

Revising DoD Directive 1344.10 to Enforce Nonpartisanship in the Military

Julia Franzoni, Olivia Omev, Caleb Richardson, and Edwin West

Civilian trust in the military in the 21st century is nearing a record low, while the perception that the military is partisan is reaching a new high. DoD Directive (DoDD) 1344.10, which addresses the permissible and impermissible partisan activities of military members, was last updated in 2008 and needs an incremental revision. The revision proposes adding a ‘reasonable person test’ (mirroring current equal opportunity regulations) for acts with any appearance of partisanship and establishing a minimum punishment standard for violations of the directive. Since the appearance that the military is partisan is a likely contributor to distrust in the military, soldiers should be incentivized to refrain from activities that could be perceived as partisan. Attacking the perception of partisanship in the military will reinforce the norm of nonpartisanship needed for high levels of trust. Through the use of a punitive-based incentive structure as opposed to a reward-based structure, our policy proposal will punish impermissible behavior and more effectively inculcate the norm of nonpartisanship in the Armed Forces.

Introduction

Department of Defense Directive (DoDD) 1344.10 (hereafter referenced as DoDD 1344.10) sets the standards for political activity for members of the US Armed Forces. The current directive does not fully foster the level of nonpartisanship in the military required for sustained civilian trust in the military.¹ A revision of the directive is necessary to even incrementally slow the current decline of civilian trust in the military.

The 2008 introduction of DoDD 1344.10 did not decrease the number of service members who identify as partisan and political activism in the Armed Forces remains high.² Trent Lythgoe defines political activism as “the count of political activities the respondent participated in during the year before the election.”³ Respondents in Lythgoe’s study selected all political activities they participated in during the past year: attended political meetings, put up a political sign, worked for a candidate or campaign, and/or donated money to a candidate, campaign, or political organization. The “yes” responses were then totaled, which created a count measure ranging from 0 to 4. The data provided a mean of 0.68 and a standard deviation of 1.04.⁴ The data collected on the mean number of political activities by servicemembers is

¹ Department of Defense, “Political Activities by Members of the Armed Forces”, *DoD Directive 1344.10* (Washington, DC: Department of Defense, February 19, 2008), 3-5, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/DoDD/134410p.pdf>.

² Trent Lythgoe, “Are the U.S. Military’s Nonpartisan Norms Eroding?,” *Armed Forces & Society* 49, no. 2 (2022), <https://doi.org/10.1177/0095327x211072892>. Political activism data for service members prior to 2008 was not available.

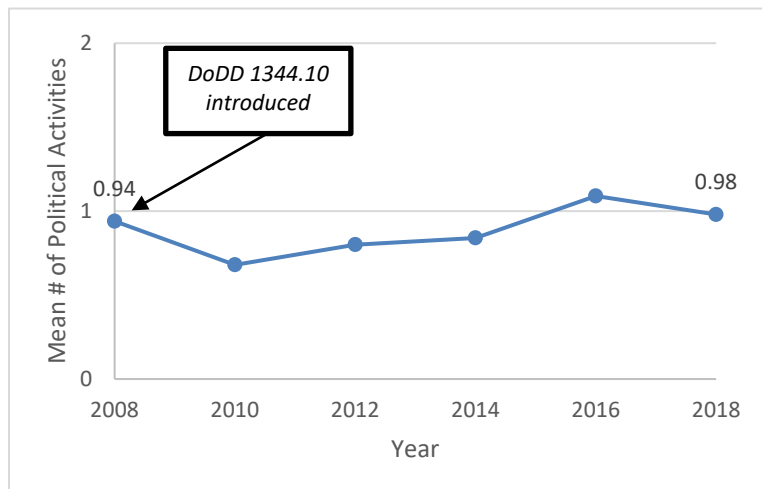
³ Lythgoe, “Nonpartisan Norms Eroding?”

⁴ Lythgoe, “Nonpartisan Norms Eroding?”

