

CHANGE  
No. 10HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 15 April 1979

## PERSONNEL—GENERAL

## ARMY COMMAND POLICY AND PROCEDURE

*Effective upon receipt*

*This change corrects a numbering sequence error. Pages 5-7 through 5-8.1 in change 9, AR 600-20 dated 15 January 1979, were intended to implement only policy on pregnancy and dependent care counseling. The change inadvertently replaced paragraphs that had been superseded by AR 608-99.*

*Users of this regulation will not implement interim changes unless the change document has been authenticated by The Adjutant General. (Interim changes expire 1 year after publication date.) If a formal printed change is not received by the time the interim change expires, users will destroy the interim change.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

*Remove pages*  
5-5 through 5-8

*Insert pages*  
5-5 through 5-6

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is the US Army Adjutant General Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAAG-PSI) WASH DC 20314.

By Order of the Secretary of the Army:

BERNARD W. ROGERS  
*General, United States Army*  
*Chief of Staff*

Official:

J. C. PENNINGTON  
*Major General, United States Army*  
*The Adjutant General*

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AR 600-20

\*C 9

CHANGE

No. 9

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 15 January 1979

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

Effective as per summary statement

*This change adds general officers in command of Army Reserve general officer commands to the list of general officers authorized to designate a junior member in the same grade to command, provides guidance on the relationships among superiors and subordinates in the service, and modifies pregnancy and dependent care counseling. It requires all enlisted sole parents and in-service parents including those with more than 3 years active Federal service, be counseled regarding their responsibilities to the service and that they provide a Dependent Care Plan. It also requires that officers with less than 3 years' service, who are sole parents or in-service parents, be counseled. The terms sole parents and in-service parents, as pertains to this regulation, are defined in paragraph 5-27.1a(2)(b) and 5-27.1a(2)(a). The effective date for pregnancy and dependent care counseling as pertains to this change is 1 January 1979. The effective dates for other policy announced in this change are as indicated in previous messages to the field.*

*Users of this regulation will not implement interim changes unless the change document has been authenticated by The Adjutant General. (Interim changes expire 1 year after publication date.) If a formal printed change is not received by the time the interim change expires, users will destroy the interim change.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

Remove pages	Insert pages
✓ 3-3 and 3-4	3-3 and 3-4
✓ 5-3 and 5-4	5-3 through 5-4.1
✓ 5-7 and 5-8	5-7 through 5-8.2

3. File this change sheet in front of the publication for reference purposes.

\*This change supersedes interim change 9-1, AR 600-20, dated 231200Z February 1978, and interim change 9-2, AR 600-20 dated 051450Z September 1978, ALARACT message 022/78 dated 222126Z November 1978, and Interim Change IO1, to AR 600-20 dated 6 December 1978.

Filed  
2 Apr 79

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15 January 1979

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CHANGE  
No. 8

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 15 April 1978

**PERSONNEL—GENERAL**  
**ARMY COMMAND POLICY AND PROCEDURE**

*Effective upon receipt*

*This change describes noncommissioned officer channels of communication, provides criteria to determine command of installations, establishes administrative procedures to announce the assumption of command, issues instructions for command of temporarily deployed medical and dental units, revises instructions pertaining to command by junior in grade Army members, and updates and describes essential functions of the command sergeant major and of the first sergeant.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

*Remove pages*

2-1 and 2-2-----  
3-1 through 3-5-----  
4-1 through 4-3-----

*Insert pages*

2-1  
3-1 through 3-6  
4-1 through 4-6

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\* This change supersedes DA message 201730Z May 76 (U), subject: Assumption of Command; DA message 201736Z Dec 76 (U), subject: Interim Change to AR 600-20; DA message 122110Z Sep 77 (U), subject: Interim Change to AR 600-20; and DA message 071435Z Nov 77 (U), subject: Interim Change 8-1 to AR 600-20, Army Command Policy and Procedure.

CHANGE  
No. 7

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 30 May 1975

PERSONNEL--GENERAL

ARMY COMMAND POLICY AND PROCEDURE

*Effective in accordance with DA messages superseded below.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

*Remove pages*

6-3 through 6-5

*Insert pages*

6-3 through 6-5

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is the US Army Adjutant General Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAAG-AMP) WASH DC 20314.

By Order of the Secretary of the Army:

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\*This change supersedes DA message PCRC 051400Z Nov 74 (U), subject: Interim change to AR 600-20; and DAAG-AMP 241330Z Dec 74 (U), subject: Interim change to AR 600-20 (Army Command Policy and Procedure).

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AR 600-20  
C 6

CHANGE }  
No. 6 }

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 5 May 1975

PERSONNEL—GENERAL  
ARMY COMMAND POLICY AND PROCEDURE

*Effective Immediately*

*This change updates appendix B to reflect changes or additions to title 18, U.S.C. which are pertinent to military personnel.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

✓ Remove pages

B-1 through B-4.....

Insert pages

B-1 through B-6

- ✓ 3. File this change sheet in front of the publication for reference purposes.

5-27-75

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By Order of the Secretary of the Army:

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Chief of Staff

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Major General, United States Army  
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No. 5

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 25 October 1974

## PERSONNEL—GENERAL

## ARMY COMMAND POLICY AND PROCEDURE

Effective 15 December 1974, except for paragraph 3-1a(3), which was effective 27 February 1974 in accordance with DA message DAAG-AMP 271400Z Feb 74.

This change clarifies assumption of command policy for lieutenant generals and above at installation level; provides guidance regarding assumption of command policy when two major Army commands are represented at the same installation; clarifies nonpunitive corrective measures; and clarifies Reserve and AUS date of rank for ROTC cadet graduates who accept appointment in May or June of any year.

AR 600-20, 28 April 1971, is changed as follows:

1. New changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

Remove pages	Insert pages
✓ 3-1 through 3-4	3-1 through 3-5.
✓ 4-1 through 4-4	4-1 through 4-3.
✓ 5-1 and 5-2	5-1 and 5-2.
✓ 5-5 and 5-6	5-5 and 5-6.
✓ 6-1 and 6-2	6-1 and 6-2.

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is The Adjutant General Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAAG-AMP) WASH DC 20314.

By Order of the Secretary of the Army:

FRED C. WEYAND  
General, United States Army  
Chief of Staff

Official:

VERNE L. BOWERS  
Major General, United States Army  
The Adjutant General

## DISTRIBUTION:

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\*This change supersedes DA message DAAG-AMP 271400Z Feb 74 (U), subject: Command Policies and Procedures.

TAGO 203A, October 580 465--74

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No. 4 }

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 12 June 1974

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

*Effective 19 April 1974 in accordance with DA message superseded below.*

*This change provides guidance concerning exceptions to Army uniform and appearance standards for members of the Sikh religion.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

✓ 5-13 through 5-15. ----- Remove pages ----- Insert pages 5-13 through 5-16

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is the US Army Adjutant General Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAAG-AMP) WASH DC 20314.

By Order of the Secretary of the Army:

CREIGHTON W. ABRAMS  
*General, United States Army*  
*Chief of Staff*

Official:  
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\*This change supersedes DA message DAPE-HRP-P 192025Z Apr 74 (U), subject: Interim Change to AR 600-20, Army Command Policy and Procedure.



CHANGE

No. 3

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 22 June 1973

## PERSONNEL—GENERAL

## ARMY COMMAND POLICY AND PROCEDURE

*Effective 1 July 1973, except for paragraph 5-39d, which was effective 23 February 1973 in accordance with DA message DAPE-HRP 231458Z Feb. 73. This change provides further guidance regarding officer assignments to command positions; gives major Army commanders authority to appoint general officers under their command to command positions in the absence of the regularly assigned commander; eliminates paragraph pertaining to commissioned officers being suspended from rank or command by court-martial, however, the reports requirement for certain cases involving changes in status of officers resulting from courts-martial actions remains; and authorizes members of the Reserve components to wear a wig or hair piece during unit training or serving on active duty for training for periods of less than 30 days.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

Remove pages	Insert pages
3-1 through 3-5	3-1 through 3-4
5-3 and 5-4	5-3 and 5-4
5-11 through 5-14	5-11 through 5-14

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAAG-ASO-R), WASH DC 20314.

By Order of the Secretary of the Army:

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The Adjutant General

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General, United States Army  
Chief of Staff

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\*This change supersedes DA message DAPE-HRP 231458Z Feb. 73 (U), subject: Haircut Policy For Reserve Components.

TAGO 627A—June 510-476°—73

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No. 2

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 23 March 1973

## PERSONNEL—GENERAL

## ARMY COMMAND POLICY AND PROCEDURE

*Effective 1 April 1973, except for paragraph 3-1e, which was effective 10 January 1973 in accordance with the message superseded below.*

*This change places emphasis on properly addressing military personnel; establishes policy regarding members of the WAC being assigned to command positions; prohibits personnel from being utilized as informants and other sources for civilian law enforcement agencies; establishes policy regarding membership campaigns; provides the Secretary of the Army with the authority to release certain reservists to accept political office; gives guidance to individuals applying for waiver from immunization; and provides guidance to commanders in counseling applicants who request waiver from immunization.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

Remove pages	Insert pages
<del>i through iii</del>	i through iii
<del>1-1 and 1-2</del>	1-1 and 1-2
<del>3-1 and 3-2</del>	3-1 and 3-2
<del>8-5</del>	3-5
<del>5-5 through 5-12</del>	5-5 through 5-12.1

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAAG-ASO-R), TAGO Building, Falls Church, VA 22041.

By Order of the Secretary of the Army:

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General, United States Army  
Chief of Staff

Official:

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Major General, United States Army  
The Adjutant General

## DISTRIBUTION:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel General—A (Qty rqr block no. 434).

\*This change supersedes DA message DAAG-ASO-R 101212Z Jan 73 (U), subject: Interim Change 2 to AR 600-20.

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AR 600-20  
\*C 1

CHANGE  
No. 1

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 26 October 1971

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

*Effective 15 November 1971, except subparagraphs 5-7e and 5-8c which were effective 19 August 1971 in accordance with DA message AGAO-R 191647Z Aug 71*

*This change provides for the inclusion of the pertinent subparagraph of this regulation as the authority in the announcement of assumption of command orders and prescribes policy on the exercise of disciplinary authority.*

AR 600-20, 28 April 1971, is changed as follows:

1. New or changed material is indicated by a star.
2. Remove old pages and insert revised pages as indicated below.

Remove pages	Insert pages
3-1 and 3-2	3-1 and 3-2
5-3 and 5-4	5-3 and 5-4

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAAG-ASO-R) Washington, DC 20315.

By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS,  
Major General, United States Army,  
The Adjutant General.

W. C. WESTMORELAND,  
General, United States Army,  
Chief of Staff.

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\*This change supersedes DA message AGAO-R 191647Z Aug 71 (U), subject: Interim Change to AR 600-20 (Change 1).

TAGO 214A—October 480-468 O—71

ARMY REGULATION

No. 600-20

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 28 April 1971

## PERSONNEL—GENERAL

## ARMY COMMAND POLICY AND PROCEDURE

*Effective 15 June 1971, except paragraph 5-39 which is effective 7 May 1971  
in accordance with DA Message DCSPER-PSD 072249Z May 71.*

*This regulation establishes policy and prescribes certain procedures relative to the second basic aspects of command, military conduct and discipline, and the determination of precedence and date of rank. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to HQDA (DAAG-ASO-R), TAGO Building, Falls Church, VA 22041; other commands will furnish one copy of each to the next higher headquarters.*

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\*This regulation supersedes AR 600-20, 31 January 1967, including all changes, and DA messages DCSPER-PSD 252149Z May 70 (U), subject: Interim Change to AR 600-20; and DCSPER-PSD 072249Z May 71 (U), subject: Army Haircut Policy.

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## CHAPTER 1

### GENERAL

---

**1-1. Purpose.** This regulation establishes policy and prescribes certain procedures relative to the several basic aspects of command, military conduct and discipline, and the determination of precedence and date of rank.

**1-2. Elements of command.** The key factors of command covered herein are command authority and responsibility, rank and precedence, command and other channels, enlisted aspects of command, and military discipline. Additional guidance on these matters is covered by the various publications listed in DA Pam 310-1.

**1-3. Right to command.** Command is exercised by virtue of office and the special assignment of members of the Armed Forces holding military rank who are eligible by law to exercise command. The right to command is not limited solely by branch of service except as prescribed in this regulation. A civilian may not exercise command. However, he may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

**1-4. Assignment and command.** Members of the Army are assigned to stations or commands where their services are required, and are there assigned to appropriate duties by the commanding officer. Without orders from competent authority, a member of the Army can only assume command when eligible in accordance with this regulation.

**★1-5. Military rank.** *a.* Military rank is the relative position or degree of precedence bestowed on military persons which marks their station and confers eligibility to exercise command or authority in the military service

within the limits prescribed by law. It is divided into classes and grades as shown in paragraphs 1-7 and 1-8.

*b.* The pay grade is an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the pay grade alone should not be used as a form of address or title in lieu of the proper title of address or grade of rank. When military personnel (Chaplains excepted) are addressed or referred to, orally or in writing, the grade of rank or title of address (table 1-1) will normally be used. All Chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a Chaplain is addressed in writing, his grade is indicated in parentheses (e.g., Chaplain (Major) John E. Doe).

**★1-6. How rank held or conferred.** *a.* Rank is generally held by virtue of office or grade in the Army, but may be conferred independently of either, as in the case of retired officers, or with respect to commissioned officers in the same grade by special assignment as provided in section 3571 of title 10 United States Code (10 U.S.C. 3571).

*b.* Conferring honorary titles of military rank upon civilians is prohibited. Honorary titles heretofore conferred will not be withdrawn.

**1-7. Grades of rank.** Table 1-1 shows the grades of rank in the Army, in order of their precedence or relative rank. It also indicates the grouping of grades into classes, pay grades, title of address and abbreviations. Procedures for determining precedence and date of rank are indicated in chapter 6.

**23 March 1973**

**1-8. Comparable rank among the various services.** The comparable grades of rank of the various services are shown in table 1-2.

**1-9. Precedence between personnel of Army and personnel of other services serving with Army.** Personnel of other services serving with the Army are on equal footing with personnel of the Army of corresponding component, and

precedence will be determined in the manner set forth in this regulation.

**1-10. Precedence between Foreign Service officers of Department of State and officers of the Army.** Precedence between officers of the Foreign Service and other officers of the US Government is as prescribed by Executive Order 9998, 14 September 1948 (sec. II, JAAF Bul 38, 1948; 13 F.R. 5359).



**Table 1-1. Grades of Rank, U.S. Army**  
**Commissioned officers**

**General officers**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
General of the Army -----	Special -----	General -----	GA
General -----	O-10 -----	General -----	GEN
Lieutenant general -----	O-9 -----	General -----	LTG
Major general -----	O-8 -----	General -----	MG
Brigadier general -----	O-7 -----	General -----	BG

**Field officers**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Colonel -----	O-6 -----	Colonel -----	COL
Lieutenant colonel -----	O-5 -----	Do -----	LTC
Major -----	O-4 -----	Major -----	MAJ

**Company officers**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Captain -----	O-3 -----	Captain -----	CPT
First lieutenant -----	O-2 -----	Lieutenant -----	1LT
Second lieutenant -----	O-1 -----	Do -----	2LT

**Warrant officers**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Chief Warrant officer, W-4 -----	W-4 -----	Mister (Miss/Mrs) -	CW4
Chief Warrant officer, W-3 -----	W-3 -----	Do -----	CW3
Chief Warrant officer, W-2 -----	W-2 -----	Do -----	CW2
Warrant officer, W-1 -----	W-1 -----	Do -----	WO1

**Cadets**

**U.S. Military Academy cadet**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Cadet -----	Special -----	Mister -----	None

**Senior ROTC advanced course cadet**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Cadet -----	Special -----	Mister -----	None

**Enlisted Personnel <sup>1</sup>****Senior noncommissioned officers and specialists**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Sergeant major of the Army -----	E-9 -----	Sergeant major -----	SMA
Command sergeant major <sup>2</sup> -----	E-9 -----	Sergeant major -----	CSM
Sergeant major <sup>3</sup> -----	E-9 -----	Sergeant major -----	SGM
First sergeant -----	E-8 -----	First sergeant -----	1SG
Master sergeant -----	E-8 -----	Sergeant -----	MSG
Platoon sergeant and sergeant first class ---	E-7 -----	Sergeant -----	PSG/SFC
Specialist seven -----	E-7 -----	Specialist -----	SP7

**Junior noncommissioned officers and specialists**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Staff sergeant -----	E-6 -----	Sergeant -----	SSG
Specialist six -----	E-6 -----	Specialist -----	SP6
Sergeant -----	E-5 -----	Sergeant -----	SGT
Specialist five -----	E-5 -----	Specialist -----	SP5
Corporal -----	E-4 -----	Corporal -----	CPL
Specialist four -----	E-4 -----	Specialist -----	SP4

**Privates**

<i>Grade of rank</i>	<i>Pay grade</i>	<i>Title of address</i>	<i>Abbreviation</i>
Private first class -----	E-3 -----	Private -----	PFC
Private -----	E-2 -----	Private -----	PV2
Private -----	E-1 -----	Private -----	PV1

<sup>1</sup> Specialists will rank immediately below noncommissioned officers of identical pay grade and above noncommissioned officers of the next lower pay grade. This change does not require nor justify changes to TOE/TDA.

<sup>2</sup> Personnel formally selected by DA for participation in the Command Sergeants Major Program.

<sup>3</sup> All E-9's not formally selected for the Command Sergeants Major Program.

Table 1-2. Comparable rank among the services

## Commissioned officers of the Army, Navy, Air Force, and Marine Corps

<i>Army, Air Force, and Marine Corps</i>	<i>Navy</i>
General of the Army (or Air Force) -----	Fleet admiral
General -----	Admiral
Lieutenant general -----	Vice admiral
Major general -----	Rear admiral (upper half)
Brigadier general -----	Rear admiral (lower half)
Colonel -----	Captain
Lieutenant colonel -----	Commander
Major -----	Lieutenant commander
Captain -----	Lieutenant
First lieutenant -----	Lieutenant (junior grade)
Second lieutenant -----	Ensign

## Warrant officers of all services

Chief warrant officer, W-4  
 Chief warrant officer, W-3  
 Chief warrant officer, W-2  
 Warrant officer, W-1

## Cadet

Cadet ----- Midshipman

## Enlisted personnel of the Army, Navy, Air Force and Marine Corps

<i>Pay grade</i>	<i>Army</i>	<i>Marine Corps</i>	<i>Navy</i>	<i>Air Force</i>
E-9	Sergeant major of the Army.	Sergeant major of the Marine Corps.	Senior enlisted adviser of the Navy.	Chief master sergeant of the Air Force.
	Command sergeant major.	Sergeant major.	Master chief petty officer.	Chief master sergeant.
	Sergeant major.	Master gunnery sergeant.		
E-8	First sergeant. Master sergeant.	First sergeant. Master sergeant.	Senior chief petty officer.	Senior master sergeant.
E-7	Platoon sergeant. Sergeant first class.	Gunnery sergeant.	Chief petty officer.	Master sergeant
	Specialist seven.			

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<i>Pay grade</i>	<i>Army</i>	<i>Marine Corps</i>	<i>Navy</i>	<i>Air Force</i>
E-6	Staff sergeant Specialist six.	Staff sergeant.	Petty officer first class.	Technical sergeant.
E-5	Sergeant. Specialist five.	Sergeant.	Petty officer second class.	Staff sergeant.
E-4	Corporal. Specialist four.	Corporal.	Petty officer third class.	Sergeant.
E-3	Private first class.	Lance corporal.	Seaman.	Airman first class.
E-2	Private.	Private first class.	Seaman apprentice.	Airman.
E-1	Private.	Private.	Seaman recruit.	Basic airman.

## CHAPTER 2

### COMMAND AND OTHER CHANNELS

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**2-1. Chain of command.** The chain of command is the most fundamental and important organizational technique used by the Army. It is the succession of commanders, superior to subordinate, through which command is exercised. This chain is also known as the command channel. It extends from the President, as Commander-in-Chief, down through the various grades of rank to the enlisted persons leading the smallest Army elements and to their men. Staff officers and administrative non-commissioned officers are not in the chain of command. A simple and direct command channel helps transmit orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. As used in this regulation, no distinction is made between the terms of commander and leader as the fundamental policies of command and leadership apply at all echelons of the chain of command. The command channel extends upward in the same manner for matters requiring official communication from subordinate to superior. It is Army policy that each individual in the chain of command is delegated sufficient authority to accomplish assigned tasks and responsibilities. Every commander has two basic responsibilities in the following priority: Accomplishing the mission, and the care of personnel and property. Normally, efficiently accomplishing the mission will help to satisfy the responsibility for personnel welfare. A superior in the chain of command holds subordinate commanders responsible for everything their command does or fails to do. Thus, in relation to a superior, a commander cannot delegate responsibilities. However, in relation to subordinates, a commander does subdivide responsibility and authority and assigns portions of them to various commanders and staff members. In this way an appropriate degree of responsibility becomes inherent in each command echelon. The necessity of a commander or staff officer observing proper

channels in issuing instructions or orders to subordinates must be recognized. Constant and continuous use of the chain of command is vital to the combat effectiveness of any Army unit. Every effort must be made to acquaint all individuals with its existence and proper function.

**★2-2. Staff or technical and noncommissioned officer channels.** Another important Army organization technique for communication is the staff or technical channel. The term staff or technical channel is used to describe the vertical or horizontal channel between a staff section at one headquarters and a similar staff section at another echelon, or at a parallel headquarters. The staff or technical channel is sometimes used for routing reports and instructions not involving variations from command policies and directives. The non-commissioned officer channel originates with the commander of a major unit, installation, or state headquarters and extends from that commander's command sergeant major through subordinate unit command sergeants major to unit first sergeants and 'thence' to other noncommissioned officer and enlisted personnel of the units. This noncommissioned officer channel supplements the chain of command and is used to accomplish routine, but important tasks and responsibilities. These include: Establishing and maintaining the professional standards of the noncommissioned officers and their job performance, care of individual soldiers and their families, training in basic skills and attributes of a soldier, proper wear of the uniform; appearance, military courtesy of enlisted personnel, care of individual arms and equipment of enlisted personnel, care of living quarters of enlisted personnel, area maintenance tasks, and operation of recreational and other facilities for the primary use of enlisted personnel. Each commander requires noncommissioned officers to perform these duties and defines their responsibilities and authority to his/her staff and subordinates.

## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations and units. ★a. Responsibility.** Command of units, platoon level and above, normally is the responsibility of the senior regularly assigned officer present for duty, provided he/she is not ineligible under paragraphs 3-11 or 3-12. Further policy guidance is as follows:

(1) An installation will be assigned to the major command whose mission organization on the installation is best equipped to perform installation management. The organization which is "best equipped" will be determined by the following criteria:

(a) The organization capable of performing installation management most efficiently and economically in terms of staff and other overhead costs.

(b) The organization on the installation whose major command can administer base operations functions most efficiently and economically.

(c) The organization which employs and/or commands the largest number of military and civilian personnel in the performance of mission activities.

(d) The organization which utilizes the greatest amount of building square footage and/or acreage in performance of mission activities. If available, the organization with the largest facility usage in terms of value (capital investment) in the performance of mission activities will also be considered.

(e) The organization which has been traditionally associated with the installation.

(f) The above considerations being relatively equal, the organization with the commander senior in grade. All the above criteria will be considered.

(2) Except for commanders of type A installations (para 8a, AR 10-10), Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from the Deputy Chief of Staff for Personnel (HQDA (DAPE-MPO) WASH DC 20310).

(3) Command of installations and units under the Army Medical Department (AMEDD) will be as prescribed in AR 40-1 and AR 10-6.

**★b. Announcement of assumption of command.** Assumption of command will be announced in a memorandum, military letter or disposition form which will contain the following information:

**SUBJECT:** Assumption of Command

By authority of (appropriate subpara) the undersigned assumes command of (complete unit designation, UIC, and MRIC), effective (date):

Authentication will include: Name, grade, branch and the word "Commanding."

The term, Acting Commander, will be substituted for, Commanding, when the conditions of paragraphs 3-4 or 3-5 apply. When an acting commander assumes command, an "effective" date and a "to" date will be used. If the time element is unknown, an "effective" date will be used and an amending document will be published showing the "to" as stated in paragraph 3-4a.

(1) *Oral assumption of command.* Oral assumption of command may be used by units which do not use orders or documentation to announce assumption of command or with proper authority when other circumstances necessitate.

(2) *Distribution.* Distribution will be limited to one copy each to individual concerned, subordinate commands/elements, interested commands/agencies and the next higher headquarters. When a general officer or general officer designee assumes command, one copy will be furnished to HQDA, ATTN: DAPE-GO, WASH DC 20310. A copy will be placed in the functional files of the issuing command and/or command affected.

(3) *Filing.* Organizations governed by AR 340-18-2 will file one copy of the assumption document under 228-08, Organizational History Files. Units governed by AR 340-2 will use 2-05, Organizational History Files. Disposition will be as stated in those regulations.

(4) *Corrections and amendments.* Assumption of command documents may be amended, rescinded, or revoked by publishing the correct information in another assumption of command

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Table 3-1

## Assumption of Command Documents Required

Command is assumed by	Letter, Memorandum, or DP Issued by Assuming Commander	Authority	Document is signed	Remarks
1. Senior regularly assigned Army member initially assuming permanent command.	Yes	Para 3-1a, AR 600-20	Commanding	One assumption of command document will be made on the day the commander initially assumes command.
2. Senior regularly assigned Army member assuming temporary command during the temporary or permanent absence of the assigned commander.	Yes <sup>1</sup>	Para 3-4 or Para 3-5, AR 600-20	Acting Commander	An assumption document is required each time an acting commander assumes command. An "effective" date and a "to" date are required. If the "to" date is unknown, an amending document will be issued when the date becomes known.
3. Junior in grade regularly assigned Army member initially assuming permanent command.	Yes <sup>2</sup>	Para 3-3, AR 600-20 & DP Letter	Commanding	Same as Item 1, remarks.
4. Junior in grade regularly assigned Army member assuming temporary command during the temporary or permanent absence of the assigned commander.	Yes <sup>2</sup>	Para 3-3, AR 600-20 & DP Letter	Acting Commander	Same as Item 2, remarks.
5. Senior medical or dental officer assuming command of a medical or dental unit temporarily deployed for receiving and treating patients.	Yes	Para 3-1g or Para 3-1h, AR 600-20	Commanding	Same as Item 1, remarks.

<sup>1</sup> In the event of death or permanent departure of a commander, the next senior regularly assigned Army member will assume temporary command as an acting commander, unless informed by higher authority that command will be permanent.

<sup>2</sup> Before a junior in grade Army member may assume command or sign a document assuming com-

mand, by direction of the President, authority must be obtained in the form of a letter or memorandum from a commander authorized that authority UP of paragraph 3-3a. In situations requiring immediate action commanders authorized DP authority may orally grant a junior in grade Army member authority to command and then issue the required letter or memorandum.

document. The document containing the correction will include the identity and date of the document being corrected, and to whom it pertains. Distribution and filing will be made for the amended document.

*c. Installation responsibilities.* When a major Army commander deems it advisable to relieve tactical commanders of installation responsibilities the commander may designate by letter, an officer of the permanent station complement junior to the senior tactical commander as installation commander.

*d. Optimum length of command tours.* The optimum length of command tours must be based on the needs of the Army, stability within units, the need for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 18 months with a maximum of 24 months.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

*e. Command by women officers.* Women officers may be assigned to any command position identified for interchangeable occupancy.

*f. Command by general officers.* Except as indicated in paragraph 3-4, general officers will not be assigned without the prior approval in each instance of HQDA(DAPE-GO) WASH DC 20310.

*g. Command of medical units.* The senior Medical Corps officer assigned or attached to a medical unit which is temporarily deployed for the purpose of receiving and treating patients, will assume command of that unit. Command will be exercised until properly relieved.

*h. Command of dental units.* The senior Dental Corps officer assigned or attached to a dental unit which is temporarily deployed for the purpose of receiving and treating patients, will assume command of that unit. Command will be exercised until properly relieved.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned pro-

vided he/she is not ineligible under paragraphs 3-11 or 3-12.

**3-3. Designation of junior in the same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization, the President may assign the command of forces without regard to seniority of rank. **★b.** General officers in command of major Army commands, armies, corps, installations, divisions, separate brigades, Army Reserve general officer commands, and heads of Department of the Army Staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see paras 3-1f and 3-4d for policy on general officers). When an officer who is a junior is designated to command, a military letter or memorandum will be used to announce the appointment and will contain the following information:

SUBJECT: Appointment of Commander

By direction of the President, (grade, name, and branch) is appointed commanding officer/general (complete unit designation, UIC, and MRIC) effective (date).

(Authentication)

This appointment will be used only if the duties of the position require the exercise of command, and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by designation in a letter.

*c.* Commanders will not use the Presidential authority cited in this paragraph to appoint a junior member as their own successor either temporarily or permanently. When a situation occurs where a commander having authority under this paragraph finds it necessary to temporarily place a junior member in his or her position as an acting commander, a request stating the circumstances and asking the appointment be made will be sent to the next higher commander having authority under this paragraph. The next higher commander will review the request and make those appointments deemed necessary. Commanders are not authorized to issue a blanket designation appli-



cable to more than one absence of a subordinate commander without prior approval from HQDA, ATTN: DAPE-MP or DAPE-GO (in cases involving general officers). Each designation of a junior to a command position requires a separate action by the designating authority except when prior approval of a blanket designation has been authorized.

d. The authority in this paragraph will not be used to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee, to officers of the Army Medical Department when such assignment involves troops other than those of the Army Medical Department (para 3-12c).

### **3-4. Death, disability, or absence of commander.**

a. *General.* In the event of the death, disability, retirement, reassignment or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in c below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b except the announcement will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. A rescinding announcement is not required to rescind the announcement designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the announcement gave the time element involved. An announcement is required to rescind an announcement designating an acting commander, if the temporary assumption of command was for an indefinite period.

b. *Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the

next senior officer of the Medical Corps present and on duty in the office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 USC 3015).

c. *Commanders of major Army commands.* A commander of a major Army command may continue to discharge the functions of command while absent from the limits thereof, provided such absence is for a short period only, the commander has reasonable communication with the major Army command headquarters, and the absence is not caused by physical disability.

#### *d. General officers.*

(1) During the temporary absence of the regularly assigned commander concerned, major Army commanders are authorized to assign general officers under their command to positions of command.

(2) In those cases where more than one major Army command is represented on an installation, the line of succession of command may pass from one major Army command to another. Major Army commanders concerned should agree to the terms of such an arrangement by a memorandum of understanding and publish necessary documentation. HQDA(DAPE-MPO) will be notified of the action taken.

### **3-5. Absence or disability of all officers of a unit.**

In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will permanently assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 3-11b, 3-12c and f apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-6. Emergency command.** In an emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions also apply to

troops separated from their parent units under battlefield conditions or in prisoner of war status. Restrictions pertaining to the assumption of command prescribed in paragraphs 3-11b, 3-12a and f apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-7. Functions of an individual in temporary command.** A member in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. Temporary command is defined to include command assumed under conditions outlined in paragraphs 3-4, 3-5, and 3-6. Such commanders will be considered temporary commanders until they are designated as permanent or until they are replaced by the appropriate senior commander.

**3-8. Responsibility of successor.** A member who succeeds to any command or duty stands, in regard to duties, in the same situation as did the predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

**3-9. Separate commands of the US Army serving together.** a. When separate commands of the US Army join or do duty together, the senior regularly assigned officer present for duty with the commands concerned and not ineligible under paragraph 3-11 or 3-12 will command the forces unless otherwise directed by the President.

b. Section 317 of Title 32 United States code (32 USC 317) provides: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, airbase or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When US Army Reserve units participate in active duty for training or annual training at an installation, the command of that installation remains with the officers who command the place without regard to the grade of the officers of the US Army Reserve unit who are temporarily participating in training at that location.

**3-10. Separate commands of the several military services of the United States serving together.** a. When separate commands of the several military services join or do duty together, or personnel of another service serve with the Army, operational control by an officer of one service over the units or members of the other services may be given—

(1) By agreement between the services concerned, or

(2) By assignment to command a unified command established by the Joint Chiefs of Staff. When the different commands of the Army and the Marine Corps join or serve together, the officer highest in rank in the Army or the Marine Corps on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President (10 USC 747).

b. The commander of the forces joined will exercise operational control of the forces of each service through its responsible commander who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which the individual is a member without injury to the service. Subject to this policy, the commander of a joint command or joint task force who has authority to convene general court-martial may convene court-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by court-martial (para 13, MCM, 1969 (Revised edition)).

**3-11. Ineligibility for command.** a. *Command of an installation or activity.* An individual will be considered ineligible for command of an installation or activity when the service member is—

(1) Quartered thereat but has a headquarters or office elsewhere.

(2) A student at a service school or civilian institution, or undergoing individual training, instruction, or intransit processing at an installation where he/she is not a part of the command complement.

(3) Not permanently assigned, and his/her unit is not permanently assigned to the installation.

(4) Assigned primarily as a permanent member of a board.

(5) Prohibited from assuming command by statute, AR 600-31, or by paragraph 3-12.

