

# MARINE CORPS UNIFORM REGULATIONS

## CHAPTER 11

### LAWS AND DIRECTIVES

#### 11000. GENERAL

1. In addition to these regulations and other directives issued by the CMC, U.S. Navy Regulations and Department of Defense directives, State and Federal laws have also been promulgated which pertain to Armed Forces uniforms. Portions of these regulations, directives, and laws that are applicable to Marine Corps personnel, or to Marine Corps uniforms, are contained in this chapter.

2. No attempt has been made to excerpt or interpret the laws of any State. Commanders are responsible for becoming acquainted with and publicizing any State law that may affect the administration of their commands.

#### 11001. U.S. NAVY REGULATIONS PERTAINING TO UNIFORMS

1. Article 1161 states that regulation clothing will not be disposed of except when authorized by proper authority; and that no enlisted person will possess, without proper permission, any clothing articles belonging to any other person in the naval service.

2. Articles 1245 and 1251 indicate what uniforms are required in connection with official visits.

3. Articles 1286 and 1289 set forth the requirements for the wearing of the mourning badge.

#### 11002. DEPARTMENT OF DEFENSE DIRECTIVES PERTAINING TO UNIFORMS

1. Implementing 10 U.S.C. 772, the President, by Executive Order 10554 of 18 August 1954, delegated to the Secretary of Defense the authority to prescribe regulations under which persons may wear the uniform. The following excerpts from DoD Directive 1334.1 of 11 August 1969 outline these regulations:

a. Members of the Armed Forces (including retired members and members of reserve components). The wearing of the uniform is prohibited under any of the following circumstances:

(1) At any meeting or demonstration which is a function of, or sponsored by an organization, association, movement, group, or combination of persons which the Attorney General of the United States has designated, pursuant to E.O. 10450, as amended as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under The Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means.

(2) During or in connection with the furtherance of political activities, private employment or commercial interests, when an inference of official sponsorship for the activity or interest could be drawn.

(3) Except when authorized by competent Service authority, when participating in activities such as public speeches, interviews, picket lines, marches, rallies or any public demonstration (including those pertaining to civil rights), which may imply Service sanction of the cause for which the demonstration or activity is conducted.

(4) When wearing of the uniform would tend to bring discredit upon the Armed Forces.

(5) When specifically prohibited by regulations of the department concerned.

b. Former Members of the Armed Forces. Unless qualified under another provision of this Order or under the provisions of 10 U.S.C. 772, former members who served honorably during a declared or undeclared war and whose most recent service was terminated under honorable conditions may wear the uniform in the highest grade held during such war service only upon the following occasions and in the course of travel incident thereto:

(1) Military funerals, memorial services, weddings, and inaugurations.

(2) Parades on national or state holidays; or other parades or ceremonies of a patriotic character in which any active or reserve United States military unit are taking part. 'Wearing of the uniform or any part thereof at any other time or for any purpose is prohibited.'

c. Medal of Honor Holders. Persons who have been awarded the Medal of Honor may wear the uniform at their pleasure except under the circumstances set forth in Subsection a., above."

2. Pursuant to DoD Instruction 5410.20, unauthorized use of approved Marine Corps uniform emblems or insignia on civilian attire, or other non-uniform attire, is prohibited.

3. The President, by Executive Order 10113 of 24 February 1950, delegated to the Secretary of Defense the authority to prescribe the quantity and kind of clothing that shall be furnished to enlisted Marines, or the cash allowance to be provided in lieu thereof. Department of Defense Directive 1338.18 of 29 Jul 85 outlines the policies and regulations pertaining thereto.