Second Lieutenants (2LTs) Julia Franzoni, Olivia Omev, Caleb Richardson, and Edwin West all graduated from the United States Military Academy in 2023 with degrees in American Politics. 2LTs Franzoni and Omev commissioned into the United States Army Field Artillery. 2LTs Richardson and West commissioned into the United States Army Infantry.

displayed on the y-axis of the graph shown in Figure 1, while the year, ranging from 2008 to 2018 every two years, is shown on the x-axis.

Figure 1: Mean Political Activism of Servicemembers (2008-2018)⁵



The proposed revision to the directive incorporates a reasonable person test to existing doctrine. The goal of the revision is the decrease of public perceived partisanship in the military. While the current version of the directive already includes repercussions for those who violate the directive, those punishments need to be more consistently applied. The addition of the reasonable person test will provide commanders a more useful tool to address

partisan activity through non-judicial punishment. This revision is incremental in nature and does not envision actions against retired personnel (including flag officers), which may result in significant public and political pushback.

Norms and rules must be used in tandem to create change in a system.⁶ Although a policy option that reinforces the norm of nonpartisanship is needed, this paper will only focus on the rules. Without rules, no enforcement mechanism can be used to punish nonconformers. Without norms, rules exist without the societal motivation needed to effectively enforce them. Therefore, both the rules and norms of military nonpartisanship should be reinforced to address declining civilian trust in the military resulting from rising perceptions of military partisanship.

This study first describes how the perception of partisanship drives the problem of declining trust in the US military. It then presents a proposed policy revision, drawing on Deborah Stone's scholarship on the importance of incentives.⁷ After highlighting the current problems of DoDD 1344.10, the paper recommends adding a reasonable person test for partisan conduct and instituting minimum punishment standards for violations. The study evaluates the policy revision through selected criteria and projects the likely outcomes from the change. The study closes by addressing uncertainty and possible sources of error in its projections.

⁵ Adapted from Lythgoe, "Nonpartisan Norms Eroding?" Specifically, it is a reproduction of Figure 5, with some data removed to simplify the focus on political activism among service members.

⁶ Deborah Stone, *Policy Paradox: The Art of Political Decision Making*, 3rd ed, (New York: W.W. Norton and Company, 2012), 206-247; Adam Barsuhn, Interview with Caleb Richardson, November 8, 2022; Heidi Urben, Interview with Caleb Richardson, October 21, 2022.

⁷ Stone, *Policy Paradox*, 271-288.

Declining Trust between Civilians and the Military

Low levels of trust in the military have negative implications for the All-Volunteer Force (AVF). The most glaring is the increased likelihood that the military will have more difficulty in recruiting servicemembers needed to sustain the force. A military not trusted by the public is unlikely to appeal to prospective recruits. Secretary of the Army Christine Wormuth has characterized this as the “trust gap” when explaining the challenges in the current recruiting environment.⁸ Low public trust in the military poses a significant threat to the viability of the AVF.

Trust in the US military has already declined to a point of potential consequences for the AVF. Americans who report high confidence and trust in the military dropped from 70 to 45 percent in the past three years.⁹ Republicans have a more notable decline in high confidence in the military, dropping from 87 percent in 2018 to 53 percent in 2021. Democrats’ confidence dropped as well (albeit less), from 59 percent to 42 percent.¹⁰ Republican support for “military policy advocacy” (defined as military promotion of their policy initiatives to the general populace) dropped from 90 percent in 2018 to 69 percent in 2021.¹¹ The specific policies included COVID-19 vaccination rules and a view that the military is “espousing Critical Race Theory.”¹²

The larger Republican drops noted above suggest that Republicans increasingly view the military as a left-of-center institution. The differences in the confidence drop between Democrats and Republicans point to a rise in Americans perceiving the military as favoring one political party over the other. In other words, data suggests that Americans view the military as becoming more partisan.