(6) Assigned specific duty aboard a military vessel or aircraft where the officer's particular duty, specialty or MOS does not technically qualify the officer to assume the duty of ship's master or aircraft commander.

*b. In arrest.* A person in arrest is ineligible to exercise command of any kind.

**3-12. Restrictions.** *a. General Staff officers.* An officer assigned to duty on or detailed to duty with the Army General Staff will not assume command of troops other than personnel on duty with the Army General Staff unless specifically directed to do so by an authority named in paragraph 3-3. An officer designated General Staff with troops may assume command when such officer is the senior regularly assigned officer of the command present for duty and not ineligible under the provisions of this paragraph and paragraph 3-11.

*b. Officers on duty in Department of the Army Staff agencies.* Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

*c. Officers of the Army Medical Department.* Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Department may exercise command only within the Army Medical Department. As an exception to this general rule, officers of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Department when authorized by the Secretary of the Army, by the commanders of major commands, Army groups, Armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of the Army Staff agencies. See AR 10-6 and AR 40-1. relative to utilization of AMEDD officers.

*d. Chaplains.* A chaplain has rank without command (10 USC 3581). Although a chaplain may not exercise command, they have authority

to exercise functions of operational supervision and control.

*e. Commanding officer of troops on transports.* Military personnel embarking on Military Sealift Command vessels are available for command duty, unless otherwise indicated in their travel orders or by reason of their branch of service are not eligible to command troops. General officers will be excluded from this requirement. The designation of colonels will be at the discretion of the terminal commander.

*f. US Army Reserve unit commanders.* The authority delegated under paragraph 3-3 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

(1) When the Reserve officer selected to command a US Army Reserve unit, while in Reserve duty training status, is junior in date of rank, as computed under chapter 6, to other officers of the same grade assigned to that unit.

(2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under chapter 6, to other assigned officers of the same grade.

*g. Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in paragraph 5, AR 611-112.

*h. Partially disabled officers.* Partially disabled officers continued on active duty under the provisions of chapter 6, AR 635-40 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

*★i. Inspectors General.* An officer detailed to duty as an Inspector General will not assume command of troops while so detailed. However, an Inspector General is not precluded from assuming temporary command of an organization provided that the officer is the next regularly assigned senior officer of the organization, not otherwise ineligible, and has been relieved from detail as an Inspector General during the period of temporary command.

## CHAPTER 4

### ENLISTED ASPECTS OF COMMAND

**4-1. General policies.** *a.* At all echelons of command, commanders and their staffs are charged specifically with the responsibility of ensuring equitable delegation of authority and responsibility, as guided by this regulation, to noncommissioned officers by their superiors, whether officer, warrant officer, or other noncommissioned officers.

*b.* This regulation applies to enlisted personnel of all components of the Army.

**4-2. Noncommissioned officers.** AR 611-201 describes in detail the command function of all noncommissioned officer military occupational specialties.

*a. Sergeant Major of the Army.* This is the senior sergeant major grade of rank and designates the senior enlisted position of the Army. The command sergeant major occupying this position serves as the senior enlisted advisor and consultant to the Chief of Staff of the Army on problems affecting enlisted personnel and solutions to these problems; on professional education, growth, and advancement of noncommissioned officers; and on morale, training, pay, promotions, and other matters concerning enlisted personnel. The Sergeant Major of the Army is also available to present the enlisted viewpoint on Department of the Army boards and committees. Other functions of this position include meeting with military and civilian organizations to discuss enlisted personnel affairs; receiving enlisted personnel who visit Headquarters, Department of the Army; and representing all Army enlisted personnel at appropriate ceremonies.

★*b. Command Sergeant Major.* This is the position title that designates the senior noncommissioned officer of the command at battalion or higher level. He/she executes established policies and standards pertaining to the performance, training, appearance, and conduct of enlisted personnel. The command sergeant major provides advice and initiates recommendations to the commander and staff in matters pertaining to enlisted personnel. As indicated in paragraph 2-2, it is from the command sergeant major of a unit, installation, or state headquarters that the activities of the local noncommissioned officer channel

emanate. This channel functions orally through the command sergeants' major or first sergeant's call and normally does not involve written instructions, however, either method will be considered directive in nature.

★*c. First sergeant.* The position of first sergeant is similar to that of the command sergeant major in importance, responsibility, and prestige. In the sense that first sergeants are in direct and daily contact with sizeable numbers of other enlisted personnel, this position is one requiring outstanding leadership and professional competence. The first sergeant is the senior noncommissioned officer in companies, batteries, and troops. It is normal for company commanders to use the noncommissioned officer channel (para 2-2) for conducting many routine activities, particularly in Garrison. The first sergeant conducts routine company administration and company operations as directed by the company commander.

*d. Platoon sergeant.* This position title is also key in the command structure of the Army. It is normal for platoon sergeants to become vital members of the chain of command under the provisions of paragraph 3-5. When the platoon leader is present, the platoon sergeant is a key assistant and advisor. In the absence of the platoon leader, the platoon sergeant commands the platoon.

*e. Section, squad, and team leaders.* The importance of these positions stems from the fact that the responsibilities of these echelons of the chain of command (para 2-2) are habitually exercised by noncommissioned officers. Platoon leaders hold their subordinate leaders responsible—

(1) For personal appearance and cleanliness of their soldiers.

(2) That all Government property issued to members of their units is properly maintained and accounted for at all times and that discrepancies are reported promptly.

(3) That, while in a duty status, they be ready at all times to report the location and activity of all individuals of the unit. Thus, as the basic reporting unit in formations, the squad is either

present, or individuals absent are reported by name and not merely accounted for.

(4) That the unit is prepared to function in its primary mission role.

*f. Acting noncommissioned officers.* Company, troops, battery, and separate detachment commanders may appoint acting corporals and sergeants in accordance with chapter 7, AR 600-200 to fill position vacancies. Additionally, chapter 7, AR 600-200 provides for acting corporals, sergeants, and staff sergeants for casual groups. While so acting they will wear the insignia and have the responsibilities, authority, and privileges of the position to which appointed, except that they will not be entitled to the pay and allowances of such higher grades, and such service will not be credited as time in a higher grade of rank for appointment or date of rank purposes.

*g. Noncommissioned officer disciplinary policies.* The purpose of this subparagraph is to emphasize the important status of noncommissioned officers in maintaining discipline in the Army. These policies should be considered together with the provisions of chapter 5 and Manual for Courts-Martial, United States, 1969 (Revised edition).

(1) Noncommissioned officer authority to apprehend (UCMJ, Art. 7(c); para 19, MCM; 1969 (Revised edition); and para 5-5).

(2) Noncommissioned officers may be authorized by their commanding officers, in accordance with Uniform Code of Military Justice, Article 9(b), to order enlisted persons into arrest or confinement. Also see paragraph 21a, Manual for Courts-Martial, United States, 1969 (Revised edition). Commanding officers often limit this authority to first sergeants, charge of quarters, or other duty positions.

(3) Noncommissioned officers do not have authority to impose nonjudicial punishment upon other enlisted personnel under Uniform Code of Military Justice, Article 15. However, the recommendations of noncommissioned officers should be sought and considered by unit commanders.

(4) As enlisted commanders of troops, noncommissioned officers play an extremely important role in furthering the efficiency of the company, battery, or troop. This function includes preventing incidents which would make it necessary to resort to trial by courts-martial or imposition of nonjudicial punishment. Thus, the noncommissioned officer is a key assistant to the com-

mander in administering the minor nonpunitive (not to be confused with nonjudicial punishment) disciplinary responsibilities prescribed in paragraph 5-6 and in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition). See also paragraph 5-8b.

(5) In taking corrective action with regard to subordinates, noncommissioned officers will be guided by, and observe, the principles set forth in paragraph 5-7.

(6) For trials of noncommissioned officers by courts-martial whose membership, as provided by Uniform Code of Military Justice (UCMJ), Article 25(c)(1), includes enlisted persons, the following will apply: Except as provided for in the UCMJ, no member of the court-martial will be junior to the accused in rank or pay grade.

(7) In the case of noncommissioned officers above pay grade E-4, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

(8) When nonjudicial punishment (UCMJ, Art. 15) is imposed on a noncommissioned officer, it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor or duties not customarily performed by a noncommissioned officer of the grade of rank of the person who is to perform the extra duty.

*h. Additional noncommissioned officer responsibilities, prerogatives, and privileges.* Noncommissioned officers will—

(1) Formulate plans and issue and execute orders on their own initiative and judgment within the authority delegated to them.

(2) Be employed as training instructors to the maximum degree practicable.

(3) Make recommendations relative to unit mission accomplishment and troop welfare. Noncommissioned officer recommendations have traditionally been of immeasurable assistance to their commanding officer on such matters as assignment, reassignment, promotion, privileges, discipline, training, unit funds, community affairs, and supply.

(4) Be utilized only in supervisory roles on fatigue duty, and only as noncommissioned officers of the guard on guard duty, except in temporary situations where other grades of rank are critically short.

(5) Be granted such privileges as organization and installation commanders are capable of granting and considering proper to enhance the prestige of their vital enlisted troop commanders.

(6) Be considered for assignment of quarters (noncommissioned officers with bona fide dependents) by installation commanders upon the basis of the provisions of AR 210-50. Determination of the seniority factor of applicants under AR 210-50 will be on the basis of date of rank within pay grade for all enlisted personnel under consideration.

(7) Be afforded pass privileges in accordance with part two, chapter 10, AR 630-5.

(8) Be afforded the privilege of establishing and operating noncommissioned officers' clubs as adjuncts of the Army as covered in AR 230-60.

(9) Be afforded separate rooms in barracks areas under provisions of AR 210-16.

**4-3. Specialists.** *a.* A specialist is a selected enlisted person who has been appointed under the provisions of chapter 7 for the purpose of discharging duties that require a high degree of special skill. Specialists must have acquired proficiency in the technical or administrative aspects of their military occupational specialty field. Specialists, by virtue of their technical skill, are often called upon to exercise leadership with respect to matters related to their specialty. Normally, their duties do not require the exercise of enlisted command of troops. Thus, while leadership proficiency is not a primary prerequisite for advancement to or within the specialist grades, qualities of leadership should be encouraged and recognized.

*b.* Although the duty positions of specialists are not enlisted command positions, and do not normally require exercise of leadership functions, there are exceptions. In particular, the more senior specialists will occasionally be called upon to assume command under the provisions of paragraphs 3-5, 3-6, or 5-4b. Additionally, senior

specialists are usually soldiers with long service and outstanding ability who contribute in considerable degree to maintenance of the high appearance and conduct standards of enlisted personnel of lesser rank.

*c.* Specialists will not be utilized in roles on fatigue and guard duty in positions subordinate to personnel of lower rank.

*d.* Specialists will be granted the same type privileges as noncommissioned officers of the same pay grade in the organization and installation. Privileges cited in paragraph 4-2h(6), (7), and (8) apply equally to specialists.

*e.* In the case of specialists above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

*f.* When nonjudicial punishment (UCMJ, Art. 15) is imposed on a specialist, it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor duties not customarily performed by a specialist of the grade or rank of the person who is to perform the extra duty.

*g.* Specialists who show leadership potential should be encouraged to advance toward noncommissioned officer skills in appropriate military occupational specialty by undergoing on-the-job training in such duty positions. While in this status, the commander may appoint the specialist as an acting noncommissioned officer.

**4-4. Privates.** Privates are the basic manpower strength and grade of the Army. While command functions do not normally pertain to privates, they should be indoctrinated in their responsibilities and in their potential for enlisted command duties. Special emphasis should be made of the guidance in paragraphs 3-5, 3-6, 3-7, 3-8, 4-2 and chapter 5.

## CHAPTER 5

# MILITARY CONDUCT AND DISCIPLINE

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### Section I. GENERAL

**5-1. Explanation of term.** *a.* Military discipline is a state of individual and group training that creates a mental attitude resulting in correct conduct and automatic obedience to military law under all conditions. It is founded upon respect for and loyalty to properly constituted authority.

★*b.* While military discipline is enhanced by military training, every feature of military life has its effect on military discipline. It generally is indicated in an individual or unit by smartness of appearance and action; by cleanliness and neatness of dress, equipment, and quarters; by deference to seniors; by mutual respect between senior and subordinate personnel; and by the prompt and cheerful execution by subordinates of both the letter and the spirit of the legal orders of their lawful superiors.

**5-2. Obedience to orders.** All persons in the military service are required to obey strictly and to execute promptly the lawful orders of their superiors.

**5-3. Military courtesy.** *a.* Courtesy among members of the Armed Forces is indispensable to discipline; respect to superiors will be extended on all occasions. See chapter 4, AR 600-25.

★*b.* Military personnel are looked upon by the civilian community to set an example in courtesy and honors rendered the National Anthem and the National Color. Accordingly, the conduct of military personnel should at all times reflect respect to both the National Anthem and the National Color. The specific courtesies set forth in appendix A, AR 600-25 should be rendered the National Color and National Anthem at public events, whether the serviceman is off or on duty and whether he is in or out of uniform. Intentional disrespect to the National Color or Anthem is inappropriate and constitutes conduct prejudicial to good order and discipline or discrediting to the military service.

**5-4. Conduct.** Discipline is a function of command; hence, it is the responsibility of all leaders in the Army, whether they are on duty or in a leave status, to see that all military personnel

present a neat and soldierly appearance, and to take action in cases of conduct prejudicial to good order and military discipline by any military personnel which may take place with their knowledge.

*a.* The senior officer, warrant officer, or non-commissioned officer will act promptly, using such means as are available, to restore order. One of his initial actions will be to call for military police assistance if it is readily available.

*b.* On public conveyances, in the absence of military police, the person in charge of the conveyance may be requested to notify the nearest military police and arrange to have them board the conveyance and take custody of military personnel guilty of misconduct. If the misconduct is sufficiently serious, the person in charge of the conveyance will be requested to stop the conveyance at the first opportunity and turn the offender over to the local police. In all such cases, the local police will be advised to telephone collect the nearest Army post or Army headquarters so that the accused's commanding officer may be notified and the commander of the area of responsibility in which the offense occurs may take appropriate action.

*c.* When an offense which endangers the reputation of the Army is committed elsewhere than on a public conveyance, civilian police may be requested to take the offender into custody when no military police are available.

*d.* When military police are not present, the senior commissioned officer, warrant officer, or non-commissioned officer present will obtain the name, grade, social security number, organization, and station of the offender, and forward this information, together with a statement of the circumstances, to the individual's commanding officer without delay. When the offender is turned over to the civilian police, the above information will be given to the civilian police for transmittal to the appropriate military authorities.

**5-5. Maintenance of order.** Military police, air police, and members of the Navy, Marine Corps,

and Coast Guard shore patrols are authorized and directed to apprehend Armed Forces personnel who commit an offense punishable under the Uniform Code of Military Justice. Commissioned officers, warrant officers, noncommissioned officers, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising authority hereunder are enjoined to do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective services as soon as practicable. For confinement of female personnel see paragraph 1-3, AR 190-4.

**★5-6. Military authority, how exercised.** Military authority will be exercised with promptness, firmness, courtesy, and justice. Resort to trial by court-martial or to nonjudicial punishment under Article 15, Uniform Code of Military Justice, will not be made for trivial offenses, except when less drastic methods of administering discipline have been tried (see para 128c, MCM, 1969 (Rev.)) and have been unsuccessful. One of the most effective nonpunitive disciplinary measures is extra training or instruction. For example, if an individual appears in an improper uniform, he may be required to correct his attire; if he does not maintain his housing area properly, he may be required to police it; if he has a training deficiency, he may be required to take extra training in subject(s) directly related to the deficiency, as, for example, additional training in leadership, in physical conditioning, in close order drill, in care and preservation of equipment, in preventive maintenance, in environmental protection, and in field and road march exercises. The training or instruction given to an individual to correct deficiencies not only must be directly related to the deficiency observed, but it also must be oriented to improving the individual's performance in his problem area. Requiring a road march for men who have unclean equipment would be improper, but such a road march would be proper if the men had allowed themselves to lapse into poor physical condition. A useless requirement for the digging and filling in of holes also would be

improper. Corrective measures may be taken after normal duty hours. The above is not an exclusive listing as to what is and what is not permissible. Such measures have the nature of training or instruction, not punishment, and authority to employ them is part of the inherent powers of command. Care should be exercised, at all levels of command, to insure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applicable to the imposition of nonjudicial punishment under Article 15, UCMJ. Deficiencies that have been satisfactorily corrected by means of training and instruction will not be noted in the official records of the individuals concerned and will be considered as closed incidents (para 4-2g(4) and 5-8b).

**5-7. Relationship of superiors toward subordinates.** *a.* The commander will encourage among his subordinates harmonious relations coupled with a friendly spirit of competition in the performance of duty.

*b.* The commander's timely intervention to prevent disputes, give advice to the inexperienced, and censure conduct liable to produce dissension in the command, or to reflect discredit upon it, is of great importance in securing and maintaining efficiency.

*c.* Commanders exercise command through their subordinate commanders. The commander inspires confidence in his subordinates by example, by sound and decisive action, and by his ability to overcome obstacles. He encourages strengthening of the chain of command and development of initiative, ingenuity, and boldness of execution throughout all echelons of his command. He establishes policies, prescribes missions, and sets standards for his command. By personal visits to his units and by formal or informal inspections and reports, he insures adherence to his policies, compliance with his orders, and maintenance of his standards. He employs his staff to acquire information, to prepare detailed plans; and to otherwise relieve him of details so that he may have maximum freedom of action. The degree to which he delegates responsibility and authority to his



staff will vary with the commander and the level of the command. He must take care, however, that the staff does not isolate him from his subordinate commanders and that the unique relationship between himself and his subordinate commanders is preserved. The commander maintains a close, direct, and personal relationship with his subordinate commanders and with his staff. He ensures that a feeling of mutual respect and confidence exists between his headquarters and subordinate commands.

d. Commanders will assist in the professional development of their subordinates by such means as encouraging self-study, periodically rotating their duties, and frequently counseling them upon their performance. Normally, enlisted personnel will not be rotated to duty outside their primary military occupational specialty particularly in the case of those receiving proficiency pay.

e. Authority will impose its weight by the professional competence of leaders at all echelons rather than by the arbitrary or despotic methods of martinets. Commanders should not rely on coercion when persuasive methods can effect the desired end. Second only to accomplishing their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. Leaders at all echelons will impart to troops, on a continuing basis, constructive information on the necessity for and purpose of military discipline. In complying with the Uniform Code of Military Justice, Article 137, the articles required to be explained will be presented in such a manner as to ensure that enlisted personnel will be fully aware of the controls and obligations imposed on them by virtue of their military service. Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction. Leaders will strive to maintain such relations of confidence and sympathy as will ensure that

personnel of their command will feel free to approach them for counsel and assistance, not only with regard to military and organizational matters, but with matters which may be contributing to personal or family distress or perplexity. This relationship may be gained and maintained without relaxing the bonds of discipline and with great benefit to the service as a whole.

★f. Relationships between service members of different rank which involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. Such relationships will be avoided. If relationships between service members of different rank cause actual or perceived partiality or unfairness; involve the improper use of rank or position for personal gain; or can otherwise reasonably be expected to undermine discipline, authority, or morale, commanders and supervisors will counsel those involved or take other action as appropriate.

#### 5-8. Disciplinary powers of commanding officer.

a. See Manual for Courts-Martial, United States, 1969 (Revised edition).

b. In the exercise of his authority to use non-punitive measures, as explained in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition), if the individual to be administratively admonished or administratively reprimanded is no longer a member of his command, the commander concerned will forward such administrative admonition or administrative reprimand direct to the individual at his current duty station (para 4-2g(4) and 5-6).

c. Exercise of disciplinary authority should be tailored to the nature and circumstances of specific offenses. Commanders will not restrain disciplinary powers of subordinates by prescribing allowable frequency limits for various types of disciplinary actions.

d. For reports required to be submitted in certain cases involving a change in status of an officer resulting from court-martial action or a transfer of an accused person from the general court-martial jurisdiction which has been designated as having temporary custody of the accused, see paragraph 96, Manual for Courts-Martial, United States, 1969 (Revised edition).

**5-9. Private indebtedness and financial obligations.** See AR 210-7 and AR 600-15.

**5-10. Settlement of local accounts on change of station.** To ensure that organizations and individuals have properly settled their accounts, commanders will—

a. Make every effort to settle local accounts of their organizations prior to movement.

b. Institute action by mail to promptly settle organizational accounts with local firms that they are unable to settle prior to movement.

c. When considered necessary, take action under the Uniform Code of Military Justice, Articles 15, 121, 123a, 133, or 134, when individuals under their command issue checks against an account with insufficient funds or fail to clear their personal accounts prior to departure from their stations. When information of indebtedness is received after an individual departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in paragraph 3-1c(7), AR 600-15.

**5-11. Civil status of members of the Reserve components.** a. A member of the Reserve components, not serving on active duty, is not held or considered to be an officer or employee of the United States solely by reason of his status as such member. He may accept employment in any civil branch of the public service, and receive pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Reserve components. Except as specifically provided to the contrary in certain laws of the United States, a member of the Reserve components, not serving on active duty, may practice his civilian profession or occupation before or in connection with any department of the Federal Government. There are a number of laws which impose limitations on the activities in which persons may engage after termination of active duty or employment by the United States. The underlying principle of these laws is that it is improper for an individual who has handled a matter for the Government to leave public service and thereafter represent the other side in connection with the same or a closely related matter. (See, for example, 18 USC 207.)

b. Members of the Reserve components who are

officers and employees of the United States or of the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

c. Members of the Reserve components, subject to the approval of the Secretary of the Army, may accept civil employment with and compensation therefor, from any foreign government or any concern which is controlled in whole or in part by a foreign government.

**★5-12. Release of personnel rosters, orders, or similar documents outside the Military Establishment.** a. Release of personnel rosters, orders, or similar documents listing names and duty addresses of military personnel (including Reserve Component personnel) will be in accordance with AR 340-21. The policy governing public release of home addresses and guidance for handling requests for home addresses is also in AR 340-21, particularly paragraph 3-5.

b. Commanders at all levels will ensure that those concerned are familiar with AR 340-21.

**5-13. Congressional activities.** a. *Communicating with a Member of Congress.* No person may restrict any member of the armed forces from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States (10 USC 1034). No individual will be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders are responsible for continually advising subordinates to seek advice or assistance within the chain of command, from appropriate staff agencies, or from an inspector general if there is a complaint, and that a communication concerning a personal problem for-

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warded to anyone who is not in the local chain of command inevitably must be returned to the local commander for consideration before action can be taken to render assistance; also that service

members should so inform members of their families.

*b. Appearance before congressional committees.* It is the policy of the Department of the

Army to make the maximum information available to congressional committees as to its operations and activities, subject to the provisions of paragraph 2-24, AR 380-5 and paragraph 7-106, DOD 5200.1-R. When requested to appear before a committee of Congress, military personnel of the Army will establish coordination with the Chief of Legislative Liaison, Office, Secretary of the Army (or the Comptroller of the Army on matters pertaining to appropriations) for guidance or assistance.

**5-14. Publishing of articles.** The policy of the Department of Defense is that military personnel who desire to engage in public writing for personal profit are on an exact parity with civilian professional writers so far as access to classified current technical or operational military information is concerned. See paragraph 9b, AR 360-5.

**5-15. Student officer studies.** All studies prepared as a part of their official duties by students at Army service schools will be used for official purposes only and will not be made available for publication or release in any manner which would indicate Department of the Army indorsement. This is not intended to preclude the writing of special articles on military subjects for publication provided review and clearance for publication are obtained as prescribed in paragraph 9, AR 360-5.

**5-16. Participation in public demonstrations.** Participation in picket lines or any other public demonstrations may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited—

a. During the hours they are required to be present for duty.

b. When they are in uniform.

c. When they are on a military reservation.

d. When they are in a foreign country.

e. When their activities constitute a breach of law and order.

f. When violence is reasonably likely to result.

**5-16.1. Participation in support of civilian law enforcement agencies.** a. Except in cases where there is affirmative evidence that alleged criminal activity involves persons subject to the UCMJ or military property, commanders and supervisors will neither sanction nor lend affirmative support for the use of military personnel as sources or in-

formants for civilian law enforcement agencies in the 50 States and the District of Columbia.

b. This provision will not be construed to prevent military personnel from performing normal duties of citizenship in terms of reporting crimes or other suspicious activities to civilian law enforcement agencies or otherwise cooperating with civilian police authorities in their private capacities, nor does it preclude the mutual exchange of police information.

**5-17. Participation in pageants and shows for civilian entertainment.** Guidance on participation of military personnel in pageants or shows designed primarily for the entertainment of the public in the civilian domain is provided in chapter 4, AR 360-61. Exceptions to policy should be submitted through command channels to HQDA (SAPA-CR) WASH DC 20310.

**5-18. Armed Forces Disciplinary Control Boards.** See chapter 2, AR 190-24.

**5-19. Off limits.** See paragraph 2-8, AR 190-24.

**5-20. Prohibitions with respect to intoxicating liquors.** See paragraph 1-3, AR 210-65.

**5-20.1. Membership campaigns.** The Department of the Army recognizes, supports, and benefits from the activities of many worthy organizations, associations, and clubs, a number of which are quasi-military, are comprised largely or entirely of Active or Retired military personnel, and/or conduct meetings and other activities on installations.

a. In providing support to such organizations and associations, installation commanders and heads of Department of the Army Staff agencies will—

(1) Ensure that membership among personnel under their jurisdiction is truly voluntary.

(2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repetitive orientations, meetings, or similar counseling of individuals who have chosen not to join after having been afforded an opportunity to do so, and the use of membership statistics in support of supervisory influence.

b. This policy will not be construed as serving to bar reasonable efforts to inform and encourage personnel, without coercion, regarding the benefits and worthiness of such organizations and of membership therein.

## ★Section II. Pregnancy and Dependent Care Counseling

★*Note:* Paragraphs 5-21 through 5-27 were superseded by AR 608-99, 15 November 1978.

### 5-27.1 Pregnancy and dependent care counseling. (This paragraph applies to Active Army only.)

*a.* Commanders will identify members of their command whose status is defined in (1), (2), and (3), below and counsel them on their rights and responsibilities for the care of their dependents as it relates to their responsibilities to the service.

(1) Pregnant Army members will be counseled in accordance with section XXVIII, AR 635-100 or paragraph 8-6, AR 635-200.

(2) The following enlisted personnel will be counseled in accordance with procedure 4-29, DA Pamphlet 600-8—

(*a*) Army members who are married to other service members and have minor dependents (under age 18).

(*b*) Army members who are sole parents or sole guardians of minor dependents. This includes members having sole custody of dependents because of divorce, legal separation, because spouse is not residing permanently with member, or because spouse is not capable of self-care.

(*c*) Army members who are married to other service members and have responsibility for the care of dependents who are unable to provide for themselves (e.g., handicapped, infirm), regardless of age.

(*d*) Army members who are sole parents or sole guardians, as indicated in (*b*) above, of dependents who are unable to provide for themselves (e.g., handicapped, infirm), regardless of age.

(3) Officer personnel as defined in (*a*), (*b*), (*c*) and (*d*) above, who have less than 3 years' active Federal service, will be counseled in accordance with procedure 4-29, DA Pamphlet 600-8.

*b.* Service members married to other service members and jointly responsible for care of dependents will, when practicable, be counseled together.

*c.* Service members must arrange for the care of their dependents so as to be available for duty when and where the needs of the service dictate, be able to perform assigned military duties without interference, and remain eligible for worldwide assignment. Commanders must stress these obligations, and ensure service members know they will not receive special consideration in duty assignments or duty stations, based solely on their responsibility for dependents. The primary evidence that members have made adequate arrangements for care of their dependents will be the execution of a Dependent Care Plan as outlined in procedure 4-29, DA Pamphlet 600-8.

*d.* Service members will be further counseled as indicated below—

(1) Enlisted members will be counseled regarding the involuntary separation provisions in paragraph 5-34, AR 635-200, which should be implemented whenever parenthood interferes with military responsibilities.

(2) Enlisted members will be counseled regarding the provisions of paragraphs 1-34c and 1-34d(14), AR 601-280 for bars to reenlistment for failure to provide an approved Dependent Care Plan or for failure to manage family affairs.

(3) Officers will be counseled regarding the provisions of section XV, chapter 3 and section IV, chapter 5, AR 635-100.

*e.* The commander and the enlisted member will sign the dependent care counseling checklist after counseling has been accomplished. The enlisted member will be informed that a Dependent Care Plan should be submitted to the unit commander within 3 months of the date of counseling and that the member will be given the opportunity to sub-

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mit additional documentation if any commander in the chain recommends disapproval. Further, the member will be informed that the Dependent Care Plan must be submitted early enough so that all commanders in the chain of command may review it, and final approval or disapproval of the plan be completed within 6 months of the date of counseling. (See para 1-34c, AR 601-280).

*f.* Officers will not be required to sign the counseling checklist or submit a Dependent Care Plan; however, the counseling checklist will be forwarded to the servicing MILPO for file as indicated in *j* below.

*g.* The commander will recommend approval or disapproval of the Dependent Care Plan, with full justification, and forward the plan through channels to the approval authority. Dependent Care Plans may be approved by the officer exercising special court martial authority over the member; they may be disapproved only by the general court martial authority.

*h.* Justification for recommending approval or disapproval should be based on whether, in the opinion of the member's superiors,

(1) The service member has explained, to the satisfaction of his/her commander, his/her plans for the circumstances listed in paragraph 1 of the Dependent Care Plan, and that such plans are reasonable and workable.

(2) The Dependent Care Plan reflects a reasonable and workable solution for each contingency listed in paragraph 2 of the plan.

(3) The member's status as a sole parent or in-service parent has not interfered with the performance of military duties, and

(4) The member is available for worldwide assignment.

*i.* The plan will be approved or disapproved by the appropriate authority and filed in the service

member's MPRJ within 6 months of the date of counseling. The member will be given the opportunity to forward through channels to the GCM convening authority additional documentation if any commander in the chain recommends disapproval of the plan. However, processing of the original plan will not be delayed while awaiting this documentation.

*j.* The commander will forward the approved plan to the servicing MILPO for file in the actions pending section of the member's MPRJ (DA Form 201). The most current approved Dependent Care Plan and the dependent care counseling checklist will remain in the member's MPRJ until the member is no longer responsible for dependents, as defined in paragraph *a*(2) above.

*k.* The Dependent Care Plan will be verified or revised annually at a minimum, during the anniversary of the birth month. It will be verified by the gaining command during inprocessing; it will be verified upon reenlistment or extension of enlistment; it will be revised and approved no later than 6 months after any change of circumstances which requires a change in dependent care arrangements. A revised plan should be submitted to the member's immediate commander within 2 months of the change in circumstances. Verified plans which have not changed do not require subsequent approvals; the unit commander will indicate verification by DF to the MILPO, which will be filed with the plan.

*l.* Comments or questions regarding implementing counseling policies should be addressed to HQDA(DAPE-MPE) WASH DC 20310; regarding counseling procedures, to HQDA(DAPC-MSF-R), 200 Stovall Street, Alexandria, VA 22332. Comments or questions regarding reenlistment should be directed to HQDA(DAPE-MPR), WASH DC 20310.

### Section III. POLITICAL ACTIVITIES

**5-28. Explanation of terms.** For the purpose of this section the following explanations will apply:

*a. Civil office.* An office, not military in nature, that involves the exercise of the powers or authority of civil government. It may be either an elective or an appointive office under the United States, a Territory or Possession, or a State, county, or municipality, or official subdivisions thereof. The term "civil office" does not include

offices to which military personnel may be assigned in a military status.

*b. Full-time service.* Any service in connection with a civil office that is likely to interfere with regular military duties.

*c. Nonpartisan political activity.* An activity in support of or related to candidates not representing, or issues not specifically identified with, national or state political parties and associated or

ancillary organizations. (Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with national or state political parties.)

*d. Partisan political activity.* An activity in support of or related to candidates representing, or issues specifically identified with, national or state political parties and associated or ancillary organizations.

**5-29. Political activities.** A member of the Army is expected and encouraged to carry out his obligations as a citizen, but while he is on active duty he is prohibited in certain circumstances from becoming a candidate for or holding civil office (para 5-30 and 5-31), and in engaging in partisan

political activities. The following general principles apply:

*a. A member may—*

(1) Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(2) Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

(3) Attend partisan as well as nonpartisan political meetings or rallies as a spectator when not in unifo.m.

*b. A member may not—*

(1) Use his official authority or influence for the purpose of interfering with an election,

or affecting the course of its outcome, or of soliciting votes for a particular candidate or issue, or of requiring or soliciting political contributions from others.

(2) Be a candidate and hold civil office except under the conditions set forth in paragraphs 5-30 and 5-31.

(3) Participate in partisan political management, campaigns, or conventions, including making campaign contributions to a partisan political candidate, to another member of the Armed Forces, or to an employee of the Federal Government.

c. To assist in applying the foregoing general provisions to particular factual situations, appendix A contains representative samples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other related Army regulations dealing with dissident and protest activities among members of the Army, but are to be used in conjunction with them.

d. Appendix B contains a summary of Federal statutes prohibiting certain types of political activities by members of the Armed Forces.

**5-30. Candidacy for elective office.** a. A member of the Army may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, where the circumstances justify, the installation commander may permit the member to file such evidence of his nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by paragraph 5-29b or paragraph A-2.

b. A member of the Army may not become a nonpartisan candidate for any civil office requiring full-time service while serving, an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receive schooling, or other training wholly or partly at the expense of the United States.

