

CHAPTER 1

POLICIES AND PROGRAMS

When you cease to make a contribution, you begin to die.

—Eleanor Roosevelt

What is a *policy* or a *program*? A policy is an overall plan that contains general goals and broad guidelines. Policy usually establishes the *end* to be attained, not the *means* of getting there. A program is a plan or system under which action may be taken towards a goal. Programs provide the *means* to reach the *end* (goal) stated by the policy. In other words, policies tell where to go; programs tell how to get there. This chapter covers some of the policies and programs of the U. S. Navy.

ENVIRONMENTAL POLLUTION CONTROL

Learning Objectives: When you finish this chapter, you will be able to—

- Identify the need for environmental pollution control to include the sources and effects (natural, historical, archeological, physical, and biological) of pollution.
- Recognize the Navy programs for pollution control to include the Clean Air Act, Clean Water Act, and Noise Prevention Ashore.

The Navy's ability to accomplish its mission requires daily operations in land, sea, and air environments. The Navy is committed to operating ships and shore facilities in a manner compatible with the environment. National defense and environmental protection are and must be compatible goals. Therefore, an important part of the Navy's mission is to prevent pollution, protect the environment, and conserve natural, historic, and cultural resources. To accomplish this mission element, personnel must be aware of the environmental and natural resources laws and regulations that have been established by federal, state, and local governments. The Navy chain of command must provide leadership and a personal commitment to ensure that all Navy personnel develop and exhibit an environmental protection ethic.

Environmental pollution is the altering of the natural environment in an adverse way. Pollution can

result from the presence of chemical, physical, or biological agents in the air, water, or soil. Some of the worst effects of pollution are economic loss (agricultural and industrial), fewer recreational opportunities, and the marring of the earth's natural beauty. Pollutants affect human health and comfort, fish and wildlife, plant life, water resources, physical structures, and equipment. In other words, environmental pollution results from any substance added to our water, air, or land that makes it less fit for use by plants, animals, or human beings.

SOURCES OF POLLUTION

Nature contributes to pollution by eroding the soil causing silt to build up in streams and by volcanic eruptions that pollute the atmosphere. However, **people** cause most pollution problems in the world. The main sources of pollutants are agricultural, industrial, municipal, and transportation operations.

Agricultural pollutants include insecticides, herbicides, pesticides, natural and chemical fertilizers, drainage from animal feedlots, salts from field irrigation, and silts from uncontrolled soil erosion.

Industrial operations produce a wide variety of pollutants. Industrial pollutants include acids from mines and factories, thermal discharges from power plants, and radioactive wastes from mining and processing certain ores. Industries create pollutants by producing food, chemicals, metals, petroleum products, and poisons, as well as countless other by-products of our country's technology.

The primary **municipal** pollutants are raw or inadequately treated sewage. Other municipal pollutants include refuse, storm-water overflows, and salts used on streets in wintertime.

Transportation pollutants include emissions from aircraft, trains, waterborne vessels, and cars and trucks.

Motor vehicles create most of our air pollutants through their release of unburned fuel vapors (hydrocarbons). Oil becomes a pollutant when ships

spill it during refueling operations or as a result of collision or grounding. Several million gallons of oil may ruin and pollute miles of coastline as a result of such accidents.

EFFECTS OF POLLUTION

Pollution produces physical and biological effects that vary from mildly irritating to lethal. The more serious of the two are the biological effects.

Physical Effects

The physical effects of pollution are those that we can see, but they include effects other than actual physical damage.

Oil spills. One obvious physical effect of pollution is the result of oil spills that are caused by ship collisions or other accidents. Oil spilled into the seas coats everything it touches. It fouls boat hulls, pier pilings, and shore structures; spoils the beauty of nature by killing fish and birds; and makes beaches unusable. In addition to the physical effects, oil spills require costly cleanup operations.

Air pollutants. Air pollutants damage a wide variety of materials. Burning oil and coal produce sulfur oxides, which cause steel to erode two to four times faster than normal. When combined with other pollutants (soot, smoke, lead, asbestos, and so on), sulfur oxide particulates cause corrosion to occur at an even faster rate. By themselves, particulates damage and soil materials, structures, and equipment. Air pollutants speed the erosion of statues and buildings, which in some instances, destroys works of art.

Biological Effects

The most serious result of pollution is its harmful biological effects on human health and on the food chain of animals, birds, and marine life. Pollution can destroy vegetation that provides food and shelter. It can seriously disrupt the balance of nature, and, in extreme cases, can cause the death of humans.

Pesticides, which include herbicides and insecticides, can damage crops; kill vegetation; and poison birds, animals, and fish. Most pesticides are nonselective; they kill or damage life forms other than

those intended. For example, pesticides used in an effort to control or destroy undesirable vegetation and insects often destroy birds and small animals. Some life forms develop immunity to pesticides used to destroy them. When that happens, we develop more potent chemicals and the cycle repeats itself.

The widespread use of pollutants, such as oil, chemicals, and fertilizers, pollutes our waterways. The biological effect of water pollution is its danger to our water supplies; we require water to survive. Water pollutants are also dangerous to all forms of marine life. Oil is an especially harmful pollutant. It kills surface-swimming animals and sea birds and, once it settles on the bottom, harms shellfish and other types of marine life.

The primary pollution concern of Navy personnel involves pollution produced by shipboard wastes. In addition to oil, shipboard wastes include sanitary wastes, galley and laundry waters, chemicals, solid wastes, and combustion by-products of oil- and gasoline-driven engines. Pollutants produced by ships are similar to those generated by municipal and industrial operations.

NAVY PROGRAMS FOR POLLUTION CONTROL

Based on an Executive Order, all government agencies must provide leadership in the protection and enhancement of the quality of our air and water resources. They also must comply with all environmental laws and regulations. Accordingly, the Secretary of the Navy, the Chief of Naval Operations, and other authorities have issued several pollution control instructions. Those instructions cover the abatement (lowering) of air, water, and noise pollution. In addition, we have a program to preserve our natural, cultural, and historic resources.

Clean Air Act

Under the Clean Air Act, each state has the primary responsibility for assuring air quality. All naval activities must meet both federal and state standards for preventing air pollution.

The Navy has begun taking steps to help meet the nation's goal of reducing air pollution. One step has

Student Notes:

been the conversion of its power plants ashore and afloat to use more efficient pollution control systems for stack emissions.

When required by state or local regulations, activities have set up a program for monitoring and analyzing the exhaust from each vehicle. Vehicles that do not meet emission standards must have corrective maintenance before being returned to service.

Clean Water Act

The Clean Water Act, as amended, represents a clear goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

To help reach that goal, the Navy uses municipal treatment plants where possible for its wastewater and sewage. (**NOTE:** Operators of municipal treatment plants must meet the operator-certification requirements of the state in which the Navy facility is located.) Whenever use of a municipal facility is impractical, the Navy provides, installs, and operates its own wastewater treatment and disposal systems. (**NOTE:** The Navy complies with water pollution control standards that govern the types of pollutants that can be introduced into a treatment facility.)

The Navy has installed marine sanitation devices (MSDs) aboard most of its ships. Some of those devices treat sewage to a level acceptable for overboard discharge. Others (collection, holding and transfer [CHT] systems) retain sewage on board for later discharge ashore or in waters in which discharge is allowed. No untreated or inadequately treated sewage may be discharged into navigable waters of the United States. In foreign waters, Navy vessels comply with the applicable Status of Forces Agreement (SOFA) in operating MSDs. If no SOFA exists, vessels operate MSDs based on the sewage-discharge standards observed by the host country's military forces.

Some of the guidelines followed by the Navy are shown below:

- Navy vessels may not discharge hazardous substances in harmful quantities into or upon navigable waters of the United States.

- They also may not discharge those substances upon adjoining shorelines or into or upon waters of the contiguous zone (12 nautical miles [nm] from shore).
- Since Navy vessels use many substances they cannot dispose of at sea outside the contiguous zone, they must store them in containers for shore disposal.
- Vessels may not discharge unpulped trash at sea within 25 nautical miles (nm) from the U. S. coastline and pulped trash within 12 nm of the U.S. coastline.
- They must make every effort to package all trash for negative buoyancy before overboard discharge.
- Submarines may discharge negatively buoyant compacted trash not less than 12 nm from the U.S. coastline only if the water depth is greater than 1,000 fathoms.
- Vessels may not discharge any trash within 25 nm of any foreign coastline.
- Overboard discharge of plastic waste material is prohibited.

Noise Prevention Ashore

The Noise Prevention Program directs federal facilities, including naval shore stations, to comply with all substantive or procedural requirements that apply to environmental noise reduction. Therefore, whenever feasible, the Navy procures (buys) low-noise emission products and provides soundproofing of Navy-owned/operated schools and hospitals affected by noisy operations. It also locates housing and other developments away from major noise sources and cooperates with and in support of neighborhood self-help programs. Aviation facilities consider remote siting, sound suppression equipment, and sound barriers when developing new systems. To the extent possible, the Navy limits the use of noisy tools, machinery, and equipment to normal working hours.

