

Ask the Lawyer: May My Bumper Sticker Poke Fun At The President?

By Mathew B. Tully

Generally, service members are permitted to brandish on their personal vehicles bumper stickers that espouse a political viewpoint. However, they could end up driving down the wrong road if the bumper sticker insults the president. Service members will want to keep this in mind with this year being a major election year.

Under Department of Defense Directive 1344.10, service members are permitted to display political bumper stickers on their personal vehicles, though displays of large political signs, banners and posters are prohibited. This DoD regulation does not afford service members the same level of freedom of expression enjoyed by civilians. For instance, Article 88 of the Uniform Code of Military Justice prohibits commissioned officers from using “contemptuous words” against the president, vice president, secretary of defense and other state and national leaders.

Just because Article 88 applies to commissioned officers does not mean other enlisted members are free to drive around with crude messages affixed to their bumpers. There could be local orders against bumper stickers that use obscene or offensive language. That means service members who drive on base with such stickers on their bumper could be charged with failure to obey a lawful order in violation of Article 92.

In *Ethredge v. Hail* (1992), the 11th U.S. Circuit Court of Appeals reviewed a complaint about a commander’s order prohibiting bumper stickers that “embarrass or disparage” the president on vehicles at Robins Air Force Base in Georgia. The court found this order to be lawful, even when applied to a civilian employee. Although this case involved a civilian employee who was not subject to the UCMJ, it does illustrate the types of bumper stickers that are and are not allowed on military bases with such local orders.

Examples of the bumper stickers that got the civilian employee in trouble read “READ MY LIPS HELL WITH GEO BUSH” during George H.W. Bush’s presidency, and another that read, “HELL WITH CLINTON AND RUSSIAN AID” during Bill Clinton’s presidency, according to the court. Base officials ordered the employee to remove the bumper stickers because they contained “disparaging or embarrassing comments about the Commander in Chief of the United States of America” and had a “negative impact on the good order and discipline of the service members stationed at Robins AFB.” The 11th Circuit noted that bumper stickers that read “Defeat Clinton in '96” and “Bill Clinton has what it takes to take what you have” were permitted on base.

Service members who want to place a political bumper sticker on their vehicle should familiarize themselves with any local orders that may address the topic. If they are facing

charges because of their political activities then they should consult with a military law attorney. Depending on the circumstances, a lawyer could help show that the service member was lawfully expressing a political opinion.

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. The information in this column is not intended as legal advice.