**5-31. Release of military personnel elected or appointed to civil office.** a. Officers on the active list of a regular component of an armed force may not hold a civil office, except as otherwise provided by law. The acceptance of such a civil office or the exercise of the functions of the office terminates the officer's military appointment as provided by Title 10 United States Code, Section 973(b).

★b. Officers on the active list of a Reserve component of an armed force and enlisted personnel who are elected as a partisan candidate to any civil office or as a nonpartisan candidate to a civil office requiring full-time service, or who are appointed to a civil office requiring full-time service may be retired, discharged, or released to inactive duty, as may be appropriate. However, such officers and members will not be retired, discharged, or released to inactive duty if they are serving an initial tour of extended active duty or a tour of extended active duty that the members have agreed to perform as a condition to receiving schooling, instruction, or other training, wholly or partly at the expense of the United States. The Secretary of the Army, in appropriate cases, may release a reservist from his active duty obligation and permit him to accept the civil office to which he was elected.

#### Section IV. MEDICAL CARE

**5-32. General.** A member of the Army on active duty or active duty for training usually will be required to submit to medical care considered necessary to protect or maintain the health of others, to preserve the member's life, or alleviate undue suffering by the member. A commanding officer may, with the concurrence of the medical treatment facility commander,

order the hospitalization of any member of his command or order him to submit to a medical examination when indicated.

**5-33. Explanation of term.** Medical care as used in this section means preventive, diagnostic, therapeutic, and rehabilitative medical, surgical, psychiatric, and dental procedures.



**5-34. Medical care performed with or without the member's permission.** Under the following circumstances medical care may be performed with or without the member's permission:

*a.* Emergency medical care which is required to preserve the life or health of the member.

★*b.* Immunization required by AR 40-562 or other Department of the Army directives (subject to any limitation stated in these directives).

(1) The policy of authorizing forcible immunization is intended to protect the health and overall effectiveness of the command as well as the health of the soldier himself. The individual does not have an option as to whether he will be immunized; this is a military obligation, an exception to which is granted only for medical or religious reasons in accordance with paragraph 9, AR 40-562. Persons requesting waivers will be counseled on the additional risk to health on exposure to diseases against which they are not protected and on the possibility of being placed in isolation in accordance with international health regulations.

(2) Authority to grant permanent waiver of immunization requirements is delegated to the major Army commanders. Applicants requesting waiver because of religious objection to immunization will forward through channels to the appropriate major Army commander the following:

(a) Full name, rank, and SSN;

(b) Name of recognized religious group and date of applicant's affiliation;

(c) Supporting certification signed by an authorized personal religious counselor (such as his minister) who attests that applicant is presently an active member of the espoused religious group in good standing; applicant regularly adheres to tenets consistent with his espoused religious beliefs; and the religious counselor believes the applicant is sincere in his commitment to this religious faith.

(3) Commanders should insure that counseling of the applicant has been accomplished on the following:

(a) The additional risk to health on ex-

posure to disease against which the applicant will not be protected;

(b) The possibility that the applicant may be detained during travel across international borders in accordance with international health regulations;

(c) The effect that granting permanent waiver may have on suitability for extended military duty because of assignment limitations (para 9b(2), AR 40-562);

(d) The possibility that individuals granted such waivers may be called upon to receive immunization involuntarily if in the judgment of the commander they are at imminent risk of disease (e.g., exposed to smallpox in the field). This is in keeping with tenets concerning involuntary therapeutic care when military mission accomplishment may be compromised (*a* above and para 5-32).

(4) In performing this duty, medical personnel are expected to use only that amount of force necessary to administer the immunization. Any force necessary to overcome an individual's reluctance to immunization normally will be provided by personnel acting under orders from the soldier's unit commander. The commonly used expression "refusal to take shots" erroneously suggests that the individual concerned has an option between being immunized or being punished for his refusal. This is incorrect. A soldier scheduled for immunization will routinely be inoculated at his turn, unless he defies superior authority in which event the inoculation will be specially accomplished.

(5) Unless contraindicated for medical or bonafide religious reasons (para 9, AR 40-562), any required immunization will be administered to a member with or without his consent. Every reasonable effort should be made to avoid the necessity of disciplinary action. However, a member should be advised that he may subject himself to disciplinary action by resisting, and that he will be inoculated with or without his consent in any event. Additionally, prior to any mandatory immunization, the member should be counseled concerning the many other reasons why he should submit to the required inoculation.

*c.* Isolation and quarantine for cases of sus-

pected or proven communicable disease, when appropriate.

*d.* Detention on closed wards when necessary to insure appropriate medical supervision or to protect the member or others from harmful acts.

*e.* Medical care related to the mental disorders of members who have been found incompetent by a medical board, or when believed to be incompetent and pending medical board action, provided life or health is not likely to be endangered by such procedures or care. These members may also be given routine medical care necessary to treat minor ailments.

**5-35. Refusal to submit to medical care other than care described in paragraph 5-34.** A member of the Army on active duty or active duty for training who refuses to submit, or whose court appointed guardian or other legal representative objects, to recommended medical care will be referred to a medical board (para 42, AR 40-3). When a member refuses to submit to recommended care because of religious beliefs, a chaplain will be appointed as a member of the board.

*a.* The examining medical board's report should contain answers to the following questions:

(1) Is the proposed treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?

(2) Is the proposed treatment an established procedure that qualified and experienced physicians ordinarily would recommend and undertake?

(3) Considering the risks ordinarily associated with the proposed treatment, the member's age, and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable or in the case of an incompetent member, is compulsory treatment warranted?

*b.* In determining whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider, among other things, the existing physical or mental contraindications, previous unsuccessful operations and procedures, and any special risks. Generally, the refusal of medical care may be considered as unreasonable in the absence of substantial contraindications.

*c.* The report of the medical board proceedings

will show the need and risk of the recommended medical care which is refused by the member.

*d.* The report of the medical board proceedings will show that the member was given the opportunity to appear in person, if his condition so permitted, or that the member was afforded an opportunity to submit a written statement explaining the grounds for his refusal. Any statement submitted will be forwarded with the report.

*e.* A member who is believed to be incompetent will be aided by an appointed counsel who need not be legally qualified, who may appear in his behalf.

★*f.* If the approved findings of the examining medical board are that the proposed medical care is necessary for the protection of the health of the member and others or to enable the member properly to perform his duties and normally will have this effect, such findings must be made known to the member and he will be afforded the opportunity to accept the prescribed medical care. If the member still persists in his refusal, the medical treatment facility commander will forward the medical board proceedings to HQDA (DASG-HCC), WASH DC 20314, for review. When refusal to submit to the prescribed medical care is based on religious grounds, The Surgeon General will refer the medical board proceedings to the Chief of Chaplains for review prior to action. The Surgeon General will indicate his approval or disapproval of the medical board proceedings and return them to the medical treatment facility commander. If The Surgeon General approves the medical board proceedings, the member will again be afforded the opportunity to accept treatment. If the member persists in refusing the proffered medical care, the medical treatment facility commander will refer the matter (including copies of the medical board proceedings) to the appropriate major Army commander. The major Army commander will determine whether the member will be ordered to submit to the recommended medical care. If the major Army commander orders the member to submit to treatment and the member refuses to obey, the commander may take disciplinary action in accordance with Manual for Courts-Martial, United States, 1969, (Revised edition) or may institute administrative action to separate the member from service (retirement, discharge, etc.).

## Section V. COMPLAINTS OR ACCUSATIONS AGAINST MILITARY PERSONNEL

**5-36. General.** The policies outlined in this section are intended to provide broad and general guidance. The Inspector General Complaint System which differs in procedure from that prescribed in paragraph 5-37 is governed by chapter 3, AR 20-1.

**5-37. Command responsibilities.** When a written complaint or accusation is received against military personnel, commanding officers of units or installations will take the action indicated below. All complaints will be acknowledged.

*a. Forwarded from higher headquarters.* When final action on a complaint received from higher headquarters for investigation and report of findings is completed, the complaint accompanied by the report of investigation will be returned to the headquarters from which received. Unless higher headquarters has indicated a desire to reserve decision on the disposition of the complaint or accusation pending receipt of report of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. Where higher headquarters has reserved the right of approval on the disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters normally will reserve the right of final disposition only in cases involving complex issues or of such a nature that the commander desires, in the interest of justice and morale, to insure uniform handling throughout the command. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The headquarters which forwarded the complaint will be advised of the referral.

*b. Received initially by units or installations.*

(1) *When warranting investigation.* The complaint will be investigated and appropriate

action taken. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The complainant will be advised of the referral.

(2) *When not warranting investigation.* If, in the opinion of the commanding officer, the complaint is of insufficient importance to require an investigation, the statement "does not warrant investigation" will be recorded on the complaint and the initials of the commanding officer or a responsible officer designated by the commanding officer will be placed after the statement. The complainant will be advised that a decision has been made that further action on the complaint is not warranted. Such complaints will be maintained and disposed of in accordance with AR 340-18-7.

*c. Concerning retired personnel not on active duty.* Complaints or accusations against retired personnel not on active duty normally are outside the responsibility of the Army. Upon receipt of written complaints or accusations against such personnel, reply will be made thereto advising that such matters are outside the responsibility of the Department of the Army and should be pursued through the civil courts. As an exception, upon receipt of a complaint or an accusation of fraud against the Government, or of engaging in prohibited procurement activity affecting the Government, the matter will be forwarded for disposition to the Commander, US Army Reserve Components Personnel and Administration Center, ATTN: AGUZ-PSD-SAD, 9700 Page Boulevard, St. Louis, MO 63132. The complainant or accuser will be advised of the referral.

**5-38. Filing.** Unfavorable information concerning a service member will not be filed in an individual's record, either in the field or by The Adjutant General, except as provided in chapter 2, AR 600-37.

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C 4, AR 600-20

**Section VI. APPEARANCE**

**5-39. Appearance.** *a.* The Army is a uniformed service. Therefore a neat and well-groomed appearance by soldiers is fundamental to the Army, and contributes to building the pride and esprit essential to an effective military force. A vital ingredient of the Army's strength and military effectiveness is the pride and self-discipline which American soldiers bring to their service. It is the responsibility of commanders to insure that military personnel under their command present a neat and soldierly appearance, and it is the duty of each soldier to take pride in his appearance at all times.

*b.* There are many hair styles which are acceptable in the Army. So long as a soldier's hair is kept in a neat manner, the acceptability of the style will be judged solely by the criteria described below.

*c.* Haircuts, without reference to style, will conform to the following standards:

(1) The hair on top of the head will be neatly groomed. The length and/or bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hair will present a tapered appearance and, when combed, it will not fall over the ears or eyebrows or touch the collar except for the closely cut hair at the back of the neck. The so-called "blockcut" fullness in the back is permitted in moderate degree. In all cases, the bulk or length of hair will not interfere with the normal wear of all standard military headgear.

(2) If the individual desires to wear sideburns, they will be neatly trimmed. The base will be a clean shaven horizontal line. Sideburns will not extend downward beyond the lowest part of the exterior ear opening.

(3) The face will be clean shaven except that

mustaches are permitted. If a mustache is worn, it will be kept neatly trimmed and tidy. No portion extending beyond the corners of the mouth will fall below a line parallel with the bottom of the lower lip. Goatees and beards are not authorized.

(4) The wearing of a wig or hair piece by male personnel while in uniform or on duty is prohibited except to cover natural baldness or physical disfiguration caused by accident or medical procedure. When worn it will conform to the standard haircut criteria as stated.

(5) Figure 5-1 illustrates various hairstyles, mustaches and sideburns which are acceptable according to these criteria. No style longer than the ones illustrated is permitted. DA Poster 600-20 depicting this policy and the approved styles in full color will be distributed to company level. The poster will be prominently displayed on unit bulletin boards, in offices, and in barber shops.

*d.* Male members of the Reserve components may wear a wig or hair piece during unit training assemblies and when serving on active duty for training for periods of 30 days or less or on full time training duty for periods of 30 days or less, if it conforms to the standard haircut criteria stated above and does not interfere with performance of duty. When ordered for a period of more than 30 days to active duty, active duty for training, or full time training duty, the wearing of a wig or hair piece by male members of the Reserve components in uniform or on duty is prohibited except as provided in c(4) above.

**5-40. Exceptions to appearance standards.** Exceptions to appearance standards may be granted to members of the Sikh religion in accordance with provisions of section VII.

**Section VII. PROCEDURES FOR DOCUMENTING RELIGIOUS BELIEFS**

**5-41. General.** The Sikh religion requires the wear of unshorn hair. Sikhism also requires members to wear a turban, a steel bracelet, a comb and special underpants. Because Sikhs may desire to enlist in the Army or service members may convert to Sikhism subsequent to enlistment, the procedures presented herein have been established.

**5-42. Procedures for documenting religious beliefs.** If a soldier claims that he is unable, by virtue of being a member of the Sikh religion, to conform to a provision of Army personal appearance or uniform regulations, he must—

*a.* Be instructed by his unit commander to obtain from the policy making body of his religious group, within 30 days, a statement which

attests that he is a member in good standing of that religious group and that the religious practice in question is a requirement of the religious group which may not be waived.

*b.* Appear before a board convened by the general court-martial authority to determine the member's sincerity and validate the supporting documentation furnished by the religious group.

**5-43. Exception prior to board proceedings.** During the period in which the documentation is being obtained, the service member will be allowed to conform to his religious practice as a temporary exception to personal appearance or uniform regulations. This temporary exception to policy will not exceed a period of 30 days.

**5-44. Actions required of the board.** *a.* At the conclusion of the 30-day period (or sooner with the service member's consent) the member will appear before a board of three or more commissioned officers convened by the commander exercising general court-martial jurisdiction. (AR 15-6 will apply.) The purpose of the board will be to make findings of fact and recommendations. As a minimum, the board will make the following findings of fact:

(1) Whether the member is a sincere, bona fide member of the Sikh religion.

(2) Whether his religious requirements preclude him from complying with the Army's dress and appearance standards.

*b.* Based on the findings, the board will make one of the following recommendations:

(1) That authorized deviations to dress and appearance standards be granted.

(2) Retention on active duty with no exception to dress and appearance standards (determination of nonsincerity, etc.).

**5-45. Actions of the GCM convening authority.** Upon receipt of the board recommendations, the GCM convening authority will make the final determination whether the member will be retained on active duty, with or without exceptions to dress and appearance standards. If the GCM convening authority determines that the member is a bona fide Sikh, and cannot comply with appearance standards because of sincere religious convictions, the member will be given appropriate written permission to deviate from appearance standards. If, in the future, the member's sincerity or standing within the Sikh community becomes questionable, he may be required to again appear before a board of officers for reconsideration and redetermination of his status.

**5-46. Authorized exceptions.** *a.* If a decision is made by the GCM authority to authorize a deviation from uniform and appearance standards, such information shall be filed in the permanent section of the MPRJ pending a change to AR 640-10.

*b.* Exceptions will be granted for--

(1) The wear of unshorn hair.

(2) The wear of a beard.

(3) The wearing of special underpants.

(4) The wear of the bracelet.

(5) The carrying of the comb.

(6) The wear of a turban except that, when required, protective headgear will be worn over or in lieu of the turban.

*c.* The actual carrying of the sword is not authorized because members of the Sikh religion are permitted by the tenets of their religion to carry a sword symbolically (e.g., a photograph thereof, etc.).

*d.* Should the GCM convening authority determine that the service member is not a sincere, bona fide Sikh, no exception to uniform or appearance standards will be granted and the member shall be so notified.

*e.* Nothing contained herein is intended to limit the existing authority of a commander to recommend or initiate administrative separation proceedings under applicable regulations.

**5-47. Actions prior to enlistment.** Those members of the Sikh religion who desire to enlist in the Army and desire an exception to Army uniform and appearance standards as specified above will present themselves with the required documentation before a board of officers convened by the appropriate GCM convening authority at the nearest US Army installation. The GCM convening authority will then take those actions specified in paragraphs 5-45 and 5-46 prior to the individual's enlistment.



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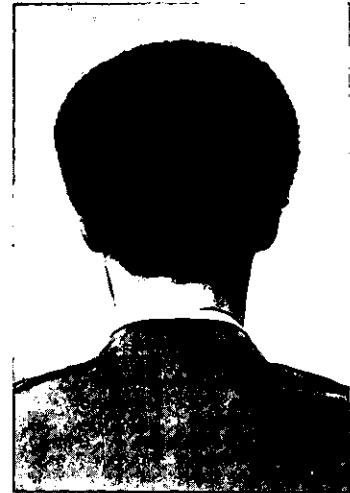


Figure 5-1—Continued

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## CHAPTER 6

## DETERMINATION OF PRECEDENCE AND DATE OF RANK

## Section I. COMMISSIONED OFFICERS

**6-1. Precedence or relative rank.** Section 3571 of title 10 United States Code (10 USC 3571) provides the general rule for determining precedence among all commissioned officers of the Army serving on active duty in the same grade, whether temporary or permanent. Unless special assignment is made by the President, precedence or relative rank is determined as follows among officers of the same grade in active military service, including retired officers on active duty:

a. By date of rank.

b. When dates of rank are the same, by length of active Federal commissioned service in the Army.

c. When dates of rank and active Federal commissioned service in the Army are the same, Regular Army officers will take rank among themselves in accordance with their promotion list positions, preceding officers of the Army National Guard of the United States, US Army Reserve, Army of the United States, and retired officers on active duty who will take rank among themselves according to age. Promotion list positions for Regular Army officers are determined in accordance with section 3574 of title 10 United States Code (10 USC 3574). Active Federal commissioned service in the Army includes all time served on active duty or active duty for training as a commissioned officer in the Federal service and service performed under sections 502-505 of title 32 United States Code (32 USC 502-505), and for other than Regular Army officers, also includes total number of days credited in any commissioned grade for points earned in the manner prescribed in paragraph 6-2b(5).

**6-2. Date of rank.** a. The date of rank of an officer on the active list of the Regular Army is the date of rank stated in his commission or Headquarters, Department of the Army orders.

b. The date of rank of an officer of the Army National Guard of the United States, US Army Reserve, or Army of the United States, entering on active duty or active duty for training in any commissioned grade, precedes the date on which

the officer enters on active duty by a period computed by adding:

★(1) One year for each qualifying year for retirement under section 1332(a)(2) of title 10 United States Code (10 USC 1332(a)(2)), earned after 30 June 1955 in the grade (without regard to component) in which ordered to active duty or higher grade. For procedure for establishing retirement years see section I, AR 140-185 or paragraph 4, NGR 640-1, as applicable. Fractional years are not creditable under this subparagraph.

(2) For officer entering on active duty after 29 June 1960, the elapsed portion of the retirement year during which he enters on active duty, provided the total number of points earned in his current or higher Reserve grade during such period equals the minimum prescribed in appendix II, AR 140-185, for that portion of a qualifying year for retirement.

(3) All periods of active duty in the military service of the United States, performed in the grade in which ordered to active duty or a higher grade, that are not credited to him under (1) or (2) above.

(4) The periods of service performed under sections 502-505 of title 32 United States Code (32 USC 502-505) in his current or higher grade, as shown on NGB Form 23, that are not credited to him under (1), (2), or (3) above.

(5) One day for each retirement point for drill or equivalent instruction, earned after 30 June 1955 in his current or higher grade, that is not credited to him under (1), (2), (3), or (4) above.

★c. The permanent (Reserve) date of rank (promotion computation date (PCD)) of a ROTC cadet graduated in 1965 or later who accepts appointment in the Reserve under the provisions of Section 2106 or 2107 of title 10 United States Code (10 USC 2106 or 2107), in May or June of any year, will be the date of graduation of the US Military Academy of the year of appointment. The temporary (Army of the United States) date of rank of a ROTC cadet graduating in 1965 or



later who accepts appointment in the Reserve during May or June under the provisions of one of the above cited statutes, will be computed under the provisions of *b* above but, in any case, will not be earlier than the date of graduation of the US Military Academy of the year of appointment.

*d.* The Regular Army, date of rank of an ROTC cadet graduating in 1965 or later who accepts appointment in the Regular Army, under the provisions of section 2106 or 2107 of title 10 United States Code (10 USC 2106 or 2107), in May or June of any year, will be the date of graduation of the US Military Academy class of that year, whether or not the individual graduated during the 2-month period indicated or earlier, and whether or not he was serving on active duty under a Reserve appointment at time of acceptance of appointment in the Regular Army. If he did not accept his appointment in the Regular Army until after 30 June, but was on active duty with date of rank determined under *c* above, such date will be his date of rank in the Regular Army.

*e.* The date of rank of a retired officer upon being ordered into the active military service is the date of rank stated in Headquarters, Depart-

ment of the Army orders placing him on active duty. Such date of rank is computed by adding to the date of rank at time of retirement, the period of time between the date of retirement and the date of return to active duty. In case of additional periods of inactive service, the date of rank will be adjusted further in accordance with the foregoing procedures. See examples in table 6-1.

*f.* The date of rank of an officer promoted to a temporary grade on active duty is the date cited in the order announcing the promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which promoted or in a higher or comparable grade in any of the armed services.

★*g.* The date of rank in temporary grade of an officer accepting appointment in the Regular Army and entitled to a temporary grade under paragraph 4-3, AR 601-100 will be his date of rank in such grade on current tour, or, if he is not on active duty at time of such acceptance, will be determined under *b* above. If officer has not previously held an appointment in grade in which given a temporary appointment, his date of rank will be date of acceptance of appointment in the Regular Army.

## Section II. WARRANT OFFICERS

**6-3. Precedence or relative rank.** Among warrant officers of the same grade on active duty or active duty for training with an active Army unit, precedence or relative rank is determined as follows:

*a.* As among warrant officers on the active list of the Regular Army.

(1) By date of temporary or permanent rank, whichever is earlier.

(2) When dates of rank are the same, in accordance with their positions on the promotion list.

*b.* As among warrant officers of the Army National Guard of the United States, US Army Reserve, Army of the United States, and retired warrant officers on active duty.

(1) By date of rank.

(2) When dates of rank are the same, by length of active Federal commissioned and warrant officer service, including service performed

under the conditions outlined in paragraph 6-4b and service performed in the same, higher, or comparable grade not considered in establishing date of rank as described in paragraph 6-4c.

(3) When (1) and (2) above are the same, by length of total active Federal service.

(4) When (1), (2), and (3) above are the same, by age.

c. As among warrant officers of the Regular Army and warrant officers of the Army National Guard of the United States, US Army Reserve, Army of the United States, and retired warrant officers on active duty.

(1) By date of temporary or permanent rank, whichever is earlier.

(2) When dates of rank are the same, Regular Army warrant officers will take rank among themselves as prescribed in a above, and non-Regular Army warrant officers and retired warrant officers will take rank as prescribed in b above following the junior Regular Army warrant officer with the same or greater amount of active Federal commissioned and warrant officer service.

**6-4. Date of rank.** a. The date of rank of a warrant officer on the active list of the Regular Army is the date of rank stated in his warrant, promotion order, or letter of appointment.

b. The date of rank of a retired warrant officer or a warrant officer of the Army National Guard of the United States or US Army Reserve serving on active duty or active duty for training with an active Army unit is a date preceding the date of entry on active duty by a period equal to the total prior service creditable. This service will be computed in the same manner as prescribed for commissioned officers in paragraph 6-2b subject to the following conditions:

(1) Prior service as a warrant officer, W-1, and service as chief warrant officer, prior to 1 October 1949, or as a chief warrant officer in pay grade W-2 thereafter, will be counted as service as a chief warrant officer, W-2.

(2) No warrant officer service prior to 1 October 1949 will be counted as service as a chief warrant officer, W-3, or chief warrant officer, W-4. Service as a chief warrant officer in pay grade W-3 will be counted as service in this pay grade, and service as a chief warrant officer in pay grade W-4 will be counted as a chief warrant officer, W-4.

(3) Service as a commissioned officer will be counted as service in the warrant officer grade in which ordered into the active military service.

(4) In no event will the date of rank computed under this paragraph be earlier than 1 October 1949.

c. The date of rank upon appointment or promotion to a temporary warrant officer grade on active duty is the date cited in the order announcing the appointment or promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which appointed or promoted or in a higher or comparable grade in any of the armed services except that:

(1) The date of rank of a Regular Army warrant officer serving on active duty as a commissioned officer who reverts to his warrant officer status will be adjusted in accordance with paragraph 7, AR 624-100.

(2) The date of rank of an AUS warrant officer serving on active duty as a commissioned officer, who reverts to warrant officer status, and whose reversion to warrant officer status was provided for in connection with his acceptance of active duty as a commissioned officer, will be his former date of rank.

### Section III. ENLISTED PERSONNEL

**6-5. Precedence or relative rank.** Among enlisted personnel of the same grade of rank in active military service, including retired enlisted personnel on active duty, precedence or relative rank is determined as follows:

a. According to date of rank.

b. When dates of rank are the same, by length of active Federal service in the Army.

c. When a and b above are the same, by length of total active Federal service.

d. When the foregoing tests are not sufficient, by age.

\* **★6-6. Date of rank.** a. The provisions of this paragraph are effective 5 November 1974. Adjustment of the date of rank of any individual reenlisting prior to 5 November 1974 is not authorized under these provisions.

b. The date of rank of an enlisted person in the Army who has not had a break in service and who reenlists in the same pay grade within 24 hours of

discharge is the date held in the pay grade prior to discharge.

c. The date of rank upon reenlistment after a break in service (former enlisted personnel to include former officers entitled to reenlist under 10 USC 3258) is a date preceding the date of reenlistment by a period equal to the length of time served previously in the same or a higher pay grade. See Example 3, Table 6-1.

d. Date of rank upon promotion to a higher grade is the date specified in the instrument of promotion. If no date is specified, the date of rank will be the date of the instrument.

e. Date of rank upon appointment to a different rank within the same pay grade is the date held in the rank from which the appointment is made.

\* f. When a soldier accumulates lost time for any reason, and whether or not reduction is effected, his date of rank will be adjusted to reflect the lost time.

g. Date of rank in a grade to which reduced for inefficiency or failure to complete a school course is the same as that which the individual formerly held in that grade.

h. Date of rank upon reduction for all other reasons is the effective date of reduction (see paragraph 3-8e(5) AR 27-10, when individual is reduced under Article 15, Uniform Code of Military Justice). (See also subparagraph f above.)

i. Date of rank upon restoration to grade of rank from which reduced following successful appeal of the reduction, is the date held before reduction. (See paragraph 3-8e(5), AR 27-10 when individual was reduced under Article 15, Uniform Code of Military Justice.)

j. The date of rank of enlisted personnel of the Army National Guard of the United States or the US Army Reserve upon entrance on active duty or active duty for training will be a date preceding the date of entrance on active duty by a period equal to the total prior service creditable when computed in the same manner as prescribed for commissioned officers in paragraph 6-2b, subject to the following conditions:

(1) Only service performed after the most recent break in service is creditable. For the purposes of this subparagraph, a period during which an individual is not a member of one of the regular components of the Armed Forces, the Army National Guard of the United States, or the US Army Reserve, is a break in service.

(2) Service performed prior to reduction to a pay grade lower than that in which individual enters on active duty will not be credited.

k. Date of rank for a retired enlisted member who is recalled to active duty will be computed as in paragraph 6-2e for a retired officer.

Table 6-1

Example 1.

John Doe accepted appointment as second lieutenant, USAR, 8 June 1960. He entered on extended active duty 14 November 1960, was promoted to the temporary grade of first lieutenant, AUS, 14 May 1962, and was relieved from active duty 18 November 1962. He was promoted to first lieutenant, USAR, 14 November 1962. His unbroken service as first lieutenant for the retirement year 8 June 1962-7 June 1963—AUS and USAR, with at least 50 days active duty during that period entitle him to full credit for the retirement year in the grade of first lieutenant. He earned a total of 53 retirement points for the following retirement year. For retirement year ending 7 June 1965 he earned 47 retirement points—17 assemblies, 15 days active duty training (25 July 1964 to 8 August 1964) and 15 retirement points for membership. However, membership points are not creditable unless with other points earned they total 50 points or more. For the elapsed portion of the retirement year in which he was ordered to active duty in the grade of first lieutenant he earned 16 retirement points, which meets the minimum requirements for credit for a partial year of that length—2 months, 18 days (app. II, AR 140-185). He entered on current tour 26 August 1965, with date of rank computed as follows (periods of 30 days or less are computed to credit calendar days service; over 30-day periods are computed on a 30-day basis):

Service period	AR 600-20 reference	Years	Months	Days
14 May 62—7 Jun 62	6-2b(3)	0	0	24
8 Jun 62—7 Jun 63	6-2b(1)	1	0	0
8 Jun 63—7 Jun 64	6-2b(1)	1	0	0
8 Jun 64—7 Jun 65	6-2b(5)	0	1	2
8 Jun 65—25 Aug 65	6-2b(2)	0	2	18
Total		2	4	14
Date of entry on current tour		65	8	26
Less service creditable for date of rank		-2	-4	-14
Computed date of rank				12 April 1963

*Example 2.*

John Doakes enlisted in the Regular Army 4 February 1960; accepted appointment as second lieutenant, USAR, 13 September 1961; was promoted to first lieutenant, USAR, 12 September 1964; was discharged from his enlisted status 28 October 1965; and entered on current tour of active duty in the grade of first lieutenant, 29 October 1965. During retirement year after promotion in the USAR, he completed 30 hours of extension course for a total of 10 retirement points creditable toward his date of rank (1 point for every 3 hours—para 16, AR 140-185).

Service period	AR 600-20 reference	Years	Months	Days
*13 Sep 64—12 Sep 65	6-2b(5)	0	0	10
*13 Sep 65—28 Oct 65	6-2b(5)	0	0	0
*(No active duty performed in grade of first lieutenant)				
Total		0	0	10
Date of entry on current tour		65	10	29
Less service creditable for date of rank		-0	-0	-10
		65	10	19
Computed date of rank 19 October 1965				

*Example 3.*

John Doe, a Regular Army soldier, was promoted to Staff Sergeant (E6) with effective date and date of rank of 15 March 1970 and was subsequently promoted to Sergeant First Class (E7) on 23 June 1972. He was discharged 10 March 1974 as a Sergeant First Class. He reenlists 15 Jan 1975 as a Staff Sergeant (E6). His date of rank would be computed by use of either method 1 or method 2 as follows:

	Years	Months	Days
<b>Method 1:*</b>			
Date of discharge	1974	3	10
Date of rank as SSG	-1970	3	15
	3	11	25
			+1 or
Time in-grade as SSG and SFC	3	11	26
Date of reenlistment	1975	1	15
	-3	-11	-26
Adjusted date of rank on reenlistment	1971	1	19
<b>Method 2:*</b>			
15 Mar 70-10 Mar 74	3	11	
15-30 Mar 70=16 days			
1-10 Mar 74=10 days			
26 days			26
Time in-grade as SSG and SFC	3	11	26
		12	45
	4	0	20
Date of reenlistment	1975	1	15
Time in-grade as SSG and SFC	-3	-11	-26
Adjusted date of rank on reenlistment	1971	1	19

\*For purposes of computing dates of rank all months are considered to have 30 days.

## APPENDIX A

EXAMPLES OF TYPES OF POLITICAL ACTIVITY  
PERMITTED OR PROHIBITED

**A-1. Examples of types of political activity permitted.** In accordance with the policies established in paragraph 5-29, a member of the Army on active duty may—

*a.* Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Army.

*b.* Promote and encourage other military personnel to exercise their franchise, provided such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

*c.* Join a political club and attend its meetings when not in uniform.

*d.* Serve in a local part-time nonpartisan civil office, appointive or elective, provided the requirements of the office do not interfere with military duties and the member receives the prior approval of the installation commander.

*e.* Serve as an election official, provided such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the installation commander.

*f.* Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, provided the signing thereof does not obligate the member to engage in partisan political activity and is taken as a private citizen and not as a representative of the Army.

*g.* Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues, provided those views

do not attempt to promote a partisan political cause.

*h.* Write a personal letter, not for publication, expressing preference for a specific political candidate or cause, provided the action is not part of an organized letter-writing campaign in behalf of a partisan political cause or candidate.

*i.* Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

*j.* Display a political sticker on his or her private automobile.

**A-2. Types of activities prohibited.** In accordance with the statutory restrictions set forth in appendix B and the policies established in paragraph 5-29, a member of the Army on active duty shall not:

*a.* Use official authority or influence for the purpose of interfering with an election, affecting the course or outcome thereof, soliciting votes for a particular candidate or issue or requiring or soliciting political contributions from others.

*b.* Be a partisan candidate for civil office, Federal, State, or local, except under the conditions set forth in paragraph 5-30, or engage in public or organized solicitation of others to become partisan candidates for nomination or election to civil offices.

*c.* Participate in partisan political management or campaigns, or make public speeches in the course thereof.

d. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for the purpose of promoting a political objective or cause.

e. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for the purpose of promoting any political objective or cause.

f. Allow or cause to be published partisan political articles signed or authored by the member for the purpose of soliciting votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering of any kind to promote a partisan political party or candidate.

i. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

j. Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.

k. Use contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present.

l. Participate in the activities and associations listed in AR 604-10, Military Personnel Security Program.

m. Perform clerical or other duties for a partisan political committee during a campaign or on election day.

n. Solicit or otherwise engage in fund raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

o. March or ride in a partisan political parade.

p. Display a large political sign, banner, or poster on his or her private automobile (as distinguished from a political sticker).

q. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party or candidate.

r. Sell tickets for or otherwise actively promote political dinners and other such fund-raising events.

s. Attend as official representative of the Army, partisan political events even though he does not actively participate.