Afloat, the design of new ship systems and equipment is reducing noise emissions. The

Student Notes:

government doesn't prescribe retrofit (modifications) for existing noise sources. The government also exempts military aircraft, combat equipment, and weapon systems from new noise design standards.

NATURAL, HISTORIC, AND ARCHEOLOGICAL RESOURCES PROTECTION

In keeping with federal programs, the Navy has established programs, suitable to its military mission, for the preservation of natural, cultural, and historic resources. The Navy programs consist of land management, forest management, fish and wildlife management, outdoor recreation, and general support for all land under naval jurisdiction.

Land management includes soil and water conservation, land restoration, noxious weed and poisonous plant control, agricultural lands leasing, range management, landscaping, and ground maintenance.

Forest management includes the production and sale of forest products for multiple-use and sustained-yield principles

Fish and wildlife management includes marine mammal protection, migratory fish protection, game and nongame species management, and animal damage control.

Outdoor recreation involves the protection of nature through programs such as migratory bird management, endangered species protection, and preservation of the earth's natural beauty. Recreation programs include the management and use of off-road vehicles, national recreation trails, hiking trails, outdoor recreation areas, wild and scenic rivers, and wilderness areas.

General support programs involve people and nature. Those involving people include youth programs, public participation, and cooperative agreements with public agencies. Those involving nature include resources inventory, conservation awards, coastal area management, wetland protection, flood plain management, natural area preservation, and animal disease eradication.

Student Notes:

REVIEW 1 QUESTIONS

- Q1. List the four main sources of pollutants.
 - a.
 - b.
 - c.
 - d.
- Q2. What are two primary effects of pollution?
- Q3. What is the primary pollution concern of the Navy?
- Q4. To help reduce air pollution, what steps has the Navy taken to improve their power plants ashore and afloat?
- Q5. Name the agreement that the Navy follows to dispose of treated sewage in foreign waters.
- Q6. How many nautical miles from the U.S. coastline can vessels discharge unpulped trash?

ENERGY CONSERVATION PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recognize the policy for and identify the need for the Navy's energy conservation program.

Most of the Navy's ships and all of its aircraft use petroleum-based fuel. In addition, the Navy's vehicles

used for ground transportation, such as cars, trucks, and buses, also use petroleum. That gives you an idea of how much the Navy depends on petroleum—without it, the Navy couldn't move. Navy bases also use petroleum fuel for heating and running electric plants.

We get most of our petroleum in the form of crude oil from the Middle East countries. We cannot rely on oil from that area forever because political unrest exists there. Besides, only so much oil exists in the earth. Therefore, we must conserve as much of our petroleum resources as possible.

The Navy's policy on energy conservation is that it will make all possible efforts to improve the way it uses energy resources. The Navy will not compromise readiness, effectiveness, or safety in its energy conservation efforts. One of the Navy's energy conservation goals is to ensure it provides the fleet with enough fuel to sustain peacetime and combat operations. Another objective is to reduce energy costs and dependency on unreliable energy sources while conserving petroleum.

You can help to conserve our energy resources by reporting wasteful practices to your supervisor or leading petty officer (LPO).

REVIEW 2 QUESTION

Q1. What is the Navy's policy on energy conservation?

NAVY SPONSOR PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recognize the purpose of and identify the responsibilities of the Navy Sponsor Program.

The Chief of Naval Operations set up the Navy Sponsor Program to ease the relocation of naval personnel and their families when transferred on permanent change of station (PCS) orders. This program has helped thousands of Navy families. Navy policy regarding assignment of sponsors is as follows:

- Assignment of a sponsor is mandatory in the case of PCS orders to or from any activity.
- In all other cases, individuals should request assignment of a sponsor through the use of the sponsor request form, NAVPERS 1330/2, entitled Navy Sponsor Notification.

NOTE

If you are being transferred on PCS orders, desire a sponsor, and have not heard from your new command, you can request assignment of a sponsor using the sponsor request form, NAVPERS 1330/2.

- School commands have developed home port and/or country information packages or packets to all personnel being transferred on PCS orders, especially first-term members.
- If you are assigned as a sponsor for a fellow naval member who is scheduled to transfer to your location, fully accept the responsibility of sponsorship. You can help make the difference between a good move and a bad one for the person being transferred as well as for that person's family. Using the following checklist (table 1-1) may help you be a better sponsor.

OVERSEAS DUTY SUPPORT PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Identify the Overseas Duty Support Program to include sources of information available for single Sailors and Navy families.

The Overseas Duty Support Program (ODSP) provides information and support to help personnel who are guests in foreign lands. Whether you find yourself in a foreign country as a result of a PCS or a deployment, the ODSP will provide you with information about the country you are visiting.

Student Notes:

Table 1-1.—Sponsor Checklist

SPONSOR CHECKLIST

1. Write a “welcome aboard” letter to your new shipmate. Include the following:
 - a. Introduce yourself and give a warm welcome aboard.
 - b. Include a copy of the rental and for sale ads from the local paper in any correspondence with the new member.
 - c. Provide the member information on how he/she can contact you (your home address and telephone number).
 - d. Ask him/her family members (if they will accompany the member, their mode of transportation, ages, and so on).
2. Ask him/her to keep you posted on travel and arrival plans. You are required to keep the sponsor program coordinator and pay/personnel administrative support system (PASS) officer informed of any changes the member may make.
3. Ensure follow-up letter or phone calls to answer any questions the new member may have.
4. Ensure transportation is available from place of arrival to the command if the member requests it.
5. Before the member’s arrival, check on the housing availability. Inform the member if housing will be available upon reporting or if he/she may need to make arrangements for temporary lodging. Help the member with arrangements if necessary. (Make sure the new member checks in with the housing referral office before renting or buying a house. That is a must.)
6. Escort the individual through the check-in process.
7. Help the member locate the personal property office to check on household goods and private auto shipments. That may be done before the member reports in for duty.
8. Provide a tour of the base and local area if the member desires.

When visiting a foreign country, always remember you are a guest in that country. As a guest, you should respect the local customs and make every attempt to avoid getting into trouble. If possible, try to learn and use the local language, especially if you are stationed in that country. Be careful about taking pictures or recording anything without the permission of the people around you. Most police (or even passersby) will forbid you to take pictures of sights, such as government buildings, no matter how illogical that may seem. Some people will not want you to take their pictures for religious reasons. Some may feel you are making fun of them. They may think you will show the pictures to your friends back home as an example of how “backward” or “primitive” they are.

Dress comfortably, but be careful of your appearance. A woman in shorts is a “no-no” in many countries, and even a woman in slacks can upset people in some rural or conservative areas. A man in shorts can give the impression of insensitivity.

Unless you are similar in appearance to the people in the country you are visiting, they will likely stare, shout, giggle, and point at you, especially in out-of-the-way places. The people of most countries will usually shower attention upon you good naturedly. If you smile and accept the attention in the same way, your hosts will make you feel welcome. If you resent it and get angry, your hosts will be confused and displeased.

Student Notes:

Even though you look different than the local people, if you can manage a few words in the local language, you will reap many benefits. You will see taxi fares miraculously drop, room service drastically improve, and art objects sell for less. The people will receive you more warmly and genuinely than if you had spoken English.

Knowing some basics about the country you are visiting and its culture goes a long way towards helping you have a good time. Before the trip, read all you can about each country you will visit. Look at various publications that contain information about the countries or regions you will be touring. *Africa Report*, for example, is a magazine that offers much insight about the culture of that continent. If your library doesn't have a specific magazine, you can order it from the publisher. You will find the addresses of magazine publishers in your local library.

You may also get information on other countries by visiting the Family Service Center or logging on to the SITES home page on the Internet. The SITES home page gives you up-to-date information of the country you will be visiting. The address for SITES is www.dmdc.osd/mil/sites.

When you visit the towns, villages, and cities of other countries, you'll discover what so many of us have found, the unexpected hospitality and warmth of the people.

MILITARY CASH AWARDS PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recognize the opportunities gained through the Navy Cash Awards Program.

The Military Cash Awards Program (MILCAP) is a special incentive awards program. It is designed to find new ideas to effectively increase performance within the Department of the Navy. The program has been responsible for important savings.

MILCAP provides monetary recognition awards of up to \$25,000. It awards personnel for beneficial suggestions, inventions, and scientific achievements

that increase efficiency, economy, or productivity or effect other improvements in operations. All active-duty military personnel are eligible to participate in MILCAP.

