQUAL OPPORTUNITY POLICY. COMMANDING OFFICERS WILL ADVISE MEMBERS OF THEIR COMMAND THAT CRIMINAL GANGS AND EXTREMIST ORGANIZATIONS GOALS ARE INCONSISTENT WITH COAST GUARD CORE VALUES AND WITH THE SERVICES GOALS, BELIEFS, AND VALUES CONCERNING EQUAL OPPORTUNITY.

B. ADVISING MILITARY PERSONNEL THAT PARTICIPATION PROHIBITED IN THIS ORDER IN CRIMINAL GANGS OR EXTREMIST ORGANIZATIONS OR ACTIVITIES MAY:

(1) BE TAKEN INTO CONSIDERATION WHEN EVALUATING THEIR OVERALL DUTY PERFORMANCE, TO INCLUDE APPROPRIATE REMARKS ON EVALUATION REPORTS.

(2) BE TAKEN INTO CONSIDERATION WHEN SELECTIONS FOR POSITIONS OF LEADERSHIP AND RESPONSIBILITY ARE MADE.

(3) RESULT IN REMOVAL OF SECURITY CLEARANCES, WHERE APPROPRIATE.

(4) WILL RESULT IN A BAR TO REENLISTMENT, WHERE APPROPRIATE.

9. THE CONTENTS OF THIS ALCOAST, INCLUDING THE PUNITIVE ASPECTS OF IT, SHALL BE INCORPORATED IN A FUTURE CHANGE TO REFERENCE (D) AND OTHER DIRECTIVES AS APPROPRIATE.

10. ADM BOB PAPP, COMMANDANT, SENDS.

11. INTERNET RELEASE AUTHORIZED.