**A-3. Activities not expressly allowed or prohibited.** Some activities not expressly prohibited would be contrary to the spirit and intent of this regulation. In determining whether or not an activity violates the traditional concept that military personnel must not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be interpreted as associating the Department of the Army directly or indirectly with a partisan political cause or candidate must be avoided.

**A-4. Nonpartisan political activity.** A member of the Army on active duty may participate in local nonpartisan political campaigns. However, a member taking part in local nonpartisan political activity shall not:

a. Wear a uniform while campaigning or use any property or facilities of the Government in the campaign.

b. Allow participation to interfere with or prejudice performance of military duties.

c. Engage in conduct which would in any way imply that the Department of the Army is taking a position or is involved in the campaign.

**A-5. Members on active duty for training.** Paragraphs 5-29, 5-30, and 5-31 do not apply to members on active duty for training who are serving for a period of not more than 30 days.

While on active duty for training, however, a member is expected to—

a. Give full time and attention to the performance of military duties during prescribed duty hours.

b. Avoid any outside activities that would be

prejudicial to the performance of military duties or inconsistent with the accepted traditions of the Army.

c. Refrain from participating in any political activity while in military uniform, or using government facilities in furtherance of political activities.

**APPENDIX B****★Statutory Prohibitions Pertaining to Political Activity by Members of the Armed Forces**

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★Members of the Armed Forces are prohibited from certain types of political activity by statutes which prescribe specific penalties for violation. Most directly applicable are the several sections of United States Code quoted as follows:

“Title 50, U.S.C., § 1475. Undue influence; free discussion

“It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office. Aug. 9, 1955, c. 656, Title III. § 305, 69 Stat. 589.”

“Title 18, U.S.C., § 592. Troops at polls

“Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps; or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

“This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. June 25, 1948, c. 645, 62 Stat. 719.”

“Title 18, U.S.C., § 593. Interference by armed forces

“Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

“Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from exercising the right of suffrage at any general or special election; or

“Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

“Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or



"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district. June 25, 1948, c. 645, 62 Stat. 719."

★ "Title 18, U.S.C., § 594. Intimidation of voters.

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other persons for the purposes of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. As amended September 22, 1970, P.L. 91-405, Title II, § 204(d)(5), 84 Stat. 853."

"Title 18, U.S.C., § 596, Polling armed forces.

"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"The word 'poll' means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form. June 25, 1948, c. 645, 62 Stat. 720."

"Title 18, U.S.C., § 602. Solicitation of political contributions

"Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or in-

directly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 603. Place of solicitation

"Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722; Oct. 31, 1951, c. 655; § 20(b), 65 Stat. 718."

"Title 18, U.S.C., § 606. Intimidation to secure political contributions.

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges or promotes, or degrades or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 607. Making political contributions

"Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

★ "Title 18, U.S.C., § 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election, to Federal office in excess of, in the aggregate—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President of the United States;

"(B) \$35,000, in the case of a candidate for the office of Senator or for the office of Representative from a State which is entitled to only one Representative; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner, in any other State.

For the purpose of this paragraph, any expenditure made in a year other than the calendar year in which the election is held with respect to which such expenditure was made, is considered to be made during the calendar year in which such election is held."

5 May 1975

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse; and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons. .

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or for election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

"(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid.

"(b)(1) Except as otherwise provided by paragraphs (2) and (3), no person shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

"(2) . . . . .

"(3) No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made in a year other than the calendar year in which the election is held with respect to which such contribution was made, is considered to be made during the calendar year in which such election is held.

"(4) For purpose of this subsection—

"(A) Contributions to a named candidate made to any political committee authorized by such candidate, in writing, to accept contributions on his behalf shall be considered to be contributions made to such candidate; and

"(B) Contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the Office of President of the United States. .

"(5) The limitations imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

"(6) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(2) For purposes of this subsection—

"(A) Expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

"(B) An expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

"(i) An authorized committee or any other agent of the candidate for the purposes of making any expenditure; or

"(ii) Any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

"(3) . . . . .

"(4) . . . . .

"(d) . . . . .

"(e)(1) No person may make any expenditure (other than an expenditure made by or on behalf of a candidate within the meaning of subsection (c)(2)(B) relative to a clearly identified candidate during a calendar year which, when added to all other expenditures made by such person during the year advocating the election or defeat of such candidate, exceeds \$1,000.

"(2) For purposes of paragraph (1)—

"(A) 'clearly identified' means—

"(i) The candidate's name appears;

"(ii) A photograph or drawing of the candidate appears; or

"(iii) The identity of the candidate is apparent by unambiguous reference; and

"(B) 'expenditure' does not include any payment made or incurred by a corporation or a labor organization which, under the provisions of the last paragraph of section 610, would not constitute an expenditure by such corporation or labor organization.

"(f) . . . . .

"(g) . . . . .

"(h) . . . . .

"(i) Any person who violates any provision of this section shall be fined not more than \$25,000 or imprisoned not more than one year, or both; as amended October 15, 1974, P.L. 93-443, 88 Stat. 1263"

## ★ "Title 18, U.S.C., § 614. Prohibition of contributions in name of another.

"(a) No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

"(b) Any person who violates this section shall be fined not more than \$25,000 or imprisoned not more than one year or both. October 15, 1974, Pub. L. 93-443, 88 Stat. 1268."

## ★ "Title 18, U.S.C., § 615. Limitation on contributions of currency.

"(a) No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

"(b) Any person who violates this section shall be fined not more than \$25,000 or imprisoned not more than one year, or both. October 15, 1974, Pub. L. 93-443, 88 Stat. 1268."

## ★ "Title 18, U.S.C., § 616. Acceptance of excessive honorariums.

"Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

"(1) accepts any honorarium of more than \$1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or

"(2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than \$15,000 in any calendar year; shall be fined not less than \$1,000 nor more than \$5,000. October 15, 1974, Pub. L. 93-443, 88 Stat. 1268."

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to The Adjutant General, ATTN: AGAO-R, Department of the Army, Washington, DC 20315.

By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS,  
*Major General, United States Army,  
The Adjutant General.*

W. C. WESTMORELAND,  
*General, United States Army,  
Chief of Staff.*

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Army to make the maximum information available to Congressional committees as to its operations and activities, subject to the provisions of paragraph 2-24, AR 380-5 and paragraph 7-106, DOD 5200.1-R. When requested to appear before a committee of Congress, military personnel of the Army will establish coordination with the Chief of Legislative Liaison, Office, Secretary of the Army (or the Comptroller of the Army on matters pertaining to appropriations) for guidance or assistance.

**5-14. Publishing of articles.** The policy of the Department of Defense is that military personnel who desire to engage in public writing for personal profit are on an exact parity with civilian professional writers so far as access to classified current technical or operational military information is concerned. See paragraph 9, AR 360-5.

**5-15. Student officer studies.** All studies prepared as a part of their official duties by students at Army service schools will be used for official purposes only and will not be made available for publication or release in any manner which would indicate Department of the Army indorsement. This is not intended to preclude the writing of special articles on military subjects for publication provided review and clearance for publication are obtained as prescribed in paragraph 9, AR 360-5.

**5-16. Participation in public demonstrations.** Participation in picket lines or any other public demonstrations may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited—

- a. During the hours they are required to be present for duty.
- b. When they are in uniform.
- c. When they are on a military reservation.
- d. When they are in a foreign country.
- e. When their activities constitute a breach of law and order.
- f. When violence is reasonably likely to result.

**5-16.1. Participation in support of civilian law enforcement agencies.** a. Except in cases where there is affirmative evidence that alleged criminal activity involves persons subject to the UCMJ or military property, commanders and supervisors will neither sanction nor lend affirmative support for the use of military personnel as sources or in-

formants for civilian law enforcement agencies in the 50 states and the District of Columbia.

b. This provision will not be construed to prevent military personnel from performing normal duties of citizenship in terms of reporting crimes or other suspicious activities to civilian law enforcement agencies or otherwise cooperating with civilian police authorities in their private capacities, nor does it preclude the mutual exchange of police information.

**★5-17. Participation in pageants and shows for civilian entertainment.** Guidance on participation of military personnel in pageants or shows designed primarily for the entertainment of the public in the civilian domain is provided in chapter 4, AR 360-61. Exceptions to policy should be submitted through command channels to HQDA (DAIO-CR) WASH DC 20310.

**5-18. Armed Forces Disciplinary Control Boards.** See chapter 2, AR 190-24.

**5-19. Off limits.** See paragraph 2-8, AR 190-24.

**5-20. Prohibitions with respect to intoxicating liquors.** See paragraph 1-3, AR 210-65.

**5-20.1. Membership campaigns.** The Department of the Army recognizes, supports, and benefits from the activities of many worthy organizations, associations, and clubs, a number of which are quasi-military, are comprised largely or entirely of active or retired military personnel, and/or conduct meetings and other activities on installations.

a. In providing support to such organizations and associations, installation commanders and heads of Department of the Army Staff agencies will—

- (1) Insure that membership among personnel under their jurisdiction is truly voluntary.
- (2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repetitive orientations, meetings, or similar counseling of individuals who have chosen not to join after having been afforded an opportunity to do so, and the use of membership statistics in support of supervisory influence.

b. This policy will not be construed as serving to bar reasonable efforts to inform and encourage personnel, without coercion, regarding the benefits and worthiness of such organizations and of membership therein.



*5/5 B4*  
*See AR 608-99 15 NOV. 78*

25 October 1974

**Section II. SUPPORT OF DEPENDENTS**

**5-21. General.** Support of dependents by members of the Army involves a serious responsibility which is of direct concern to the Army. Failure on the part of a member to carry out this responsibility not only reflects adversely on the Army as a whole but is entirely inconsistent with Army standards of honor. The Army will not be a haven or refuge for personnel who disregard or evade their obligations to their families. Members of the Army are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide adequate and continuous support for their legal dependents and comply with the terms of separation agreements and court orders. Failure to do so in any manner which tends to cast discredit on the Army is a proper subject of command consideration for punitive action or other appropriate administrative action including elimination from the service or denial of reenlistment.

**5-22. Entitlement to basic allowance for quarters.** Since 1 January 1963, enlisted members in the pay grade of E-4 with over 4 years' service and in pay grades E-5 through E-9 have received the basic allowance for quarters with their pay, rather than through mandatory class Q allotments to their dependents. This procedure was instituted in the belief that noncommissioned officers, together with commissioned and warrant officers, are responsible individuals who will fulfill their family support obligations without coercion. Although the allowance is paid to the member, rather than to his dependents, its purpose is to provide for the support of his dependents, and his unjust enrichment by a refusal to support his

dependents will not be permitted. Cases involving alleged refusal of a member to use the basic allowance for quarters for the support of his dependents will be referred to the appropriate finance and accounting officer for initiation of action to determine whether the member is entitled to that allowance.

**5-23. Adequacy of support.** What is adequate or reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be permanently resolved only in the civil courts. Salient factors that must be taken into account are the pay of the member, any other private income or resources of the member and dependents, the cost of necessities and everyday living expenses, and financial obligations of the member in relation to his income. The Department of the Army does not and cannot pass judgment on these matters. It is desired that the amount of support to be provided for dependents be established by mutual understanding between the parties concerned or decided in the civil courts. In the absence of an agreement between the parties concerned or a court order, the member will be expected to provide support payments in an amount not less than the basic allowance for quarters that he receives. The duty of a member to support his minor children, natural or adopted, of present marriage is not affected by desertion or other misconduct on the part of the wife. The obligation to support a child, or children, natural or adopted is not affected by dissolution of the marriage through divorce, unless the judicial decree or order specifically

negates the obligations of a man to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children, or does not mention a child or children, will not be considered as relieving the serviceman of his inherent obligation to provide support for the child or children, natural or adopted, of the marriage.

**5-24. Court orders.** The Army expects its personnel to comply with civilian court decrees. In many cases there is an outstanding and uncontested support judgment against a member, but his total income appears inadequate to satisfy the judgment and maintain himself. In such cases, he should be required to consult immediately with his Legal Assistance Officer, and receive the guidance necessary for communication with the complainant or pertinent court of law with a view toward reaching a solution acceptable to all concerned. The circumstances present at the time the support decree was issued may have changed considerably with the passage of time, primarily through the member's acquisition of additional family responsibilities. Thus the same facts which indicate to the commander the near-impossibility of full compliance with the court order, when brought to the attention of the court in question, or the complainant, may induce the recipient to reduce the support required to an amount more in keeping with the present ability to pay. Until the court order is actually modified by competent authority or abrogated voluntarily by the complainant, it continues in force. The provisions of this paragraph are not applicable when the court order only involves payment of alimony for a former wife. See AR 600-15.

**5-25. Guidance in the absence of court orders.** DA Pamphlet 608-26 contains guidance for support payments to dependents of enlisted personnel in pay grades E-4 (4 years or less of service), E-3, E-2, and E-1. Evaluation of equitable support for dependents of higher grade enlisted personnel in the absence of a court order or agreement is more complicated. When closely knit families are temporarily separated due to the exigencies of the service, allegations of nonsupport are seldom in evidence. At the other end of the spectrum are those families which have become disunited by a formal divorce decree which usually provides for monetary support. Generally, therefore, cases requiring action by commanders con-

cerned are those where husband and wife are voluntarily separated. In such cases the member, from his own pay, should furnish to his legal dependents an amount at least equal to the previous contribution of an enlisted man serving in his grade, prior to January 1963, plus his present basic allowance for quarters. Before 1 January 1963, an enlisted member in pay grade E-4 (over 4 years' service) or higher had \$60 or \$80 withheld from his pay and added to the basic allowance for quarters to form the superseded class Q allotment. Thus a member is in essence receiving a gratuitous pay raise if he only contributes the amount of the current basic allowance for quarters.

**5-26. Command responsibilities.** The best judge of the facts in each case is the immediate commander of the member concerned. He is on the site, may know the member and his problems intimately and will have the benefit of face-to-face discussion. Under the Dependents Assistance Act of 1950 wherein class Q allotments were mandatory when dependency was proven, and the US Army Finance Support Agency, had the authority to initiate a class Q allowance over the objection of the service member, the role of the commander was not quite so prominent. It thus behooves commanders at all echelons to supervise the handling of these cases with the overall goal of equitable and prompt solution of each. It is particularly important that the complainant be given a complete reply by the commander, one that is courteous and factual, bereft of evasion and vague promises, and with no hint of "brushoff." Finally, command action of a monitoring nature must ensue to ensure that statements, promises, etc., of the member are in fact carried out expeditiously.

**5-27. Action by commanders.** a. In considering appropriate measures to be taken in cases of nonsupport of dependents, commanders must bear in mind that any action which will reduce the member's ability to pay may further compound the financial problem for both the member and his dependents. Since issues of support ordinarily will involve a variety of legal questions, commanders should seek the advice of an appropriate judge advocate relative to those legal issues which may be raised and with respect to any matters about which the judge advocate may have knowledge and experience. In general,

no matter how proficient a member may be in military skills, his inability to manage his personal affairs may jeopardize his value to the service. When command action in accordance with this regulation has not secured the cooperation of the member in supporting his dependents, consideration should be given to his elimination from the service through the use of appropriate procedures (AR 635-212).

*b. The provisions of this section do not normally apply in the case of retired personnel not on active duty. Routine complaints of nonsupport should be answered by a statement that any action in connection with the financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, HQDA(DAAG-ASO-PA) TAGO BLDG, FALLS CHURCH, VA 22041, when, in the opinion of the reviewing officer, the complaint justifies consideration by the active military.*

**★5-27.1 Pregnancy and dependent care counseling.** (This paragraph applies to Active Army only.)

*a. Commanders will identify members of their command whose status is defined in (1), (2), and (3), below and counsel them on their rights and responsibilities for the care of their dependents as it relates to their responsibilities to the service.*

*(1) Pregnant Army members will be counseled in accordance with section XXVIII, AR 635-100 or paragraph 8-6, AR 635-200.*

*(2) The following enlisted personnel will be counseled in accordance with procedure 4-29, DA Pamphlet 600-8—*

*(a) Army members who are married to other service members and have minor dependents (under age 18).*

*(b) Army members who are sole parents or sole guardians of minor dependents. This includes members having sole custody of dependents because of divorce, legal separation, because spouse is not residing permanently with member, or because spouse is not capable of self-care.*

*(c) Army members who are married to other service members and have responsibility for the care of dependents who are unable to provide for themselves (e.g., handicapped, infirm), regardless of age.*

*(d) Army members who are sole parents or sole guardians, as indicated in (b) above, of dependents who are unable to provide for themselves (e.g., handicapped, infirm), regardless of age.*

*(3) Officer personnel as defined in (a), (b), (c) and (d) above, who have less than 3 years' active Federal service, will be counseled in accordance with procedure 4-29, DA Pamphlet 600-8.*

*b. Service members married to other service members and jointly responsible for care of dependents will, when practicable, be counseled together.*

*c. Service members must arrange for the care of their dependents so as to be available for duty when and where the needs of the service dictate, be able to perform assigned military duties without interference, and remain eligible for worldwide assignment. Commanders must stress these obligations, and ensure service members know they will not receive special consideration in duty assignments or duty stations, based solely on their responsibility for dependents. The primary evidence that members have made adequate arrangements for care of their dependents will be the execution of a Dependent Care Plan as outlined in procedure 4-29, DA Pamphlet 600-8.*

*d. Service members will be further counseled as indicated below—*

*(1) Enlisted members will be counseled regarding the involuntary separation provisions in paragraph 5-34, AR 635-200, which should be implemented whenever parenthood interferes with military responsibilities.*

*(2) Enlisted members will be counseled regarding the provisions of paragraphs 1-34c and 1-34d(14), AR 601-280 for bars to reenlistment for failure to provide an approved Dependent Care Plan or for failure to manage family affairs.*

*(3) Officers will be counseled regarding the provisions of section XV, chapter 3 and section IV, chapter 5, AR 635-100.*

*e. The commander and the enlisted member will sign the dependent care counseling checklist after counseling has been accomplished. The enlisted member will be informed that a Dependent Care Plan should be submitted to the unit commander within 3 months of the date of counseling and that the member will be given the opportunity to sub-*

COPY 2

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, D.C., 6 December 1978

3/Sch 15 Jan 79  
Immediate Action  
INTERIM CHANGE

AR 600-20

AR 600-20  
INTERIM CHANGE  
NO. 101  
Expires 6 December 1979

PERSONNEL-GENERAL

ARMY COMMAND POLICY AND PROCEDURE

This interim change is forwarded to the field to provide guidance on the relationships among superiors and subordinates in the service. It is effective 22 November 1978 as announced in ALARACT message 022/78 dated 22 2126Z November 1978. This change expires 1 year from the date of publication and will be destroyed at that time unless sooner superseded by a formal printed change; is being distributed by 1st class mail through the publications pinpoint distribution system to all holders of AR 600-20; is, as an interim measure, issued in other than page-by-page format; and will be included in change 9 to AR 600-20.

Page 5-3. Paragraph 5-7f is added as follows:

f. Relationships between service members of different rank which involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. Such relationships will be avoided. If relationships between service members of different rank cause actual or perceived partiality or unfairness; involve the improper use of rank or position for personal gain; or can otherwise reasonably be expected to undermine discipline, authority, or morale, commanders and supervisors will counsel those involved or take other action as appropriate.

(DAAG-PSI)

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S/S ch 9

AR 600-20

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BOOK NO	MESSAGE HANDLING INSTRUCTIONS								
<p>FROM: DA TAGO/TAGCEN WASHDC//DAAG-PSI// 7</p> <p>TO: ALL HOLDERS OF INITIAL DISTRIBUTION COPIES OF AR <u>600-20</u> <i>Rec'd 9/21/78</i></p> <p>UNCLAS</p> <p>SUBJECT: Interim Change 9-2 to AR <u>600-20</u>, Army Command Policy and Procedure</p> <p>1. This interim change is being distributed through the publications pinpoint distribution system to all holders of AR 600-20 in accordance with DA Form 12-9A.</p> <p>2. This change supersedes interim change 9-1 to AR 600-20, dated 231200Z Feb 78, subject as above and makes the following change: Change 9-1 states that pregnant Army members with less than three (3) years service require counseling. This is corrected to read: all pregnant Army members regardless of time in service will be counseled in accordance with AR 635-100 or AR 635-200.</p> <p>3. Paragraph 5-27.1 is changed to read: Pregnancy and Dependent Care Counseling.</p> <p>a. Commanders will --</p> <p>*-- identify members of their command whose status is defined in (1) and (2) below, and</p> <p>-- counsel them on their rights and responsibilities for the care of their dependents as it relates to their responsibilities to the service.</p> <p>(1) Pregnant Army members will be counseled in accordance with section XXVIII, AR 635-100 or paragraph 8-6, AR 635-200.</p> <p>*(2) The following personnel who have less than three (3) years active Federal service will be counseled in accordance with Procedure</p>									
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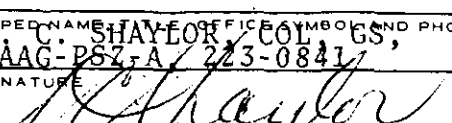
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REPLACES DD FORM 173, 1 JUL 68, WHICH WILL BE USED.

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S/S ch9

600-20

JOINT MESSAGEFORM							SECURITY CLASSIFICATION			
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<p>FROM: DA TAGO/TAGCEN WASHDC//DAAG-PSI// 7</p> <p>TO: ALL HOLDERS OF INITIAL DISTRIBUTION COPIES OF AR 600-20</p> <p>UNCLAS</p> <p>SUBJECT: Interim Change 9-1 to AR 600-20, Army Command Policy and Procedure</p> <p>1. This interim change is being distributed through the publications pinpoint distribution system to all holders of AR 600-20 in accord- ance with DA Form 12-9A.</p> <p>2. This change adds paragraph 5-27.1 to AR 600-20 and reads: Pregnancy and Dependent Care Counseling.</p> <p>a. Commanders will--</p> <p>--identify members of their command with less than three years active Federal service whose status is defined in (1) and (2) below, and</p> <p>--counsel them on their rights and responsibilities for the care of their dependents as it relates to their responsibilities to the service.</p> <p>(1) Pregnant Army members will be counseled in accordance with section XXVIII, AR 635-100 or paragraph 8-8, AR 635-200.</p> <p>6 5 4 3 2 1 0</p>										
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(2) The following personnel will be counseled in accordance with procedure 4-29, DA Pamphlet 600-8:

(a) Army members who are married to other service members and have minor dependents (under age 18).

(b) Army members who are sole parents or guardians of minor dependents. This includes members having sole custody of dependents because of divorce or separation.

(c) Army members identified in paragraphs (a) and (b) above who have sole responsibility for the care of dependents who are unable to provide for themselves (e.g., handicapped, infirm), regardless of age.

b. Service members married to other service members and jointly responsible for care of dependents will, when possible, be counseled together. If one member has three or more years active Federal service, that member should also be present during counseling. A counseling checklist will not be required for this member.

c. Service members must arrange for the care of their dependents so as to--

- be available for duty when and where the needs of the service dictate,

- be able to perform assigned military duties without interference, and

- remain eligible for world-wide assignment.

Counselors must stress these obligations, and ensure service members know they will not receive special consideration in duty assignments or duty stations, based solely on their responsibility for dependents.

d. The counselor will sign the Dependent Care Counseling Checklist, after counseling, and then allow enlisted members enough time to designate a responsible adult who agrees to act as guardian of dependents during periods of deployment. Then the enlisted member must sign a Statement of Counseling which will be forwarded to the servicing MILPO for file--in the actions pending section of the member's MPRJ (DA Form 201). The Statement of Counseling, and Dependent Care Counseling Checklist, will remain in the member's MPRJ until the member is no longer responsible for dependents, as defined in (2) above, or on member's completion of three years active Federal service, whichever occurs first.

e. Officers will not be required to sign a Statement of Counseling; however, the Counseling Checklist will be forwarded to the servicing MILPO for file as indicated in d, above.

f. Comments or questions regarding counseling should be directed to HQDA (DAPC-MSF-R), 200 Stovall Street, Alexandria, VA 22332.

3. The policy contained herein is effective 1 May 1978.

4. Holders of AR 600-20 are advised that numbered change 8, AR 600-20, pertaining to matters unrelated to this message is



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presently being processed by TAG Publications Directorate,  
therefore, Change Number 9-1 was used in designating this interim  
change.

document. The document containing the correction will include the identity and date of the document being corrected, and to whom it pertains. Distribution and filing will be made for the amended document.

*c. Installation responsibilities.* When a major Army commander deems it advisable to relieve tactical commanders of installation responsibilities the commander may designate by letter, an officer of the permanent station complement junior to the senior tactical commander as installation commander.

*d. Optimum length of command tours.* The optimum length of command tours must be based on the needs of the Army, stability within units, the need for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 18 months with a maximum of 24 months.

(3) In oversea areas where the tour length precludes such tenure of command, the command tour will coincide with the oversea tour.

*e. Command by women officers.* Women officers may be assigned to any command position identified for interchangeable occupancy.

*f. Command by general officers.* Except as indicated in paragraph 3-4, general officers will not be assigned without the prior approval in each instance of HQDA (DAPE-GO) WASH DC 20310.

*g. Command of medical units.* The senior Medical Corps Officer assigned or attached to a medical unit which is temporarily deployed for the purpose of receiving and treating patients, will assume command of that unit. Command will be exercised until properly relieved.

*h. Command of dental units.* The senior Dental Corps Officer assigned or attached to a dental unit which is temporarily deployed for the purpose of receiving and treating patients, will assume command of that unit. Command will be exercised until properly relieved.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications, zone headquarters, sections, and areas), and similar branch immaterial commands will assume com-

mand of the organization to which assigned provided he/she is not ineligible under paragraph 3-11 or 3-12.

**★3-3. Designation of junior in the same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization, the President may assign the command of forces without regard to seniority of rank.

*b.* General officers in command of major Army commands, armies, corps, installations, divisions, and separate brigades; and heads of Department of the Army Staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see paras 3-1f and 3-4d for policy on general officers). When an officer who is a junior is designated to command, a military letter or memorandum will be used to announce the appointment and will contain the following information:

SUBJECT: Appointment of Commander  
By direction of the President, (grade, name, and branch) is appointed commanding officer/general (complete unit designation, UIC, and MRIC) effective (date).

(Authentication)

This appointment will be used only if the duties of the position require the exercise of command, and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by designation in a letter.

*c.* Commanders will not use the Presidential authority cited in this paragraph to appoint a junior member as their own successor either temporarily or permanently. When a situation occurs where a commander having authority under this paragraph finds it necessary to temporarily place a junior member in his or her position as an acting commander, a request stating the circumstances and asking the appointment be made will be sent to the next higher commander having authority under this paragraph. The next higher commander will review the request and

make those appointments deemed necessary. Commanders are not authorized to issue a blanket designation applicable to more than one absence of a subordinate commander without prior approval from HQDA, ATTN: DAPE-MP or DAPE-GO (in cases involving general officers). Each designation of a junior to a command position requires a separate action by the designating authority except when prior approval of a blanket designation has been authorized.

*d.* The authority in this paragraph will not be used to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee, to officers of the Army Medical Department when such assignment involves troops other than those of the Army Medical Department (para 3-12c).

### **3-4. Death, disability, or absence of commander.**

*a. General.* In the event of the death, disability, retirement, reassignment or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in *c* below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b except the announcement will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. A rescinding announcement is not required to rescind the announcement designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the announcement gave the time element involved. An announcement is required to rescind an announcement designating an acting commander, if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon

General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in the office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 USC 3015).

*c. Commanders of major Army commands.* A commander of a major Army command may continue to discharge the functions of command while absent from the limits thereof, provided such absence is for a short period only, the commander has reasonable communication with the major Army command headquarters, and the absence is not caused by physical disability.

### *d. General officers.*

(1) During the temporary absence of the regularly assigned commander concerned, major Army commanders are authorized to assign general officers under their command to positions of command.

(2) In those cases where more than one major Army command is represented on an installation, the line of succession of command may pass from one major Army command to another. Major Army commanders concerned should agree to the terms of such an arrangement by a memorandum of understanding and publish necessary documentation. HQDA (DAPE-MPO) will be notified of the action taken.

### **3-5. Absence or disability of all officers of a unit.**

In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will permanently assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 3-11b, 3-12c and *f* apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-6. Emergency command.** In an emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions also apply to

staff will vary with the commander and the level of the command. He must take care, however, that the staff does not isolate him from his subordinate commanders and that the unique relationship between himself and his subordinate commanders is preserved. The commander maintains a close, direct, and personal relationship with his subordinate commanders and with his staff. He insures that a feeling of mutual respect and confidence exists between his headquarters and subordinate commands.

*d.* Commanders will assist in the professional development of their subordinates by such means as encouraging self-study, periodically rotating their duties, and frequently counseling them upon their performance. Normally, enlisted personnel will not be rotated to duty outside their primary military occupational specialty particularly in the case of those receiving proficiency pay.

*e.* Authority will impose its weight by the professional competence of leaders at all echelons rather than by the arbitrary or despotic methods of martinets. Commanders should not rely on coercion when persuasive methods can effect the desired end. Second, only to accomplishing their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. Leaders at all echelons will impart to troops, on a continuing basis, constructive information on the necessity, for and purpose of, military discipline. In complying with the Uniform Code of Military Justice, Article 137, the articles required to be explained will be presented in such a manner as to insure that enlisted personnel will be fully aware of the controls and obligations imposed on them by virtue of their military service. Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction. Leaders will strive to maintain such relations

of confidence and sympathy as will insure that personnel of their command will feel free to approach them for counsel and assistance, not only with regard to military and organizational matters, but with matters which may be contributing to personal or family distress or perplexity. This relationship may be gained and maintained without relaxing the bonds of discipline and with great benefit to the service as a whole.

**5-8. Disciplinary powers of commanding officer.**  
*a.* See Manual for Courts-Martial, United States, 1969 (Revised edition).

*b.* In the exercise of his authority to use non-punitive measures, as explained in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition), if the individual to be administratively admonished or administratively reprimanded is no longer a member of his command, the commander concerned will forward such administrative admonition or administrative reprimand direct to the individual at his current duty station (para 4-2g(4) and 5-6).

*c.* Exercise of disciplinary authority should be tailored to the nature and circumstances of specific offenses. Commanders will not restrain disciplinary powers of subordinates by prescribing allowable frequency limits for various types of disciplinary actions.

★*d.* For reports required to be submitted in certain cases involving a change in status of an officer resulting from court-martial action or a transfer of an accused person from the general court-martial jurisdiction which has been designated as having temporary custody of the accused, see paragraph 96, Manual for Courts-Martial, United States, 1969 (Revised edition).

**5-9. Private indebtedness and financial obligations.** See AR 210-7 and AR 600-15.

**5-10. Settlement of local accounts on change of station.** To insure that organizations and individuals have properly settled their accounts, commanders will—

*a.* Make every effort to settle local accounts of their organizations prior to movement.

*b.* Institute action by mail to promptly settle organizational accounts with local firms that they are unable to settle prior to movement.

*c.* When considered necessary, take action under the Uniform Code of Military Justice, Articles 15, 121, 123a, 133, or 134, when individuals under their

command issue checks against an account with insufficient funds or fail to clear their personal accounts prior to departure from their stations. When information of indebtedness is received after an individual departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in paragraph 3-1c(7), AR 600-15.

**5-11. Civil status of members of the Reserve components.**

*a.* A member of the reserve components, not serving on active duty, is not held or considered to be an officer or employee of the United States solely by reason of his status as such member. He may accept employment in any civil branch of the public service, and receive pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Reserve components. Except as specifically provided to the contrary in certain laws of the United States, a member of the Reserve components, not serving on active duty, may practice his civilian profession or occupation before or in connection with any department of the Federal Government. There are a number of laws which impose limitations on the activities in which persons may engage after termination of active duty or employment by the United States. The underlying principle of these laws is that it is improper for an individual who has handled a matter for the Government to leave public service and thereafter represent the other side in connection with the same or a closely related matter. (See, for example, 18 USC 207.)

*b.* Members of the Reserve components who are officers and employees of the United States or of the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for pa-

rades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

*c.* Members of the Reserve components, subject to the approval of the Secretary of the Army, may accept civil employment with and compensation therefor, from any foreign government or any concern which is controlled in whole or in part by a foreign government.

**5-12. Release of personnel rosters, orders, or similar documents outside the Military Establishment.**

*a.* Rosters, orders, or similar documents listing names and addresses of military personnel (including Reserve component personnel) will not be released to individuals or organizations outside the Military Establishment if there is any reason to believe the information may be used for purposes of commercial or other solicitations. Requests for such information will be processed in accordance with paragraph 7, AR 345-20.

*b.* To be effective, this policy must apply at all levels of command in the field as well as at the departmental level. Commanders at all levels will insure that those concerned are familiar with this regulation.