A beneficial suggestion is the proposal of an idea or a method of doing a task better, faster, cheaper, or safer. An individual or a group can submit a beneficial suggestion. To qualify for the MILCAP, the suggester must show a specific need for improvement and give a workable solution. The suggestion should also be beyond the suggester's normal job capability. Suggestions should do one or more of the following:

- Improve services to the fleet
- Increase productivity
- Conserve energy, manpower, materials, time, or space
- Reduce costs without loss of quality or efficiency

Perhaps you have an idea worthy of a cash award. Submit your suggestion in writing, either on a suggestion form or in a letter format, to your local MILCAP administrator. OPNAVINST 1650.8 contains additional information about the MILCAP.

REVIEW 3 QUESTIONS

Q1. Delete

Q2. Delete

Q3. What program provides you with support and information about foreign lands?

Student Notes:

Q4. Besides ODSP, what other source can you use to get information about other countries?

Q5. What program does the Navy have that rewards you monetarily for beneficial suggestions, inventions, and scientific achievements?

HEALTH AND PHYSICAL READINESS PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recognize the purpose of the Health and Physical Readiness Program.
- Identify the benefits of the Health and Physical Readiness Program to the individual.

People in the Navy and in the civilian community share a common problem—excessive body fat. It usually results from sitting all day at a desk job, eating too much, and getting too little exercise. Excessive body fat spoils our health, longevity, stamina, and military appearance. Maintaining good health and physical readiness helps to keep us combat ready, make us personally effective, and give us high morale.

The Navy's Health and Physical Readiness Program promotes active health and fitness at the command level. The program includes semiannual testing of all personnel to make sure they meet to certain standards. It provides educational programs that help personnel who don't meet the Navy's fitness or body fat standards. It also helps personnel who want to change long-established bad health habits to improve their fitness.

NAVY POLICY ON PREGNANCY AND DEPENDENT CARE

Learning Objectives: When you finish this chapter, you will be able to—

- Identify the servicewoman's responsibilities regarding pregnancy.
- Identify the Navy's responsibility for obstetrical care.
- Recall the Navy policy for assignment of pregnant servicewomen.
- Recall the Navy policy for post delivery convalescent leave.
- Recall the Navy policy for separating pregnant servicewomen.
- Recall the Navy family care policy.
- Recognize the consequences of failing to maintain an up-to-date family care plan.

This section covers your and the Navy's responsibilities on pregnancy and family care. For information about hygiene, you should refer to chapter 14 of this TRAMAN.

PREGNANCY

Getting pregnant can negatively impact your goals. It can also affect the mission of the Navy. By knowing the Navy's policy on pregnancy, you can make informed, personal choices **and** meet your commitment to the Navy.

The Sailor's Responsibilities

Servicewomen are responsible for—

- Planning the pregnancy to meet family **and** military obligations
- Confirming the pregnancy at a military medical treatment facility
- Notifying the commanding officer or officer in charge of the pregnancy
- Performing military duties while pregnant
- Complying with work- and task-related safety and health recommendations

Student Notes:

The Navy's Responsibilities

When a servicewoman is pregnant, the Navy has specific responsibilities for her care. Navy policy governs the assignment of pregnant servicewomen.

RESPONSIBILITY.—The Navy provides obstetrical care. When a pregnant servicewoman remains at her duty station, the military treatment facility provides care if—

- The facility has obstetrical-gynecological capabilities.
- The servicewoman lives in the facility's in-patient area.

POLICY.—The Navy policy for assigning pregnant servicewomen covers several areas, including overseas, CONUS, shipboard, aviation squadron, and military school assignment.

Overseas.—Based on medical considerations, no servicewoman may be assigned overseas or travel overseas after the beginning of the 28th week of pregnancy.

Continental United States (CONUS).—Pregnant servicewomen may be assigned within CONUS as follows:

- Without restriction, provided the servicewoman doesn't fly after the 28th week of pregnancy.
- Will not be transferred to a deploying unit during the period from the 20th week of pregnancy through 4 months after the expected date of delivery.

Shipboard.—The following policies govern the assignment of pregnant servicewomen:

- The CO, in consultation (talking to) with the health care provider and occupational health professional, decides if the Sailor may safely continue her shipboard assigned duties.
- Pregnant servicewomen won't remain aboard ship if the time for medical evacuation to a treatment facility is more than 6 hours.

- Service women can't remain on board a deployed unit beyond the 20th week of pregnancy.

Aviation Squadron.—Assignment of pregnant servicewomen to aviation squadrons is governed by the following:

- Pregnancy disqualifies designated flight status.
- Air controllers may work up to the 28th week of pregnancy; however, they are normally restricted from tower duties after their 27th week.
- Servicewomen who become pregnant while assigned to an aviation squadron due for deployment should be reassigned to a squadron not scheduled for deployment from their 20th week of pregnancy through the recuperative period.

Military schools.—The following rules apply to pregnant servicewomen at military schools:

- A pregnant servicewoman isn't assigned to a school if the projected delivery date or recuperative period will occur during the course of instruction.
- If a servicewoman becomes pregnant during training, the school's CO determines if the Sailor can complete the training based on the projected delivery and recuperation dates.

POST-DELIVERY CONVALESCENT LEAVE.—Normally, the CO grants 6 weeks (42 days) convalescent leave after the servicewoman has delivered the baby.

SEPARATION FROM THE NAVY.—The Navy can discharge servicewomen from the Navy without maternity benefits under the following conditions:

- The servicewoman was pregnant before entry into recruit training.
- The pregnancy is certified during recruit training.

Student Notes:

- The pregnancy occurred during initial training (must be determined by the permanent duty station).

A pregnant servicewoman may request separation from the Navy before the 20th week of pregnancy (normally, such a request is not approved). Under law, the military departments, CHAMPUS, or the Veteran's Administration has the authority to pay civilian maternity care expenses for former servicewomen who separate from the Navy while pregnant.

FAMILY CARE

All single service members and dual military couples having custody of children under 19 or other dependents must have a formalized plan for family care. If you are eligible for family care, you must complete the Family Care Plan Certificate, NAVPERS 1740/6 and Family Care Plan Arrangements, NAVPERS 1740/7. These forms certify that your family members will be cared for during your absence. These forms also identify the logistical, relocation, and financial arrangements that you've made.

Custodian(s) you designate (name) **must** have the following documents:

1. A power of attorney that authorizes medical care and person(s) action in *loco parentis* (as the parent)
2. Identification cards for all eligible dependents

If the person you designate as the custodian doesn't live in the local area, you will also need to make sure of the following:

- A nonmilitary escort for family members that need help; for example, infants, children, or elderly disabled adults
- Financial support to transport the family or caregiver to a designated location

If you don't maintain an up-to-date family plan, you can be separated from the Navy. In fact, the CO can separate members who are unable or refuse to maintain an updated family care plan, who do not remain available for worldwide assignment, or who are unable to perform their professional or military duties.

PUBLIC AFFAIRS AND COMMUNITY RELATIONS PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recall the value of the public affairs and community relations programs.

Public affairs works on the principle that the public has the right to be fully informed about matters of national defense. In the Department of the Navy, the **mission of public affairs** is to inform the public and members of the naval service about the following:

- The Navy as an instrument of national policy and security
- Navy operations and programs
- The responsibilities and activities of naval personnel as U. S. citizens

An **objective of public affairs** is to better the general public's understanding of the following:

- The nature of sea power and its role in preserving the security of the United States
- The reasons underlying the need for an efficient and effective modern Navy
- The contributions of the Navy in scientific research and in community assistance
- The service naval members provide to their country
- The career advantages of naval service

The Navy is a part of the community in which its facilities or personnel are located. The attitude the civilian community has towards Navy personnel affects their morale and effectiveness. Therefore, all Navy personnel are responsible for maintaining good community relations. They can help to do that by taking an active part in civilian activities and organizations. In addition, each command develops a Community Relations Program to ensure Navy personnel and the civilian community live in harmony.

For more information about the Public Affairs and Community Relations Program, see SECNAVINST 5720.44, chapter 2.

Student Notes:

REVIEW 4 QUESTIONS

- Q1. What Navy program provides educational programs for people who don't meet the Navy's fitness or body fat standards and who also need to help change long-established bad health habits?
- Q2. With regard to pregnant servicewomen, what is the Navy responsibility?
- Q3. List the responsibilities of pregnant servicewomen.
- a.
 - b.
 - c.
 - d.
 - e.
- Q4. Service members must complete what forms for family care?
- a.
 - b.
- Q5. List the areas that the Department of the Navy public affairs office informs the public and service members about.
- a.
 - b.
 - c.

INTEGRITY AND EFFICIENCY PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

Student Notes:

- Recall key provisions of the Navy's Integrity and Efficiency Program to include fraud, waste, and abuse.

The Integrity and Efficiency (I & E) Program carries out the Department of the Navy's policy to detect, deter, and eliminate *fraud, waste, abuse, and mismanagement*. The terms *fraud, waste, abuse, and mismanagement* are defined as follows:

Fraud. Fraud is intentional misleading or deceitful conduct that deprives the government of its resources or rights.

