

MILITARY WRITERS' GUIDE

-FOR-

PRE-PUBLICATION SECURITY REVIEW

IF YOU ARE THINKING ABOUT WRITING, SPEAKING, OR POSTING ONLINE, ORIGINAL MATERIAL IN A PUBLIC VENUE OR DOMAIN, **AND...**

...YOU ARE AN *ACTIVE DUTY* OR *RESERVE COMPONENT* SERVICE-MEMBER, *RETIRED* SERVICE-MEMBER, OR *CURRENT OR FORMER DoD* EMPLOYEE, **AND...**

...THE MATERIAL PERTAINS TO MILITARY MATTERS, NATIONAL SECURITY ISSUES, OR SUBJECTS OF SIGNIFICANT CONCERN TO THE DoD...

Then...

You are subject to **Department of Defense (DoD) policy** regulating pre-publication security review of written material you create. This review ensures that release of DoD-related material into the public domain does not contradict official government policy or breach security classifications. These rules are also designed to balance your personal freedom of speech against reasonable professional duties you owe by virtue of your role within the United States Department of Defense.

(The following Principles and Rules of Thumb are intended solely as an informational guide to practitioners, and only summarize portions of the relevant DoD policies and regulations.)

FIVE PRINCIPLES

To consider when considering whether you need a security review

- (1) Venue matters: writing for an official (i.e., U.S. Government) publication is different from writing for a commercial/private publication, or academic publication. **When writing for an official publication, err on the side of seeking a PAO review.**
- (2) Context matters: writing from your official position is different from writing in your personal capacity. **When writing from your official position, err on the side of seeking a PAO review.**
- (3) Content matters: writing that is intended to *report*, or could reasonably be interpreted as *reporting*, facts for the first time is different from writing that is critical analysis.

DISCLAIMER: this information paper should not be construed as legal advice or a substitute for legal advice. The regulations and policy governing the publication of material in civilian public venues by service-members and employees of the DoD are complicated; individual application of the relevant rules must be evaluated on a case-by-case basis. This information paper is meant to supplement official regulations by highlighting key aspects relevant to most military writers when commenting on or discussing matters of national security and defense in their private, unofficial capacity.

commentary, opinion, or a research account of publically available, open source information. **When writing with the intent to report or reveal facts known to you only through your official duties or position, err on the side of seeking a PAO review.**

- (4) Use common sense: if your chain-of-command or leadership orders you to seek a PAO review first, it is wise not to argue. If you were in a position of leadership and you would be uncomfortable (or enraged) if a subordinate published what you are publishing without informing you first, it is wise to inform the appropriate leader in your chain-of-command of your intent.
- (5) When common sense is clouded by the fog of war, consider the following Rules of Thumb...

FIVE RULES OF THUMB

- (1) **When in doubt, consult your local Public Affairs Office and your local Office of the Staff Judge Advocate; keep a record of your communications with these offices**
- (2) Presume everyone reading, or knowing of, your material will naturally believe you are espousing official policy from the agency with which you are most easily associated (like your current job, or most recent job), unless they are told otherwise by you (especially if you include your rank or affiliation with a DoD organization in your author byline).

Always distance yourself and your writing from the perception that you are transmitting an official position (the government view) from the vantage of your official position (your particular job). The standard is:

The views expressed in this article [or, book, blog post, essay, op-ed] are those of the author and do not reflect the official policy or position of the [insert your agency, institution, organization], Department of the Army, Department of Defense, or the U.S. Government.

Unless, of course, you *are* purposely espousing the official view, in which case disregard this Rule.

- (3) When writing for an official DoD publication [e.g., Military Review, Parameters, Armor, Army Lawyer], always submit your manuscript for a pre-publication security review to local PAO because the content will necessarily be oriented on subjects of military, national security, and government policy interest. Unless you're writing a poem. Or fiction. No need for a security review. Generally, official venues will forward your manuscript to the local PAO for review. (**Note:** a commercial, private publication that is

Sources and references: Dep't of Defense Directive (DODD) 5230.09 (22 Aug 2008), *Clearance of DoD Information for Public Release*; Department of Defense Instruction (DODI) 5230.09 (13 Aug 2014), *Security and Policy Review of DoD Information for Public Release*; Army Regulation 360-1, *The Army Public Affairs Program*, especially paras. 2-5, 5-1, 5-3a, 6-1, 6-6, 6-8, 6-9.

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“service-oriented” [e.g., Army Magazine, published by AUSA] is not an official publication)

- (4) If you are a student or faculty member at a Service Academy, university, college, or DoD school, no pre-publication security review is required if the publication is prepared in response to academic requirements and is not intended for release outside the academic institution. (Note: if it is going to be placed in a library to which the public has access, it must be reviewed by PAO)
- (5) No pre-publication review by PAO is needed if your material is produced on your personal time, and used personal equipment, and is drawn from open source material, and the content does not:
- a. have foreseeable foreign policy or foreign relations implications (e.g., an op-ed in a newspaper criticizing or advocating proposed or current U.S. government policy viz. the international community or another nation)
 - b. have foreseeable national or international interest because, for instance, it concerns “high-level military or DoD policy,” U.S. government policy, or a matter of particular controversy about or within the U.S. government (e.g., an magazine/newspaper op-ed, or commentary on widely-read website, criticizing or advocating for a particular policy or program affecting U.S. national security resources, organizations, or institutions)
 - c. originate from (quoting or attributing content to) senior military leaders or political officials
 - d. appear as a first-time release of information (i.e., you are *reporting*) that describes weapons, weapon systems, modifications to weapons or systems, or equipment or techniques associated with weapons and systems
 - e. concern significant military operations, potential operations, operations security (OPSEC), or military exercises
 - f. concern the use, technology, testing, programs, policies, or activities of space-based military operations, Weapons of Mass Destruction (WMD), electronic and cyber capabilities, or signals intelligence
 - g. *report* casualty information of key U.S. or foreign personnel

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- h. *release* personally-identifiable information (PII) or duty addresses of military personnel assigned to units that are sensitive, routinely deployed, or stationed in a foreign territory
- i. describe or identify information on DoD counterterrorist activities
- j. *reporting* the activation, inactivation, or re-organization of an Active Duty Army brigade or larger unit

Notes

- When considering whether your writing falls into the categories listed above in Rule of Thumb 5 (a. – j.), consider how an objective person, reading your material, would consider it. Your *intent* is immaterial.

When in doubt, contact PAO and your local Office of the Staff Judge Advocate.

- If the content of your writing, speaking, or posting satisfies any of the categories in the list above, you may still write, speak, and publish on these subjects, provided proper security review is obtained first.

When in doubt, contact PAO and your local Office of the Staff Judge Advocate.

- Just because information was retrieved from an open source, it may still be classified.

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