**5-13. Congressional activities.**

*a. Communicating with a Member of Congress.* No person may restrict any member of an armed force from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States (10 USC 1034). No individual will be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders are responsible for continually advising subordinates to seek advice or assistance within the chain of command, from appropriate staff agencies, or from an inspector general if there is a complaint, and that a communication concerning a personal problem forwarded to anyone who is not in the local chain of command inevitably must be returned to the local commander for consideration before action can be taken to render assistance; also that service members should so inform members of their families.

*b. Appearance before congressional committees.* It is the policy of the Department of the

negates the obligations of a man to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children, or does not mention a child or children, will not be considered as relieving the serviceman of his inherent obligation to provide support for the child or children, natural or adopted, of the marriage.

**5-24. Court orders.** The Army expects its personnel to comply with civilian court decrees. In many cases there is an outstanding and uncontested support judgment against a member, but his total income appears inadequate to satisfy the judgment and maintain himself. In such cases, he should be required to consult immediately with his Legal Assistance Officer, and receive the guidance necessary for communication with the complainant or pertinent court of law with a view toward reaching a solution acceptable to all concerned. The circumstances present at the time the support decree was issued may have changed considerably with the passage of time, primarily through the member's acquisition of additional family responsibilities. Thus the same facts which indicate to the commander the near-impossibility of full compliance with the court order, when brought to the attention of the court in question, or the complainant, may induce the recipient to reduce the support required to an amount more in keeping with the present ability to pay. Until the court order is actually modified by competent authority or abrogated voluntarily by the complainant, it continues in force. The provisions of this paragraph are not applicable when the court order only involves payment of alimony for a former wife. See AR 600-15.

**5-25. Guidance in the absence of court orders.** DA Pamphlet 608-26 contains guidance for support payments to dependents of enlisted personnel in pay grades E-4 (4 years or less of service), E-3, E-2, and E-1. Evaluation of equitable support for dependents of higher grade enlisted personnel in the absence of a court order or agreement is more complicated. When closely knit families are temporarily separated due to the exigencies of the service, allegations

of nonsupport are seldom in evidence. At the other end of the spectrum are those families which have become disunited by a formal divorce decree which usually provides for monetary support. Generally, therefore, cases requiring action by commanders concerned are those where husband and wife are voluntarily separated. In such cases the member, from his own pay, should furnish to his legal dependents an amount at least equal to the previous contribution of an enlisted man serving in his grade, prior to January 1963, plus his present basic allowance for quarters. Before 1 January 1963, an enlisted member in pay grade E-4 (over 4 years' service) or higher had \$60 or \$80 withheld from his pay and added to the basic allowance for quarters to form the superseded class Q allotment. Thus a member is in essence receiving a gratuitous pay raise if he only contributes the amount of the current basic allowance for quarters.

**5-26. Command responsibilities.** The best judge of the facts in each case is the immediate commander of the member concerned. He is on the site, may know the member and his problems intimately and will have the benefit of face-to-face discussion. Under the Dependents Assistance Act of 1950 wherein class Q allotments were mandatory when dependency was proven, and the US Army Finance Support Agency, had the authority to initiate a class Q allowance over the objection of the service member, the role of the commander was not quite so prominent. It thus behooves commanders at all echelons to supervise the handling of these cases with the overall goal of equitable and prompt solution of each. It is particularly important that the complainant be given a complete reply by the commander, one that is courteous and factual, bereft of evasion and vague promises, and with no hint of "brushoff." Finally, command action of a monitoring nature must ensue to insure that statements, promises, etc., of the member are in fact carried out expeditiously.

**5-27. Action by commanders.** a. In considering appropriate measures to be taken in cases of nonsupport of dependents, commanders must bear in mind that any action which will reduce the member's ability to pay may further com-

pound the financial problem for both the member and his dependents. Since issues of support ordinarily will involve a variety of legal questions, commanders should seek the advice of an appropriate judge advocate relative to those legal issues which may be raised and with respect to any matters about which the judge advocate may have knowledge and experience. In general, no matter how proficient a member may be in military skills, his inability to manage his personal affairs may jeopardize his value to the service. When command action in accordance with this regulation has not secured the cooperation of the member in supporting his dependents, consideration should be given to his elimination from the service through the use of appropriate procedures (AR 635-212).

### Section III. POLITICAL ACTIVITIES

**5-28. Explanation of terms.** For the purpose of this section the following explanations will apply:

*a. Civil office.* An office, not military in nature, that involves the exercise of the powers or authority of civil government. It may be either an elective or an appointive office under the United States, a Territory or Possession, or a State, county, or municipality, or official subdivisions thereof. The term "civil office" does not include offices to which military personnel may be assigned in a military status.

*b. Full-time service.* Any service in connection with a civil office that is likely to interfere with regular military duties.

*c. Nonpartisan political activity.* An activity in support of or related to candidates not representing, or issues not specifically identified with, national or state political parties and associated or ancillary organizations. (Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with national or state political parties.)

*d. Partisan political activity.* An activity in support of or related to candidates represent-

*b.* The provisions of this section do not normally apply in the case of retired personnel not on active duty. Routine complaints of nonsupport should be answered by a statement that any action in connection with the financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, HQDA (DAAG-ASO-PA) TAGO BLDG, FALLS CHURCH, VA 22041, when, in the opinion of the reviewing officer, the complaint justifies consideration by the active military.

ing, or issues specifically identified with, national or state political parties and associated or ancillary organizations.

**5-29. Political activities.** A member of the Army is expected and encouraged to carry out his obligations as a citizen, but while he is on active duty he is prohibited in certain circumstances from becoming a candidate for or holding civil office (para 5-30 and 5-31), and in engaging in partisan political activities. The following general principles apply:

*a. A member may—*

(1) Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(2) Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

(3) Attend partisan as well as nonpartisan political meetings or rallies as a spectator when not in uniform.

*b. A member may not—*

(1) Use his official authority or influence for the purpose of interfering with an election,

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## CHAPTER 2

### COMMAND AND OTHER CHANNELS

**2-1. Chain of command.** The chain of command is the most fundamental and important organizational technique used by the Army. It is the succession of commanders, superior to subordinate, through which command is exercised. This chain is also known as the command channel. It extends from the President, as Commander in Chief, down through the various grades of rank to the enlisted persons leading the smallest Army elements and to their men. Staff officers and administrative noncommissioned officers are not in the chain of command. A simple and direct command channel helps transmit orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. As used in this regulation, no distinction is made between the terms of commander and leader as the fundamental policies of command and leadership apply at all echelons of the chain of command. The command channel extends upward in the same manner for matters requiring official communication from subordinate to superior. It is Army policy that each individual in the chain of command is delegated sufficient authority to accomplish assigned tasks and responsibilities. Every commander has two basic responsibilities in the following priority: Accomplishing his mission, and the care of his personnel and property. Normally, efficiently accomplishing the mission will help to satisfy the responsibility for personnel welfare. A superior in the chain of command holds his subordinate commanders responsible for everything their command does or fails to do. Thus, in relation to his superior, a commander cannot delegate any of his responsibilities. However, in relation to his subordinates, he does subdivide his responsibility and authority and assigns portions of them to various commanders and staff

members. In this way an appropriate degree of responsibility becomes inherent in each command echelon. The necessity of a commander or staff officer observing proper channels in issuing instructions or orders to subordinates must be recognized. Constant and continuous use of the chain of command is vital to the combat effectiveness of any Army unit. Every effort must be made to acquaint all individuals with its existence and proper function.

**2-2. Staff or technical and noncommissioned officer channels.** Another important Army organizational technique for communication is the staff or technical and noncommissioned officer channels of communications. The term staff or technical channels is used to describe the vertical or horizontal channel between a staff section at one headquarters and a similar staff section at another echelon, or at a parallel headquarters. The noncommissioned officer channel originates with the commander of a major unit or installation and extends from that commander's command sergeant major downward through subordinate organizations' command sergeant major to unit first sergeants and, thence, to other noncommissioned officer and enlisted personnel of the units. These informal channels are used primarily for exchanging information and do not replace the normal chain of command. The staff or technical channel is sometimes used for routing reports and instructions not involving variations from command policies and directives. The noncommissioned officer channel is often used to accomplish certain routine, but important, tasks and responsibilities. These include: training in basic skills and attributes of a soldier, establishing and maintaining noncommissioned



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officer standards, proper wearing of the uniform; appearance, military courtesy of enlisted personnel, care of individual arms and equipment of enlisted personnel, care of living quarters of enlisted personnel, area maintenance

tasks, and operation of recreational and other facilities for the primary use of enlisted personnel. Each commander defines to his staff and subordinates his policies on the use of these channels.

## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations, activities, and units. a. Responsibility.** Command of an installation, activity, or unit of platoon size or larger normally is the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 3-11, subject to the following limitations:

(1) Class I installations and activities and comparable overseas installations normally will be commanded by an officer of one of the following branches: Armor, Air Defense, Artillery, Field Artillery, Infantry, Corps of Engineers, Military Police Corps, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

★(3) Except for commanders of type A installations (para 8a, AR 10-10), Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from the Deputy Chief of Staff for Personnel (HQDA (DAPE-MPO) Washington, DC 20310).

**b. Announcement of assumption of command.** Assumption of command will be announced by orders citing the pertinent subparagraph of this regulation as the authority.

(1) General orders will be used by commanders authorized to issue general orders (para 1-5, AR 310-10).

(2) Unit orders will be used by commanders of units who issue written orders but are not authorized to issue general orders.

(3) Oral orders will be used for units that do not publish written orders.

**c. Installation responsibilities.** When a major Army commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

**d. Optimum length of command tours.** The optimum length of command tours must be based on the needs of the Army, stability within units, the need for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

★**e. Command by members of the Women's Army Corps.** Members of the Women's Army Corps may be assigned to any command position, except those associated with combat or combat support units. (See AR 310-25.)

**f. Command by general officers.** Except as indicated in paragraph 3-4, general officers will not be assigned without the prior approval in each instance of HQDA (DAPE-ZAG) WASH DC 20310.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned provided he is not ineligible under paragraph 3-11 and 3-12.

**3-3. Designation of junior in same grade to command. a.** When two or more commissioned

officers of the same grade who are otherwise eligible to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

★*b. Commanders of major Army commands; armies, corps, divisions, and units comparable thereto; and heads of Department of the Army Staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see para 3-1f and 3-4d pertaining to general officers). When an officer is so designated, TC 451, AR 310-10, or the following form will be used to announce his designation:*

By direction of the President announcement is made of the appointment of \_\_\_\_\_  
 (Name, grade, Social Security No. and branch of service of officer)  
 as commanding officer (or general) of \_\_\_\_\_  
 (Designation of unit)  
 effective \_\_\_\_\_  
 (Date)

TC 451, AR 310-10, or the above form will be used only if the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by issuance of appropriate orders.

*c. The authority contained in this paragraph will not be exercised to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee, to officers of the Army Medical Department when such assignment involves troops other than those of the Army Medical Department (para 3-12c).*

### 3-4. Death, disability, or absence of commander.

*a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in *c* below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b ex-

cept that orders will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. An order is not required to rescind the order designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the order gave the time element involved. An order is required to rescind an order designating an acting commander if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 USC 3015).

*c. Commanders of major Army Commands.* A commander of a major Army command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not caused by physical disability.

### ★*d. General officers.*

(1) During the temporary absence of the regularly assigned commander concerned, major Army commanders are authorized to assign general officers under their command to positions of command.

(2) In those cases where more than one major Army command is represented on an installation, the line of succession of command may pass from one major Army command to another. Major Army commanders concerned should agree to the terms of such an arrangement by a memorandum of understanding and publish necessary orders. HQDA (DAPE-ZAG) should be notified of the action taken.

**3-5. Absence or disability of all officers of a unit.** In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 3-11b and 3-12c and f apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-6. Emergency command.** In an emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions also apply to troops separated from their parent units under battlefield conditions or in prisoner of war status. Restrictions pertaining to the assumption of command prescribed in paragraphs 3-11b and 3-12a and f apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-7. Functions of individual in temporary command.** A member in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. Temporary command is defined to include command assumed under conditions outlined in paragraphs 3-4, 3-5, and 3-6. Such commanders will be considered temporary commanders until they are designated as permanent or until they are replaced by the appropriate senior commander.

**3-8. Responsibility of successor.** A member who succeeds to any command or duty stands, in regard to his duties, in the same situation as did his predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

**3-9. Separate commands of the US Army serving together.** a. When separate commands of the US Army join or do duty together, the senior regularly assigned officer of the branches listed in paragraph 3-1a(1) who is present for duty with the commands concerned and not ineligible under

paragraph 3-11 or 3-12 will command the forces unless otherwise directed by the President.

b. Section 317 of title 32 United States Code (32 USC 317) provides: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When US Army Reserve units participate in active duty for training or annual training at an installation, the command of that installation remains with the officers who command the place without regard to the grade of the officers of the US Army Reserve unit who are temporarily participating in training at that location.

**3-10. Separate commands of the several military services of the United States serving together.** a. When separate commands of the

several military services join or do duty together, or personnel of another service serve with the Army, operational control by an officer of one service over the units or members of the other services may be given—

(1) By agreement between the services concerned, or

(2) By assignment to command a unified command established by the Joint Chiefs of Staff. When the different commands of the Army and the Marine Corps join or serve together, the officer highest in rank in the Army or the Marine Corps on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President (10 USC 747).

b. The commander of the forces joined will exercise operational control of the forces of each service through its responsible commander who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which he is a member without injury to the service. Sub-

ject to this policy, the commander of a joint command or joint task force who has authority to convene general courts-martial may convene court-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by courts-martial (para 13, MCM, 1969 (Revised edition)).

**3-11. Ineligibility for command.** *a. Command of an installation or activity.* An individual will be considered ineligible for command of an installation or activity when he is—

(1) Quartered thereat but has his headquarters or office elsewhere.

(2) A student at a service school or civilian institution, or undergoing individual training, instruction, or intransit processing at an installation where he is not a part of the command complement.

(3) Not permanently assigned, and his unit is not permanently assigned to the installation.

(4) Assigned primarily as a permanent member of a board.

(5) Prohibited from assuming command by statute, AR 600-31, or by paragraph 3-12.

(6) Assigned specific duty aboard a military vessel or aircraft where his particular duty and military occupational specialty do not technically qualify him to assume the duty of ship's master or aircraft commander.

*b. In arrest.* A person in arrest is ineligible to exercise command of any kind.

**3-12. Restrictions.** *a. General Staff officers.* An officer assigned to duty on or detailed to duty with the Army General Staff will not assume command of troops other than personnel on duty with the Army General Staff unless specifically directed to do so by an authority named in paragraph 3-3. An officer designated general staff with troops may assume command when he is the senior regularly assigned officer of the command present for duty and not ineligible under the provisions of this paragraph and paragraph 3-11.

*b. Officers on duty in Department of the Army Staff agencies.* Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

*c. Officers of the Army Medical Department.* Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Department may exercise command only within the Army Medical Department. As an exception to this general rule, officers of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Department when authorized by the Secretary of the Army, by the commanders of major commands, army groups, armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of the Army staff agencies.

*d. Chaplains.* A chaplain has rank without command (10 USC 3581). Although a chaplain may not exercise command, he has authority to exercise functions of operational supervision and control.

*e. Commanding officer of troops on transports.* Military personnel embarking on Military Sealift Command vessels are available for command duty, unless otherwise indicated in their travel orders or by reason of their branch of service are not eligible to command troops. General officers will be excluded from this requirement. The designation of colonels will be at the discretion of the terminal commander.

*f. US Army Reserve unit commanders.* The authority delegated under paragraph 3-3 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

(1) When the Reserve officer selected to command a US Army Reserve unit, while in Reserve duty training status, is junior in date of rank, as computed under chapter 6, to other officers of the same grade assigned to that unit.

(2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under chapter 6, to other assigned officers of the same grade.

*g. Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in paragraph 5, AR 611-112.

*h. Partially disabled officers.* Partially disabled

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officers continued on active duty under the provisions of chapter 10, AR 635-40 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions

unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

## CHAPTER 4

### ENLISTED ASPECTS OF COMMAND

**★4-1. General policies.** *a.* At all echelons of command, commanders and their staffs are charged specifically with the responsibility of insuring equitable delegation of authority and responsibility, as guided by this regulation, to noncommissioned officers by their superiors, whether officer, warrant officer, or other noncommissioned officers.

*b.* This regulation applies to enlisted personnel of all components of the Army.

**4-2. Noncommissioned officers.** AR 611-201 describes in detail the command function of all noncommissioned officer military occupational specialties.

**★a. Sergeant Major of the Army.** This is the senior sergeant major grade of rank and designates the senior enlisted position of the Army. The command sergeant major occupying this position serves as the senior enlisted advisor and consultant to the Chief of Staff of the Army on problems affecting enlisted personnel and solutions to these problems; on professional education, growth, and advancement of noncommissioned officers; and on morale, training, pay, promotions, and other matters concerning enlisted personnel. He is also available to present the enlisted viewpoint on Department of the Army boards and committees. Other functions of this position include meeting with military and civilian organizations to discuss enlisted personnel affairs; receiving enlisted personnel who visit Headquarters, Department of the Army; and representing all Army enlisted personnel at appropriate ceremonies.

**★b. Command sergeant major.** This is the position title that designates the senior enlisted position on the staffs of commanders at battalion or higher level. In keeping with the trust, confidence, responsibility, and authority bestowed upon this function, the command sergeant major should be considered as a key staff member. As indicated in paragraph 2-2, it is from the command sergeant major of a major unit or installation that the activities of the local noncommissioned officer channel emanate. This channel functions orally through the command sergeant major's and first

sergeant's call and does not involve written directives.

**★c. First sergeant.** This position title is second to the command sergeant major in importance, responsibility, and prestige. In the sense that first sergeants are in direct and daily contact with sizeable numbers of other enlisted personnel, this position is one requiring outstanding leadership and professional competence. The first sergeant is the senior enlisted assistant to commanders of companies, batteries, and troops. It is normal for company commanders to use the noncommissioned officer channel (para 2-2) for conducting many routine activities, particularly in garrison. The first sergeant conducts routine company administration and company operations as directed by the company commander.

**★d. Platoon sergeant.** This position title is also key in the command structure of the Army. It is normal for platoon sergeants to become vital members of the chain of command under the provisions of paragraph 3-5. When the platoon leader is present, the platoon sergeant is a key assistant and advisor. In the absence of the platoon leader, the platoon sergeant commands the platoon.

*e. Section, squad, and team leaders.* The importance of these positions stems from the fact that the responsibilities of these echelons of the chain of command (para 2-2) are habitually exercised by noncommissioned officers. Platoon leaders hold their subordinate leaders responsible—

(1) For personal appearance and cleanliness of their soldiers.

(2) That all Government property issued to members of their units is properly maintained and accounted for at all times and that discrepancies are reported promptly.

(3) That, while in a duty status, they be ready at all times to report the location and activity of all individuals of the unit. Thus, as the basic reporting unit in formations, the squad is either present, or individuals absent are reported by name and not merely accounted for.

(4) That the unit is prepared to function in its primary mission role.

★*f. Acting noncommissioned officers.* Company, troops, battery, and separate detachment commanders may appoint acting corporals and sergeants in accordance with chapter 7, AR 600-200 to fill position vacancies. Additionally, chapter 7, AR 600-200 provides for acting corporals, sergeants, and staff sergeants for casual groups. While so acting they will wear the insignia and have the responsibilities, authority, and privileges of the position to which appointed, except that they will not be entitled to the pay and allowances of such higher grades, and such service will not be credited as time in a higher grade of rank for appointment or date of rank purposes.

*g. Noncommissioned officer disciplinary policies.* The purpose of this subparagraph is to emphasize the important status of noncommissioned officers in maintaining discipline in the Army. These policies should be considered together with the provisions of chapter 5 and Manual for Courts-Martial, United States, 1969 (Revised edition).

(1) Noncommissioned officer authority to apprehend (UCMJ, Art. 7(c); para 19, MCM, 1969 (Revised edition); and para 5-5).

(2) Noncommissioned officers may be authorized by their commanding officers, in accordance with Uniform Code of Military Justice, Article 9(b), to order enlisted persons into arrest or confinement. Also see paragraph 21a, Manual for Courts-Martial, United States, 1969 (Revised edition). Commanding officers often limit this authority to first sergeants, charge of quarters, or other duty positions.

★(3) Noncommissioned officers do not have authority to impose nonjudicial punishment upon other enlisted personnel under Uniform Code of Military Justice, Article 15. However, the recommendations of noncommissioned officers should be sought and considered by unit commanders.

(4) As enlisted commanders of troops, noncommissioned officers play an extremely important role in furthering the efficiency of the company, battery, or troop. This function includes preventing incidents which would make it necessary to resort to trial by courts-martial or imposition of nonjudicial punishment. Thus, the noncommissioned officer is a key assistant to the commander in administering the minor nonpunitive (not to be confused with nonjudicial punish-

ment) disciplinary responsibilities prescribed in paragraph 5-6, and in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition). See also paragraph 5-8b.

(5) In taking corrective action with regard to subordinates, noncommissioned officers will be guided by, and observe, the principles set forth in paragraph 5-7e.

★(6) For trials of noncommissioned officers by courts-martial whose membership, as provided by Uniform Code of Military Justice (UCMJ), Article 25(c)(1), includes enlisted persons, the following will apply: Except as provided for in the UCMJ, no member of the court-martial will be junior to the accused in rank or pay grade.

(7) In the case of noncommissioned officers above pay grade E-4, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

(8) When nonjudicial punishment (UCMJ, Art. 15) is imposed on a noncommissioned officer, it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor or duties not customarily performed by a noncommissioned officer of the grade or rank of the person who is to perform the extra duty.

★*h. Additional noncommissioned officer responsibilities, prerogatives, and privileges.* Noncommissioned officers will—

(1) Formulate plans and issue and execute orders on their own initiative and judgment within the authority delegated to them.

(2) Be employed as training instructors to the maximum degree practicable.

(3) Make recommendations relative to unit mission accomplishment and troop welfare. Noncommissioned officer recommendations have traditionally been of immeasurable assistance to their commanding officer on such matters as assignment, reassignment, promotion, privileges, discipline, training, unit funds, community affairs, and supply.

(4) Be utilized only in supervisory roles on fatigue duty, and only as noncommissioned officers of the guard on guard duty, except in temporary situations where other grades of rank are critically short.



(5) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of their vital enlisted troop commanders.

(6) Be considered for assignment of quarters (noncommissioned officers with bona fide dependents) by installation commanders upon the basis of the provisions of AR 210-50. Determination of the seniority factor of applicants under AR 210-50 will be on the basis of date of rank within pay grade for all enlisted personnel under consideration.

(7) Be afforded pass privileges in accordance with part two, chapter 10, AR 600-5.

(8) Be afforded the privilege of establishing and operating noncommissioned officers' clubs as adjuncts of the Army as covered in AR 230-60.

(9) Be afforded separate rooms in barracks areas under provisions of AR 210-16.

**4-3. Specialists.** *a.* A specialist is a selected enlisted person who has been appointed under the provisions of chapter 7, AR 600-200 for the purpose of discharging duties that require a high degree of special skill. Specialists must have acquired proficiency in the technical or administrative aspects of their military occupational specialty field. Specialist, by virtue of their technical skill, are often called upon to exercise leadership with respect to matters related to their specialty. Normally, their duties do not require the exercise of enlisted command of troops. Thus, while leadership proficiency is not a primary prerequisite for advancement to or within the specialist grades, qualities of leadership should be encouraged and recognized.

*b.* Although the duty positions of specialists are not enlisted command positions, and do not normally require exercise of leadership functions, there are exceptions. In particular, the more senior specialists will occasionally be called upon to assume command under the provisions of para-

graphs 3-5, 3-6, or 5-4b. Additionally, senior specialists are usually soldiers with long service and outstanding ability who contribute in considerable degree to maintenance of the high appearance and conduct standards of enlisted personnel of lesser rank.

*c.* Specialists will not be utilized in roles on fatigue and guard duty in positions subordinate to personnel of lower pay grade.

*d.* Specialists will be granted the same type privileges as noncommissioned officers of the same pay grade in the organization and installation. Privileges cited in paragraph 4-2h(6), (7), and (8) apply equally to specialists.

*e.* In the case of specialists above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

*f.* When nonjudicial punishment (UCMJ, Art. 15) is imposed on a specialist, it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor duties not customarily performed by a specialist of the grade or rank of the person who is to perform the extra duty.

*g.* Specialists who show leadership potential should be encouraged to advance toward noncommissioned officer skills in appropriate military occupational specialty by undergoing on-the-job training in such duty positions. While in this status, the commander may appoint the specialist as an acting noncommissioned officer.

**4-4. Privates.** Privates are the basic manpower strength and grade of the Army. While command functions do not normally pertain to privates, they should be indoctrinated in their responsibilities and in their potential for enlisted command duties. Special emphasis should be made of the guidance in paragraphs 3-5, 3-6, 3-7, 3-8, 4-2 and chapter 5.

*SSch 6 5 May 75***APPENDIX B****STATUTES PROHIBITING POLITICAL ACTIVITIES**

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Members of the Army are prohibited from certain types of political activity by statutes which prescribe specific penalties for violation. Those sections of the U.S. Code which most directly apply are quoted as follows:

"Title 50, U.S.C., § 1475. Undue influence; free discussion

"It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office. Aug. 9, 1955, c. 656, Title III. § 305, 69 Stat. 589."

"Title 18, U.S.C., § 592. Troops at polls

"Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. June 25, 1948, c. 645, 62 Stat. 719."

"Title 18, U.S.C., § 593. Interference by armed forces

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts

to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district. June 25, 1948, c. 645, 62 Stat. 719."

"Title 18, U.S.C., § 594. Intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 7.

"Title 18, U.S.C., § 596, Polling armed forces

"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"The word 'poll' means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form. June 25, 1948, c. 645, 62 Stat. 720."

"Title 18, U.S.C., § 602. Solicitation of political contributions

"Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 603. Place of solicitation

"Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722; Oct. 31, 1951, c. 655; § 20(b), 65 Stat. 718."

"Title 18, U.S.C., § 606. Intimidation to secure political contributions

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 607. Making political contributions

"Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 608. Limitations on political contributions and purchases

"(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of \$5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any na-

tional political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"This subscription shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

"(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

"(c) In all cases of violations of this section by a partnership, committee, association, corporation or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

"(d) The term 'contribution', as used in this section shall have the same meaning prescribed by section 591 of this title. June 25, 1948, c. 645, 62 Stat. 723."

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<p>FROM: DA(TAG) WASHDC //DAAG-AMP//</p> <p>TO: ALL HOLDERS OF <u>AR 600-20</u></p> <p>INFO CDR MILPERCEN ALEX VA //PCRC//</p> <p><i>Rec'd 1-17-75</i></p> <p>UNCLAS</p> <p>SUBJECT: Interim Change to <u>AR 600-20</u> (to be published as a revision)</p> <p>A. MILPERCEN 051400Z Nov 74 (U), subj as above.</p> <p>1. This interim change is being distributed through the publications pinpoint distribution system to all holders of AR 600-20.</p> <p>2. Reference A is amended as follows: a. At the beginning of para 2 insert the words "Effective 5 Nov 74" so that it reads "2. Effective 5 Nov 74, AR 600-20, Paragraph-----."</p> <p>b. Substitute the following example in para 3</p> <p><u>"Example 3"</u></p> <p>John Doe, a Regular Army soldier, was promoted to Staff Sergeant (E6) with effective date and date of rank of 15 March 1970 and was subsequently promoted to Sergeant First Class (E7) on 23 June 1972 with date of rank from 23 June 1972. He was discharged 10 March 1974 as a Sergeant First Class. He reenlists 15 Jan 1975 as a Staff Sergeant E6. His date of rank would be computed by use of either method 1 or method 2 as follows:</p> <table><thead><tr><th>Method 1 *</th><th>Years</th><th>Months</th><th>Days</th></tr></thead><tbody><tr><td>Date of Discharge</td><td>1974</td><td>3</td><td>10</td></tr><tr><td>Date of Rank as SSG</td><td>-1970</td><td>3</td><td>15</td></tr><tr><td></td><td>3</td><td>11</td><td>25</td></tr><tr><td></td><td></td><td></td><td>+1 or</td></tr><tr><td>Time in-Grade as SSG and SFC</td><td>3</td><td>11</td><td>26</td></tr></tbody></table> <p>DISTR:</p> <p>RETURN TO ARMY LIBRARY ROOM 1 A 518 PENTAGON</p> <p>DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE &amp; DATE JAMES E. RUSSELL, MSG, 30718</p> <p>SPECIAL INSTRUCTIONS</p> <p>24 Dec 74</p> <p>TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE D.T. OWEN, LTC AGC DAAG-AMP 31302</p> <p>SIGNATURE <i>[Signature]</i></p> <p>SECURITY CLASSIFICATION UNCLASSIFIED</p> <p>DATE TIME GROUP</p>										Method 1 *	Years	Months	Days	Date of Discharge	1974	3	10	Date of Rank as SSG	-1970	3	15		3	11	25				+1 or	Time in-Grade as SSG and SFC	3	11	26
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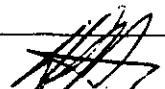
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<p>FROM: CDRMILPERCEN ALEX VA //PCRC//</p> <p>TO: All holders of AR 600-20</p> <p>SUBJECT: Interim Change to AR <u>600-20</u>, Army Command Policy and Procedure</p> <p>1. This change is being distributed through the publications pinpoint distribution system to all holders of AR 600-20. The change establishes procedures for determining the date of rank of enlisted personnel to include a major change pertaining to those who reenlist after a break in service.</p> <p>2. AR 600-20, paragraph 6-6 a. through j. is superseded and the following substituted therefor:</p> <p>Paragraph 6-6. Date of rank. a. The date of rank of an enlisted person in the Army who has not had a break in service and who reenlists in the same pay grade within 24 hours of discharge is the date held in that pay grade prior to discharge.</p> <p>b. The date of rank upon reenlistment after a break in service (former enlisted personnel to include former officers entitled to reenlist under 10 USC 3258) is a date preceding the date of reenlistment by a period equal to the length of time served previously in the same or a higher pay grade. See Example 3, Table 6-1.</p> <p>c. Date of rank upon promotion to a higher grade is the date specified in the instrument of promotion. If no date is specified the date of rank will be the date of the instrument.</p> <p>d. Date of rank upon appointment to a different rank within the same pay grade is the date held in the rank from which the appointment is made.</p> <p>e. When a soldier accumulates lost time for any reason, and whether or not reduction is effected, his date of rank will be adjusted to reflect the lost time.</p> <p>DISTR:</p> <p>RETURN TO ARMY LIBRARY ROOM 1 A 518 PENTAGON</p> <table border="1"><tr><td colspan="2">DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE &amp; DATE</td><td colspan="2">SPECIAL INSTRUCTIONS</td></tr><tr><td colspan="2">J. REYBURN, COMPTROLLER, PCRC</td><td colspan="2"></td></tr><tr><td colspan="2">TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE</td><td colspan="2">SECURITY CLASSIFICATION</td></tr><tr><td colspan="2">DANIEL B. PLYLER, COL, USA</td><td colspan="2">UNCLASSIFIED</td></tr><tr><td colspan="2">SIGNATURE OF PERS ACTS &amp; RECORDS</td><td colspan="2">DATE TIME GROUP</td></tr><tr><td colspan="2"></td><td colspan="2"></td></tr></table>										DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS		J. REYBURN, COMPTROLLER, PCRC				TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE		SECURITY CLASSIFICATION		DANIEL B. PLYLER, COL, USA		UNCLASSIFIED		SIGNATURE OF PERS ACTS & RECORDS		DATE TIME GROUP					
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<p style="text-align: center;">FROM:</p> <p style="text-align: center;">TO:</p> <p>f. Date of rank in a grade to which reduced for inefficiency or failure to complete a school course is the same as that which the individual formerly held in that grade.</p> <p>g. Date of rank upon reduction for all other reasons is the effective date of reduction (see paragraph 3-8e(5) AR 27-10, when individual is reduced under Article 15, Uniform Code of Military Justice). (See also subparagraph e above.)</p> <p>h. Date of rank upon restoration to grade of rank from which reduced following successful appeal of the reduction, is the date held before reduction. (See paragraph 3-8e(5), AR 27-10 when individual was reduced under Article 15, Uniform Code of Military Justice.)</p> <p>i. The date of rank of enlisted personnel of the Army National Guard of the United States or the U. S. Army Reserve upon entrance on active duty or active duty for training will be a date preceding the date of entrance on active duty by a period equal to the total prior service creditable when computed in the same manner as prescribed for commissioned officers in paragraph 6-2b, subject to the following conditions:</p> <p>(1) Only service performed after the most recent break in service is creditable. For the purposes of this subparagraph, a period during which an individual is not a member of one of the regular components of the Armed Forces, the Army National Guard of the United States, or the U. S. Army Reserve, is a break in service.</p> <p>(2) Service performed prior to reduction to a pay grade lower than that in which individual enters on active duty will not be credited.</p> <p>j. Date of rank for a retired enlisted member who is recalled to active duty will be computed as in paragraph 6-2e for a retired officer.</p>										
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<p style="text-align: center;">FROM: <span style="float: right;">7</span></p> <p style="text-align: center;">TO:</p> <p>3. Add example 3 to Table 6-1.</p> <p>Example 3.</p> <p>John Doe, a Regular Army soldier was promoted to Staff Sergeant E6 on 15 March 1970 and subsequently promoted to Sergeant First Class E7 on 23 June 1972. He was discharged 10 March 1973 as a Sergeant First Class. He reenlisted on 15 July 1974 as a Staff Sergeant E6. His date of rank would be computed as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Years</th> <th style="text-align: center;">Months</th> <th style="text-align: center;">Days</th> </tr> </thead> <tbody> <tr> <td>Date of Discharge.....</td> <td style="text-align: center;">1973</td> <td style="text-align: center;">3</td> <td style="text-align: center;">10</td> </tr> <tr> <td>Date of Rank as SSG.....</td> <td style="text-align: center;">1970</td> <td style="text-align: center;">3</td> <td style="text-align: center;">15</td> </tr> <tr> <td>Time in Grade as SSG and SFC.....</td> <td style="text-align: center;">2</td> <td style="text-align: center;">11</td> <td style="text-align: center;">25</td> </tr> <tr> <td>Date of Reenlistment.....</td> <td style="text-align: center;">1974</td> <td style="text-align: center;">7</td> <td style="text-align: center;">15</td> </tr> <tr> <td></td> <td style="text-align: center;">-2</td> <td style="text-align: center;">-11</td> <td style="text-align: center;">-25</td> </tr> <tr> <td></td> <td style="text-align: center;">1971</td> <td style="text-align: center;">7</td> <td style="text-align: center;">20</td> </tr> </tbody> </table> <p>Adjusted Date of Rank on Reenlistment: 20 July 1971.</p>												Years	Months	Days	Date of Discharge.....	1973	3	10	Date of Rank as SSG.....	1970	3	15	Time in Grade as SSG and SFC.....	2	11	25	Date of Reenlistment.....	1974	7	15		-2	-11	-25		1971	7	20
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under the conditions outlined in paragraph 6-4b and service performed in the same, higher, or comparable grade not considered in establishing date of rank as described in paragraph 6-4c.

