DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN ROAD
SAN DIEGO, CALIFORNIA 92136-5084

NAVBASESANDIEGOINST 1620.16G
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NAVBASE SAN DIEGO INSTRUCTION 1620.16G

Subj: PETITIONS, PROTESTS, AND DISSIDENT RELATED ACTIVITIES AMONG MEMBERS OF THE ARMED FORCES

Ref: (a) DoD Directive 1325.6
(b) OPNAVINST 3120.32C, Paragraph 510.43

1. Purpose. To implement local procedures for handling petitions, protests, and dissident related activities by members attached or assigned to Naval Base San Diego (NBSD) consistent with references (a) and (b).

2. Cancellation. NAVSTASDIEGOINST 1620.16F. This revision reflects the name change to Naval Base San Diego in addition to updating telephone numbers for the Security Officer.

3. Policy. Department of Defense (DoD) policy stated by reference (a) is quoted for information and guidance:

"It is the mission of the Department of Defense to safeguard the security of the United States. The service member's right of expression should be preserved to the maximum extent possible, consistent with good order and discipline and the national security. On the other hand, no Commander should be indifferent to conduct which, if allowed to proceed unchecked, would threaten and degrade the effectiveness of their unit. The proper balancing of these interests will depend largely upon the calm and prudent judgment of the responsible Commander."

Department of the Navy (DoN) policy stated by reference (b) is quoted for information and guidance:

"The right of expression of any person in naval service should be preserved to the maximum extent, consistent with good order and discipline and national security. Commanders and Commanding Officers should be alert to conduct which would impair or destroy the effectiveness of the unit. Commanding Officers must ascertain the nature and purpose of all significant group activities, including activities of racial/ethnic organizations, within their commands to the extent reasonably necessary to prevent conduct that is unlawful or dangerous to military loyalty, discipline, or morale. The Commander will probably terminate such activity, using force, if necessary."

4. Scope. This instruction applies to the distribution of printed materials, certain off-base gathering places, publications of "underground newspapers" and on or off base demonstrations by service members.

5. Prohibitions and Guidelines

a. Distribution of Printed Materials

(1) Unless the Commanding Officer's prior approval is obtained, no person will originate, sign, distribute, or promulgate petitions or publications, including pamphlets, newspapers, magazines, handbills, flyers or other printed or written material, on board NBSD. While the mere possession of unauthorized printed material is not prohibited, printed material which is prohibited from distribution will be impounded if the Commanding Officer determines that an attempt will be made to distribute the material. Such a determination will be based upon a review of objectives facts (e.g., possession of numerous copies of the same publication).

(2) The fact that a publication is critical of government policies or officials is not, in itself, a ground upon which distribution may be prohibited.

(3) The distribution of a specific issue of a publication available through official outlets such as the Navy Exchange is not prohibited.

(4) Any military or civilian personnel desiring to distribute or post material described in this paragraph will, prior to such distribution or posting, request in writing the approval of the Commanding Officer. Requests will be addressed via the Command Judge Advocate (CJA) and will set forth the necessary information upon which a determination may be made and will include a copy of the material to be posted or distributed. Approval for distribution or posting will not be granted if, in the judgment of the Commanding Officer, it would:

(a) Materially interfere with the safety, operation or command of NBSD, or the assigned duties of particular members of NBSD;

(b) Present a clear danger to the loyalty, discipline, morale or safety of personnel attached to NBSD;

(c) Involve distribution of material or the rendering of advice or counsel that causes, attempts to cause, or advocates insubordination, disloyalty, mutiny, refusal of duty, solicits desertion, discloses classified information, or contains obscene or pornographic matter; or

(d) Involve the planning or perpetuation of an unlawful act or acts.

b. Off-base Gathering Places. Any off base location at which service members are counseled or advised to refuse to perform duty or to desert, or which cause a significant adverse effect on service members' health, morale and welfare, will be placed "OFF LIMITS" in accordance with established procedures.

c. Publication of "Underground Newspapers"

(1) The term "underground newspaper" includes, but is not limited to, any type of handbill, circular, pamphlet, flyer or other written or printed material of whatever nature not approved for publication by the Commanding Officer or higher authority.

(2) Military or civilian personnel will not pursue the preparation of any material described above during duty hours. The use of any item of government or non-appropriated fund (NFA) property in the furtherance of such preparation is prohibited.

(3) Preparation of such material off-base, not on government time, and with other than government or NFAs and equipment is not prohibited. However, if such activity is pursued and the material is prohibited under federal law, those involved in any way will be disciplined for such infractions as appropriate.

d. On-base Demonstrations and Similar Activities

(1) Unless prior Commanding Officer's approval is obtained, no person will engage or participate in picketing, demonstrations, sit-ins, political speeches and similar activities onboard NBSD.

(2) Any demonstration or activity onboard NBSD which could interfere with the orderly accomplishment of the mission of NBSD, or which present a clear danger to the loyalty, discipline, or morale of personnel attached to NBSD, is prohibited. It is a crime for any person to enter a military reservation for any purpose prohibited by law or by regulation, or for any person to enter or re-enter and installation after having been barred by order of the Commanding Officer (18 U.S.C. 1382)

(3) Generally, peaceful meetings, assemblies, congregations or group discussions by off-duty personnel are lawful and will not be prohibited. Some group activities or

subjects, however, may be undertaken in a manner or that would render the activity illegal and, hence, subject to control or prohibition.

(4) Military or civilian personnel who desire to engage in any on-base demonstrations or similar activities will, prior to engaging in such activities, request in writing approval of the Commanding Officer. Requests will be addressed via the CJA and will set forth the necessary information upon which a determination may be made (i.e., purpose and proposed location of the activity, number of persons involved, time and date of the activity, and any other pertinent information). Approval for the demonstration or similar activity will not be granted if, in the judgment of the Commanding Officer, it would interfere with or involve any of the factors listed in paragraph 5(a)(4) of this instruction.

e. Off-Base Demonstrations by Service Members. Members of the Armed Forces are prohibited from participating in off-base demonstrations under the following circumstances: when they are on duty; when they are in a foreign country; when their activities constitute a breach of law and order; when violence is likely to result; when they are in uniform; or when the demonstration involves overtly discriminatory organizations.

6. Action

a. Any person, military or civilian, onboard NBSD who becomes aware of or suspects that a violation of this instruction has occurred or is about to occur shall immediately report such knowledge to the Force Protection Officer (FPO), building 74, telephone number (619) 556-3154, or the Quarterdeck watch, building 29, telephone number (619) 556-6954 after normal working hours.

b. The FPO will cause an immediate inquiry into the allegations of such violations and render a detailed report of the findings to the Commanding Officer.

7. Leadership is requested to give the contests of this instruction the widest possible dissemination to personnel under their cognizance.

R. L. WILLIAMSON

Distribution:
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