Waste. Waste is the extravagant, careless, or needless expenditure of government resources.

Abuse. Abuse is the intentional wrongful or improper use of government resources.

Mismanagement. Mismanagement is to manage incompetently or dishonestly.

You report fraud, waste, abuse, and mismanagement through any of the following means:

- Chain of command
- Navy hotline
- Naval Criminal Investigative Service (NCIS)
- Congressional communication (writing your congressmen)

STANDARDS OF CONDUCT AND PROFESSIONAL ETHICS

Learning Objectives: When you finish this chapter, you will be able to—

- Recall key points of the Standards of Conduct.
- Identify the need for professional ethics.

The Department of the Navy's ability to maintain public confidence in its integrity is essential to the performance of its mission. To help maintain that integrity, all naval personnel must comply with the following standards of conduct (table 1-2).

Table 1-2. Standards of Conduct

1. Avoid any action, whether or not specifically prohibited, that might result in or reasonably be expected to create the appearance of the following:
 - a. Using public office for private gain
 - b. Giving preferential treatment to any person or entity
 - c. Impeding government efficiency or economy
 - d. Losing complete independence or impartiality
 - e. Making government decisions outside official channels
 - f. Adversely affecting the confidence of the public in the integrity of the government
2. Do not engage in any activity or acquire or retain any financial interest that results in a conflict between your private interest and the public interest of the United States related to your duties.
3. Do not engage in any activity that might result in or reasonably be expected to create the appearance of a conflict of interest.
4. Do not accept gratuities (gifts) from defense contractors.
5. Do not use your official position to influence any person to provide any private benefit.
6. Do not use your rank, title, or position for commercial purposes.
7. Avoid outside employment or activity that is incompatible with your duties or may bring discredit to the Navy.
8. Never take or use government property or services for other than officially approved purposes.
9. Do not give gifts to your superiors or accept them from your subordinates.
10. Do not conduct official business with persons whose participation in the transaction would be in violation of law.
11. Seek ways to promote efficiency and economy in government operation and public confidence in its integrity.
12. For more information consult SECNAVINST 5370.2.

THE ROLE OF THE INSPECTOR GENERAL

Learning Objective: When you finish this chapter, you will be able to—

- Identify the purpose of the inspector general.

The mission of the naval inspector general (IG) is to “inquire into and report” on any matter that affects the discipline or military efficiency of the DoN. One way the IG can fulfill its mission is by providing a method of receiving and investigating reports of fraud, waste, mismanagement, and related improprieties

Student Notes:

(wrong actions). Generally, the hotline is used when the chain of command cannot or will not take appropriate action.

ALCOHOL AND DRUG POLICIES

Learning Objective: When you finish this chapter, you will be able to—

- Identify the consequences of alcohol and drug abuse.

Our Navy is the most professional, highly trained, and capable force in the world and our Sailors function in a highly complex, technological environment requiring 100 percent of their mental and physical abilities. Alcohol and drug abuse and the incidents it causes impair our readiness and reduce the quality of life of our Navy team.

All DoN bases/installations will strictly conform to the drinking age limitations of the state or country in which they are located, and under no circumstances will drinking be permitted below the age of 18. The perception that alcohol is central to our tradition is wrong. Everyone from the new recruit to admiral must recognize the effect alcohol abuse can have on them, on others (including their families) and on their careers.

Each Sailor is ultimately responsible and will be held accountable for their own actions. Personal responsibility means no drinking and driving, no drinking to the extent that it impairs judgment (resulting in irresponsible behavior or incidents), no public drunkenness, and absolute compliance with the local laws for purchase, possession, and use of alcoholic beverages.

We have a personal responsibility not to abuse alcohol. We also have a responsibility to our shipmates. Shipmates take care of shipmates. All of us must be aware of the warning signs of alcohol abuse and must take positive steps to ensure shipmates stay on the right course. Don't let a shipmate drive after drinking. Shipmates who are drunk need to be watched and not left alone.

Student Notes:

Drug use is incompatible with the Navy's high standards of performance, military discipline, and readiness. The Navy has a "zero tolerance" policy, which means using illegal drugs or abusing prescription drugs will result in being discharged from the Navy.

PROVISIONS OF THE PRIVACY ACT

Learning Objective: When you finish this chapter, you will be able to—

- Recall key provisions of the Privacy Act and recognize its purpose.

The Privacy Act primarily protects the rights of personal privacy of people about whom records are maintained by agencies of the federal government. In other words, the Privacy Act protects your privacy about your records the federal government maintains. It isn't legal for an agency of the federal government to maintain records on people without announcing the fact in the Federal Register.

If your duty requires you to keep personal information about others, keep only that information that is needed to do what law requires. Remember, keep personal information private! Don't disclose information about a person to any unauthorized person. If you make an unauthorized disclosure, you may be fined up to \$5,000. If you maintain records on your fellow Navy member, you have an obligation to protect this information from unauthorized disclosure.

Also, it's your right to look at any record the Department of the Navy keeps on you. You have the right to copy it and to request to have it corrected if you think it is wrong.

REVIEW 5 QUESTIONS

Q1. What is the Navy's policy on drug abuse?

Q2. What is the purpose of the Integrity and Efficiency Program?

- Q3. List the ways to report fraud, waste, and abuse.
- a.
 - b.
 - c.
 - d.
- Q4. For the Navy to maintain public confidence in its integrity, naval personnel should comply with _____.

EQUAL OPPORTUNITY IN THE NAVY

Learning Objectives: When you finish this chapter, you will be able to—

- Identify the policies of the Command Managed Equal Opportunity (CMEO) Program.
- Recognize the purpose of equal opportunity and human rights.
- Recall the need for equal opportunity in the following areas: performance evaluations, duty assignments, training and advancement, justice, service and recreational facilities, housing, and equal opportunity off base.
- Recognize the consequences of discrimination.

According to *Navy Regulations*, Article 1164, “Equal opportunity shall be afforded to all on the basis of individual effort, performance, conduct, diligence, potential, capabilities, and talents without discrimination as to race, color, religion, creed, sex or national origin. Naval personnel shall demonstrate a strong personal commitment to stand on these principles and carry them out.”

The **key word** in the title of this section is **equal**. Real democracy cannot exist if our society doesn’t have equal opportunities for all of its people. Equality can’t be legislated; however, the law can serve to make sure that everyone receives equal treatment.

The Navy is made up of people, and people in the Navy come from all parts of the United States and from other countries. They bring with them views common to their racial, social, religious, and economic backgrounds. For many years, the official policy of the Department of the Navy has been one of equal treatment and opportunity for all personnel, regardless of race, color, creed, sex, or national origin. The Navy carries out that policy through the Command Managed Equal Opportunity (CMEO) Program. The Chief of Naval Operations (CNO) provides the guidance and policy for that program.

COMMAND MANAGED EQUAL OPPORTUNITY (CMEO) PROGRAM

The Command Managed Equal Opportunity (CMEO) Program is the Navy’s equal opportunity program. The Navy requires all commands to set up a CMEO program. CMEO allows the commanding officer (CO) to create and maintain a positive equal opportunity (EO) environment. CMEO also allows commands to identify and resolve command-level equal opportunity problems and concerns. Commands can closely monitor EO issues, and at the same time, remain flexible enough to use only the manpower required for any given situation.

Commanding officers must make equal opportunity a reality in their commands. They must ensure only merit, ability, performance, and potential affect a person’s promotion, training, duty assignment, or other personnel action.

PERFORMANCE EVALUATION IN EQUAL OPPORTUNITY

The Navy evaluates every Navy member’s support of the equal opportunity program. Personnel in paygrades E-1 through E-9 receive numeric grades, based on a number scale, on overall annual performance evaluations of specific traits. Your performance evaluation will reflect your attitude toward and your conduct in support of the Navy’s equal opportunity program.

Student Notes:

PROCEDURES CONCERNING INSENSITIVE PRACTICES

When people enter the Navy, they have their own feelings, attitudes, prejudices, and ideas based on their individual personal backgrounds. An insensitive practice is behavior that is prejudicial to another person because of that person's race, religion, creed, color, sex, or national origin. To ensure teamwork and to fulfill the Navy's mission, individuals **must** put aside their personal feelings, attitudes, prejudices, and ideas about other people and how they act around others.

Commanding officers take proper action to correct insensitive practices. If a person takes part in insensitive practices, that person receives counseling about their responsibilities with regard to equal treatment. If such counseling is not effective or if further action is warranted, personnel may receive administrative or disciplinary action or both.

DUTY ASSIGNMENTS

The unfair assignment of general administrative and support duties (food service, compartment cleaning, and work details) outside the normal requirements of a rating frequently lowers morale. It also weakens the efficiency and overall effectiveness of a command.

