



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

June 13, 2016

The Honorable Peter K. Levine  
Under Secretary of Defense for Personnel and Readiness  
Department of Defense  
1400 Defense Pentagon  
Washington, DC 20301-1400

Re: Request to Investigate Mike Derrick for Violation of Defense Department Directive

Dear Under Secretary Levine:

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. We write today to bring to your attention Ret. Army Colonel William “Mike” Derrick’s apparent violation of Defense Department Directive 1344.10. This is not a single violation, but rather a sequence of repeated and ongoing violations that should not be permitted to continue. The Under Secretary of Defense for Personnel and Readiness is tasked with enforcing this Defense Department Directive, and should immediately investigate Derrick’s apparent violations and take appropriate action.

The rule is clear: retired military members may campaign for political office, but cannot use their military service in any manner that would indicate the Department of Defense approves or endorses their candidacy or political positions. To ensure this, under Department of Defense Directive 1344.10, retired military members campaigning for political office must abide by certain restrictions when referencing their military service in any and all campaign materials. Generally, retired military members may reference their rank or service in general biographical data, but it must also be accompanied by a proper disclaimer. For instance, if the retired member states their rank, they “must clearly indicate their retired or reserve status.” Directive 1344.10, § 4.3.1.1. Additionally, if the retired member uses a photograph of himself in uniform, it cannot be the primary representation and “must be accompanied by a prominent and clearly displayed disclaimer that neither the military information nor photographs imply endorsement by the Department of Defense or their particular Military Department.” Directive 1344.10, §§ 4.3.2.1, 4.3.2. An example of the required disclaimer is also provided in the Directive: “John Doe is a member of the Army National Guard. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of the Army or the Department of Defense.” Directive 1344.10, § 4.3.2.1.

However, the Derrick for Congress campaign has issued numerous materials that are in direct violation of the Defense Department Directive. See Morgan Chalfant, *Democrat Skirting*

*Pentagon Rules for Ex-Military Running for Office*, Washington Free Beacon, June 8, 2016 (Attached as Exhibit A). There have been numerous and repeated violations on his campaign and Facebook websites, including numerous photographs posted on his campaign's Facebook, Twitter, and website pages, and invitations to fundraising events, all without the proper disclaimer. *Id.*; see also Campaign Materials (Attached as Exhibit B).

These campaign materials appear to come from a military official or give a military official's political positions. It is precisely these type of campaign materials that indicate approval or endorsement by the Department of Defense, and are thus prohibited by the Directive. Even more troubling, is that when questioned about his violations, Derrick's campaign reportedly claimed the rules did not apply to him because of his retirement status, which is contrary to the plain language of the Directive. *Id.* It is clear that unless the rules are enforced, Derrick will continue to violate them.

The Under Secretary of Defense for Personnel and Readiness is responsible for administering the Department of Defense Directive, and ensuring all active and retired Members of the Armed Forces abides by the rules. We urge the Under Secretary's office to immediately investigate and take appropriate action in response to this apparent violation.

Respectfully submitted,



Matthew G. Whitaker  
Executive Director, Foundation for Accountability & Civic Trust

Enclosure