UNITED STATES ARMY

THE VICE CHIEF OF STAFF

23 May 2006

MEMORANDUM FOR SENIOR ARMY LEADERS

SUBJECT: Official Participation in Private Organizations – Membership and Management

1. The Army shares mutual interests with many private organizations that promote a professional affiliation with the Army. Senior leaders can expect some involvement with these kinds of organizations in both their professional and personal capacities. As such, senior leaders must understand the rules governing membership and participation in these private organizations. Failure to understand and follow these rules can place you, your command, and the Army at risk.

2. Attached is an information paper that provides some insights and practical tips concerning official participation in private organizations. Read it, learn from it, and implement its guidance. Consult with your Staff Judge Advocate, Ethics Counselor, or Inspector General on any related issues that may arise. You are all decision makers; ensure that you make well-informed, ethical decisions.

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RICHARD A. CODY
General, United States Army

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INFORMATION PAPER

DAIG-ZXL
10 May 2006

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1. The Army shares mutual interests with many private organizations that promote a professional affiliation with the Army. Senior leaders can expect some involvement with these kinds of organizations in both their professional and personal capacities. As such, senior leaders must understand the rules governing membership and participation in these private organizations. Failure to understand and follow these rules can place you, your command, and the Army at risk.

2. Whether it's the local chapter of the Association of the United States Army or the National Guard Association of the United States, or a national organization like the Field Artillery or 1st Cavalry Association, you probably have a private professional association affiliated directly with your installation, command, or branch. These professional associations often share the Army's interest in taking care of Soldiers and promoting professional development and excellence.

3. These mutual interests raise questions about how much involvement you can have with these non-federal entities. For example, can you join these private organizations, serve on their committees, or be a voting member of their boards? In the alternative, can you appoint someone to officially coordinate with them? Can you do that function yourself, and if so, who has the authority to make the appointment? You will face these questions and you need to address them properly.

4. Department of Defense and Department of the Army employees, including members of the Army National Guard and Army Reserve, may not participate in their official capacities in the management of non-Federal entities, except in limited circumstances authorized by the DoD General Counsel. By way of example, this means that in your role as a senior Army official you may neither serve as a voting member of a private organization's board of directors nor as the chairperson of one of its committees.

5. Additionally, be wary of accepting honorary titles from private organizations. Since doing so can create the appearance of a conflict of interest, you should talk to your legal advisor before accepting or allowing any such titles to be given to you. Additionally, if you want to help manage a private organization in your private/off-duty capacity, tell your legal advisor about your intent and clearly understand how your involvement in that private organization affects the performance of your official military duties. For example, if you become actively involved in helping a private organization schedule speakers for its annual convention, you may no longer be able to attend the convention in an official or TDY status.

6. This does not mean you cannot interact with private organizations in matters of mutual interest. For instance, the Joint Ethics Regulation specifically allows DoD employees to serve as liaisons to non-federal entities when the proper authority determines there is a significant DoD interest to be served by such representation. Your legal advisor can help you identify the appropriate approval authority - it may be you or your boss.

7. For example, the Commanding General of Fort Benning could appoint a subordinate to officially serve as the liaison to the Infantry Association to represent the Army's interests to the Infantry Association in an advisory capacity and to relay the Association's interests, concerns, etc., back to the Commanding General. While liaisons cannot be involved in the management or control of a private organization, they can officially represent the Army in discussions of matters of mutual interest so long as it remains clear that the opinions expressed by the liaisons do not bind the Army or any DoD component to any action.

8. As a senior leader you can also serve as a liaison to a non-federal entity, provided you are properly appointed. This would allow you the option of dealing directly and officially with a private organization while still maintaining some insulation from conflicts of interest issues that might arise, such as when attending conferences hosted by the private organization or acting on command matters that affect the private organization. Notwithstanding a senior leader's ability to serve as a liaison, doing so will raise issues that must be considered, to include potential conflicts of interest. Senior leaders should not seek appointment as a liaison to a non-federal entity without first fully consulting with their legal advisor and understanding the pros and cons of assuming such a position - you may determine it better to appoint a subordinate than yourself.

9. Finally, beware of "traditional" or long standing affiliations, titles, or functions involving non-federal entities. Just because the last ten installation commanders or division commanders held an honorary title with a particular private organization and performed a specific function in support of that professional organization's annual conference does not mean it is legal to do so again this year. The fact that no one has raised a red flag before will offer scant solace if this year a complaint is received and substantiated. As a senior leader, you remain responsible and accountable for your actions with private organizations. You should consult your legal advisor before acting on private organization issues and ensure your legal advisor fully understands all the facts and circumstances concerning your involvement with the private organization. The value of your legal advisor's advice hinges on their knowledge of all the relevant facts.

10. Professional military associations and other private organizations offer many benefits to the Army. Your organization will share mutual interests with these private organizations. You should understand how you and your organization can properly share information and coordinate with these private organizations to best benefit from these mutual interests. Include your legal advisor in your decision-making process and make sure he or she knows all the relevant facts and understands your intent.