Based on Navy policy, supervisors should assign work not included in a specific rating on a fair, rotational basis. They should make such assignments without regard to race, creed, color, sex, age, or national origin. Although supervisors may consider the seniority of personnel in detailing such duties, they must make positive efforts to ensure fair treatment.

Assignment to duty on ships or stations should also comply with the Navy's equal opportunity goals. The repeal of the combat exclusion law potentially opens all classes of surface ships to women. The Naval Construction Force, or Seabees, has also received women in sea duty construction battalions. All construction battalions are now open to women, opening more than 4,000 seagoing billets to women.

The expanded opportunity for women in the Navy ensures a more equitable rotation between sea and shore duty for all Sailors and provides career paths for women that are consistent with those of their male counterparts.

PROFESSIONAL TRAINING AND ADVANCEMENT

The Navy expects everyone who enters the naval service to increase his/her knowledge and skills. Your command will provide the necessary training so you can develop a skill and properly prepare yourself for advancement. Although advancement is an individual effort, the command has the responsibility to provide you with an equal opportunity for training and advancement. How far you advance depends primarily on your own initiative, capabilities, and qualifications.

The Department of the Navy sets the requirements for advancement for paygrades E-1 through E-9. To advance to E-4 through E-7, Sailors must pass an advancement-in-rate exam. However, just meeting all the requirements does not guarantee advancement. Only the most qualified will be advanced, and they will be advanced **only if vacancies exist** for that paygrade. Improving yourself, your skills, and your education increases your chance for advancement.

MILITARY JUSTICE

To assure equal justice and treatment, your command will continuously review charges, dismissed cases, issued warnings, and all nonjudicial punishment procedures. Such reviews detect racial, religious, ethnic, cultural, or sexual bias affecting either the accusation or the punishment phase of military justice.

SERVICE AND RECREATIONAL FACILITIES

Service and recreational facilities must meet the needs of all segments of the Navy community. Commands must pay special attention to the possibility of discriminatory practices in the operation of exchanges, commissaries, service clubs, and recreational facilities. Segregation, lack of tolerance of cultural preferences, or discriminatory practices in command facilities are inconsistent with equal opportunity.

Navy exchange facilities provide a variety of products. These products include items purchased by minority and female personnel and dependents, such as special categories of cosmetics, books, magazines, and

Student Notes:

records. Barber and beauty shops employ personnel trained and qualified to serve all Navy members and their dependents.

HOUSING REFERRAL OFFICE

The Department of Defense (DoD) has established housing referral offices at locations with large concentrations of military families. DoD has also established housing referral offices at locations where housing discrimination may exist because of race, color, creed, or national origin.

The Navy requires that all personnel offices include the following statement in orders for detachment and TAD of more than 30 days in any one place:

“You are directed to report to the appropriate Housing Referral Office prior to negotiating any agreement for off-base housing.”

The HRO provides information about government housing and the type, cost, and availability of private housing. The HRO also maintains a list of facilities banned as housing for military personnel because of discriminatory practices.

Department of the Navy (DoN) policy supports the Federal Fair Housing legislation through its efforts to ensure equal opportunity for available housing. It makes every effort to eliminate off-base housing discrimination toward DoD personnel because of sex, race, color, religion, or national origin. It tries to ensure DoD personnel who meet ordinary standards of character and financial responsibility can obtain off-base housing as easily as any other person.

EQUAL OPPORTUNITY OFF BASE

Discrimination in the civilian community has an adverse effect on the welfare and morale of military personnel and their dependents. Consequently, discrimination off base is harmful to the military effectiveness of a command. Dealing with discrimination in the civilian community is more difficult than within a command. However, the Navy deals affirmatively with such problems to ensure equal treatment for service members and their dependents in nearby communities.

Commands can take a number of actions to promote equal opportunity for its members in the civilian community. At some installations, problems of mutual concern to the base and the community are discussed on an informal but regular basis. The Navy has established command-community relations committees as another approach. Whatever approach they use, commands make every effort to eliminate off-base discrimination for military personnel and their dependents.

Military personnel moving into or changing their place of residence may not enter into rental, purchase, or lease arrangements with facilities under restrictive sanctions. However, such sanctions do not apply to personnel who may be residing in the facility at the time the sanction is imposed. Personnel who intentionally, and contrary to instructions, take residence in restricted facilities are subject to disciplinary action and loss of basic allowance for quarters (BAQ).

Equal opportunity also applies to public facilities, such as schools, parks, playgrounds, libraries, and hotels. Any person who receives discriminatory treatment in such places can seek relief through military or civilian channels. Normally, you should go through military channels (your chain of command). That gives your command the opportunity to try to get the facility to comply with the law.

The First Amendment of the Constitution guarantees you the rights of freedom of speech and assembly. That means you can attend civil rights demonstrations and similar gatherings. However, service members have several conditions attached to their participation in such demonstrations.

- Navy personnel cannot take part in civil rights demonstrations while wearing their uniform or during duty hours.
- Navy personnel cannot take part in a civil rights demonstration held on a military reservation or in a foreign country.
- Navy personnel cannot take part in demonstrations that violate law and order or that could reasonably be expected to result in violence.

Student Notes:

DISCRIMINATION COMPLAINT PROCEDURES

Apart from their individual merits, legitimate complaints can provide valuable information about the existence of discriminatory treatment within a command. Positive action in cases where complaints are found to be valid lends credibility to your command's stated commitment to ensure equal treatment and justice.

No matter how badly they are treated, most people are reluctant to complain about this treatment or to express grievances to their seniors. People feel that if they complain, they will suffer. *Navy Regulations* and the *U.S. Navy Equal Opportunity Manual* guarantee personnel the right to file a complaint of discriminatory treatment without danger of reprisal from the command. This means that if you file a complaint about the way someone treated you, you can expect to be treated fairly and not be discriminated against by that person or anyone else. However, personnel should gather all pertinent facts before forwarding a complaint.

Special Request Chit

When you cannot resolve a complaint among the persons involved or with the help of a supervisor (your LPO or division CPO), submit a special request chit as your first course of action. Attach a written complaint to the special request chit and submit it through the chain of command within a timely manner of the incident. You do not have to follow any special format in writing a discrimination complaint. However, you should fully explain the complaint and include all facts.

Captain's Mast Request

As a Navy member, you have the right to speak with the commanding officer to voice a complaint or get help in resolving a problem. To do this, you request a captain's mast. But, you should request a captain's mast only if your first course of action fails. (Remember, your first course of action is to let the chain of command correct the problem.) You can also request a captain's mast if you feel that the problem you have is so important that immediate action is required. A captain's mast request requires each person in the chain of command to forward the request—whether or not the request is approved.

Student Notes:

FALSE DISCRIMINATION COMPLAINTS

Filing false discrimination complaints is just as serious as discrimination itself. The Navy doesn't tolerate the filing of false discrimination complaints for any reason. The Navy takes the same administrative and disciplinary actions to those who file false complaints as it does to those who discriminate.

HAZING

Learning Objectives: When you finish this chapter, you will be able to—

- Define hazing.
- Identify the Navy's policy on hazing.

Military customs and traditions are a part of the Navy and Marine Corps. Ceremonies, initiations, and rites of passage are leadership tools that instill *esprit de corps* and build respect for the accomplishments of other Sailors and Marines. Most ceremonies honor the bravery of our military men and women and commemorate (memorialize) significant events. The accomplishments of Sailors and Marines and significant events are the basis of the Navy's Core Values—Honor, Courage, and Commitment. Graduations, chiefs' initiations, and crossing-the-line ceremonies are used to celebrate and recognize the achievements of individual Sailors, Marines, or entire units. However, hazing behavior (behavior that is degrading, embarrassing, or causes injuries) is illegal.

DEFINITION OF HAZING

Hazing is defined as any conduct whereby a military member or members, regardless of service or rank, without proper authority causes another military member or members, regardless of service or rank, to suffer or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to perpetrate any such activity is also considered hazing. Hazing need not involve physical contact among or between military members; it can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator.

Hazing can include, but is not limited to, the following types of activities:

- Playing abusive or ridiculous tricks
- Threatening or offering violence or bodily harm to another
- Striking
- Branding
- Taping
- Tattooing
- Shaving
- Greasing
- Painting
- Requiring excessive physical exercise beyond what is required to meet standards
- “Pinning,” “tacking on,” “blood wings”
- Forcing or requiring the consumption of food, alcohol, drugs, or any other substance

DEPARTMENT OF THE NAVY (DoN) POLICY ON HAZING

The DoN’s policy on hazing is as follows:

- Hazing is **prohibited** and will not be tolerated.
- No service member in the DoN may engage in hazing or agree to be hazed.
- No commander or supervisor may, by act, word, deed, or omission condone (agree to) or ignore hazing if they know or reasonably should have known, that hazing may or did occur.
- It is the responsibility of every Sailor and Marine to make sure that hazing does not occur. Every service member is responsible to make the appropriate authorities aware of hazing violations.