The perception of increasing military partisanship is a key factor that contributes to the decreased level of trust observed today. The US Supreme Court, another institution that traditionally relies on nonpartisanship to maintain public confidence, recently experienced a rise in perceived partisanship and a decline in public trust. Public trust in the Supreme Court began to decline in 1995 when several highly political cases were decided.¹³ The annual Annenberg Constitution Day Civics Survey, conducted three months after the *Dobbs v. Jackson* decision that overturned *Roe v. Wade*, identified a rising number of citizens who feel SCOTUS

⁸ Christine Wormuth, “A Call to Service to Overcome Recruiting and Retention Challenges,” Department of the Army, July 20, 2022, <https://api.army.mil/e2/c/downloads/2022/07/20/69722edb/sa-csa-memo-a-call-to-service-to-overcome-recruiting-and-retention-challenges.pdf>.

⁹ Jeff Schogol, “Americans Used to Trust the Military More than the Rest of the Government, but Now Even That’s Fading,” *Task & Purpose*, December 3, 2021, <https://taskandpurpose.com/news/military-americans-losing-trust/>.

¹⁰ Schogol, “Americans Used to Trust the Military More.”

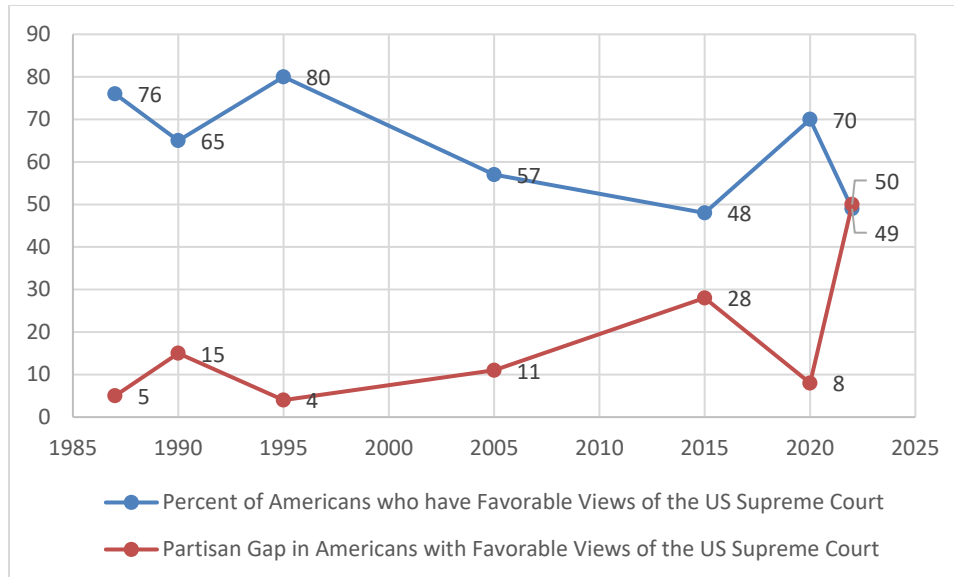
¹¹ Ronald Krebs and Robert Ralston, “More Deferential but Also More Political: How Americans’ Views of the Military Have Changed over 20 Years,” *War on the Rocks*, November 17, 2021, <https://warontherocks.com/2021/11/more-deferential-but-also-more-political-how-americans-views-of-the-military-have-changed-over-20-years/>.

¹² Krebs and Ralston, “More Deferential but Also More Political”.

¹³ Jeffrey Jones, “Confidence in U.S. Supreme Court Sinks to Historic Low,” Gallup, Inc., June 23, 2022, <https://news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx>. “Public confidence in the Supreme Court has been lower over the past 16 years than it was before. Between 1973 and 2006, an average of 47% of U.S. adults were confident in the court. During this 33-year period, no fewer than four in 10 Americans expressed high confidence in the court in any survey, apart from a 39% reading in October 1991 taken during the Clarence Thomas confirmation hearings. Since 2006, confidence has averaged 35% and has not exceeded 40% in any survey.”

judges are behaving in a partisan manner. The survey also found that trust dramatically declined in the institution.¹⁴ Figure 2, using data from the Pew Research Center on the Supreme Court, highlights that as favorable opinions of the Supreme Court decrease, there is an increase in the partisan gap of those with favorable views.

