

Congress of the United States
Washington, DC 20515

July 11, 2022

VIA ELECTRONIC TRANSMISSION

Hon. Sean W. O'Donnell
Acting Inspector General
U.S. Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Acting Inspector General O'Donnell:

Thank you for your service. We write to request that your office launch a formal investigation into possible violations of the Uniform Code of Military Justice ("UCMJ") and Department of Defense ("DoD") Directives committed by U.S. Senate candidate Eric Greitens ("Mr. Greitens") of Missouri and/or others in a recent political advertisement. We both served on active duty and believe Mr. Greitens' violence-inducing political video is certainly un-American and potentially in violation of the UCMJ or DoD Directives.

On Monday, June 20, 2022, Mr. Greitens uploaded a campaign advertisement video to his Twitter account.¹ In the video, Mr. Greitens self-identifies as a U.S. Navy Seal. At the outset of the video, Mr. Greitens is depicted holding a rifle, and he states, "Today, we're going RINO hunting." For clarity, the term "RINO" is an acronym for "Republican In Name Only." The pejorative is often used to describe politicians of the Republican Party who are deemed to be insufficiently loyal to the party. Next, Mr. Greitens is shown in front of the door of an unidentified house² surrounded by a tactical unit whose members are armed with guns and are wearing helmets depicting the insignia of the 25th Infantry Division.³ The tactical unit then breaks down the door and deploys what appears to be flash-bang grenades once inside of the house. Mr. Greitens then walks through the door and states, "Join the MAGA crew. Get a RINO hunting permit. There's no bagging limit, no tagging limit, and it doesn't expire until we save our country."

In addition to promoting violence against political opponents, Mr. Greitens's campaign advertisement may have violated the law. In the video, Mr. Greitens identifies himself as being a member of the United States Armed Forces, but there are conflicting reports regarding Mr. Greitens's current military status. It is our understanding that Mr. Greitens's statement in the video is untrue, as he has not been reinstated as a U.S. Navy Seal. We respectfully request that the Office

¹ Eric Greitens (@EricGreitens), Twitter (Jun. 20, 2022, 9:30 AM), <https://twitter.com/EricGreitens/status/1538876823978713089>. The advertisement was also uploaded on Mr. Greitens Facebook page. However, Facebook removed the advertisement for violating its terms and policies.

² The unidentified house may be the metaphorical house of a political opponent or current Republican elected official(s).

³ The 25th Infantry Division is a United States Army division based at the Schofield Barracks in Honolulu, HI.

of the Inspector General validate our understanding of Mr. Greitens's military status. Additionally, one of the soldiers depicted in the advertisement is wearing the insignia for the 25th Infantry Division on his helmet, raising questions about whether the use of the insignia was authorized for use in a political advertisement and whether those who appeared alongside Mr. Greitens were active duty servicemembers or actors. Importantly, Mr. Greitens did not issue any disclaimers that would mitigate any of the previously mentioned concerns or questions.

According to DoD Directive 1344.10,⁴ “[m]embers not on active duty who are nominees or candidates for elective office may, in their campaign literature, include or permit the inclusion of their current or former specific military duty, title, or position, or photographs in military uniform, when displayed with other nonmilitary biographical details.”⁵ However, “[a]ny such military information 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.”⁶ Mr. Greitens's failure to provide any such disclosure may violate the above-mentioned DoD Directive.

Twitter flagged the post and stated that “[the] Tweet violated the Twitter Rules about abusive behavior[,]” but ultimately determined that “it may be in the public's interest for the Tweet to remain accessible.”

We respectfully request that the Office of the Inspector General launch a formal investigation into the actions of Mr. Greitens and those who appeared in his political advertisement video to determine whether any provision of law or DoD Directive was violated, including, but not limited to, the following:

I. Potential Uniform Code of Military Justice Violations

10 USC 772: When wearing by persons not on active duty authorized

While portraying a member of the Army, Navy, Air Force, Marine Corps, or Space Force, an actor in a theatrical or motion-picture production may wear the uniform of that armed force if the portrayal does not tend to discredit that armed force.

II. Potential Department of Defense Directive Violations

4.1.1. A member of the Armed Forces on active duty may:

- 4.1.1.1. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.
- 4.1.5. Activities not expressly prohibited may be contrary to the spirit and intent of this Directive. Any activity that may be reasonably viewed as directly or indirectly associating the Department of Defense or the Department of Homeland Security (in the case of the Coast Guard) or any component of these Departments with a partisan

⁴ U.S. Dep't of Defense, Directive No. 1344.10: *Political Activities by Members of the Armed Forces* (2008).

⁵ *Id.*

⁶ *Id.*

political activity or is otherwise contrary to the spirit and intention of this Directive shall be avoided.

4.3. Additional Limitations on Nomination or Candidacy and Campaigning

- 4.3.1. Members not on active duty who are nominees or candidates for the offices described in subparagraph 4.2.1. may, in their campaign literature (including Web sites, videos, television, and conventional print advertisements):
 - 4.3.1.1. Use or mention, or permit the use or mention of, their military rank or grade and military service affiliation; BUT they must clearly indicate their retired or reserve status.
 - 4.3.1.2. Include or permit the inclusion of their current or former specific military duty, title, or position, or photographs in military uniform, when displayed with other nonmilitary biographical details. Any such military information 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 (or the Department of Homeland Security for members of the Coast Guard); e.g., “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.”
- 4.3.2. Members included in subparagraph 4.3.1. may NOT, in campaign literature (including Web sites, videos, television, and conventional print advertisements):
 - 4.3.2.1. Use or allow the use of photographs, drawings, and other similar media formats of themselves in uniform as the primary graphic representation in any campaign media, such as a billboard, brochure, flyer, Web site, or television commercial. For the purposes of this policy, “photographs” include video images, drawings, and all other similar formats of representational media. 63 DoDD 1344.10, February 19, 2008
 - 4.3.2.2. Depict or allow the depiction of themselves in uniform in a manner that does not accurately reflect their actual performance of duty. For the purpose of this policy, “photographs” include video images, drawings, and all other similar formats of representational media.

Thank you in advance for your attention to this critical matter.

Sincerely,



Ted W. Lieu
Member of Congress



Adam D. Kinzinger
Member of Congress