- Commanders or individuals in supervisory positions are responsible for making sure that all ceremonies and initiations conducted within their organizations or commands comply with this policy.
- Supervisory personnel must make sure that service members participating in command-authorized ceremonies, initiations, and other activities are treated with dignity and respect during these events.
- Reprisal actions against any victim or witness of hazing incidents are strictly prohibited.

REVIEW 6 QUESTIONS

- Q1. All naval personnel should be treated equally and be given equal opportunities. What program does the Navy use to achieve this purpose?
- Q2. Who provides guidance and policy for the CMEO Program?
- Q3. Telling a sexist or racial joke would be an example of what type of behavior?
- Q4. To avoid discriminating practices in the operation of exchanges, commissaries, service clubs, and recreational facilities, what do command facilities provide?
- Q5. Where is the best place for you or your family to start to resolve an off-base discrimination complaint?

Student Notes:

Q6. Service members can attend civil rights demonstrations and similar gatherings except for what conditions?

- a.
- b.
- c.

Q7. You have submitted a special request chit and feel that the chain of command has not resolved your discrimination complaint. What should be your next course of action?

Q8. What is hazing?

Q9. What is the Navy's policy on hazing?

requests for sexual favors, and other verbal or physical conduct that is sexual nature. Sexual harassment occurs when—

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

This means that if a supervisor or someone in a command position makes sexual advances and tells you that if you don't go along you could lose your job, not be promoted, or make it impossible to do your job because of that persons actions, you are being sexually harassed.

Any supervisor or person in a command position who uses sexual behavior to control or affect your career, pay, or job is sexually harassing you. Also, any person who makes unwelcome verbal comments, gestures, or physical contact of a sexual nature is sexually harassing you.

Basically, sexual harassment means bothering someone in a sexual way. For a person's behavior to be considered sexual harassment, it must meet three criteria:

1. Be unwelcome
2. Be sexual in nature
3. Occur in or impact on the work environment

UNWELCOME BEHAVIOR

Unwelcome behavior is behavior that a person doesn't ask for and considers undesirable or offensive. Not everyone has the same perception (idea) of what is *undesirable or offensive*. What's okay for some people isn't okay for others.

So, whose perception should be used, the person who is giving the unwelcome behavior or the person

SEXUAL HARASSMENT

Learning Objectives: When you finish this chapter, you will be able to—

- Recall the definition of sexual harassment.
- Identify the policies that pertain to sexual harassment.

All military and civilian personnel in the Department of the Navy have responsibilities. One of those responsibilities is to maintain high standards of honesty, integrity, and conduct to assure proper performance of business and to maintain public trust. Sexual harassment violates those standards, especially equal opportunity. Both men and women can be victims or harassers.

Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome sexual advances,

Student Notes:

receiving (recipient) the unwelcome behavior? The person receiving the behavior is being affected; therefore, it's the recipient's perception that counts. If the recipient is a reasonable person and not overly sensitive, behavior which the recipient finds unwelcome should be stopped. From the view of the recipient, this is a **reasonable personal standard** and is really no more than using common sense.

BEHAVIOR WHICH IS SEXUAL IN NATURE

Behavior that is sexual in nature is fairly easy to determine. For example, if someone tells sexually explicit jokes, displays sexually suggestive pictures, and talks about sex, that person's behavior is sexual in nature.

Some people consider other behaviors, such as touching, to be sexual in some cases but not in others. Not all touching is sexual in nature. However, touching certain parts of the body or done suggestively is sexual in nature. Again, using common sense is normally enough to tell whether a certain behavior is sexual in nature.

OCCUR IN OR IMPACT ON THE WORK ENVIRONMENT

For sexual harassment to occur, unwelcome sexual behavior must occur in or impact on the work environment.

Quid Pro Quo (This for That)

When someone is offered or denied something that is work-connected in return for submitting to or rejecting unwelcome sexual behavior, that person is being subjected to a type of sexual harassment known as *quid pro quo* ("this for that").

A person isn't promoted because he/she didn't submit to unwelcome sexual behavior. This is an example of *quid pro quo* sexual harassment. Other examples include the loss of a job, a demotion, or a bad performance eval.

Basically, if a work-connected decision is made because a person is being subjected to or has rejected unwelcome sexual behavior, sexual harassment has

occurred. Normally, this is from a senior to a junior, because the senior person can offer something.

Hostile Environment

If unwelcome sexual behavior of one or more persons in a workplace interferes with another person's work performance, sexual harassment has occurred. Now, suppose the behavior makes the workplace offensive, intimidating, or abusive to another person, whether or not work performance is affected. This type of sexual harassment is called *hostile environment*. The following are examples of a person's behavior that could create a hostile environment:

- Use of sexually explicit or sexually offensive language.
- Display sexually oriented posters or calendars of nude or partially clad individuals.
- Touch someone in a suggestive manner (that is, intentionally brushing against or pinching a person).
- Give someone unwelcome letters, cards, or gifts of a personal nature that have sexual overtones.
- Give unwanted or uninvited pressure for dates.

Some types of unwelcome sexual behavior don't have to create a hostile environment to be sexual harassment. If a person fondles or gropes another person in the workplace, the behavior is considered sexual harassment. This behavior is considered sexual harassment even if it only happened once. Other, less obvious behaviors can become sexual harassment if they are repeated.

RANGE OF BEHAVIORS

There is a wide range of behaviors, from leering to rape, that can be unwelcome, sexual, and work-connected. These behaviors can constitute sexual harassment. Some behaviors may be unwelcome and work-connected, but not sexual (for example, performance counseling). This behavior is not sexual harassment. To make it easier to understand, it is helpful to think of the entire range of possible behavior in terms of a traffic light. The traffic light has three colors—red,

Student Notes:

yellow, and green. Behavior may be divided into three zones.

- Red on the traffic light means **stop**; behavior in the red zone means **don't do it**—it's sexual harassment.
- Yellow on the traffic light means **use caution**; behavior zone may be sexual harassment.
- Green on the traffic light means **go**. Behavior in the green zone means **it's acceptable**—it's not sexual harassment.

Just as with a traffic light, if in the yellow zone long enough, the light will turn red. If yellow zone behavior is repeated enough, especially after having been told it is unwelcome, it becomes red zone behavior—sexual harassment. The following show these three types of behavior, but they are certainly not all-inclusive:

NOTE

Remember that the above examples are only guides. Individuals who believe they are being sexually harassed base their belief on their perceptions. Also, each incident is judged on all the facts in that particular

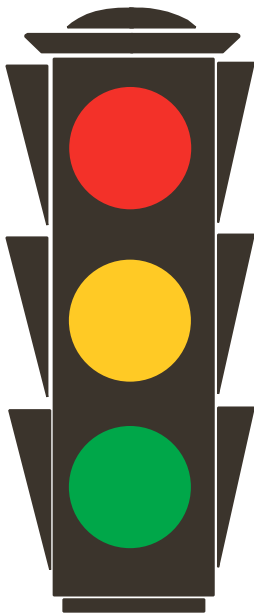
case, and that individual's judgment may vary on the same facts. Therefore, use caution. Any time sexual behavior is introduced into the work environment or among coworkers, the individuals involved are on notice that the behavior may constitute sexual harassment.

REPORTING AN INCIDENT INVOLVING SEXUAL HARASSMENT

Individuals who believe they have been sexually harassed have ways to seek resolution and redress (remedy). Check with your CMEO officer for the avenues available to you. All reported incidents of sexual harassment are investigated and resolved at the lowest appropriate level. All incidents are resolved promptly and with sensitivity. Confidentiality will be maintained to every extent possible.

If you believe that you have been sexually harassed, talk about your concerns or objections directly with the person who is behaving in a harassing way. If you are subjected to or observe objectionable behavior, you should promptly notify the chain of command if one of the following conditions exists:

- The objectionable behavior does not stop,
- The situation is not resolved,



Red zone. These behaviors are always considered sexual harassment. They include sexual favors in return for employment rewards, threats if sexual favors aren't provided, sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters or comments. The most severe forms of sexual harassment constitute criminal conduct; that is, sexual assault (ranging from forcefully grabbing to fondling, forced kissing, or rape).

Yellow zone. Many people would find these behaviors unacceptable, and they could be sexual harassment. These behaviors include violating personal "space," whistling, questions about personal life, lewd or sexually suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters or poems, sexually suggestive touching, or sitting or gesturing sexually.

Green zone. These behaviors are not sexual harassment. They include performance counseling, touching that couldn't reasonably be perceived in a sexual way (such as touching someone on the elbow), counseling on military appearance, social interaction, showing concern, encouragement, a polite compliment, or friendly conversation.

Student Notes:

- Addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances, or
- The behavior is clearly criminal in nature.