Figure 2: US Supreme Court Favorability (1987-2022)¹⁵



This analysis of the Supreme Court suggests that as previously nonpartisan entities become perceived as partisan, public confidence in the institution drops. Should the military fail to address the perception of partisanship, the likelihood that the military will suffer a similar drop in trust is high.

Creating Incremental Change for Compliance to Nonpartisanship

Revision of DoDD 1344.10 via incremental change is needed to reaffirm the military's commitment to nonpartisanship. The current version of DoDD 1344.10 outlines the rules and regulations for political activity for current Armed Forces members. It has multiple shortcomings and fails to create the standard of nonpartisanship within the military needed for the high levels of civilian trust. Specifically, it lacks the incentive structure needed to enforce compliance.

Deborah Stone's *Policy Paradox* explains that incentives, formed as a reward or punishment, can be used as an effective policy tool.¹⁶ The choice between a reward-based or punishment-

¹⁴ Michael Rozansky-Penn, "Public Trust in the Supreme Court has Fallen," *Futurity*, October 10, 2022, <https://www.futurity.org/supreme-court-partisan-2811712-2/>. "Only 46% of US adults have a great deal/fair amount of trust in the Supreme Court to operate in the best interests of the American people, down from 68% in 2019, when we last asked this question. In APPC surveys since 2005, this is only the second time trust has dropped below 60% ... Half of US adults (50%, up from 35% in 2019) feel that Supreme Court justices 'are just like any other politicians' ... Nearly 7 in 10 people (69%) feel the court gets too mixed up in politics, an increase of 12 percentage points since 2019."

¹⁵ "Positive Views of Supreme Court Decline Sharply Following Abortion Ruling," Pew Research Center - U.S. Politics & Policy, September 1, 2022, <https://www.pewresearch.org/politics/2022/09/01/positive-views-of-supreme-court-decline-sharply-following-abortion-ruling/>.

¹⁶ Stone, *Policy Paradox*, 271-288.

based incentive structure is an important one for policy formulation. Stone notes that rewards will not have a significant impact when their response to a social problem is “rooted in institutional patterns and practices, or a long-standing historical pattern of social and political relationships.”¹⁷ Nonpartisanship in the military qualifies as a long-standing institutional norm. Therefore, rewards promoting a norm already a part of the military would be ineffective. Furthermore, rewards have the potential for collusion through targets gaming the reward structure to maximize benefits.¹⁸ Finally, rewarding service members for meeting the directive’s standards gives the appearance that nonpartisanship is only encouraged, not mandated. Thus, adding penalties for partisan activity is the superior policy option, reinforcing standards and limiting the high propensity for collusion by the target population.¹⁹

As this policy option involves punitive action or deterrence, it must define the target population. The proposed revision of DoDD 1344.10 would direct punitive action in response to impermissible political activities already outlined in the directive. Individuals respond to policy issues “according to whether they perceive impacts to costs and benefits” and “whether they think that the policy affects them very strongly or only weakly.”²⁰ James Q. Wilson’s typology “relates political mobilization to these two dimensions of policy effects”, which makes them relevant to the proposed revision.²¹ The policy revision concentrates costs and diffuses benefits.

The revision’s target population is service members who participate in the impermissible political activities outlined in DoD Directive 1344.10. Costs will be concentrated on service members who partake in the impermissible partisan activity and those who handle the punitive actions. In addition, interest groups that support the individual rights of veterans, specifically veteran service organizations, may perceive costs and push back against this policy revision. Benefits will be diffused force-wide; positive public perception of the military will increase as partisan activity decreases.²²

As scholars suggest, and several interviews reinforce, norms and rules must be used in tandem to create change in a system.²³ While policy options that reinforce the norm of nonpartisanship should be created, this paper will only focus on one half of that puzzle, the rules portion.

