DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO

CMC-CL/JA
12 Jan 97

WHITE LETTER NO. 03-97

From: Commandant of the Marine Corps
To: All General Officers
All Commanding Officers
All Officers-in-Charge

Subj: "OFFICIAL CAPACITY" SERVICE ON BOARDS OF PRIVATE ORGANIZATIONS

1. In your official capacity, some of you currently sit on boards of directors of non-Federal entities. For many years, such service was encouraged because these organizations provide support to our Marines and Sailors and have long-standing traditions of service to our Corps and community. However, with recent interpretations to the law, service in an official capacity is no longer permissible.

2. Since the implementation of the Joint Ethics Regulation in 1993, there has been a continuing movement by the Department of Defense to distance its components from non-Federal entities of all descriptions. This movement culminated recently in a determination that, within DoD, service with private organizations by DoD employees in an official capacity was a potential violation of Federal conflict of interest statutes and no longer allowed. This determination is based on the rationale that DoD officials cannot serve both the interests of DoD and the private organization. Also, the issue of personal liability remains for actions and decisions made by DoD members while sitting on boards. Our interest in advising these organizations must now be served by what is called a "DoD liaison" capacity, where our Marine leaders may provide input and represent DoD interests before the organization and attend its meetings, but cannot vote to set policy or direct action by the organization or actively be involved in the management of the organization.

3. In order to ensure our Marines are not subject to Federal conflict of interest laws or personal liability, and to ensure full Marine Corps compliance with current DoD policy in this regard, I request that all Marines remove themselves from any

boards they are serving on in **their official capacity** as officers, directors, or other positions that involve the management of non-federal entities. I ask you, in consultation with the organization, to then consider converting that status to a DoD liaison. Exceptions to this policy will be extremely rare and granted on a case-by-case basis.

4. While the Office of the Secretary of Defense has the authority to approve continued service on boards in an official capacity, it is more likely that exceptions to this policy will require authorization obtained through legislation. If you believe there are specific non-Federal entities that you (or your subordinates) serve in an official capacity that are so closely tied to the Marine Corps that an exception to this general prohibition is warranted, please bring it to the attention of your command Ethics Counselor, typically the Staff Judge Advocate or command Counsel, and detail why. They in turn will contact the Staff Judge Advocate to the Commandant or the Counsel for the Commandant, prepared to provide full justification for the consideration of any exception.