If the person whose behavior is objectionable is a direct superior in the chain of command or if the chain of command condones (tolerates) the conduct or ignores a report, the person subjected to or who has observed the objectionable behavior should promptly communicate the incident through other available means. When possible, always use your chain of command; but, if your boss allows the conduct or ignores a report of objectionable behavior, use other means to report it.

REVIEW 7 QUESTIONS

- Q1. Improper conduct is considered sexual harassment when—
- a.
 - b.
 - c.
- Q2. List the criteria for a person’s behavior to be termed sexual harassment.
- a.
 - b.
 - c.
- Q3. Whose perceptions count when there is unwelcome behavior?

- Q4. Your LCPO offers you high marks on your evals in exchange for sexual favors. What type of sexual harassment is this?
- Q5. Displaying sexual posters or using sexual explicit language creates what type of environment?
- Q6. How has the Navy made it easier to understand the wide range of good to bad behavior?
- a.
 - b.
 - c.

FRATERNIZATION

Learning Objectives: When you finish this chapter, you will be able to—

- Recognize the fraternization policy.
- Identify the consequences of not observing this policy.

Article 1165 (Fraternization Prohibited) of the *U.S. Navy Regulations* states: “No person in the Navy is to enter a personal relationship that is unduly familiar, does not respect differences in rank, and is prejudicial to good order and discipline.” Some relationships between Navy members violate naval traditions. Unduly familiar relationships can exist between officers, officer and enlisted persons, or between enlisted persons. If there is an unduly familiar relationship between a supervisor and a subordinate, the relationship isn’t right and harms good order and discipline. Breaking the rules on fraternization among Regular and Reserve personnel may result in administrative or punitive action.

Student Notes:

FAMILY OMBUDSMAN PROGRAM

Learning Objectives: When you finish this chapter, you will be able to—

- Recall the provisions of the Family Ombudsman Program.
- Identify sources of information available to Navy families.

The command ombudsman is a volunteer who is a liaison between the command and families. This person undergoes a regular application and interview process by the command team and is appointed by the commanding officer. Once the CO appoints an ombudsman, he/she attends an intense 21-hour training course that provides the basic tools for performing the duties of the position. In addition, ombudsmen undergo continuous training offered through local assemblies and family service centers.

Since 1973, the focus of the program has shifted away from the grievance-processing role. Today, the enlarged scope of the ombudsman job is assisting COs in their responsibilities for the morale and welfare of the families of the command. In general, any functions that promote these goals may be included in the ombudsman program. It is **always** the CO who determines the content and priorities of that program. The basic roles and functions of an ombudsman are as follows:

- Serve as the primary link/liaison and communicator of information between command families and the command.
- Communicate regularly with command families in ways approved and supported by the command; for example, command newsletter, command-sponsored telephone “Careline,” and a phone tree for emergency information as directed by the CO.
- Provide information and outreach to command family members. Interact and cooperate with

organizations and military departments, family service centers, chaplain’s office, medical treatment facilities, Navy-Marine Corps Relief Society, American Red Cross, Navy Wifeline Association, legal assistance offices, and so forth.

- Refer individuals in need of professional assistance to appropriate resources; possibly provide support to individuals and refer them for counseling.
- Act as an advocate for command family members; help access the appropriate level of chain of command for intervention and for the forwarding of appropriate requests/grievances while exercising confidentiality.
- Participate in indoctrination and orientation programs.
- Assist in welcome programs and act as a family coordinator as part of the command Sponsor Program.
- Represent the command on committees, boards, and working groups in the military or civilian communities concerned with services and support to command families.
- Participate in activities that would promote the morale, health, and welfare of command families.

The ombudsman is trained to help with information and referral; however, they are not a taxi service or babysitter. The Privacy Act and strict rules of confidentiality bind the command ombudsman; they are not a rumor mill.

REENLISTMENT QUALITY CONTROL PROGRAM

Learning Objective: When you finish this chapter, you will be able to—

- Recall the incentives for reenlistment, education, and special duty.

Student Notes:

The Reenlistment Quality Control Program sets standards you should meet to be eligible to reenlist. The purpose of the Reenlistment Quality Control Program is as follows:

- To provide a personnel management program to control rating manning, reduce advancement stagnation, and meet end strength requirements
- To issue reenlistment criteria for the Reenlistment Quality Control Program
- To establish terms of years an individual may reenlist based upon Career Reenlistment Objective (CREO) group of his/her rating and years of service at the time of reenlistment
- To establish standardized professional growth points or high-year tenure (HYT) by paygrade
- To establish procedures by which personnel may request consideration for reenlistment/extension beyond established professional growth points

All first-term Sailors in paygrades E-1 through E-6 requesting reenlistment must be approved through the Enlisted Navy Career Options for Reenlistment (ENCORE) Program. E-1/E-2 cannot reenlist unless involved in special programs, such as the 2YO program, and approval is granted through ENCORE. Personnel serving in paygrade E-3 are eligible to reenlist/extend provided they have met the professional growth criteria and have been approved through ENCORE.

The Reenlistment Quality Control Program uses reenlistment codes to indicate whether you have met professional growth criteria. Reenlistment codes reflect the quality control category and the status of personnel who separate from the Navy. If you don't reenlist at your end of active obligated service (EAOS), your Certificate of Release/Discharge from Active Duty (DD214) indicates your reenlistment code. If you decide to reenlist later on, the reenlistment code indicates whether or not you're qualified to reenlist. The reenlistment codes are as follows:

- RE-R1—Recommended for Preferred Reenlistment
- RE-1—Eligible for Reenlistment

- RE-R3—Eligible for Probationary Reenlistment
- RE-4—Not Eligible for Reenlistment.

STATE AND NATIONAL VOTING PROCEDURES

Learning Objective: When you finish this chapter, you will be able to—

- Identify the procedures for state and national voting to include absentee ballots.

Democracy depends on its members access to vote. Department of the Navy policy is to ensure its members, their spouses, and their dependents may register and vote in all elections within their home districts.

The Chief of Naval Personnel directs and supervises the Navy's voting program. The voting program makes sure all ships and stations receive voting information pamphlets, posters, and materials. All eligible personnel receive in-hand delivery of the Federal Post Card Application for Absentee Ballot (FPCA), SF Form 76, and revised 1987, for all federal elections. They receive the ballots well in advance of the November election. The recommended delivery time for overseas areas is 15 August and for stateside personnel 15 September.

REVIEW 8 QUESTIONS

- Q1. Describe why the Navy has a fraternization policy.
- Q2. What is the function of the ombudsman?
 - a.
 - b.
- Q3. How does the ombudsman communicate with Navy families?

Student Notes:

Q4. List some the agencies or organizations ombudsman works with.

- a.
- b.
- c.
- d.
- e.
- f.
- g.

Q5. What must a first-term Sailor have before they can reenlist or extend?

Q6. When leaving the Navy, what determines if you will be able to reenlist at a later date?

Q7. When away from their home district, how can a Sailor and his family register to vote?

SUMMARY

Since the Navy is such a large, diverse, and complex organization, it requires numerous programs to help its members resolve a wide variety of problems. For example, the Command Managed Equal Opportunity (CMEO) Program makes sure Navy members have the same basic rights all other citizens in our society enjoy.

Department of the Navy policies govern our day-to-day operations by requiring us to perform to certain standards. Those policies give us a general goal and the guidelines to achieve that goal. Those policies and the programs that support them ensure Navy personnel know how to do their jobs and where to find help to resolve their problems.

REVIEW 1 ANSWERS

- A1. The four main sources of pollutants are—
- Agricultural runoff**
 - Industrial**
 - Municipal**
 - Transportation operations**
- A2. Pollution affects both the **physical and biological world**.
- A3. The primary pollution concern of the Navy is the **pollution produced by shipboard waste**.
- A4. The Navy has been **converting their power plants to use more efficient pollution control systems for stack emissions**.
- A5. The agreement the Navy follows to operate marine sanitation devices (MSDs) and to dispose of treated sewage in foreign waters is the **Status of Forces Agreement (SOFA)**.
- A6. Vessels must be **at least 25 nautical miles** from the U.S. coastline before they can discharge unpulped trash.

REVIEW 2 ANSWER

- A1. The Navy makes every possible effort to **improve the way it uses energy resources, without compromising readiness, effectiveness, or safety**.

REVIEW 3 ANSWERS

- A1. **Delete**
- A2. **Delete**
- A3. The **Overseas Duty Support Program (ODSP)** provides you with support and information about foreign lands.
- A4. Besides the ODSP, you can get information about other countries through the **Overseas Transfer Information Service (OTIS)**.

- A5. The **Military Cash Awards Program (MILCAP)** is used to reward individuals for their beneficial suggestions, inventions, and scientific achievements.