Revision to the Current Version of DoDD 1344.10

The current DoDD 1344.10 states that violations of the directive are punishable under the Uniformed Code of Military Justice (UCMJ) Article 92, “Failure to Obey Order or Regulation.”²⁴ Punitive action can include a negative counseling, company-grade non-judicial

¹⁷ Stone, *Policy Paradox*, 271-288

¹⁸ Stone, *Policy Paradox*, 271-288.

¹⁹ Urben, interview. Dr. Urben noted that without a way to punish nonconformers, norms are useless. Incentives must be used alongside norms for effective change.

²⁰ Stone, *Policy Paradox*, 238.

²¹ This framing is borrowed from James Wilson’s typology that Stone utilizes in *Policy Paradox*, 238-239.

²² Stone, *Policy Paradox*, 229-247.

²³ Stone, *Policy Paradox*, 271-288; Urben, interview; Barsuhn, interview.

²⁴ DoD Directive 1344.10, 3-5.

punishment under Article 134 of UCMJ, or a General Officer Memorandum of Reprimand (GOMOR) for major offenses. Punitive action can be applied to impermissible political activities already outlined in DoDD 1344.10 such as: endorsing candidates, attending campaign rallies in military uniform, posting campaign signs on federal property, and organizing, leading, sponsoring, or speaking at partisan political events.²⁵

Unfortunately, these punishments often are not administered when they are warranted and the violations frequently do not carry the necessary weight. Increasing the scope of what is punishable under DoDD 1344.10 will further incentivize service members to avoid potentially partisan acts. The addition of a reasonable person test for acts with the appearance of partisanship is an appropriate increase in scope. This test would mirror current equal opportunity regulations, which state that the standard of offensiveness is if a reasonable, objective person would find it offensive.²⁶ Partisanship should be viewed in the same manner. Due to the negative correlation of public trust with citizen perceptions of military partisanship, the military should avoid acts that appear partisan to either side of the political aisle. Put another way, servicemembers should seek to be as far back from the line of partisanship as possible.

The following language should be added to DoDD 1344.10:

Should actions by a service member in uniform or in an official capacity be such that a reasonable person would perceive it as partisan, it qualifies as impermissible partisan activity. Commanders will have full authority to adjudicate and impose punishments on a case-by-case basis in accordance with Paragraph 4.6.4.

The addition of the reasonable person test for partisanship will permit the punishment of partisan activity that was previously not an explicit violation. Service members will no longer operate in a gray area when it comes to political activity. As currently written, some parts of the directive are unclear. The endorsement or placement of candidate signs is clearly prohibited in current regulations, but hanging flags, displaying signs with politically charged phrases, or reposting a social movement's post online is less clear.²⁷ The addition of the reasonable person test for partisanship eliminates this ambiguity through objective standards, giving commanders tools they need to enforce the directive.

The minimum punishment standards for violations should also be included in the revision. Minimum punishment standards are unprecedented, but needed in this specific instance as an increased incentive for servicemembers to abstain from partisan activity in uniform. Current punishments do not adequately deter servicemembers; adding minimum punishment standards for DoDD 1344.10 violations is an incremental policy initiative designed to do so. For example, servicemembers who violate paragraph 4.1.2.2. and "use official authority or influence to interfere with an election" should at minimum be reprimanded with company-grade non-judicial punishment.²⁸ Similar minimum standards, depending on the severity of

²⁵ DoD Directive 1344.10, 3-5.

²⁶ Barsuhn, interview.

²⁷ Section 4.1.2.12. of DoDD 1344.10 states: "Display a partisan political sign, poster, banner, or similar device visible to the public at one's residence on a military installation, even if that residence is part of a privatized housing development." The language does not clarify what is considered partisan. For example, it is unclear whether a flag that says "Blue Lives Matter" (a contemporary right-wing slogan responding to the left -wing "Black Lives Matter") qualifies as partisan.