(3) When (1) and (2) above are the same, by length of total active Federal service.

(4) When (1), (2), and (3) above are the same, by age.

c. As among warrant officers of the Regular Army and warrant officers of the Army National Guard of the United States, U.S. Army Reserve, Army of the United States, and retired warrant officers on active duty.

(1) By date of temporary or permanent rank, whichever is earlier.

(2) When dates of rank are the same, Regular Army warrant officers will take rank among themselves as prescribed in a above, and non-Regular Army warrant officers and retired warrant officers will take rank as prescribed in b above following the junior Regular Army warrant officer with the same or greater amount of active Federal commissioned and warrant officer service.

6-4. Date of rank. a. The date of rank of a warrant officer on the active list of the Regular Army is the date of rank stated in his warrant, promotion order, or letter of appointment.

b. The date of rank of a retired warrant officer or a warrant officer of the Army National Guard of the United States or U.S. Army Reserve serving on active duty or active duty for training with an active Army unit is a date preceding the date of entry on active duty by a period equal to the total prior service creditable. This service will be computed in the same manner as prescribed for commissioned officers in paragraph 6-2b subject to the following conditions:

(1) Prior service as a warrant officer. W-1, and service as chief warrant officer, prior to 1 October 1949, or as a chief warrant officer in pay grade W-2 thereafter, will be counted as service as a chief warrant officer, W-2.

(2) No warrant officer service prior to 1 October 1949 will be counted as service as a chief warrant officer, W-3, or chief warrant officer, W-4. Service as a chief warrant officer in pay grade W-3 will be counted as service in this pay grade, and service as a chief warrant officer in pay grade W-4 will be counted as a chief warrant officer, W-4.

(3) Service as a commissioned officer will be counted as service in the warrant officer grade in which ordered into the active military service.

(4) In no event will the date of rank computed under this paragraph be earlier than 1 October 1949.

c. The date of rank upon appointment or promotion to a temporary warrant officer grade on active duty is the date cited in the order announcing the appointment or promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which appointed or promoted or in a higher or comparable grade in any of the armed services except that:

(1) The date of rank of a Regular Army warrant officer serving on active duty as a commissioned officer who reverts to his warrant officer status will be adjusted in accordance with paragraph 7, AR 624-100.

(2) The date of rank of an AUS warrant officer serving on active duty as a commissioned officer, who reverts to warrant officer status, and whose reversion to warrant officer status was provided for in connection with his acceptance of active duty as a commissioned officer, will be his former date of rank.

### Section III. ENLISTED PERSONNEL

6-5. Precedence or relative rank. Among enlisted personnel of the same grade of rank in active military service, including retired enlisted personnel on active duty, precedence or relative rank is determined as follows:

a. According to date of rank.

b. When dates of rank are the same, by length of active Federal service in the Army.

c. When a and b above are the same, by length of total active Federal service.

d. When the foregoing tests are not sufficient, by age.

6-6. Date of rank. a. The date of rank in grade of an enlisted person of the Army who has not had a break in service is the date indicated in the warrant or instrument of appointment. Former first sergeants who were redesignated master sergeants on 1 September 1942 and who have had no break in service, will take rank from that date.

b. The date of rank upon reenlistment after a break in service not in excess of 3 months (former enlisted personnel) or 6 months (former officers or warrant officers entitled to reenlist under 10 U.S.C. 3258) is a date preceding the date of enlistment by a period equal to the amount of service in the same or higher grade of rank performed after appointment to that or higher grade of rank. In computing date of rank upon reenlistment, no service before a break in service in excess of 3 months (former enlisted personnel) or 6 months (former officers or warrant officer), nor service before service in a grade of rank lower than that in which reenlisted, will be credited. The date of rank in such cases is the date of reenlistment.

c. Date of rank upon promotion to a higher pay grade is the date of promotion.

d. Date of rank upon appointment to a grade of rank within the same pay grade is the date held in the grade of rank from which appointment is to be made. Dates of rank of noncommissioned officers previously appointed from specialist grades within the same pay grades will be adjusted to reflect the dates of rank held in such specialist grades.

e. Date of rank in the grade of rank to which reduced for inefficiency or failure to complete a school course is the date which would be the date of rank if the individual had never attained a grade of rank higher than that to which reduced.

f. Date of rank upon reduction for reasons other than inefficiency or failure to complete a school course is the effective date of reduction.

(See paragraph 3-8e(5), AR 27-10 when individual is reduced under Article 15, Uniform Code of Military Justice.)

g. Date of rank upon restoration to a grade of rank from which reduced following successful appeal of the reduction, is the date held before reduction. (See paragraph 3-8e(5), AR 27-10 when individual was reduced under Article 15, Uniform Code of Military Justice.)

h. When former officers or warrant officers (without prior enlisted service) enlist within 3 months following relief from active duty from commissioned status, the date of rank will be the date on which the officer last entered on a tour of active duty, adjusted by the time intervening between date of separation as an officer and date of enlistment.

i. The date of rank of enlisted personnel of the Army National Guard of the United States or the U.S. Army Reserve upon entrance on active duty or active duty for training will be a date preceding the date of entrance on active duty by a period equal to the total prior service creditable when computed in the same manner as prescribed for commissioned officers in paragraph 6-2b, subject to the following conditions:

(1) Only service performed after the most recent break in service is creditable. For the purposes of this subparagraph, a period during which an individual is not a member of one of the regular components of the Armed Forces, the Army National Guard of the United States, or the U.S. Army Reserve, is a break in service if such period is in excess of 3 months (enlisted personnel) or 6 months (former commissioned officers and warrant officers).

(2) Service performed prior to reduction to a pay grade lower than that in which individual enters on active duty will not be credited.

j. The date of rank in a grade of rank held as the result of any action taken under Article 15, Uniform Code of Military Justice, will be as prescribed in paragraph 3-8e(5), AR 27-10.

k. Date of rank for a retired enlisted member who is recalled to active duty will be computed as in paragraph 6-2e for a retired officer.

Table 6-1

*Example 1.*

John Doe accepted appointment as second lieutenant, USAR, 8 June 1960. He entered on extended active duty 14 November 1960, was promoted to the temporary grade of first lieutenant, AUS, 14 May 1962; and was relieved from active duty 13 November 1962. He was promoted to first lieutenant, USAR, 14 November 1962. His unbroken service as first lieutenant for the retirement year 8 June 1962-7 June 1963-AUS and USAR, with at least 50 days active duty during that period entitle him to full credit for the retirement year in the grade of first lieutenant. He earned a total of 53 retirement points for the following retirement year. For retirement year ending 7 June 1965 he earned 47 retirement points—17 assemblies, 15 days active duty training (25 July 1964 to 8 August 1964) and 15 retirement points for membership. However, membership points are not creditable unless with other points earned they total 50 points or more. For the elapsed portion of the retirement year in which he was ordered to active duty in the grade of first lieutenant he earned 16 retirement points, which meets the minimum requirements for credit for a partial year of that length—2 months, 18 days (app. II, AR 140-185). He entered on current tour 26 August 1965, with date of rank computed as follows (periods of 30 days or less are computed to credit calendar days service; over 30-day periods are computed on a 30-day basis):

Service period	AR 600-20 reference	Years	Months	Days
14 May 62—7 Jun 62	6-2b(3)	0	0	24
8 Jun 62—7 Jun 63	6-2b(1)	1	0	0
8 Jun 63—7 Jun 64	6-2b(1)	1	0	0
8 Jun 64—7 Jun 65	6-2b(5)	0	1	2
8 Jun 65—25 Aug 65	6-2b(2)	0	2	18
Total		2	4	14
Date of entry on current tour		65	8	26
Less service creditable for date of rank		—2	—4	—14
Computed date of rank				12 April 1963

*Example 2.*

John Doakes enlisted in the Regular Army 4 February 1960; accepted appointment as second lieutenant, USAR, 13 September 1961; was promoted to first lieutenant, USAR, 12 September 1964; was discharged from his enlisted status 28 October 1965; and entered on current tour of active duty in the grade of first lieutenant, 29 October 1965. During retirement year after promotion in the USAR, he completed 30 hours of extension course for a total of 10 retirement points creditable toward his date of rank (1 point for every 3 hours—para 16, AR 140-185).

Service period	AR 600-20 reference	Years	Months	Days
*13 Sep 64—12 Sep 65	6-2b(5)	0	0	10
*13 Sep 65—28 Oct 65	6-2b(5)	0	0	0
*(No active duty performed in grade of first lieutenant)				
Total		0	0	10
Date of entry on current tour		65	10	29
Less service creditable for date of rank		—0	—0	—10
Computed date of rank		65	10	19
Computed date of rank				19 October 1965

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## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations, activities, and units.** *a. Responsibility.* Command of an installation, activity, or unit of platoon size or larger normally is the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 3-11, subject to the following limitations:

(1) Class I installations and activities and comparable overseas installations normally will be commanded by an officer of one of the following branches: Armor, Air Defense, Artillery and Field Artillery, Infantry, Corps of Engineers, Military Police Corps, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

(3) Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from the Deputy Chief of Staff for Personnel (HQDA (DAPE-MPC) WASH DC 20310).

*b. Announcement of assumption of command.* Assumption of command will be announced by orders citing the pertinent subparagraph of this regulation as the authority.

(1) General orders will be used by commanders authorized to issue general orders (para 1-5, AR 310-10).

(2) Unit orders will be used by commanders

of units who issue written orders but are not authorized to issue general orders.

(3) Oral orders will be used for units that do not publish written orders.

*c. Installation responsibilities.* When a major Army commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

*d. Optimum length of command tours.* The optimum length of command tours must be based on the needs of the Army, stability within units, the needs for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

*e. Command by members of the Women's Army Corps.* Members of the Women's Army Corps may be assigned to any command position, except those associated with combat or tactical combat support units. (See Categories, AR 310-25.)

★*f. Command by general officers.* Except as indicated in paragraph 3-4, general officers will not be assigned without the prior approval in each instance of HQDA (DAPE-ZAG) WASH DC 20310.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned provided he is not ineligible under paragraphs 3-11 and 3-12.

**3-3. Designation of junior in same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible

to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

★*b.* Commanders of major Army commands; Army groups, armies, corps, divisions, and units comparable thereto; and heads of Department of the Army staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see para 3-1*f* and 3-4*d* pertaining to general officers). When an officer is so designated, TC 451, AR 310-10, or the following form will be used to announce his designation:

By direction of the President announcement is made of the appointment of -----

(Name, grade, Social Security No. and branch of service of officer)

as commanding officer (or general) of -----

(Designation of unit)

effective -----

(Date)

TC 451, AR 310-10, or the above form will be used only if the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by issuance of appropriate orders.

★*c.* The authority contained in this paragraph will not be exercised to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee (para 3-12*d*), to officers of the Army Medical Department when such assignment involves troops other than those of the Army Medical Department.

### 3-4. Death, disability, or absence of commander.

*a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in *c* below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1*b* except that orders will indicate assumption as acting com-

mander unless proper authority has indicated that the command will be permanent. An order is not required to rescind the order designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the order gave the time element involved. An order is required to rescind an order designating an acting commander if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 USC 3015).

★*c. Commanders of major Army Commands.* A commander of a major Army command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not caused by physical disability.

★*d. General officers.* During the temporary absence of the regularly assigned commander concerned, major Army commanders are authorized to assign general officers under their command to positions of command.

★3-5. Absence or disability of all officers of a unit. In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 3-11*b* and 3-

12c and f apply. Assumption of command will be as indicated in paragraph 3-4a.

★**3-6. Emergency command.** In an emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions also apply to troops separated from their parent units under battlefield conditions or in prisoner of war status. Restrictions pertaining to the assumption of command prescribed in paragraphs 3-11b and 3-12a and f apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-7. Functions of individual in temporary command.** A member in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. Temporary command is defined to include command assumed under conditions outlined in paragraphs 3-4, 3-5, and 3-6. Such commanders will be considered temporary commanders until they are designated as permanent or until they are replaced by the appropriate senior commander.

**3-8. Responsibility of successor.** A member who succeeds to any command or duty stands, in regard to his duties, in the same situation as did his predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

**3-9. Separate commands of the US Army serving together.** a. When separate commands of the US Army join or do duty together, the senior regularly assigned officer of the branches listed in paragraph 3-1a(1) who is present for duty with the commands concerned and not ineligible under paragraph 3-11 or 3-12 will command the forces unless otherwise directed by the President.

b. Section 317 of title 32 United States Code (32 USC 317) provides: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without re-

gard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When US Army Reserve units participate in active duty for training or annual training at an installation, the command of that installation remains with the officers who command the place without regard to the grade of the officers of the US Army Reserve unit who are temporarily participating in training at that location.

**3-10. Separate commands of the several military services of the United States serving together.** a. When separate commands of the several military services join or do duty together, or personnel of another service serve with the Army, operational control by an officer of one service over the units or members of the other services may be given—

(1) By agreement between the services concerned, or

(2) By assignment to command a unified command established by the Joint Chiefs of Staff.

When the different commands of the Army and the Marine Corps join or serve together, the officer highest in rank in the Army or the Marine Corps on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President (10 USC 747).

b. The commander of the forces joined will exercise operational control of the forces of each service through its responsible commander who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which he is a member without injury to the service. Subject to this policy, the commander of a joint command or joint task force who has authority to convene general courts-martial may convene court-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by courts-martial (para 13, MCM, 1969 (Revised edition)).

★**3-11. Ineligibility for command.** a. *Command of an installation or activity.* An individual will



be considered ineligible for command of an installation or activity when he is—

(1) Quartered thereat but has his headquarters or office elsewhere.

(2) A student at a service school or civilian institution, or undergoing individual training, instruction, or intransit processing at an installation where he is not a part of the command complement.

(3) Not permanently assigned, and his unit is not permanently assigned to the installation.

(4) Assigned primarily as a permanent member of a board.

(5) Prohibited from assuming command by statute, AR 600-31, or by paragraph 3-12.

(6) Assigned specific duty aboard a military vessel or aircraft where his particular duty and military occupational specialty do not technically qualify him to assume the duty of ship's master or aircraft commander.

*b. In arrest.* A person in arrest is ineligible to exercise command of any kind.

**★3-12. Restrictions.** *a. General Staff officers.* An officer assigned to duty on or detailed to duty with the Army General Staff will not assume command of troops other than personnel on duty with the Army General Staff unless specifically directed to do so by an authority named in paragraph 3-3. An officer designated general staff with troops may assume command when he is the senior regularly assigned officer of the command present for duty and not ineligible under the provisions of this paragraph and paragraph 3-11.

*b. Officers on duty in Department of the Army Staff agencies.* Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

*c. Officers of the Army Medical Department.* Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Department may exercise command only within the Army Medical Department. As an exception to this general rule, officers of the Medical Service Corps may exercise com-

mand of troops that are not part of the Army Medical Department whenever authorized by the Secretary of the Army, by the commanders of major commands, army groups, armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of the Army staff agencies.

*d. Chaplains.* A chaplain has rank without command (10 USC 3581). Although a chaplain may not exercise command, he has authority to exercise functions of operational supervision and control.

*e. Commanding officer of troops on transports.* Military personnel embarking on Military Sealift Command vessels are available for command duty, unless otherwise indicated in their travel orders or by reason of their branch of service they are not eligible to command troops. General officers will be excluded from this requirement. The designation of colonels will be at the discretion of the terminal commander.

*f. US Army Reserve unit commanders.* The authority delegated under paragraph 3-3 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

(1) When the Reserve officer selected to command a US Army Reserve unit, while in Reserve duty training status, is junior in date of rank, as computed under chapter 6, to other officers of the same grade assigned to that unit.

(2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under chapter 6, to other assigned officers of the same grade.

*g. Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in paragraph 5, AR 611-112.

*h. Partially disabled officers.* Partially disabled officers continued on active duty under the provisions of chapter 10, AR 635-40 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

## CHAPTER 4

### ENLISTED ASPECTS OF COMMAND

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**4-1. General policies.** *a.* Except as specifically indicated, all of the policies of this regulation apply equally to all classes of military personnel as listed in paragraph 1-7. This chapter is devoted to emphasizing policies of command that are primarily or exclusively related to the enlisted grades. At all echelons of command, commanders and their staffs are charged specifically with the responsibility of insuring equitable delegation of authority and responsibility, as guided by this regulation, to noncommissioned officers by their superiors, whether officer, warrant officer, or other noncommissioned officers.

*b.* This regulation applies to enlisted personnel of all components of the Army. Retired personnel are exempted from this regulation while in that status.

**4-2. Noncommissioned officers.** AR 611-201 describes in detail the command function of all noncommissioned officer military occupational specialties.

*a. Sergeant major of the Army.* This is the senior sergeant major grade of rank. It is also the position title that designates the senior enlisted position of the Army. The sergeant major occupying this position serves as the senior enlisted advisor and consultant to the Chief of Staff of the Army on problems affecting enlisted personnel and their solutions; on professional education, growth and advancement of noncommissioned officers; and on morale, training, pay, promotions and other matters concerning enlisted personnel. He is also available to present the enlisted viewpoint on Department of the Army boards and committees. Other functions of this position

include meeting with military and civilian organizations to discuss enlisted personnel affairs, receiving enlisted personnel who visit Headquarters, Department of the Army, and representing all Army enlisted personnel at appropriate ceremonies.

*b. Command sergeant major.* This is the position title that designates the senior enlisted position on the staffs of various commanders. In keeping with the trust, confidence, responsibility, and authority bestowed upon this function, the command sergeant major should be considered as a key staff member. As indicated in paragraph 2-2, it is from the command sergeant major of a major unit or installation that the activities of the local noncommissioned officer channel emanate. This channel functions orally through the command sergeant major's and first sergeant's call and does not normally involve written directives.

*c. First sergeant.* This position title is second to the command sergeant major in importance, responsibility, and prestige. In the sense that first sergeants are in direct and daily contact with sizeable numbers of other enlisted men, this position is one requiring outstanding leadership and professional competence. The first sergeant is the senior enlisted assistant to commanders of companies, batteries, and troops. It is normal for company commanders to use the noncommissioned officer channel (para 2-2) for conducting many routine activities, particularly in garrison. Thus, in these activities, the first sergeant occupies an intermediary position between the other enlisted personnel and the officers of the company. He conducts routine company administration and company operations as directed by the company

commander. He drafts company orders, reports, and other documents requiring the signature of the company commander. The functions of the first sergeant do not include responsibilities which cannot be delegated by the company commander or which properly belong to the executive officer or platoon leaders.

*d. Platoon sergeant.* This position title is also one of the key ones in the command structure of the Army. It is normal for platoon sergeants to become vital members of the chain of command under the provisions of paragraph 3-5. When the officer platoon leader is present, the platoon sergeant is his key assistant and advisor.

*e. Section, squad, and team leaders.* The importance of these positions stems from the fact that the responsibilities of these echelons of the chain of command (para 2-2) are habitually exercised by noncommissioned officers. Platoon leaders hold their subordinate leaders responsible—

(1) For personal appearance and cleanliness of their soldiers..

(2) That all Government property issued to members of their units is properly maintained and accounted for at all times and that discrepancies are reported promptly.

(3) That, while in a duty status, they be ready at all times to report the location and activity of all individuals of the unit. Thus, as the basic reporting unit in formations, the squad is either present, or individuals absent are reported by name and not merely accounted for.

(4) That the unit is prepared to function in its primary mission role.

*f. Acting noncommissioned officers.* Company, troop, battery, and separate detachment commanders may appoint acting corporals and sergeants in accordance with paragraph 7-10. AR 600-200 to fill position vacancies. Additionally, paragraph 7-10, AR 600-200 provides for acting corporals, sergeants, and staff sergeants for casual groups. While so acting they will wear the insignia and have the responsibilities, authority, and privileges of the

position to which appointed, except that they will not be entitled to the pay and allowances of such higher grades, and such service will not be credited as time in a higher grade of rank for appointment or date of rank purposes.

*g. Noncommissioned officer disciplinary policies.* The purpose of this subparagraph is to emphasize the important status of noncommissioned officers in maintaining discipline in the Army. These policies should be considered together with the provisions of chapter 5 and Manual for Courts-Martial, United States, 1969 (Revised edition).

(1) Noncommissioned officer authority to apprehend (UCMJ, Art. 7(c); para 19, MCM, 1969 (Revised edition); and para 5-5).

(2) Noncommissioned officers may be authorized by their commanding officers, in accordance with Uniform Code of Military Justice, Article 9(b), to order enlisted persons into arrest or confinement. Also see paragraph 21a, Manual for Courts-Martial, United States, 1969 (Revised edition). Commanding officers often limit this authority to first sergeants, charge of quarters, or other duty positions.

(3) Noncommissioned officers do not have any authority to impose nonjudicial punishment upon other enlisted personnel under Uniform Code of Military Justice, Article 15. However, the recommendations of noncommissioned officers may be sought and considered by unit commanders.

(4) As enlisted commanders of troops, certain noncommissioned officers play an extremely important role in furthering the efficiency of the company, battery, or troop. This function includes preventing incidents which would make it necessary to resort to trial by courts-martial or imposition of nonjudicial punishment. Thus, the noncommissioned officer is a key assistant to the commander in administering the minor nonpunitive (not to be confused with nonjudicial punishment) disciplinary responsibilities prescribed in paragraph 5-6, and in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition). See also paragraph 5-8b.

(5) In taking corrective action with

regard to subordinates, noncommissioned officers will be guided by, and observe, the principles set forth in paragraph 5-7e.

(6) For trials of noncommissioned officers by courts-martial whose membership, as provided by Uniform Code of Military Justice, Article 25(c)(1), includes enlisted persons, the following will apply: When it can be avoided, no member of the court-martial will be junior to the accused in rank or pay grade.

(7) In the case of noncommissioned officers above pay grade E-4, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

(8) When nonjudicial punishment (UCMJ, Art. 15) is imposed on a noncommissioned officer it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor or duties not customarily performed by a noncommissioned officer of the grade of rank of the person who is to perform the extra duty.

*h. Miscellaneous noncommissioned officer responsibilities, prerogatives, and privileges.* Noncommissioned officers will—

(1) Execute orders on their own initiative and judgment within the authority delegated to them.

(2) Be employed as training instructors to the maximum degree practicable.

(3) Make recommendations relative to unit mission accomplishment and troop welfare. Noncommissioned officer recommendations have traditionally been of immeasurable assistance to their commanding officer on such matters as assignment, reassignment, promotion, privileges, discipline, training, unit funds, community affairs, and supply.

(4) Be utilized only in supervisory roles on fatigue duty, and only as noncommissioned officers of the guard on guard duty, except in temporary situations where other grades of rank are critically short.

(5) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of these vital enlisted troop commanders.

(6) Be considered for assignment of quarters (noncommissioned officers with bona fide dependents) by installation commanders upon the basis of several pertinent factors under the provisions of section II, AR 210-14. Determination of the seniority factor of applicants under section II, AR 210-14 will be on the basis of date of rank within pay grade for all enlisted personnel under consideration.

(7) Be afforded pass privileges in accordance with part two, chapter 10, AR 630-5.

(8) Be afforded the privilege of establishing and operating noncommissioned officers' open messes as adjuncts of the Army as covered in AR 230-60.

(9) Be afforded separate rooms in barracks areas to the extent feasible under the provisions of AR 210-18.

4-3. **Specialists.** a. A specialist is a selected enlisted person who has been appointed under the provisions of chapter 7, AR 600-200 for the purpose of discharging duties that require a high degree of special skill. Specialists must have acquired proficiency in the technical or administrative aspects of their military occupational specialty field. Specialists, by virtue of their technical skill, are often called upon to exercise leadership with respect to matters related to their specialty. Normally, their duties do not require the exercise of enlisted command of troops. Thus, while leadership proficiency is not a primary prerequisite for advancement to or within the specialist grades, qualities of leadership should be encouraged and recognized.

b. Although the duty positions of specialists are not enlisted command positions, and do not normally require exercise of leadership functions, there are exceptions. In particular, the more senior specialists will occasionally be called upon to assume command under the provisions of paragraphs 3-5, 3-6, or 5-4b. Additionally, senior specialists are usually soldiers with long service and outstanding ability who contribute in considerable degree to maintenance of the high appearance and conduct standards of enlisted personnel of lesser rank.

c. Specialists will not be utilized in roles on fatigue and guard duty in positions subordinate to personnel of lower pay grade.

d. Specialists will be granted the same type privileges as noncommissioned officers of the same pay grade in the organization and installation. Privileges cited in paragraph 4-2h(1), (6), (7), and (8) apply equally to specialists.

e. In the case of specialists above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next lower pay grade.

f. When nonjudicial punishment (UCMJ, Art. 15) is imposed on a specialist it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor duties not

customarily performed by a specialist of the grade or rank of the person who is to perform the extra duty.

g. Specialists who show leadership potential should be encouraged to advance toward noncommissioned officer skills in appropriate military occupational specialty by undergoing on-the-job training in such duty positions. While in this status, the commander may appoint the specialist as an acting noncommissioned officer.

**4-4. Privates.** Privates are the basic manpower strength and grade of the Army. While command functions do not normally pertain to privates, they should be indoctrinated in their responsibilities and in their potential for enlisted command duties. Special emphasis should be made of the guidance in paragraphs 3-5, 3-6, 3-7, 3-8, 4-2 and chapter 5.

## CHAPTER 5

### MILITARY CONDUCT AND DISCIPLINE

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#### Section I. GENERAL

**5-1. Explanation of term.** *a.* Military discipline is a state of individual and group training that creates a mental attitude resulting in correct conduct and automatic obedience to military law under all conditions. It is founded upon respect for and loyalty to properly constituted authority.

*b.* While military discipline is enhanced by military training, every feature of military life has its affect on military discipline. It generally is indicated in an individual or unit by smartness of appearance and action; by cleanliness and neatness of dress, equipment, and quarters; by respect for seniors; and by the prompt and cheerful execution by subordinates of both the letter and the spirit of the legal orders of their lawful superiors.

**5-2. Obedience to orders.** All persons in the military service are required to obey strictly and to execute promptly the lawful orders of their superiors.

**5-3. Military courtesy.** *a.* Courtesy among members of the Armed Forces is indispensable to discipline; respect to superiors will be extended on all occasions. See chapter 4, AR 600-25.

*b.* Military personnel are looked upon by the civilian community to set an example in courtesy and honors rendered the National Anthem and the National Color. Accordingly, the conduct of military personnel should at all times reflect respect to both the National Anthem and the National Color. The specific courtesies set forth in appendix A, AR 600-25 should be rendered the National Flag and

National Anthem at public events, whether the serviceman is off or on duty and whether he is in or out of uniform. Intentional disrespect to the National Color or Anthem is particularly inappropriate and conceivably constitutes conduct prejudicial to good order and discipline or discrediting to the military service.

**5-4. Conduct.** Discipline is a function of command; hence, it is the responsibility of all leaders in the Army, whether they are on duty or in a leave status, to see that all military personnel present a neat and soldierly appearance, and to take action in cases of conduct prejudicial to good order and military discipline by any military personnel which may take place with their knowledge.

*a.* The senior officer, warrant officer, or non-commissioned officer will act promptly, using such means as are available, to restore order. One of his initial actions will be to call for military police assistance if they are readily available.

*b.* On public conveyances, in the absence of military police, the person in charge of the conveyance may be requested to notify the nearest military police and arrange to have them board the conveyance and take custody of military personnel guilty of misconduct. If the misconduct is sufficiently serious, the person in charge of the conveyance will be requested to stop the conveyance at the first opportunity and turn the offender over to the local police. In all such cases, the local police will be advised to telephone collect to the nearest Army post or Army headquarters so that the accused's

commanding officer may be notified and the commander of the area of responsibility in which the offense occurs may take appropriate action.

c. When an offense which endangers the reputation of the Army is committed elsewhere than on a public conveyance, civilian police may be requested to take the offender into custody when no military police are available.

d. When military police are not present, the senior commissioned officer, warrant officer, or noncommissioned officer present will obtain the name, grade, social security number, organization, and station of the offender, and forward this information, together with a statement of the circumstances, to the individual's commanding officer without a delay. When the offender is turned over to the civilian police, the above information will be given to the civilian police for transmittal to the appropriate military authorities.

**5-5. Maintenance of order.** Military police, air police, and members of the Navy, Marine Corps, and Coast Guard shore patrols are authorized and directed to apprehend Armed Forces personnel who commit an offense punishable under the Uniform Code of Military Justice. Commissioned officers, warrant officers, noncommissioned officers, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising authority hereunder are enjoined to do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective services as soon as practicable. For confinement of female personnel see paragraph 1-3, AR 190-4.

**5-6. Military authority, how exercised.** Military authority will be exercised with promptness, firmness, courtesy, and justice. Resort to trial by court-martial or to nonjudicial punishment under the Uniform Code of Military Justice, Article 15, will not be made for trivial offenses, except when less drastic methods of administering discipline have been tried (see para 128c,

MCM, 1969 (Revised edition)) in the case of the individual concerned without result. A private E-1, for example, who is late for formation, appears in improper uniform, or has unclean equipment may be censured, required to clean his equipment, or to take extra training or makeup training in subject(s) directly related to the training deficiency. Such action is in the nature of instruction, not punishment. Care will be exercised at all levels of command to insure that subordinate commanders understand and adhere to the principle that training will not be used as punishment. Trivial offenses which have been corrected after being brought to the attention of the individuals concerned need not be noted on their records, and will be considered as closed incidents (para 4-2g(4) and 5-8b).

**5-7. Relationship of superiors toward subordinates.** a. The commander will encourage among his subordinates harmonious relations coupled with a friendly spirit of competition in the performance of duty.

b. The commander's timely intervention to prevent disputes, give advice to the inexperienced, and censure conduct liable to produce dissension in the command, or to reflect discredit upon it, is of great importance in securing and maintaining efficiency.

c. Commanders exercise command through their subordinate commanders. The commander inspires confidence in his subordinates by example, by sound and decisive action, and by his ability to overcome obstacles. He encourages strengthening of the chain of command and development of initiative, ingenuity, and boldness of execution throughout all echelons of his command. He establishes policies, prescribes missions, and sets standards for his command. By personal visits to his units and by formal or informal inspections and reports, he insures adherence to his policies, compliance with his orders, and maintenance of his standards. He employs his staff to acquire information, to prepare detailed plans, and to otherwise relieve him of details so that he may have maximum freedom of action. The degree to which he delegates responsibility and authority to his

Army to make the maximum information available to congressional committees as to its operations and activities, subject to the provisions of paragraph 2-24, AR 380-5. When requested to appear before a committee of Congress, military personnel of the Army will establish coordination with the Chief of Legislative Liaison, Office, Secretary of the Army (or the Comptroller of the Army on matters pertaining to appropriations) for guidance or assistance.

**5-14. Publishing of articles.** The policy of the Department of Defense is that military personnel who desire to engage in public writing for personal profit are on an exact parity with civilian professional writers so far as access to classified current technical or operational military information is concerned. See paragraph 9b, AR 360-5.

**5-15. Student officer studies.** All studies prepared as a part of their official duties by students at Army service schools will be used for official purposes only and will not be made available for publication or release in any manner which would indicate Department of the Army indorsement. This is not intended to preclude the writing of special articles on military subjects for publication provided review and clearance for publication are obtained as prescribed in paragraph 9, AR 360-5.

**★5-16. Participation in public demonstrations.** Participation in picket lines or any other public demonstrations may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited—

a. During the hours they are required to be present for duty.

b. When they are in uniform.

c. When they are on a military reservation.

d. When they are in a foreign country.

e. When their activities constitute a breach of law and order.

f. When violence is reasonably likely to result.