#### 11003. SECRETARY OF THE NAVY POLICY PERTAINING TO UNIFORMS

1. Pursuant to subparagraph 11002.1a(5), the Secretary of the Navy has prescribed that:

a. The exercise of the rights of freedom of speech and assembly does not include the right to borrow the inherent dignity, prestige, and traditions represented by uniforms of the naval service to lend weight and significance to privately held convictions on public issues.

b. Members of the Navy and Marine Corps (including retired members and members of Reserve components) are prohibited from wearing uniforms of the naval service while attending or participating in, or continuing to attend or participate in, a demonstration, assembly, or activity with knowledge that a purpose of such demonstration, assembly, or activity is the furtherance of personal or partisan views on political, social, economic, or religious issues except:

(1) In connection with official duties or as otherwise authorized in advance by competent authority; or

(2) Incident to attendance at or participation in a bona fide religious service or observance.

c. Authorization to wear the uniform should be granted by a commanding officer when reasonably assured that the service member's appearance in uniform at the particular event, viewed objectively, is not for the purpose of lending substantial weight or significance to privately held convictions or interests; would not be so construed by an observer; and that the demonstration, assembly, or activity does not relate to matters in public controversy.

2. To implement 10 U.S.C 773, the Secretary of the Navy has prescribed the following distinctive mark for wear by members of military societies which are composed entirely of honorably discharged officers and enlisted personnel, or by the instructors and members of duly organized cadet corps.

a. The distinctive mark will be a diamond, 3-1/2 inches long by two inches wide, of any cloth material. A white distinctive mark will be worn on blue, green, or khaki clothing; and a blue distinctive mark will be worn on white clothing.

b. The distinctive mark will be worn on all outer clothing on the right sleeve, at the point of the shoulder, the upper tip of the diamond to be ¼ inch below the shoulder seam.

#### 11004. LAWS PERTAINING TO THE UNIFORM

1. Per 10 U.S.C. 771, no person, unless otherwise authorized by law, may wear the uniform or a distinctive part of the uniform of which is similar to a distinctive part of the Marine Corps uniform.

2. According to 18 U.S.C. 702, whoever wears the Marine Corps uniform without authority, in any place within the jurisdiction of the United States will be fined not more than \$250 or imprisoned not more than six months, or both.

3. According to 10 U.S.C. 772, the Marine Corps uniform may be worn by personnel not on active duty under the following conditions:

a. Retired Marine Corps officers may bear the title and wear the uniform of their retired grade.

b. Former Marines who are discharged honorably or under honorable conditions from the Marine Corps may wear their uniform while going from the place of discharge to their home of record, within three months after discharge.

c. Former Marines not on active duty who served honorably in time of war in the Marine Corps may bear the title, and as authorized by regulations prescribed by the President, wear the uniform of the highest grade held during that war (subparagraph 11002.1).

d. While portraying a member of the Marine Corps, an actor in a theatrical or motion picture production may wear the Marine Corps uniform provided the portrayal does not tend to discredit the Marine Corps.

e. While attending a course of military instruction conducted by the Marine Corps, a civilian may wear the uniform prescribed by the commander of the installation conducting the instruction.

4. According to 10 U.S.C. 773, a person for whom one of the following uniforms is prescribed may wear it, if it includes distinctive insignia prescribed by the Secretary of the military department concerned to distinguish it from the uniform of the Marine Corps (subparagraph 11003.2).

a. The uniform prescribed by the university, college, or school for an instructor or member of the organized cadet corps of:

(1) A State university or college, or a public high school, having a regular course of military instruction.

(2) An educational institution having a regular course of military instruction, and having a member of the Marine Corps as instructor of military science and tactics.

b. A uniform prescribed under subparagraph 11004.4a, above, may not include insignia of grade the same as, or similar to, those prescribed for Marine Corps officers.

c. Under such regulations as the secretary of the military department concerned may prescribe, any person who is permitted to attend a course of instruction prescribed for members of Reserve Officers' Training Corps, and who is not a member of that corps, may, while attending that course of instruction, wear the uniform of that corps.

5. According to 18 U.S.C. 244, whoever, being a proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia or in any territory, or possession of the United States, causes any person wearing the uniform of any of the Armed Forces of the United States to be discriminated against because of that uniform, shall be fined not more than \$500.