²⁸ DoD Directive 1344.10, 3-5.

the offense, should be applied to all conduct designated as impermissible by the directive. Each violation should be evaluated on a case-by-case basis using consideration for the authority level of the servicemember. A junior enlisted servicemember should be evaluated differently than a senior field grade officer, since the latter's behavior will have a larger impact on public perception. Should servicemembers violate the directive multiple times, increased punishment should be instituted. In total, the proposed revisions are an incremental step designed to help restore the concept of military nonpartisanship by attacking the appearance that servicemembers are partisan actors.

Stone highlights the importance of framing causal stories to induce mobilization around a problem definition.²⁹ Framing the decline in trust of the military around partisanship offers benefits when it comes to applying causal theories. Specifically, the problem of partisanship allows for the issue to be characterized as an intentional causal theory. Characterizing service members performing partisan activities as an intentional causal story with guided actions and intended consequences creates a story of oppressors and victims, which in turn is a powerful mobilization tool.

The appearance of DoD involvement with the political activity of service members could be viewed by some Americans as inherently political. It could appear the DoD is punishing its members for having a political opinion and therefore infringing on a servicemember's constitutional rights. As such, it will be important for DoD to emphasize this policy revision as a method to promote nonpartisanship and applicable only to current standards already within the directive concerning activities in uniform or in an official capacity. It is important to distinguish between in-uniform and out-of-uniform actions to not infringe against First Amendment protections.

Costs will be concentrated on service members who partake in the partisan activity and those who handle the punitive actions. Benefits will be diffused force-wide; positive public perception of the military should increase as partisan activity decreases. However, the military is historically a more conservative institution when compared to the general population; service members are more likely to identify as Republican. Specifically, "50 percent of military servicemembers identify as Republican, while 41 percent identify as Democrat."³⁰ As such, partisans may frame the proposed revision as an attempt to concentrate costs specifically on Republicans in the military. The additional potential for conservative commanders to single out and punish liberal service members, or vice-versa, could promote exactly the partisan activity targeted by the revision.

The revision to DoDD 1344.10 will apply to current active-duty members of the Armed Forces. While the DoD does have legal jurisdiction over those who retire and receive retirement benefits from their service, prosecution of these individuals is rare.³¹ Prosecuting violations of DoDD 1344.10 by retired military members would likely be met with stiff political and public backlash. Punishing persons perceived by the public as private citizens could lead to large legal and political pushback, a cost that the military likely sees as too large to pay. Holding active-duty members accountable for their actions and reinforcing military professionalism through nonpartisanship creates both a rule and a norm that is far less costly for the DoD to

²⁹ Stone, *Policy Paradox*, 206-228.

³⁰ Lythgoe, "Nonpartisan Norms Eroding?"

³¹ Marshall Greenberg, Interview with Julia Franzoni, October 24, 2022.

implement.³²

Expected Outcomes for DoDD Revision

Both trust and partisanship will determine the effectiveness of a revision to the DoDD. An effective policy revision would result in an increase in trust and a decrease in partisanship. Over a fifty-year period, average confidence in the military is about 68%.³³ Five years after implementation, public trust in the military should remain close to the mean.³⁴ However, trust will be on the lower end of the standard deviation due to lower barriers for service members to partake in impermissible partisan activity using social media.³⁵ As such, the percent change in trust in the military over the five years should be between +4% to -7%.³⁶ The percentage of service members who identify as partisan rose 7% between 2008 and 2018.³⁷ Should this trend continue, partisanship will rise another 3.5% in the next five years.