**★5-16.1. Participation in support of civilian law enforcement agencies.** a. Except in cases where there is affirmative evidence that alleged criminal activity involves persons subject to the UCMJ or military property, commanders and supervisors will neither sanction nor lend affirmative support for the use of military personnel as sources or informants for civilian law enforcement agencies in the 50 states and the District of Columbia.

b. This provision will not be construed to prevent military personnel from performing normal duties of citizenship in terms of reporting crimes or other suspicious activities to civilian law enforcement agencies or otherwise cooperating with civilian police authorities in their private capacities, nor does it preclude the mutual exchange of police information.

**★5-17. Participation in pageants and shows for civilian entertainment.** Military personnel will not participate in military pageants or shows which are designed primarily for the entertainment of the public and which require an absence from their normal military duties for a period in excess of 14 days, without the specific approval in each case of HQDA (DAIO-PP), Washington, DC 20310.

**★5-18. Armed Forces Disciplinary Control Boards.** See chapter 2, AR 190-24.

**★5-19. Off limits.** See paragraph 2-8, AR 190-24.

**5-20. Prohibitions with respect to intoxicating liquors.** See paragraph 1-3, AR 210-65.

**★5-20.1. Membership campaigns.** The Department of the Army recognizes, supports, and benefits from the activities of many worthy organizations, associations, and clubs, a number of which are quasi-military, are comprised largely or entirely of active or retired military personnel, and/or conduct meetings and other activities on installations.

a. In providing support to such organizations and associations, installation commanders and heads of Department of the Army staff agencies will—



(1) Insure that membership among personnel under their jurisdiction is truly voluntary.

(2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repetitive orientations, meetings, or similar counseling of individuals who have chosen not to join after hav-

ing been afforded an opportunity to do so, and the use of membership statistics in support of supervisory influence.

b. This policy will not be construed as serving to bar reasonable efforts to inform and encourage personnel, without coercion, regarding the benefits and worthiness of such organizations and of membership therein.

## Section II. SUPPORT OF DEPENDENTS

**5-21. General.** Support of dependents by members of the Army involves a serious responsibility which is of direct concern to the Army. Failure on the part of a member to carry out this responsibility not only reflects adversely on the Army as a whole but is entirely inconsistent with Army standards of honor. The Army will not be a haven or refuge for personnel who disregard or evade their obligations to their families. Members of the Army are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide adequate and continuous support for their legal dependents and comply with the terms of separation agreements and court orders. Failure to do so in any manner which tends to cast discredit on the Army is a proper subject of command consideration for punitive action or other appropriate administrative action including elimination from the service or denial of reenlistment.

**5-22. Entitlement to basic allowance for quarters.** Since 1 January 1963, enlisted members in the pay grade of E-4 with over 4 years' service and in pay grades E-5 through E-9 have received the basic allowance for quarters with their pay, rather than through mandatory class Q allotments to their dependents. This procedure was instituted in the belief that noncommissioned officers, together with commissioned and warrant officers, are responsible individuals who will fulfill their family support obligations without coercion. Although the allowance is paid to the member, rather than to his dependents, its purpose is to provide for the support of his dependents, and his unjust enrich-

ment by a refusal to support his dependents will not be permitted. Cases involving alleged refusal of a member to use the basic allowance for quarters for the support of his dependents will be referred to the appropriate finance and accounting officer for initiation of action to determine whether the member is entitled to that allowance.

**5-23. Adequacy of support.** What is adequate or reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be permanently resolved only in the civil courts. Salient factors that must be taken into account are the pay of the member, any other private income or resources of the member and dependents, the cost of necessities and everyday living expenses, and financial obligations of the member in relation to his income. The Department of the Army does not and cannot pass judgment on these matters. It is desired that the amount of support to be provided for dependents be established by mutual understanding between the parties concerned or decided in the civil courts. In the absence of an agreement between the parties concerned or a court order, the member will be expected to provide support payments in an amount not less than the basic allowance for quarters that he receives. The duty of a member to support his minor children, natural or adopted, of present marriage is not affected by desertion or other misconduct on the part of the wife. The obligation to support a child, or children, natural or adopted, is not affected by dissolution of the marriage through divorce, unless the judicial decree or order specifically

## CHAPTER 6

### DETERMINATION OF PRECEDENCE AND DATE OF RANK

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#### Section I. COMMISSIONED OFFICERS

**6-1. Precedence or relative rank.** Section 3571 of title 10 United States Code (10 U.S.C. 3571) provides the general rule for determining precedence among all commissioned officers of the Army serving on active duty in the same grade, whether temporary or permanent. Unless special assignment is made by the President, precedence or relative rank is determined as follows among officers of the same grade in active military service, including retired officers on active duty:

*a.* By date of rank.

*b.* When dates of rank are the same, by length of active Federal commissioned service in the Army.

*c.* When dates of rank and active Federal commissioned service in the Army are the same, Regular Army officers will take rank among themselves in accordance with their promotion list positions, preceding officers of the Army National Guard of the United States, U.S. Army Reserve, Army of the United States, and retired officers on active duty who will take rank among themselves according to age. Promotion list positions for Regular Army officers are determined in accordance with section 3574 of title 10 United States Code (10 U.S.C. 3574). Active Federal commissioned service in the Army includes all time served on active duty or active duty for training as a commissioned officer in the Federal service and service performed under sections 502-505 of title 32 United States Code (32 U.S.C. 502-505); and for other than Regular Army officers, also includes total number of days credited in any

commissioned grade for points earned in the manner prescribed in paragraph 6-2b(5).

**6-2. Date of rank.** *a.* The date of rank of an officer on the active list of the Regular Army is the date of rank stated in his commission or Headquarters, Department of the Army orders.

*b.* The date of rank of an officer of the Army National Guard of the United States, U.S. Army Reserve, or Army of the United States, entering on active duty or active duty for training in any commissioned grade, precedes the date on which the officer enters on active duty by a period computed by adding:

(1) One year for each qualifying year for retirement under section 1332(a)(2) of title 10 United States Code (10 U.S.C. 1332(a)(2)), earned after 30 June 1955 in the grade (without regard to component) in which ordered to active duty or higher grade. For procedure for establishing retirement years see section I, AR 140-185 or paragraph 4, NGR 23, as applicable. Fractional years are not creditable under this subparagraph.

(2) For officer entering on active duty after 29 June 1960, the elapsed portion of the retirement year during which he enters on active duty, provided the total number of points earned in his current or higher Reserve grade during such period equals the minimum prescribed in appendix II, AR 140-185, for that portion of a qualifying year for retirement.

(3) All periods of active duty in the military service of the United States, performed in the grade in which ordered to active duty or a higher grade, that are not credited to him under (1) or (2) above.

(4) The periods of service performed under sections 502-505 of title 32 United States Code (32 U.S.C. 502-505) in his current or higher grade, as shown on NGB Form 23, that are not credited to him under (1), (2) or (3) above.

(5) One day for each retirement point for drill or equivalent instruction, earned after 30 June 1955 in his current or higher grade, that is not credited to him under (1), (2), (3), or (4) above.

c. The date of rank of an ROTC cadet graduating in 1965 or later who accepts appointment in the Reserve under the provisions of section 2106 or 2107 of title 10 United States Code (10 U.S.C. 2106 or 2107), in May or June of any year, will be the date of graduation of the U.S. Military Academy class of that year. This policy applies whether appointee graduated during the 2-month period indicated or earlier in the school year.

d. The Regular Army date of rank of an ROTC cadet graduating in 1965 or later who accepts appointment in the Regular Army, under the provisions of section 2106 or 2107 of title 10 United States Code (10 U.S.C. 2106 or 2107), in May or June of any year, will be the date of graduation of the U.S. Military Academy class of that year, whether or not the individual graduated during the 2-month period indicated or earlier, and whether or not he was serving on active duty under a Reserve appointment at time of acceptance of appointment in the Regular Army. If he did not accept

his appointment in the Regular Army until after 30 June, but was on active duty with date of rank determined under c above, such date will be his date of rank in the Regular Army.

e. The date of rank of a retired officer upon being ordered into the active military service is the date of rank stated in Headquarters, Department of the Army orders placing him on active duty. Such date of rank is computed by adding to the date of rank at time of retirement the period of time between the date of retirement and the date of return to active duty. In case of additional periods of inactive service, the date of rank will be adjusted further in accordance with the foregoing procedures. See examples in table 6-1.

f. The date of rank of an officer promoted to a temporary grade on active duty is the date cited in the order announcing the promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which promoted or in a higher or comparable grade in any of the armed services.

g. The date of rank in temporary grade of an officer accepting appointment in the Regular Army and entitled to a temporary grade under paragraph 25, AR 601-105, will be his date of rank in such grade on current tour, or, if he is not on active duty at time of such acceptance, will be determined under b above. If officer has not previously held an appointment in grade in which given a temporary appointment, his date of rank will be date of acceptance of appointment in the Regular Army.

## Section II. WARRANT OFFICERS

6-3. **Precedence or relative rank.** Among warrant officers of the same grade on active duty or active duty for training with an active Army unit, precedence or relative rank is determined as follows:

a. As among warrant officers on the active list of the Regular Army.

(1) By date of temporary or permanent rank, whichever is earlier.

(2) When dates of rank are the same, in

accordance with their positions on the promotion list.

b. As among warrant officers of the Army National Guard of the United States, U.S. Army Reserve, Army of the United States, and retired warrant officers on active duty.

(1) By date of rank.

(2) When dates of rank are the same, by length of active Federal commissioned and warrant officer service, including service performed

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## Section VI. APPEARANCE

**5-39. Appearance.** *a.* The Army is a uniformed service. Therefore a neat and well-groomed appearance by soldiers is fundamental to the Army, and contributes to building the pride and esprit essential to an effective military force. A vital ingredient of the Army's strength and military effectiveness is the pride and self-discipline which American soldiers bring to their service. It is the responsibility of commanders to insure that military personnel under their command present a neat and soldierly appearance, and it is the duty of each soldier to take pride in his appearance at all times.

*b.* There are many hair styles which are acceptable in the Army. So long as a soldier's hair is kept in a neat manner, the acceptability of the style will be judged solely by the criteria described below.

*c.* Haircuts, without reference to style, will conform to the following standards:

(1) The hair on top of the head will be neatly groomed. The length and/or bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hair will present a tapered appearance and, when combed, it will not fall over the ears or eyebrows or touch the collar except for the closely cut hair at the back of the neck. The so-called "blockcut" fullness in the back is permitted in moderate degree. In all cases, the bulk or length of hair will not interfere with the normal wear of all standard military headgear.

(2) If the individual desires to wear sideburns, they will be neatly trimmed. The base will be a clean shaven horizontal line. Sideburns will not extend downward beyond the lowest part of the exterior ear opening.

(3) The face will be clean shaven except that mustaches are permitted. If a mustache is worn, it will be kept neatly trimmed and tidy. No portion extending beyond the corners of the mouth will fall below a line parallel with the bottom of the lower lip. Goatees and beards are not authorized.

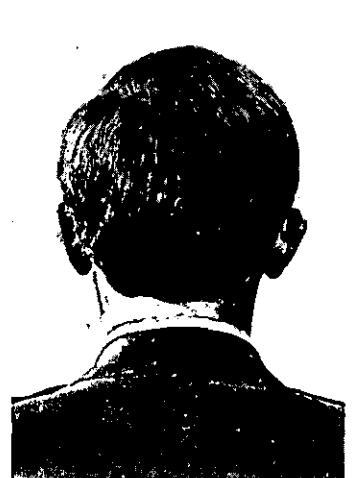
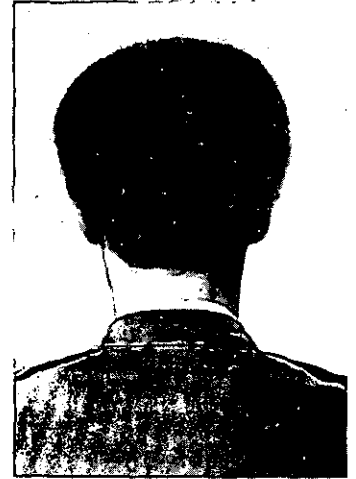
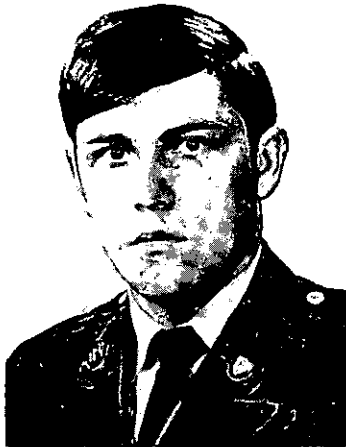
(4) The wearing of a wig or hair piece by male personnel while in uniform or on duty is prohibited except to cover natural baldness or physical disfiguration caused by accident or medical procedure. When worn it will conform to the standard haircut criteria as stated.

(5) Figure 5-1 illustrates various hairstyles, mustaches and sideburns which are acceptable according to these criteria. No style longer than the ones illustrated is permitted. DA Poster 600-20 depicting this policy and the approved styles in full color will be distributed to company level. The poster will be prominently displayed on unit bulletin boards, in offices, and in barber shops.

★*d.* Male members of the Reserve components may wear a wig or hair piece during unit training assemblies and when serving on active duty for training for periods of 30 days or less or on full time training duty for periods of 30 days or less, if it conforms to the standard haircut criteria stated above and does not interfere with performance of duty. When ordered for a period of more than 30 days to active duty, active duty for training, or full time training duty, the wearing of a wig or hair piece by male members of the Reserve components in uniform or on duty is prohibited except as provided in *c*(4) above.



Figure 5-1



*Figure 5-1—Continued*

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## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations, activities, and units.** *a. Responsibility.* Command of an installation, activity, or unit of platoon size or larger normally is the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 3-11, subject to the following limitations:

(1) Class I installations and activities and comparable oversea installations normally will be commanded by an officer of one of the following branches: Armor, Air Defense, Artillery and Field Artillery, Infantry, Corps of Engineers, Military Police Corps, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

(3) Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from the Deputy Chief of Staff for Personnel (HQDA (DAPE-MPC) Washington, DC 20310).

*b. Announcement of assumption of command.* Assumption of command will be announced by orders citing the pertinent subparagraph of this regulation as the authority.

(1) General orders will be used by commanders authorized to issue general orders (para 1-5, AR 310-10).

(2) Unit orders will be used by commanders of units who issue written orders but are not authorized to issue general orders.

(3) Oral orders will be used for units that do not publish written orders.

*c. Installation responsibilities.* When a major commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

*d. Optimum length of command tours.* The optimum length of command tours must be based on the needs of the Army, stability within units, the needs for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.

(3) In oversea areas where the tour length precludes such tenure of command, the command tour will coincide with the oversea tour.

★*e. Command by members of the Women's Army Corps.* Members of the Women's Army Corps may be assigned to any command position, except those associated with combat or tactical combat support units. (See Categories, Category I, AR 310-25.)

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned provided he is not ineligible under paragraphs 3-11 and 3-12.

**3-3. Designation of junior in same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

*b.* Commanders of major commands; Army groups, armies, corps, divisions, and units comparable thereto; and heads of Department of the Army staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see para 3-12a pertaining to general officers). When an officer is so designated, TC 451, AR 310-10, or the following form will be used to announce his designation:

By direction of the President announcement is made of the appointment of \_\_\_\_\_

(Name, grade, Social Security No. and branch of service of officer)

as commanding officer (or general) of \_\_\_\_\_

(Designation of unit)

effective \_\_\_\_\_

(Date)

TC 451, AR 310-10, or the above form will be used only if the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by issuance of appropriate orders.

**3-4. Death, disability, or absence of commander.** *a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not

ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in *c* below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b except that orders will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. An order is not required to rescind the order designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the order gave the time element involved. An order is required to rescind an order designating an acting commander if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 U.S.C. 3015).

*c. Commanders of major commands.* A commander of a major command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not caused by physical disability.

**3-5. Absence or disability of all officers of a unit.** In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment



and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 3-11b and c and 3-12d and g apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-6. Emergency command.** In an emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions also apply to troops separated from their parent units under battlefield conditions or in prisoner of war status. Restrictions pertaining to the assumption of command prescribed in paragraphs 3-11b and c and 3-12b and g apply. Assumption of command will be as indicated in paragraph 3-4a.

**3-7. Functions of individual in temporary command.** A member in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. Temporary command is defined to include command assumed under conditions outlined in paragraphs 3-4, 3-5, and 3-6. Such commanders will be considered temporary commanders until they are designated as permanent or until they are replaced by the appropriate senior commander.

**3-8. Responsibility of successor.** A member who succeeds to any command or duty stands, in regard to his duties, in the same situation as did his predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

**3-9. Separate commands of the U.S. Army serving together.** a. When separate commands of the U.S. Army join or do duty together, the senior regularly assigned officer of the branches listed in paragraph 3-1a(1) who is present for duty with the commands concerned and not

ineligible under paragraphs 3-11 or 3-12 will command the forces unless otherwise directed by the President.

b. Section 317 of title 32 United States Code (32 U.S.C. 317) provides: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When U.S. Army Reserve units participate in active duty for training or annual training at an installation, the command of that installation remains with the officers who command the place without regard to the grade of the officers of the U.S. Army Reserve unit who are temporarily participating in training at that location.

**3-10. Separate commands of the several military services of the United States serving together.** a. When separate commands of the several military services join or do duty together, or personnel of another service serve with the Army, operational control by an officer of one service over the units or members of the other services may be given—

(1) By agreement between the services concerned, or

(2) By assignment to command a unified command established by the Joint Chiefs of Staff.

When the different commands of the Army and the Marine Corps join or serve together, the officer highest in rank in the Army or the Marine Corps on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President (10 U.S.C. 747).

b. The commander of the forces joined will exercise operational control of the forces of each service through its responsible commander

who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which he is a member without injury to the service. Subject to this policy, the commander of a joint command or joint task force who has authority to convene general courts-martial may convene court-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by courts-martial (para 13, MCM, 1969 (Revised edition)).

**3-11. Ineligibility for command.** *a. Command of an installation or activity.* An individual will be considered ineligible for command of an installation or activity when he is—

(1) Quartered thereat but has his headquarters or office elsewhere.

(2) A student at a service school or civilian institution, or undergoing individual training, instruction, or intransit processing at an installation where he is not a part of the command complement.

(3) Not permanently assigned, and his unit is not permanently assigned to the installation.

(4) Assigned primarily as a permanent member of a board.

(5) Prohibited from assuming command by statute, AR 600-31, or by paragraph 3-12.

(6) Assigned specific duty aboard a military vessel or aircraft where his particular duty and military occupational specialty do not technically qualify him to assume the duty of ship's master or aircraft commander.

*b. Suspension from rank, command, or duty.* A commissioned officer may be suspended from rank or command by sentence of a court-martial. Suspension from rank includes suspension from command. An officer thus suspended may not exercise military command of any kind or perform any duty involving the exercise of command. A commissioned officer may also be

suspended from duty. Such suspension is analogous to suspension from command and is particularly appropriate if an officer is assigned to a purely administrative duty not involving the exercise of military command. While suspended from rank, command, or duty, an officer is ineligible to sit as a member of a court-martial, court of inquiry, or military board, and he is deprived of privileges depending on rank, such as any priority dependent on rank in the selection of quarters. For reports required to be submitted in certain cases involving changes in status of officers resulting from courts-martial actions, see paragraph 96, Manual for Courts-Martial, United States, 1969 (Revised edition).

*c. In arrest.* A person in arrest is ineligible to exercise command of any kind.

**3-12. Restrictions.** *a. Announcement of appointment.* With the exception of the Commanding General, U.S. Continental Army Command, commanders referred to in paragraph 3-3 will not assign general officers without prior approval in each instance of The Deputy Chief of Staff for Personnel, ATTN: DCSPER-GOB, Department of the Army, Washington, DC 20310. During the temporary absence of the regularly assigned commander concerned, the Commanding General, U.S. Continental Army Command is authorized to assign general officers under his command to positions of command in accordance with paragraph 3-3. The authority contained in paragraph 3-3 will not be exercised to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee (*d* below), to officers of the Army Medical Department when such assignment involves troops other than those of the Army Medical Department.

*b. General Staff officers.* An officer assigned to duty on or detailed to duty with the Army General Staff will not assume command of troops other than personnel on duty with the Army General Staff unless specifically directed to do so by an authority named in paragraph 3-3. An officer designated general staff with troops may assume command when he is the senior regularly assigned officer of the

command present for duty and not ineligible under the provisions of this paragraph and paragraph 3-11.

*c. Officers on duty in Department of the Army Staff agencies.* Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

*d. Officers of the Army Medical Department.* Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Department may exercise command only within the Army Medical Department. As an exception to this general rule, officers of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Department whenever authorized by the Secretary of the Army, by the commanders of major commands, army groups, armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of the Army staff agencies.

*e. Chaplains.* A chaplain has rank without command (10 U.S.C. 3581). Although a chaplain may not exercise command, he has authority to exercise functions of operational supervision and control.

*f. Commanding officer of troops on transports.* Military personnel embarking on Military Sea Transport Service vessels are available for command duty, unless otherwise indi-

cated in their travel orders or by reason of their branch of service they are not eligible to command troops. General officers will be excluded from this requirement. The designation of colonels will be at the discretion of the terminal commander.

★*g. US Army Reserve unit commanders.* The authority delegated under paragraph 3-3 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

(1) When the Reserve officer selected to command a US Army Reserve unit, while in Reserve duty training status, is junior in date of rank, as computed under chapter 6, to other officers of the same grade assigned to that unit.

(2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under chapter 6, to other assigned officers of the same grade.

★*h. Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in paragraph 5, AR 611-112.

★*i. Partially disabled officers.* Partially disabled officers continued on active duty under the provisions of chapter 10, AR 635-40 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

staff will vary with the commander and the level of the command. He must take care, however, that the staff does not isolate him from his subordinate commanders and that the unique relationship between himself and his subordinate commanders is preserved. The commander maintains a close, direct, and personal relationship with his subordinate commanders and with his staff. He insures that a feeling of mutual respect and confidence exists between his headquarters and subordinate commands.

d. Commanders will assist in the professional development of their subordinates by such means as encouraging self-study, periodically rotating their duties, and frequently counseling them upon their performance. Normally, enlisted personnel will not be rotated to duty outside their primary military occupational specialty, particularly in the case of those receiving proficiency pay.

★e. Authority will impose its weight by the professional competence of leaders at all echelons rather than by the arbitrary or despotic methods of martinets. Commanders should not rely on coercion when persuasive methods can effect the desired end. Second only to accomplishing their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. Leaders at all echelons will impart to troops, on a continuing basis, constructive information on the necessity for and purpose of military discipline. In complying with the Uniform Code of Military Justice, Article 137, the articles required to be explained will be presented in such a manner as to insure that enlisted personnel will be fully aware of the controls and obligations imposed on them by virtue of their military service. Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction. Leaders will strive to maintain such relations of confidence and sym-

pathy as will insure that personnel of their command will feel free to approach them for counsel and assistance, not only with regard to military and organizational matters, but with matters which may be contributing to personal or family distress or perplexity. This relationship may be gained and maintained without relaxing the bonds of discipline and with great benefit to the service as a whole.

**5-8. Disciplinary powers of commanding officer.**  
a. See Manual for Courts-Martial, United States, 1969, (Revised edition).

b. In the exercise of his authority to use non-punitive measures, as explained in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition), if the individual to be administratively admonished or administratively reprimanded is no longer a member of his command, the commander concerned will forward such administrative admonition or administrative reprimand direct to the individual at his current duty station (para 4-2g(4) and 5-6).

★c. Exercise of disciplinary authority should be tailored to the nature and circumstances of specific offenses. Commanders will not restrain disciplinary powers of subordinates by prescribing allowable frequency limits for various types of disciplinary actions.

**5-9. Private indebtedness and financial obligations.** See AR 210-7 and AR 600-15.

**5-10. Settlement of local accounts on change of station.** To insure that organizations and individuals have properly settled their accounts, commanders will—

a. Make every effort to settle local accounts of their organizations prior to movement.

b. Institute action by mail to promptly settle organizational accounts with local firms that they are unable to settle prior to movement.

c. When considered necessary, take action under the Uniform Code of Military Justice, Articles 15, 121, 123a, 133, or 134, when individuals under their command issue checks against an account with insufficient funds or fail to clear their personal accounts prior to departure from their stations. When information of indebtedness is received after an individual departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in paragraph 3-1c(7), AR 600-15.

**5-11. Civil status of members of the Reserve components.** *a.* A member of the Reserve components, not serving on active duty, is not held or considered to be an officer or employee of the United States solely by reason of his status as such member. He may accept employment in any civil branch of the public service, and receive pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Reserve components. Except as specifically provided to the contrary in certain laws of the United States, a member of the Reserve components, not serving on active duty, may practice his civilian profession or occupation before or in connection with any department of the Federal Government. There are a number of laws which impose limitations on the activities in which persons may engage after termination of active duty or employment by the United States. The underlying principle of these laws is that it is improper for an individual who has handled a matter for the Government to leave public service and thereafter represent the other side in connection with the same or a closely related matter. (See, for example, 18 U.S.C. 207.)

*b.* Members of the Reserve components who are officers and employees of the United States or of the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

*c.* Members of the Reserve components, subject to the approval of the Secretary of the Army, may accept civil employment with and compensation

therefor, from any foreign government or any concern which is controlled in whole or in part by a foreign government.

**5-12. Release of personnel rosters, orders, or similar documents outside the Military Establishment.** *a.* Rosters, orders, or similar documents listing names and addresses of military personnel (including Reserve component personnel) will not be released to individuals or organizations outside the Military Establishment if there is any reason to believe the information may be used for purposes of commercial or other solicitations. Requests for such information will be processed in accordance with paragraph 7, AR 345-20.

*b.* To be effective, this policy must apply at all levels of command in the field as well as at the departmental level. Commanders at all levels will insure that those concerned are familiar with this regulation.

**5-13. Congressional activities.** *a. Communicating with a Member of Congress.* No person may restrict any member of an armed force from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States (10 U.S.C. 1034). No individual will be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders are responsible for continually advising subordinates to seek advice or assistance within the chain of command, from appropriate staff agencies, or from an inspector general if there is a complaint, and that a communication concerning a personal problem forwarded to anyone who is not in the local chain of command inevitably must be returned to the local commander for consideration before action can be taken to render assistance; also that service members should so inform members of their families.

*b. Appearance before congressional committees.* It is the policy of the Department of the

pected or proven communicable disease, when appropriate.

d. Detention on closed wards when necessary to insure appropriate medical supervision or to protect the member or others from harmful acts.

e. Medical care related to the mental disorders of members who have been found incompetent by a medical board, or when believed to be incompetent and pending medical board action, provided life or health is not likely to be endangered by such procedures or care. These members may also be given routine medical care necessary to treat minor ailments.

**5-35. Refusal to submit to medical care other than care described in paragraph 5-34.** A member of the Army on active duty or active duty for training who refuses to submit, or whose court appointed guardian or other legal representative objects, to recommended medical care will be referred to a medical board (para 42, AR 40-3). When a member refuses to submit to recommended care because of religious beliefs, a chaplain will be appointed as a member of the board.

a. The examining medical board's report should contain answers to the following questions:

(1) Is the proposed treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?

(2) Is the proposed treatment an established procedure that qualified and experienced physicians ordinarily would recommend and undertake?

(3) Considering the risks ordinarily associated with the proposed treatment, the member's age, and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable or in the case of an incompetent member, is compulsory treatment warranted?

b. In determining whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider, among

other things, the existing physical or mental contraindications, previous unsuccessful operations and procedures, and any special risks. Generally, the refusal of medical care may be considered as unreasonable in the absence of substantial contraindications.

c. The report of the medical board proceedings will show the need and risk of the recommended medical care which is refused by the member.

d. The report of the medical board proceedings will show that the member was given the opportunity to appear in person, if his condition so permitted, or that the member was afforded an opportunity to submit a written statement explaining the grounds for his refusal. Any statement submitted will be forwarded with the report.

e. A member who is believed to be incompetent will be aided by an appointed counsel who need not be legally qualified, who may appear in his behalf.

★f. If the approved findings of the examining medical board are that the proposed medical care is necessary for the protection of the health of the member and others or to enable the member properly to perform his duties and normally will have this effect, such findings must be made known to the member and he will be afforded the opportunity to accept the prescribed medical care. If the member still persists in his refusal, the medical treatment facility commander will forward the medical board proceedings to HQDA (DASG-PSZ), Washington, DC 20314, for review. When refusal to submit to the prescribed medical care is based on religious grounds, The Surgeon General will refer the medical board proceedings to the Chief of Chaplains for review prior to action. The Surgeon General will indicate his approval or disapproval of the medical board proceedings and return them to the medical treatment facility commander. If The Surgeon General approves the medical board proceedings, the member will again be afforded the opportunity to accept treatment. If the member persists in refusing the proffered medical care, the medical treatment facility commander will refer the

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matter (including copies of the medical board proceedings) to the appropriate CONUS Army or major oversea commander. The CONUS Army or major oversea commander will determine whether the member will be ordered to submit to the recommended medical care. If the CONUS Army or major oversea commander or-

ders the member to submit to treatment and the member refuses to obey, the commander may take disciplinary action in accordance with Manual for Courts-Martial, United States, 1969, (Revised edition) or may institute administrative action to separate the member from service (retirement, discharge, etc.).

## Section V. COMPLAINTS OF ACCUSATIONS AGAINST MILITARY PERSONNEL

**5-36. General.** The policies outlined in this section are intended to provide broad and general guidance. The Inspector General Complaint System which differs in procedure from that prescribed in paragraph 5-37 is governed by chapter 3, AR 20-1.

**5-37. Command responsibilities.** When a written complaint or accusation is received against military personnel, commanding officers of units or installations will take the action indicated below. All complaints will be acknowledged.

*a. Forwarded from higher headquarters.* When final action on a complaint received from higher headquarters for investigation and report of findings is completed, the complaint accompanied by the report of investigation will be returned to the headquarters from which received. Unless higher headquarters has indicated a desire to reserve decision on the disposition of the complaint or accusation pending receipt of report of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. Where higher headquarters has reserved the right of approval on the disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters normally will reserve the right of final disposition only in cases involving complex issues or of such a nature that the commander desires, in the interest of justice and morale, to insure uniform handling throughout the command. Complaints received after a service member has been transferred and which indicate investigation is war-

ranted by the new commanding officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The headquarters which forwarded the complaint will be advised of the referral.

*b. Received initially by units or installations.*

(1) *When warranting investigation.* The complaint will be investigated and appropriate action taken. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The complainant will be advised of the referral.

(2) *When not warranting investigation.* If, in the opinion of the commanding officer, the complaint is of insufficient importance to require an investigation, the statement "does not warrant investigation" will be recorded on the complaint and the initials of the commanding officer or a responsible officer designated by the commanding officer will be placed after the statement. The complainant will be advised that a decision has been made that further action on the complaint is not warranted. Such

complaints will be maintained and disposed of in accordance with AR 340-18-7.

★*c. Concerning retired personnel not on active duty.* Complaints or accusations against retired personnel not on active duty normally are outside the responsibility of the Army. Upon receipt of written complaints or accusations against such personnel, reply will be made thereto advising that such matters are outside the responsibility of the Department of the Army and should be pursued through the civil courts. As an exception, upon receipt of a complaint or an accusation of fraud against the

Government, or of engaging in prohibited procurement activity affecting the Government, the matter will be forwarded for disposition to the Commander, US Army Reserve Components Personnel and Administration Center, ATTN: AGUZ-PSD-SAD, 9700 Page Boulevard, St. Louis, MO 63132. The complainant or accuser will be advised of the referral.

★~~5-38~~. **Filing.** Unfavorable information concerning a service member will not be filed in an individual's record, either in the field or by The Adjutant General, except as provided in chapter 2, AR 600-37.

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## Section VI. APPEARANCE

**5-39. Appearance.** *a.* The Army is a uniformed service. Therefore a neat and well-groomed appearance by soldiers is fundamental to the Army, and contributes to building the pride and esprit essential to an effective military force. A vital ingredient of the Army's strength and military effectiveness is the pride and self-discipline which American soldiers bring to their service. It is the responsibility of commanders to insure that military personnel under their command present a neat and soldierly appearance, and it is the duty of each soldier to take pride in his appearance at all times.

*b.* There are many hair styles which are acceptable in the Army. So long as a soldier's hair is kept in a neat manner, the acceptability of the style will be judged solely by the criteria described below.

*c.* Haircuts, without reference to style, will conform to the following standards:

(1) The hair on top of the head will be neatly groomed. The length and/or bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. Hair will present a tapered appearance and, when combed, it will not fall over the ears or eyebrows or touch the collar except for the closely cut hair at the back of the neck. The so-called "block-cut" fullness in the back is permitted in moderate degree. In all cases, the bulk or length of

hair will not interfere with the normal wear of all standard military headgear.

(2) If the individual desires to wear sideburns, they will be neatly trimmed. The base will be a clean shaven horizontal line. Sideburns will not extend downward beyond the lowest part of the exterior ear opening.

