

NOT PUBLIC UNTIL RELEASED BY THE  
HOUSE ARMED SERVICES COMMITTEE

**STATEMENT**  
**OF**  
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**DEPUTY COMMANDANT FOR MANPOWER & RESERVE AFFAIRS**  
**UNITED STATES MARINE CORPS**  
**BEFORE THE**  
**SUBCOMMITTEE ON PERSONNEL**  
**OF THE**  
**HOUSE ARMED SERVICES COMMITTEE**  
**CONCERNING**  
**SOCIAL MEDIA POLICIES OF THE MILITARY SERVICES**  
**ON**  
**21 MARCH 2017**

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## **INTRODUCTION**

Chairman Coffman, Ranking Member Speier, and distinguished Members of the Subcommittee, I appreciate the opportunity to appear before the subcommittee today to provide an overview on Marine Corps social media policies.

As our Commandant testified to last week, we are all disturbed and outraged by the allegations that Marines have been subjected to online humiliation, including denigrating comments and posting of images, in some cases by fellow Marines. We take this online behavior as an attack on our Marine Corp ethos. We believe that every Marine who earns our title commands the respect of all Marines, past and present. We must hold accountable any behavior that has a corrosive effect on the good order and discipline within our Corps. We are committed to using all means within our authority to address this unacceptable conduct; our social media policies are one tool to accomplish this.

## **MARINE CORPS SOCIAL MEDIA POLICIES**

The Department of Defense (DoD), Department of the Navy (DoN), and the Marine Corps all have policies regarding use of social media. Our social media policy reminds all Marines that they are on duty 24/7, that their actions must reflect our core values, and that they are responsible for all content they publish on social networking sites, blogs or other websites. Marines must be thoughtful about non-Marine related content they post since the lines between Marines' personal and professional lives blur when online. Marines must use their best judgment at all times to avoid inappropriate behavior that could bring discredit upon themselves, their unit and the Marine Corps. This includes posting any defamatory, libelous, abusive, threatening, racially or ethnically hateful or otherwise offensive or illegal content. While the current policy is non-punitive, it warns Marines that any violations of federal law and DoD regulations or policies

may result in disciplinary action under the Uniform Code of Military Justice (UCMJ).

Underpinning this policy is that, as Marines, each of us owes the rest of the force the respect and dignity they have earned as a U.S. Marine.

An update to our policy was just published (ALMAR 008/17). This policy specifically addresses individual online behaviors such as those we are discussing today; lays out our expectations for Marines; and delineates what is and is not acceptable. It also clearly identifies the punitive nature of certain online activities. Additionally this new ALMAR contains information related to victim care and how to report suspected prohibited behavior. I believe our new policy is stronger. It tells all Marines that such abhorrent behaviors are not part of being a Marine and are also punishable under the UCMJ. The previous policy said that, but it did not say it quite as directly. We are currently undertaking another review of other policies and are committed to still doing more.

### **RECENT CHANGES/ACTIONS**

First, as stated by our Commandant, hearings such as this are an opportunity to ask Marines to come forward, not just Marines that may have been victimized, but Marines aware that such activities exist and are justifiably sickened by them. The Commandant has also utilized multi-media and personal engagements, including a trip to Camp LeJeune to address the force, to personally express the seriousness of this matter and urging individuals who are victims or have information to provide to do so.

In addition, our Commandant has established a task force, chaired by the Assistant Commandant, to get at the root of this problem. Its goal is to assess the degree to which such behaviors exist in the Marine Corps and how to stop them. The timeline is aggressive and the intent of the Commandant is perfectly clear: The superb women who serve in your Marine

Corps are vital to our readiness and warfighting capability. They join the Marine Corps to serve in a tough outfit and prove daily they are tough, ethical warriors. For now, we have a problem in our ranks in just how these patriots are treated – sometimes without the respect and dignity they deserve and have earned. We must keep and retain their trust. This task force will conclude with a set of actionable recommendations upon which leadership can act. It will involve senior officers and enlisted, males and females, and will expand to include the expertise called upon by this problem. In the long run, this effort will involve commitment by every tier of leadership within the Marine Corps.

### **VICTIM SUPPORT**

Marines, their dependents, and civilians impacted by this online misconduct are our highest priority. We will take care of them. As I speak, we are working to identify and contact victims, in coordination with NCIS who is leading the investigation. Right now, the number of identified victims is small, and we need people to come forward. However, no matter the number, we will take care of those victimized or otherwise impacted by this behavior.