Examining the DoD's experience with a similar policy helps project the effects of the proposed revision on the outcomes of interest. In 1995, the DoD instituted a major update in its Equal Opportunity Policy, which included the addition of the reasonable person test. Conduct qualified as harassment if "a reasonable person would perceive, and the victim does perceive, the work environment as a hostile or offensive reasonable person would perceive."³⁸ Since 1995, reenlistment rates for African American enlisted servicemembers and officers has increased.³⁹ While this increase is undoubtedly due to a multitude of factors, the addition of the reasonable person test in 1995 positively impacted this phenomenon. The inclusion of the reasonable person test in the revised DoDD will have similar effects. Trust in the military will increase by 1-2% and the percent change in partisanship will range from by +1 to -2%. To strengthen these predictions, better measures of impermissible partisan activities from servicemembers or partisan perception of the military by the public are needed. The implementation of the reasonable person test should drive a decrease in impermissible partisan activity, resulting in a perception from the public that the military is less partisan. Current

³² Urben, interview.

³³ Statista Research Department, "Public Confidence Levels in the United States Military from 1975 to 2022," *Statista*, July 31, 2023, <https://www.statista.com/statistics/239149/confidence-in-the-us-armed-forces/>.

³⁴ Adrian Barnett, "Regression to the Mean: What It Is and How to Deal with It," *International Journal of Epidemiology* 34, no.1 (2004): 215-20, <https://doi.org/10.1093/ije/dyh299>. Public confidence in the military should remain close to the mean. Variation in the mean can best be explained by natural variation in the data.

³⁵ Helen Margetts, Scott Hale, and Peter John, "Political Turbulence: How Social Media Shapes Political Participation and the Democratic Landscape," in Mark Graham and William Dutton, *Society and the Internet* (Oxford, UK: Oxford University Press, 2019), 197-211, <https://doi.org/10.1093/oso/9780198843498.003.0012>.

³⁶ Statista, "Public Confidence Levels." The fifty-year average for public trust in the military is about 68% with a 7.69 standard deviation. Because trust should remain close to the average but on the lower end of the standard deviation, expected trust values are to fall between 61% to 72%. Therefore, the expected percent change in trust is between +4% to -7% in the next five years.

³⁷ Lythgoe, "Nonpartisan Norms Eroding?" The number of service members who identified as partisan rose 7% with a standard deviation of 2.8. Applying these numbers to the next five years, using the standard deviation as a range of outcomes, predicts a 3.5% increase partisanship. Therefore, the percent change in partisanship will be between +0.7 to +6.3%.

³⁸ Department of Defense, "Department of Defense Military Equal Opportunity (MEO) Program", *DoD Directive 1350.2* (Washington, DC: Department of Defense, 1995.)

³⁹ Jay Teachman and Lucky Tedrow, "Divorce, Race, and Military Service: More than Equal Pay and Equal Opportunity," *Journal of Marriage and Family* 70, no. 4 (2008): 1030-44, <https://www.jstor.org/stable/40056316>.

scholarship lacks adequate data to measure both impermissible partisan activity of service members and public perception of partisanship in the military. In sum, adequate data for both measures is needed to improve projections for the revision to the directive.

Thresholds for calculating the cost of policy implementation for the revision (none, low, medium, high) are based on the additional burden to commanders and their units as a result of an increased number of UCMJ offenses. Implementing this policy will likely increase UCMJ offenses, costing time and resources for commanders and those involved in the punishment process. Although it is difficult to estimate exactly how many more UCMJ offenses will come from the implementation of this policy, the number of cases should be minimal. Motivating commanders to elevate partisan violations to UCMJ worthy offenses is another potential problem. While commanders can manage a modest increase in additional UCMJ cases, it will require more work. Commanders devoting extra time on the front end, creating a culture of nonpartisanship in their respective units, will benefit from decreased violations down the road. Overall, the cost of adjudicating new violations will be offset by the culture of nonpartisanship the revision aims to instill. While case load will increase following policy implementation the number of UCMJ cases related to partisanship will decrease as nonpartisan norms are reinvigorated.