(3) The face will be clean shaven except that mustaches are permitted. If a mustache is worn, it will be kept neatly trimmed and tidy. No portion extending beyond the corners of the mouth will fall below a line parallel with the bottom of the lower lip. Goatees and beards are not authorized.

(4) The wear of a wig or hair piece by male personnel while in uniform or on duty is prohibited except to cover natural baldness or physical disfiguration caused by accident or medical procedure. When worn it will conform to the standard haircut criteria as stated.

(5) Figure 5-1 illustrates various hairstyles, mustaches and sideburns which are acceptable according to these criteria. No style longer than the ones illustrated is permitted. DA Poster 600-20 depicting this policy and the approved styles in full color will be distributed to company level. The poster will be prominently displayed on unit bulletin boards, in offices, and in barber shops.



Figure 5-1

ARMY REGULATION

No. 600-20

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 28 April 1971

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

Effective 15 June 1971, except paragraph 5-39 which is effective 7 May 1971  
in accordance with DA Message DCSPER-PSD 072249Z May 71.

*This regulation establishes policy and prescribes certain procedures relative to the several basic aspects of command, military conduct and discipline, and the determination of precedence and date of rank. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to The Adjutant General, ATTN: AGAO-R; other commands will furnish one copy of each to the next higher headquarters.*

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This regulation supersedes AR 600-20, 31 January 1967, including all changes, and DA messages DCSPER-PSD 252149Z May 70, subject: Interim Change to AR 600-20; and DCSPER-PSD 072249Z May 71, subject: Army Haircut Policy.

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## CHAPTER 1

### GENERAL

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**1-1. Purpose.** This regulation establishes policy and prescribes certain procedures relative to the several basic aspects of command, military conduct and discipline, and the determination of precedence and date of rank.

**1-2. Elements of command.** The key factors of command covered herein are command authority and responsibility, rank and precedence, command and other channels, enlisted aspects of command, and military discipline. Additional guidance on these matters is covered by the various publications listed in DA Pam 310-1.

**1-3. Right to command.** Command is exercised by virtue of office and the special assignment of members of the Armed Forces holding military rank who are eligible by law to exercise command. The right to command is not limited solely by branch of service except as prescribed in this regulation. A civilian may not exercise command. However, he may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

**1-4. Assignment and command.** Members of the Army are assigned to stations or commands where their services are required, and are there assigned to appropriate duties by the commanding office. Without orders from competent authority, a member of the Army can only assume command when eligible in accordance with this regulation.

**1-5. Military rank.** Military rank is the relative position or degree of precedence bestowed on military persons which marks their station and confers eligibility to exercise command or authority in the military service within the

limits prescribed by law. It is divided into classes and grades as shown in paragraphs 1-7 and 1-8.

**1-6. How rank held or conferred.** *a.* Rank is generally held by virtue of office or grade in the Army, but may be conferred independently of either, as in the case of retired officers, or with respect to commissioned officers in the same grade by special assignment as provided in section 749 of title 10 United States Code (10 U.S.C. 749).

*b.* Conferring honorary titles of military rank upon civilians is prohibited. Honorary titles heretofore conferred will not be withdrawn.

**1-7. Grades of rank.** Table 1-1 shows the grades of rank in the Army, in order of their precedence or relative rank. It also indicates the grouping of grades into classes, pay grades, title of address and abbreviations. Procedures for determining precedence and date of rank are indicated in chapter 6.

**1-8. Comparable rank among the various services.** The comparable grades of rank of the various services are shown in table 1-2.

**1-9. Precedence between personnel of Army and personnel of other services serving with Army.** Personnel of other services serving with the Army are on equal footing with personnel of the Army of corresponding component, and precedence will be determined in the manner set forth in this regulation.

**1-10. Precedence between Foreign Service**

**officers of Department of State and officers of the Army.** Precedence between officers of the Foreign Service and other officers of the U.S.

Government is as prescribed by Executive Order 9998, 14 September 1948 (sec. II, JAAF Bul 38, 1948; 13 F.R. 5359).

## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations, activities, and units.** *a. Responsibility.* Command of an installation, activity, or unit of platoon size or larger normally is the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 3-11, subject to the following limitations:

(1) Class I installations and activities and comparable overseas installations normally will be commanded by an officer of one of the following branches: Armor, Air Defense Artillery and Field Artillery, Infantry, Corps of Engineers, Military Police Corps, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

★(3) Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from the Deputy Chief of Staff for Personnel (HQDA (DAPE-MPC) Washington, DC 20310).

★*b. Announcement of assumption of command.* Assumption of command will be announced by orders citing the pertinent subparagraph of this regulation as the authority.

(1) General orders will be used by commanders authorized to issue general orders (para 1-5, AR 310-10).

(2) Unit orders will be used by commanders of units who issue written orders but are not authorized to issue general orders.

(3) Oral orders will be used for units that do not publish written orders.

*c. Installation responsibilities.* When a major commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

*d. Optimum length of command tours.* The optimum length of command tours must be based on the needs of the Army, stability within units, the needs for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned provided he is not ineligible under paragraphs 3-11 and 3-12.

**3-3. Designation of junior in same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

*b.* Commanders of major commands; Army groups, armies, corps, divisions, and units comparable thereto; and heads of Department of the Army staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander



thereof without regard to relative seniority (see para 3-12a pertaining to general officers). When an officer is so designated, TC 451, AR 310-10, or the following form will be used to announce his designation:

By direction of the President announcement is made of the appointment of \_\_\_\_\_

Name, grade Social Security No. and  
branch of service of officer)

as commanding officer (or general) of \_\_\_\_\_  
(Designation of unit)

effective \_\_\_\_\_  
(Date)

TC 451, AR 310-10, or the above form will be used only if the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by issuance of appropriate orders.

**3-4. Death, disability, or absence of commander.** *a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned, commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by proper authority except as provided for in c below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b except that orders will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. An order is not required to rescind the order designating an acting commander for the specific reason of "during

the temporary absence of the regularly assigned commander" if the order gave the time element involved. An order is required to rescind an order designating an acting commander if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 U.S.C. 3015).

*c. Commanders of major commands.* A commander of a major command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not caused by physical disability.

**3-5. Absence or disability of all officers of a unit.** In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment

command present for duty and not ineligible under the provisions of this paragraph and paragraph 3-11.

*c. Officers on duty in Department of the Army Staff agencies.* Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

*d. Officers of the Army Medical Department.* Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Department may exercise command only within the Army Medical Department. As an exception to this general rule, officers of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Department whenever authorized by the Secretary of the Army, by the commanders of major commands, army groups, armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of the Army staff agencies.

*e. Chaplains.* A chaplain has rank without command (10 U.S.C. 3581). Although a chaplain may not exercise command, he has authority to exercise functions of operational supervision and control.

*f. Commanding officer of troops on transports.* Military personnel embarking on Military Sea Transport Service vessels are available for command duty, unless otherwise indicated in their travel orders or by reason of their branch of service they are not eligible to command troops. General officers will be excluded from this requirement. The designation of colonels will be at the discretion of the

terminal commander. See paragraph 1, AR 55-325.

*g. Women's Army Corps officers, warrant officers, and noncommissioned officers.* Commissioned officers, warrant officers, and noncommissioned officers of the Women's Army Corps may exercise command over Women's Army Corps personnel only. They may exercise such military authority over other military personnel as is necessary to carry out the duties pertaining to their assigned tasks.

*h. U.S. Army Reserve unit commanders.* The authority delegated under paragraph 3-3 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

(1) When the Reserve officer selected to command a U.S. Army Reserve unit, while in Reserve duty training status, is junior in date of rank, as computed under chapter 6, to other officers of the same grade assigned to that unit.

(2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under chapter 6, to other assigned officers of the same grade.

*i. Warrant officers.* When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in paragraph 5, AR 611-112.

*j. Partially disabled officers.* Partially disabled officers continued on active duty under the provisions of chapter 10, AR 635-40 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

Army to make the maximum information available to congressional committees as to its operations and activities, subject to the provisions of paragraph 3-18, AR 380-5. When requested to appear before a committee of Congress, military personnel of the Army will establish coordination with the Chief of Legislative Liaison, Office, Secretary of the Army (or the Comptroller of the Army on matters pertaining to appropriations) for guidance or assistance.

**5-14. Publishing of articles.** The policy of the Department of Defense is that military personnel who desire to engage in public writing for personal profit are on an exact parity with civilian professional writers so far as access to classified current technical or operational military information is concerned. See paragraph 9b, AR 360-5.

**5-15. Student officer studies.** All studies prepared as a part of their official duties by students at Army service schools will be used for official purposes only and will not be made available for publication or release in any manner which would indicate Department of the Army indorsement. This is not intended to preclude the writing of special articles on military subjects for publication provided review and clearance for publication are obtained as prescribed in paragraph 9, AR 360-5.

**5-16. Participation in public demonstrations.** Participation in picket lines or any other public

demonstrations, including those pertaining to civil rights, may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited—

- a. During the hours they are required to be present for duty.
- b. When they are in uniform.
- c. When they are on a military reservation.
- d. When they are in a foreign country.
- e. When their activities constitute a breach of law and order.
- f. When violence is reasonably likely to result.

**5-17. Participation in pageants and shows for civilian entertainment.** Military personnel will not participate in military pageants or shows which are designed primarily for the entertainment of the public and which require an absence from their normal military duties for a period in excess of 14 days, without the specific approval in each case of the Office of the Chief of Information, ATTN: PPPD, Department of the Army, Washington, DC 20310.

**5-18. Armed Forces Disciplinary Control Boards.** See AR 15-3.

**5-19. Off limits.** See paragraph 9, AR 15-3.

**5-20. Prohibitions with respect to intoxicating liquors.** See paragraph 1-3, AR 210-65.

## Section II. SUPPORT OF DEPENDENTS

**5-21. General.** Support of dependents by members of the Army involves a serious responsibility which is of direct concern to the Army. Failure on the part of a member to carry out this responsibility not only reflects adversely on the Army as a whole but is entirely inconsistent with Army standards of honor. The Army will not be a haven or refuge for personnel who disregard or evade their obligations to their families. Members of the Army are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide

adequate and continuous support for their legal dependents and comply with the terms of separation agreements and court orders. Failure to do so in any manner which tends to cast discredit on the Army is a proper subject of command consideration for punitive action or other appropriate administrative action including elimination from the service or denial of reenlistment.

**5-22. Entitlement to basic allowance for quarters.** Since 1 January 1963, enlisted members in

the pay grade of E-4 with over 4 years' service and in pay grades E-5 through E-9 have received the basic allowance for quarters with their pay, rather than through mandatory class Q allotments to their dependents. This procedure was instituted in the belief that noncommissioned officers, together with commissioned and warrant officers, are responsible individuals who will fulfill their family support obligations without coercion. Although the allowance is paid to the member, rather than to his dependents, its purpose is to provide for the support of his dependents, and his unjust enrichment by a refusal to support his dependents will not be permitted. Cases involving alleged refusal of a member to use the basic allowance for quarters for the support of his dependents will be referred to the appropriate finance and accounting officer for initiation of action to determine whether the member is entitled to that allowance.

**5-23. Adequacy of support.** What is adequate or reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be permanently resolved only in the civil courts. Salient factors that must be taken into account are the pay of the member, any other private income or resources of the member and dependents, the cost of necessities and everyday living expenses, and financial obligations of the member in relation to his income. The Department of the Army does not and cannot pass judgment on these matters. It is desired that the amount of support to be provided for dependents be established by mutual understanding between the parties concerned or decided in the civil courts. In the absence of an agreement between the parties concerned or a court order, the member will be expected to provide support payments in an amount not less than the basic allowance for quarters that he receives. The duty of a member to support his minor children, natural or adopted, of present marriage is not affected by desertion or other misconduct on the part of the wife. The obligation to support a child, or children, natural or adopted, is not affected by dissolution of the marriage through divorce, unless the judi-

cial decree or order specifically negates the obligations of a man to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children, or does not mention a child or children, will not be considered as relieving the serviceman of his inherent obligation to provide support for the child or children, natural or adopted, of the marriage.

**5-24. Court orders.** The Army expects its personnel to comply with civilian court decrees. In many cases there is an outstanding and uncontested support judgment against a member, but his total income appears inadequate to satisfy the judgment and maintain himself. In such cases, he should be required to consult immediately with his Legal Assistance Officer, and receive the guidance necessary for communication with the complainant or pertinent court of law with a view toward reaching a solution acceptable to all concerned. The circumstances present at the time the support decree was issued may have changed considerably with the passage of time, primarily through the member's acquisition of additional family responsibilities. Thus the same facts which indicate to the commander the near-impossibility of full compliance with the court order, when brought to the attention of the court in question, or the complainant, may induce the recipient to reduce the support required to an amount more in keeping with the present ability to pay. Until the court order is actually modified by competent authority or abrogated voluntarily by the complainant, it continues in force. The provisions of this paragraph are not applicable when the court order only involves payment of alimony for a former wife. See AR 600-15.

**5-25. Guidance in the absence of court orders.** DA Pamphlet 608-26 contains guidance for support payments to dependents of enlisted personnel in pay grades E-4 (4 years or less of service), E-3, E-2, and E-1. Evaluation of equitable support for dependents of higher grade enlisted personnel in the absence of a court order or agreement is more complicated. When closely knit families are temporarily separated due to the exigencies of the service, alle-

gations of nonsupport are seldom in evidence. At the other end of the spectrum are those families which have become disunited by a formal divorce decree which usually provides for monetary support. Generally, therefore, cases requiring action by commanders concerned are those where husband and wife are voluntarily separated. In such cases the member, from his own pay, should furnish to his legal dependents an amount at least equal to the previous contribution of an enlisted man serving in his grade, prior to January 1963, plus his present basic allowance for quarters. Before 1 January 1963, an enlisted member in pay grade E-4 (over 4 years' service) or higher had \$60 or \$80 withheld from his pay and added to the basic allowance for quarters to form the superseded class Q allotment. Thus a member is in essence receiving a gratuitous pay raise if he only contributes the amount of the current basic allowance for quarters.

**5-26. Command responsibilities.** The best judge of the facts in each case is the immediate commander of the member concerned. He is on the site, may know the member and his problems intimately and will have the benefit of face-to-face discussion. Under the Dependents Assistance Act of 1950 wherein class Q allotments were mandatory when dependency was proven, and the Finance Center, U.S. Army, had the authority to initiate a class Q allowance over the objection of the service member, the role of the commander was not quite so prominent. It thus behooves commanders at all echelons to supervise the handling of these cases with the overall goal of equitable and prompt solution of each. It is particularly important that the complainant be given a complete reply by the commander, one that is courteous and factual, bereft of evasion and vague promises, and with no hint of "brushoff." Finally,

command action of a monitoring nature must ensue to insure that statements, promises, etc., of the member are in fact carried out expeditiously.

**5-27. Action by commanders.** *a.* In considering appropriate measures to be taken in cases of nonsupport of dependents, commanders must bear in mind that any action which will reduce the member's ability to pay may further compound the financial problem for both the member and his dependents. Since issues of support ordinarily will involve a variety of legal questions, commanders should seek the advice of an appropriate judge advocate relative to those legal issues which may be raised and with respect to any matters about which the judge advocate may have knowledge and experience. In general, no matter how proficient a member may be in military skills, his inability to manage his personal affairs may jeopardize his value to the service. When command action in accordance with this regulation has not secured the cooperation of the member in supporting his dependents, consideration should be given to his elimination from the service through the use of appropriate procedures (AR 635-212).

*b.* The provisions of this section do not normally apply in the case of retired personnel not on active duty. Routine complaints of nonsupport should be answered by a statement that any action in connection with the financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, ATTN: AGAO-KA, Department of the Army, Washington, DC 20315, when, in the opinion of the reviewing officer, the complaint justifies consideration by the active military.

### Section III. POLITICAL ACTIVITIES

**5-28. Explanation of terms.** For the purpose of this section the following explanations will apply:

*a. Civil office.* An office, not military in

nature, that involves the exercise of the powers or authority of civil government. It may be either an elective or an appointive office under the United States, a Territory or Possession, or

a State, county, or municipality, or official subdivisions thereof. The term "civil office" does not include offices to which military personnel may be assigned in a military status.

*b. Full-time service.* Any service in connection with a civil office that is likely to interfere with regular military duties.

*c. Nonpartisan political activity.* An activity in support of or related to candidates not representing, or issues not specifically identified with, National or State political parties and associated or ancillary organizations. (Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with National or State political parties.)

*d. Partisan political activity.* An activity in support of or related to candidates representing, or issues specifically identified with, National or State political parties and associated or ancillary organizations.

**5-29. Political activities.** A member of the Army is expected and encouraged to carry out his obligations as a citizen, but while he is on active duty he is prohibited in certain circumstances from becoming a candidate for or holding civil office (para 5-30 and 5-31), and in engaging in partisan political activities. The following general principles apply:

*a. A member may—*

(1) Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(2) Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

(3) Attend partisan as well as nonpartisan political meetings or rallies as a spectator when not in uniform.

*b. A member may not—*

(1) Use his official authority or influence for the purpose of interfering with an election,

or affecting the course of its outcome, or of soliciting votes for a particular candidate or issue, or of requiring or soliciting political contributions from others.

(2) Be a candidate and hold civil office except under the conditions set forth in paragraphs 5-30 and 5-31.

(3) Participate in partisan political management, campaigns, or conventions, including making campaign contributions to a partisan political candidate, to another member of the Armed Forces, or to an employee of the Federal Government.

*c. To assist in applying the foregoing general provisions to particular factual situations, appendix A contains representative samples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other related Army regulations dealing with dissident and protest activities among members of the Army, but are to be used in conjunction with them.*

*d. Appendix B contains a summary of Federal statutes prohibiting certain types of political activities by members of the Armed Forces.*

**5-30. Candidacy for elective office.** *a.* A member of the Army may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, where the circumstances justify, the installation commander may permit the member to file such evidence of his nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by paragraph 5-29b or paragraph A-2.

*b.* A member of the Army may not become a nonpartisan candidate for any civil office requiring full-time service while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receive schooling, or other training wholly or partly at the expense of the United States.

**5-31. Release of military personnel elected or appointed to civil office.** *a.* Officers on the active

list of a regular component of an armed force may not hold a civil office, except as otherwise provided by law. The acceptance of such a civil office or the exercise of the functions of the office terminates the officer's military appointment as provided by Title 10 United States Code, Section 973(b).

b. An officer on the active list of a Reserve component of an armed force and enlisted personnel who are elected as a partisan candidate to any civil office or as a nonpartisan candidate

to a civil office requiring full-time service, or who are appointed to a civil office requiring full-time service may be retired, discharged, or released to inactive duty, as may be appropriate. However, such officers and members will not be retired, discharged, or released to inactive duty if they are serving an initial tour of extended active duty or a tour of extended active duty that the members have agreed to perform as a condition to receiving schooling, instruction, or other training, wholly or partly at the expense of the United States.

#### Section IV. MEDICAL CARE

**5-32. General.** A member of the Army on active duty or active duty for training usually will be required to submit to medical care considered necessary to protect or maintain the health of others, to preserve the member's life, or alleviate undue suffering by the member. A commanding officer may, with the concurrence of the medical treatment facility commander, order the hospitalization of any member of his command or order him to submit to a medical examination when indicated.

**5-33. Explanation of term.** Medical care as used in this section means preventive, diagnostic, therapeutic, and rehabilitative medical, surgical, psychiatric, and dental procedures.

**5-34. Medical care performed with or without the member's permission.** Under the following circumstances medical care may be performed with or without the member's permission:

a. Emergency medical care which is required to preserve the life or health of the member.

b. Immunization required by AR 40-562 or other Department of the Army directives (subject to any limitation stated in these directives).

(1) The policy of authorizing forcible immunization is intended to protect the health and overall effectiveness of the command as well as the health of the soldier himself. The individual does not have an option as to whether he will be immunized; this is a mili-

tary obligation, an exception to which is granted only for medical reasons in accordance with paragraphs 9a and e, AR 40-562.

(2) In performing this duty, medical personnel are expected to use only that amount of force necessary to administer the immunization. Any force necessary to overcome an individual's reluctance to immunization normally will be provided by personnel acting under orders from the soldier's unit commander. The commonly used expression "refusal to take shots" erroneously suggests that the individual concerned has an option between being immunized or being punished for his refusal. This is incorrect. A soldier scheduled for immunization will routinely be inoculated at his turn, unless he defies superior authority in which event the inoculation will be specially accomplished.

(3) Unless medically contraindicated, any required immunization will be administered to a member with or without his consent. Every reasonable effort should be made to avoid the necessity of disciplinary action. However, a member should be advised that he may subject himself to disciplinary action by resisting, and that he will be inoculated with or without his consent in any event. Additionally, prior to any mandatory immunization, the member should be counseled concerning the many other reasons why he should submit to the required inoculation.

c. Isolation and quarantine for cases of suspected or proven communicable disease, when appropriate.

d. Detention on closed wards when necessary to insure appropriate medical supervision or to protect the member or others from harmful acts.

e. Medical care related to the mental disorders of members who have been found incompetent by a medical board, or when believed to be incompetent and pending medical board action, provided life or health is not likely to be endangered by such procedures or care. These members may also be given routine medical care necessary to treat minor ailments.

**5-35. Refusal to submit to medical care other than care described in paragraph 5-34.** A member of the Army on active duty or active duty for training who refuses to submit, or whose court appointed guardian or other legal representative objects, to recommended medical care will be referred to a medical board (para 42, AR 40-3). When a member refuses to submit to recommended care because of religious beliefs, a chaplain will be appointed as a member of the board.

a. The examining medical board's report should contain answers to the following questions:

(1) Is the proposed treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?

(2) Is the proposed treatment an established procedure that qualified and experienced physicians ordinarily would recommend and undertake?

(3) Considering the risks ordinarily associated with the proposed treatment, the member's age, and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable or in the case of an incompetent member, is compulsory treatment warranted?

b. In determining whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider, among other things, the existing physical or mental contraindications, previous unsuccessful operations and procedures, and any special risks.

Generally, the refusal of medical care may be considered as unreasonable in the absence of substantial contraindications.

c. The report of the medical board proceedings will show the need and risk of the recommended medical care which is refused by the member.

d. The report of the medical board proceedings will show that the member was given the opportunity to appear in person, if his condition so permitted, or that the member was afforded an opportunity to submit a written statement explaining the grounds for his refusal. Any statement submitted will be forwarded with the report.

e. A member who is believed to be incompetent will be aided by an appointed counsel who need not be legally qualified, who may appear in his behalf.

f. If the approved findings of the examining medical board are that the proposed medical care is necessary for the protection of the health of the member and others or to enable the member properly to perform his duties and normally will have this effect, such findings must be made known to the member and he will be afforded the opportunity to accept the prescribed medical care. If the member still persists in his refusal, the medical treatment facility commander will forward the medical board proceedings to The Surgeon General, ATTN: MEDPS, Department of the Army, Washington, DC 20314, for review. When refusal to submit to the prescribed medical care is based on religious grounds, The Surgeon General will refer the medical board proceedings to the Chief of Chaplains for review prior to action. The Surgeon General will indicate his approval or disapproval of the medical board proceedings and return them to the medical treatment facility commander. If The Surgeon General approves the medical board proceedings, the member will again be afforded the opportunity to accept treatment. If the member persists in refusing the proffered medical care, the medical treatment facility commander will refer the matter (including copies of the medical board proceedings) to the appropriate CONUS Army



or major oversea commander. The CONUS Army or major oversea commander will determine whether the member will be ordered to submit to the recommended medical care. If the CONUS Army or major oversea commander orders the member to submit to treatment and

the member refuses to obey, the commander may take disciplinary action in accordance with Manual for Courts-Martial, United States, 1969, (Revised edition) or may institute administrative action to separate the member from service (retirement, discharge, etc.).

## Section V. COMPLAINTS OR ACCUSATIONS AGAINST MILITARY PERSONNEL

5-36. General. The policies outlined in this section are intended to provide broad and general guidance. The Inspector General Complaint System which differs in procedure from that prescribed in paragraph 5-37 is governed by chapter 3, AR 20-1.

5-37. Command responsibilities. When a written complaint or accusation is received against military personnel, commanding officers of units or installations will take the action indicated below. All complaints will be acknowledged.

*a. Forwarded from higher headquarters.* When final action on a complaint received from higher headquarters for investigation and report of findings is completed, the complaint accompanied by the report of investigation will be returned to the headquarters from which received. Unless higher headquarters has indicated a desire to reserve decision on the disposition of the complaint or accusation pending receipt of report of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. Where higher headquarters has reserved the right of approval on the disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters normally will reserve the right of final disposition only in cases involving complex issues or of such a nature that the commander desires, in the interest of justice and morale, to insure uniform handling throughout the command. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding

officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The headquarters which forwarded the complaint will be advised of the referral.

*b. Received initially by units or installations.*

(1) *When warranting investigation.* The complaint will be investigated and appropriate action taken. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for oversea duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned. The complainant will be advised of the referral.

(2) *When not warranting investigation.* If, in the opinion of the commanding officer, the complaint is of insufficient importance to require an investigation, the statement "does not warrant investigation" will be recorded on the complaint and the initials of the commanding officer or a responsible officer designated by the commanding officer will be placed after the statement. The complainant will be advised that a decision has been made that further action on the complaint is not warranted. Such complaints will be maintained and disposed of in accordance with AR 340-18-7.

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*c. Concerning retired personnel not on active duty.* Complaints or accusations against retired personnel not on active duty normally are outside the responsibility of the Army. Upon receipt of written complaints or accusations against such personnel, reply will be made there-to advising that such matters are outside the responsibility of the Department of the Army and should be pursued through the civil courts. As an exception, upon receipt of a complaint or an accusation of fraud against the Government, or of engaging in prohibited procurement activ-

ity affecting the Government, the matter will be forwarded for disposition to the U.S. Army Administration Center. ATTN: AGUZ-RSD-SAS, 9700 Page Boulevard, St. Louis, Missouri 63132. The complainant or accuser will be advised of the referral.

**5-38. Filing.** Adverse matters concerning a service member will not be filed in an individual's record, either in the field or by The Adjutant General, except as provided in paragraph 5, AR 640-98.

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## CHAPTER 3

### COMMAND POLICIES AND PROCEDURES

**3-1. Command of installations, activities, and units. a. Responsibility.** Command of an installation, activity, or unit of platoon size or larger normally is the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 3-11, subject to the following limitations:

(1) Class I installations and activities and comparable overseas installations normally will be commanded by an officer of one of the following branches: Armor, Air Defense Artillery and Field Artillery, Infantry, Corps of Engineers, Military Police Corps, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

(3) Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval will be obtained from The Adjutant General, ATTN: AGAO-R, Department of the Army, Washington, DC 20315.

**b. Announcement of assumption of command.** Assumption of command will be announced by orders citing this regulation as the authority.

(1) General orders will be used by commanders authorized to issue general orders (para 1-5, AR 310-10).

(2) Unit orders will be used by commanders of units who issue written orders but are not authorized to issue general orders.

(3) Oral orders will be used for units that do not publish written orders.

**c. Installation responsibilities.** When a major commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

**d. Optimum length of command tours.** The optimum length of command tours must be based on the needs of the Army, stability within units, the needs for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

(1) For company grade, 18 months with a minimum of 12 months.

(2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.

(3) In overseas areas where the tour length precludes such tenure of command, the command tour will coincide with the overseas tour.

**3-2. Branch immaterial commands.** The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which

assigned provided he is not ineligible under paragraphs 3-11 and 3-12.

**3-3. Designation of junior in same grade to command.** *a.* When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

*b.* Commanders of major commands; Army groups, armies, corps, divisions, and units comparable thereto; and heads of Department of the Army staff agencies are authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see para 3-12a pertaining to general officers). When an officer is so designated, TC 451, AR 310-10, or the following form will be used to announce his designation:

By direction of the President announcement is made of the appointment of \_\_\_\_\_

(Name, grade Social Security No. and branch of service of officer)

as commanding officer (or general) of \_\_\_\_\_  
(Designation of unit)

effective \_\_\_\_\_  
(Date)

TC 451, AR 310-10, or the above form will be used only if the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank. In the latter case, commanders may make such appointments merely by issuance of appropriate orders.

**3-4. Death, disability, or absence of commander.** *a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 3-11 or 3-12 will assume command until relieved by

proper authority except as provided for in c below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 3-1b except that orders will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent. An order is not required to rescind the order designating an acting commander for the specific reason of "during the temporary absence of the regularly assigned commander" if the order gave the time element involved. An order is required to rescind an order designating an acting commander if the temporary assumption of command was for an indefinite period.

*b. Heads of Department of the Army Staff agencies.* In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered or required, exercise the functions of such head until relieved by proper authority. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medical Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 U.S.C. 3015).

*c. Commanders of major commands.* A commander of a major command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not caused by physical disability.

**3-5. Absence or disability of all officers of a unit.** In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment

He will vary with the commander and the level of the command. He must take care, however, that the staff does not isolate him from his subordinate commanders and that the unique relationship between himself and his subordinate commanders is preserved. The commander maintains a close, direct, and personal relationship with his subordinate commanders and with his staff. He insures that a feeling of mutual respect and confidence exists between his headquarters and subordinate commands.

d. Commanders will assist in the professional development of their subordinates by such means as encouraging self-study, periodically rotating their duties, and frequently counseling them upon their performance. Normally, enlisted personnel will not be rotated to duty outside their primary military occupational specialty particularly in the case of those receiving proficiency pay.

e. Authority will impose its weight by the professional competence of leaders at all echelons rather than by the arbitrary or despotic methods of martinets. Second only to accomplishing their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. Leaders at all echelons will impart to troops, on a continuing basis, constructive information on the necessity for and purpose of military discipline. In complying with the Uniform Code of Military Justice, Article 137, the articles required to be explained will be presented in such a manner as to insure that enlisted personnel will be fully aware of the controls and obligations imposed on them by virtue of their military service. Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their

complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction. Leaders will strive to maintain such relations of confidence and sympathy as will insure that personnel of their command will feel free to approach them for counsel and assistance, not only with regard to military and organizational matters, but with matters which may be contributing to personal or family distress or perplexity. This relationship may be gained and maintained without relaxing the bonds of discipline and with great benefit to the service as a whole.

5-8. **Disciplinary powers of commanding officer.**  
a. See Manual for Courts-Martial, United States, 1969 (Revised edition).

b. In the exercise of his authority to use non-punitive measures, as explained in paragraph 128c, Manual for Courts-Martial, United States, 1969 (Revised edition), if the individual to be administratively admonished or administratively reprimanded is no longer a member of his command, the commander concerned will forward such administrative admonition or administrative reprimand direct to the individual at his current duty station (para 4-2g(4) and 5-6).

5-9. **Private indebtedness and financial obligations.** See AR 210-7 and AR 600-15.

5-10. **Settlement of local accounts on change of station.** To insure that organizations and individuals have properly settled their accounts, commanders will—

a. Make every effort to settle local accounts of their organizations prior to movement.

b. Institute action by mail to promptly settle organizational accounts with local firms that they are unable to settle prior to movement.

c. When considered necessary, take action under the Uniform Code of Military Justice, Articles 15, 121, 123a, 133, or 134, when individuals under their commands issue checks against an account with insufficient funds or fail to clear their personal accounts prior to departure from their stations. When informa-

tion of indebtedness is received after an individual departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in paragraph 3-1c(7), AR 600-15.

**5-11. Civil status of members of the Reserve components.** *a.* A member of the Reserve components, not serving on active duty, is not held or considered to be an officer or employee of the United States solely by reason of his status as such member. He may accept employment in any civil branch of the public service, and receive pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Reserve components. Except as specifically provided to the contrary in certain laws of the United States, a member of the Reserve components, not serving on active duty, may practice his civilian profession or occupation before or in connection with any department of the Federal Government. There are a number of laws which impose limitations on the activities in which persons may engage after termination of active duty or employment by the United States. The underlying principle of these laws is that it is improper for an individual who has handled a matter for the Government to leave public service and thereafter represent the other side in connection with the same or a closely related matter. (See, for example, 18 U.S.C. 207.)

*b.* Members of the Reserve components who are officers and employees of the United States or of the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

*c.* Members of the Reserve component, subject to the approval of the Secretary of the Army, may accept civil employment with and compensation therefor, from any foreign government or any concern which is controlled in whole or in part by a foreign government.

**5-12. Release of personnel rosters, orders, or similar documents outside the Military Establishment.** *a.* Rosters, orders, or similar documents listing names and addresses of military personnel (including Reserve component personnel) will not be released to individuals or organizations outside the Military Establishment if there is any reason to believe the information may be used for purposes of commercial or other solicitations. Requests for such information will be processed in accordance with paragraph 7, AR 345-20.

*b.* To be effective, this policy must apply at all levels of command in the field as well as at the departmental level. Commanders at all levels will insure that those concerned are familiar with this regulation.

**5-13. Congressional activities.** *a. Communicating with a Member of Congress.* No person may restrict any member of an armed force from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States (10 U.S.C. 1034). No individual will be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders are responsible for continually advising subordinates to seek advice or assistance within the chain of command, from appropriate staff agencies, or from an inspector general if there is a complaint, and that a communication concerning a personal problem forwarded to anyone who is not in the local chain of command inevitably must be returned to the local commander for consideration before action can be taken to render assistance; also that service members should so inform members of their families.

*b. Appearance before congressional committees.* It is the policy of the Department of the

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