

## PUBLIC AFFAIRS & THE ETHICS COUNSELOR

### I. REFERENCES.

#### A. General

1. 5 C.F.R. 2635.204(g), Widely Attended Gathering exception
2. 5 C.F.R. 2635.808, Fundraising activities
3. DODDI 1334.01, *Wearing of the Uniform*, October 26, 2005
4. [DoDD 5122.05](#), *Assistant Secretary of Defense for Public Affairs (ASD(PA))*, 5 Sept. 2008
5. [DoDI 5410.15](#), *DoD Public Affairs Assistance to Non-Government, Non-Entertainment-Oriented Print and Electronic Media*, 28 March 1989
6. [DoDI 5410.16](#), *DoD Assistance to Non-Government Entertainment-Oriented Motion Picture, Television, and Video Production*.
7. [DoDD 5410.18](#), *Public Affairs Community Relations Policy*, 20 Nov 01
8. [DoDI 5410.19](#), *Public Affairs Community Relations Policy Implementation*, 13 Nov 01
9. [DoDI 5410.20](#), *Public Affairs Relations with Business and Nongovernmental Organizations Representing Business*, 16 Jan 1974
10. [DoD 5500.7-R](#), Joint Ethics Regulation (J.E.R.)
  - a. Section 3-209, Endorsements
  - b. Section 3-211, Logistical Support of Non-Federal Entities.
11. Service Specific Instructions

#### B. Internet: [www.Defense.gov](http://www.Defense.gov)

## II. DISCUSSION.

Being an ethics counselor requires elite multitasking skills-- you must understand innumerable rules and be able to attack and solve an issue from several angles while communicating with individuals in various units of your agency as well as private industries. As an ethics counselor, you must be able to think outside the box. Getting to know your Public Affairs team is imperative and one of the first steps to running a smooth ethics shop. The military is very marketable for patriotic advertising, television and movies, for public appearances at big-scale events and for product endorsement. As a result, we receive numerous requests, some reasonable and some not, to participate in television shows, attend movie premieres and provide logistical support for other public affairs events. While these and other requests can offer a unique opportunity to promote the military, they can also raise some sticky legal and ethical questions.

Public understanding of the military is fundamental to public support. It is the job of the public affairs officer to **project and protect** an image of the military that reflects our core values and to seek publicity for the military. However, Public Affairs Officers (PAO) may not readily recognize all the legal and ethical issues involved in participating in public affairs events. Collaborate with your PAO and learn from each other. Teach your PAO to look for legal concerns and distinguish between law and policy. The time invested upfront to ensure a clear understanding will save time in the long run and create a great partnership.

The first step toward providing advice to Public Affairs clients is getting to know them. If you have not met your Public Affairs clients, do so. It is important to be a presence so that the client thinks to ask for legal advice and feels comfortable doing so. A good relationship will help both the client and the legal office address questions early.

In addition to legal and ethical issues, there are a few other things to consider. In the world of the 24-hour news cycle, the Internet, and social media tools such as Twitter and Facebook, something that is both legal and ethical can still be unwise. For example, reality television has no script and thus we have no control over content, accuracy or the final product. An innocent occurrence can appear unseemly after a little editing. As a result, every ethics counselor and client should ask: is there an appearance issue? Remember, even an appearance of a conflict of interest may cause us to refrain from participating.

In the age of outpouring support for our military members, there are often instances of solicitation both on the part of the servicemember and non-profit or for-profit organizations. Where are the definite lines that can be drawn? Where are the gray areas? You need to know and be able to coordinate with your public affairs officer. Sometimes, they can be a first line of defense.

Another consideration is the timing of any public affairs event. Sometimes, the most critical piece of the decision rests on timing and context. Is military presence at an event “active and

visible participation?” Every ethics counselor must ask: are there outside events that would make participating in an event unwise at that moment?

A further question is whether the event meshes with the service’s core values? The military’s core values are not just words. They have meaning and every small decision made by every member of the military family has an impact on those values. For example, shows or movies that highlight the hard work and dedication of military members or civilian employees are likely to enhance and assist in Public Affairs’ mission to project and protect the image of the military. Conversely, improper use of military insignia to promote a commercial event may trigger questions of integrity and propriety.

Finally, the most important tip of all - elevate and coordinate. Any time you are approached to advise on a public affairs event that may receive national exposure, you will need to ensure that Headquarters is aware in time to help sort out the issues. In addition, you may find that there are additional requirements, permissions, or stakeholders that have been overlooked. Do not wait until it is too late. Canceling an event at the last minute because of a failure to advise the client properly can only upset the client and have negative public affairs implications.