Finally, the congressional policy acceptability measure (none, low, medium, high) must be considered.⁴⁰ Because a revision of the DoDD does not need to be passed by Congress, the likelihood of policy adoption is high. Rewriting a DoDD does not require Congressional approval, but having the support of Ranking Members of the Senate and House Armed Service Committees would likely smooth over any political backlash. Should members of Congress themselves oppose the revision or be pressured by informal actors (e.g., veteran service organizations), they could stall or stop the proposed revision to the directive. Framing the policy revision as having a concentrated cost on service members who partake in impermissible partisan activity, and a diffused benefit that both the military and civilians enjoy, is crucial to cutting off potential pushback before it occurs. By focusing on costs and benefits, the likelihood for legitimate opposition should decrease.⁴¹ However, if the desires of Congress must be accounted for, the successful enactment of a revision to the directive would be considerably more difficult. Therefore, key stakeholders and policy entrepreneurs should be targeted to build support for this change. Policy entrepreneurs will be able to develop important networks with groups, especially veteran service organizations. Table 1, below, summarizes our projected outcomes for the inclusion of the reasonable person test to the DoDD.

⁴⁰ Stella Theodoulou and C. Kofinis, "The Assessment of Executed Policy Solutions," In Stella Theodoulou and Matthew Cahn, eds., *Public Policy: The Essential Readings* (Boston, MA: Pearson, 2013), 341-348.

⁴¹ Stone, *Policy Paradox*, 238.

Table 1: Projected outcomes of the “reasonable person” revision to DoDD 1344.10

	% Change of Trust in Military Over 5 Years	% Change in Partisanship Over 5 Years	Cost of Implementing this Policy	Congressional Policy Acceptability Measure
Base Case	+2 to -7% ⁴²	+0.7 to +6.3% ⁴³	None	None
DoDD Revision	+1 to +2% ⁴⁴	+1 to -2% ⁴⁵	Low	High

Lack of Congressional Involvement and Sources of Uncertainty

A major source of uncertainty for the revision of the DoD Directive will be the presence of confounding variables affecting the measures of trust and partisanship in the military. Many factors affect trust and partisanship in the military: the overall political climate of the country, whether the military is engaged in conflict, and individual public perceptions (particularly those of leaders within the DoD). These are just a few examples of confounding variables that could result in an incorrect interpretation of the revision.

The key to successful implementation of the revision will be commanders’ abilities to impartially render punishments. As highlighted, costs may be perceived as specifically targeting conservatives in the military. Should commanders adjudicate punishments improperly, it will only exacerbate concerns that the policy proposal is actually a partisan attempt at quelling certain political views.

Another key assumption is the impact of veteran service organizations on the policy. These organizations are exceptionally powerful interest groups and have considerable influence in Congress and the Department of Defense. The proposed framing of the causal story (those who partake in partisan activity in uniform or in an official capacity are acting outside of the professional ethic) will help facilitate support from these organizations. However, this is an uncertain prediction. Veterans who perceive an infringement to constitutional rights to free speech will likely react strongly in opposition to the revision and impede policy adoption and implementation.

Conclusion

Trust in the military is near historic lows and levels of partisanship have increased steadily. A proposed revision to DoDD 1344.10 incorporating a reasonable person test and minimum punishment standards for violations is the best means to address this problem. Research suggests that the use of punitive action instead of rewards is more likely to be effective in reducing partisanship among service members. The revised directive will correspond to increased trust and reduced partisanship in the military. Reducing the number of impermissible partisan activities by service members will decrease public perceptions of

⁴² Statista, “Public Confidence Levels.”

⁴³ Lythgoe, “Nonpartisan Norms Eroding?”

⁴⁴ Statista, “Public Confidence Levels.”

⁴⁵ Lythgoe, “Nonpartisan Norms Eroding?”

military partisanship. This decrease will increase public trust in the military. The costs of implementing the revision are low, although there is uncertainty when considering the potential impact of confounding variables on policy success. In addition, the success of the revision is directly related to how impartially commanders identify, enforce, and punish violators. Commanders' abuse of these powers will reinforce partisan behavior instead of reducing it. Potential areas of policy future research and discussion should focus on how to limit improper enforcement of these rules.