



UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD.
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

SOJA

16 April 2025

MEMORANDUM FOR RECORD

SUBJECT: Legal Review of A Night for Noori Fundraiser- 6 May 2025

1. REFERENCES:

- a. 5 C.F.R. 2635
- b. Joint Ethics Regulation
- c. U.S. Office of Government Ethics Legal Advisory, LA-24-15, 8 November 2024
- d. DoD Standards of Conduct Advisory, 19-02, 29 March 2019

2. **BLUF:** Based on the information provided, there is no legal objection to designating "A Night for Noori" on 6 May 2025 as a Widely Attended Gathering (WAG) pursuant to 5 C.F.R. 2635. Please note the prohibitions on fundraising, endorsements, and the appearance of an endorsement, by USSOCOM personnel.

3. RELEVANT FACTS:

a. A Night for Noori is a fundraising event designed to promote a new documentary movie, Noori, which follows Ahmad Khalid Noori, an Afghan SOF soldier on his journey as an immigrant in America with help from U.S. SOF veterans. Organizers, GSOF and Cellbrite, say the event is a "call to action" to support "a self-funded film" to develop sufficient funds to "bring it to the big screen."

b. Approximately 300 guests from the Department of Defense, other government officials, academia, and private industry will attend with approximately 100 companies represented. The estimated cost per person to host the event in the JW Marriott Ballroom is \$50. Invitees are not permitted to bring a guest.

4. LAW & REGULATIONS:

a. A gift of free attendance to a widely attended gathering must be unsolicited, and attendance must be in one's unofficial or personal capacity. Pursuant to 5 C.F.R. 2635.204(g), "[a] gathering is widely attended if it is expected that a large number of persons will attend, that persons with a diversity of views or interests will be present, and that there will be an opportunity to exchange ideas and views among invited persons."

b. A gift of free attendance to all or appropriate parts of a widely attended gathering may be accepted upon a finding that the following are true:

(1) the event is a widely attended gathering;

(2) the employee's attendance at the event is in SOCOM's interest because it will further SOCOM's programs or operations;

(3) SOCOM's interest in the employee's attendance outweighs the concern that the employee may be, or may appear to be, improperly influenced in the performance of official duties (i.e., must weigh the importance to SOCOM, importance of employee's role in any matter affecting the donor, purpose of the event, other expected participants, appearance that the donor is receiving preferential treatment, whether government views differ from those of the donor, and market value of the gift); and,

(4) if the gift of free attendance is greater than \$480 and the gift is from someone other than the event sponsor, the event must be attended by more than 100 persons.

c. An unsolicited invitation of free attendance to an accompanying spouse is permitted if others in attendance will generally be accompanied by a spouse and an invitation to the employee's spouse is from the same person who invited the employee.

d. Although there is no set number of attendees that defines a WAG, U.S. Office of Government Ethics Legal Advisory LA-24-15, dated 8 November 2024, states that, unless certain exceptional circumstances exist, such as an extremely diverse group of views or interests, a gathering of less than 20 people should not be considered "widely attended."

5. ANALYSIS & CONCLUSIONS

a. The invitation to the event will be unsolicited and attendance will be in an unofficial or personal capacity. Many people will be in attendance because approximately 300 people are expected to attend from a variety of government, military, and private industry positions. Approximately 150 different companies will be represented at the event. There will be an opportunity to exchange ideas and converse because the event is designed for social interaction and networking. A significant portion of the event is dedicated solely to networking.

b. This event is a widely attended gathering. SOCOM has an interest in appropriate personnel attending because it will further SOCOM's relationship with other members of DoD, government, and private industry, while providing an opportunity for them to speak to a diverse group of people about SOCOM's mission, goals, successes, and value, gaining additional public support. There is little risk that USSOCOM will have the appearance of being improperly influenced by their attendance because the hosts do not have influence over SOCOM operations, and a variety of other companies,

professionals, and civilians will be attending. In addition, Cellebrite and GSOF indicated does not have any business pending before the DoD. It is important that USSOCOM personnel do not give any preferential treatment to the NFEs at this event, including GSOF and Cellebrite.

c. Appropriate USSOCOM personnel may accept the free invitation to the event.

5. **FUNDRAISING:** Government employees should not actively and visibly participate in such activities. Approved employees should not solicit any donations, serve as an honorary chairperson, stand in a reception line, and/or sit at either the head table or any of the sponsorship tables set aside based on level of donation. USSOCOM personnel must not directly or indirectly endorse any NFEs, sponsors, or donations generally. USSOCOM personnel must not give the appearance of DoD endorsement in any regard. USSOCOM personnel must avoid the appearance of DoD endorsement, and the appearance that they are acting in any fundraising. SOJA recommends attending in civilian attire and avoiding fundraising aspects of this event. If USSOCOM personnel do intend to donate, SOJA recommends doing so privately and discretely to avoid creating the appearance of support for fundraising at the event.

6. **GOVERNMENT ENDORSEMENT CONCERNS:** Approved employees' attendance must not be used by event organizers to promote the event or the film. They should not share opinions of the film that might be construed as an endorsement or recommendation. They should not endorse any of the NFEs associated with the event, to include the hosts.

7. **POC:** The point of contact for this action is the undersigned at
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