We have established many avenues to access support services and made sure our service providers have the tools necessary to support those impacted. We stand ready to provide immediate crisis intervention, information, and referrals to anyone who comes forward. Among our service providers are Chaplains, Victims' Legal Counsel, NCIS, advocates, the Inspector General, and others. Recently, we added the DSTRESS Helpline for 24/7/365 anonymous referral service across multiple platforms. To reach the widest audience with our message of support, we created a website listing support services and answering potential questions.

The Marine Corps is going out on every possible forum, including official Marine Corps social media, to ask Marines to come forward. The Commandant's messages are clear: Treat your fellow Marines with the respect and dignity they have earned and they deserve. We are better than this. Every tier of leadership is involved to get this message across. Marine leaders are addressing their Marines to share the Commandant's message.

We take every allegation of misconduct seriously and we will hold individuals responsible for discriminatory and discrediting actions. We call on all Marines to take a stand against this destructive conduct and to support and respect every Marine for the commitment they made when they earned their Eagle, Globe, and Anchor.

#### **ADDITIONAL TOOLS/RESOURCES NEEDED**

Our ability to manage what happens on social media is a complex issue. Social media is probably the most relevant place today where unacceptable behavior and Constitutional and privacy protections collide. It is an evolving area of both policy and law.

The UCMJ generally does not distinguish between online and in-person actions; once discovered and reported, conduct which is criminal can be punished regardless of where it takes place. For distribution or sharing of a recording to violate Article 120c, the photo or video must have been taken without the consent of the other person and where that person had a reasonable expectation of privacy. However, Article 134 allows commanders to punish activity that is prejudice of good order and discipline or brings discredit upon the service. Speech that is constitutionally unprotected, such as dangerous words and obscenity, may be punished as a violation of Article 134 if it is prejudicial to good order and discipline or service discrediting. Article 92, which allows commanders to punish both orders violations and dereliction of duty,

could also be used in various situations to punish online misconduct that violates Marine Corps policies on appropriate use of social media and online conduct.

Current orders may allow commanders to hold accountable those Marines who make social media commentary that is defamatory, threatening, or harassing. The Marine Corps and Navy are currently considering a proposed new article for the Navy Regulations that would prohibit the knowing and wrongful disclosure of an intimate image.

The vast and fluid nature of the internet does not lend itself well to the procedures for making a website or establishment “off-limits”. With online activity, the establishment involved is less clear than one with a brick-and-mortar location. That websites can be easily moved, removed, deleted, and rebuilt frustrates the effectiveness of this course of action. Difficulty with enforcement and First Amendment concerns also exist.

Our ability to reach those who have left the Marine Corps or who are not in any way affiliated with the Federal Government is limited. We can recall a member of the Individual Ready Reserve, but have no authority under the UCMJ over those who are off active duty and not in a retired or reserve status. Similarly, we have no authority to recall individuals whose misconduct was committed when they were not subject to the UCMJ. The individuals over whom we have no authority would have to be held accountable by civilian authorities.

Several options currently exist for commanders to take adverse administrative action against Marines who are found to have committed misconduct on social media and the internet. Our policy mandates processing for administrative separation after the first substantiated instance of sexual misconduct, certain forms of sexual harassment, or participation in supremacist or extremist organizations or activities. For those whose misconduct does not

require processing, commanders still have other options for processing the offender for administrative separation. We are coordinating with the Department of the Navy on the potential to add additional tools that would allow us to separate Service members who commit certain forms of social media and internet misconduct.

From a social media perspective, we have implemented an operational planning team as part of our task force to examine all capabilities that might assist victims in clearing inappropriate content from the internet, as well as ways we might increase discovery of service member misconduct in the cyber domain. We are sensitive to the legal and privacy considerations that must be carefully considered and addressed.

## **CONCLUSION**

Every young man and woman who takes the oath to support and defend our Constitution, who puts on the uniform, and who puts their life on the line to defend our way of life here at home is provided a high degree of trust and respect by the American People. So too, should he or she be given that same trust and respect by those in uniform. Any breach of that trust and respect within the very ranks of the services themselves cannot be tolerated and must be dealt with immediately, decisively, and unceasingly. We will be immediate, decisive and unceasing in fixing this problem and defeating this attack on our core values by those who purport to be counted among us or who have once served our Nation.

Thank you for the opportunity to present this testimony.