REVIEW 4 ANSWERS

- A1. If Navy service members don't meet the fitness or body fat standards and need help to change health habits, they take part in the **Health and Physical Readiness Program**.
- A2. The Navy responsibility for pregnant servicewomen is **providing obstetrical care at a medical facility if it has obstetrical/gynecological facilities and if the servicewoman lives in the treatment facility area**.
- A3. List the responsibilities of pregnant servicewomen.
- Plan pregnancy to meet family and military obligation**
 - Confirm pregnancy with military medical facility**
 - Notify CO or OIC of pregnancy**
 - Perform military duties while pregnant**
 - Comply with work- and task-related safety and health recommendations**
- A4. Service members must complete what forms for family care?
- Family Care Plan Certificate, NAVPERS 1740/6**
 - Family Care Plan Arrangements, NAVPERS 1740/7**
- A5. The Department of the Navy public affairs informs the public and service members about the following subjects:
- The Navy as an instrument of national policy and security**
 - Navy operations and programs**
 - The responsibilities and activities of naval personnel as U. S. citizens**

REVIEW 5 ANSWERS

- A1. The Navy's policy on drug abuse is **zero tolerance**.
- A2. The purpose of the Integrity and Efficiency Program is to **detect, deter, and eliminate fraud, waste, and abuse**.
- A3. You can report fraud, waste, and abuse situations by the following means:
- Chain of command**
 - Navy hotline**
 - Naval Criminal Investigative Service (NCIS)**
 - Congressional communication**
- A4. For the public to feel confident about the Navy's integrity, naval personnel should comply with the **Standards of Conduct and Professional Ethics**.

REVIEW 6 ANSWERS

- A1. The Navy uses the **Command Managed Equal Opportunity (CMEO) Program** to ensure that all naval personnel are treated equally and are given equal opportunities.
- A2. Guidance and policy for the CMEO Program is provided by the **Chief of Naval Operations**.
- A3. Telling an sexist or racial joke is an **insensitive practice**.
- A4. Command facilities provide **a variety of products and services in command facilities** to avoid discrimination in the operation of exchanges, commissaries, service clubs, and recreational facilities.
- A5. The best place for you or your family to start to resolve an off-base discrimination complaint is **your chain of command**.
- A6. Navy personnel can't take part in civil rights demonstrations in the following situations:
- While wearing their uniform or during duty hours**.
 - When held on a military reservation or in a foreign country**.

c. **When law and order are violated or when they could reasonably be expected to result in violence**.

- A7. You have submitted a special request chit and feel that the chain of command hasn't resolved your discrimination complaint. **Your next course of action is to request captain's mast**.
- A8. Hazing is **any conduct whereby a military member or members, regardless of service or rank, without proper authority causes another military member or members, regardless of service or rank, to suffer or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful**.
- A9. According to Navy policy, **hazing is prohibited**.

REVIEW 7 ANSWERS

- A1. Improper conduct is considered sexual harassment when—
- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job**.
 - Pay, or career; submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person**.
 - Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment**.
- A2. A person's behavior to be termed sexual harassment if is—
- Unwelcome**
 - Sexual in nature**
 - Occurs in or impacts on the work environment**
- A3. The **recipient's perceptions** count when there is unwelcome behavior.
- A4. If your LCPO offers you high marks on your evals in exchange for sexual favors, it is **quid pro quo** sexual harassment.

- A5. Displaying posters or using sexually explicit language creates a **hostile** environment.
- A6. To make the range of good to bad behavior easier to understand, the Navy has compared behavior ranges to the traffic light.
- a. **Red light—Sexual harassment behavior**
 - b. **Yellow light—Many people find behavior unacceptable**
 - c. **Green light—Acceptable behavior, not sexual harassment**

REVIEW 8 ANSWERS

- A1. The function of the ombudsman is to **promote good order and discipline.**
- A2. The ombudsman—
- a. **Acts as a liaison between Navy families and the command, and**
 - b. **Keeps the families informed about command policies.**
- A3. The ombudsman communicates with Navy families through **command newsletters, command-sponsored telephone “Careline,” or phone trees.**

- A4. The ombudsman works through the following agencies/organizations:

- a. **Navy-Marine Corps Relief Society**
- b. **American Red Cross**
- c. **Family Service Centers**
- d. **Chaplain’s office**
- e. **Navy Wifeline Association**
- f. **Medical treatment facilities**
- g. **Legal assistance offices**

- A5. Before a first-term Sailor can reenlist or extend, he/she must have **ENCORE** approval.
- A6. If you leave the Navy, your **reenlistment code** tells whether you can reenlist.
- A7. When away from their home district, a Sailor and his/her family can register to vote by using a **Federal Post Card Application for Absentee Ballot (FPCA).**

CHAPTER 2

MILITARY CONDUCT AND JUSTICE

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Because the United States Navy is a military service and since you are a member of the U.S. Navy, you are expected to be *military* in the best sense of the term. You are expected to know the traditions of the Navy, its customs, and its language. You should understand the organization and mission of the Navy and the “why” behind the Navy’s discipline and its drills. In the front of this manual is the Navy Creed; if you haven’t read it, read it now. You will see the importance of your responsibilities and duties to your Country and to the Navy.

In this chapter, you will learn about military conduct, which includes the conduct expected of you if you should become a prisoner of war. You will also learn about the military police, the purpose of discipline and punishment, and the three sources that set forth the basic disciplinary laws for the U.S. Navy. Those sources are *U.S. Navy Regulations, Standard Organization and Regulations of the U.S. Navy*, and the *Uniform Code of Military Justice (UCMJ)*.

PERSONAL CONDUCT

Learning Objective: When you finish this chapter, you will be able to—

- Identify the personal characteristics of a good Sailor.

Every Sailor in the Navy should set an example of high personal and military ideals. Every Sailor should always set a good example for other, perhaps younger, nonrated personnel. Remember, a good Sailor always does the following:

- Acts in a military and seamanlike manner.
- Puts the good of the ship and the Navy before personal likes and dislikes.
- Obeys the rules of military courtesy and etiquette as well as the rules of military law.

- Demonstrates loyalty, self-control, honesty, and truthfulness.
- Knows what to do in an emergency and how to do it with the least waste of time and with minimum confusion

As a Sailor, you represent the Navy. People form their opinions of the Navy based on your appearance and actions. Always wear your uniform with pride. Conduct yourself in a manner that will reflect credit on you and the Navy. In effect, you conduct the business of public relations for the Navy. The way in which you sell the Navy to civilians and the way you sell yourself to your superiors and shipmates determines their opinion of you and of the Navy.

A good Sailor is morally responsible. That means you know what’s right and what’s wrong, and you try to do what is right. As a morally responsible person, you perform all assigned duties as correctly and timely as humanly possible without worrying about personal gain or inconveniences.

To succeed in any line of work, you must be devoted to duty and be able to take orders. Shipboard life is so exacting that a team of members must do many tasks; one person alone cannot do them. In battle or in solving a battle problem, all personnel must work as a team; and it doesn’t make any difference whether the team consists of a few or many members.

The Navy isn’t the place for the immature self-seeker who puts forth his/her best efforts only when some personal advantage is to be gained. Also, the Navy doesn’t have room for the resentful, hardheaded, self-important person who can’t take an order. Rules and regulations serve as guides for daily living and, if followed by all, make life more pleasant and easier for all hands.

THE CODE OF CONDUCT

Learning Objective: When you finish this chapter, you will be able to—

- Recognize the responsibilities stated in articles I through VI of the Code of Conduct for members of the Armed Forces of the United States.

Because of the conduct of a few Americans during the Korean conflict, President Dwight D. Eisenhower prescribed a Code of Conduct for members of the armed forces in 1955. That code provides American military personnel with a standard of conduct should they be captured by an enemy. It provides a framework of ideals and ethical standards that will help personnel resist the physical, mental, and moral onslaughts of their captor.

Many Americans have been prisoners of war (POWs), and they all agree that life as a POW is hard. A few POWs were unprepared or lacked the ability to maintain their faith and loyalty under extreme pressure. The enemy broke their will, and they gave information and/or acted in a way that hurt their country and their fellow prisoners.

If you ever become a POW, don't make up stories; your interrogator will eventually catch on and could resort to harsher methods to try to gain information. A simpler, "I don't know," is a better answer. Your captors will use many methods to gain information. They will try to get prisoners to collaborate by torturing them or by trying to turn prisoners against each other. Although forbidden by the Geneva Convention, history has shown that some captors have resorted to physical and mental forms of torture to get the information they want. Maintain your faith in your God, your country, and your fellow prisoners.

Remember the first sentence of the first article of the Code of Conduct, "I am an American, fighting in the forces which guard my country..." If you live up to that principle, you don't ever have to worry about an investigation concerning your behavior. You won't live the rest of your life knowing that something you said harmed your fellow prisoners, comrades in arms, or your country and its allies.

In 1988, President Ronald Reagan issued Executive Order 12633, amending the Code of Conduct to use gender-neutral language. First expressed in written form in 1955, the Code is based on time-honored concepts and tradition that date back to the days of the American Revolution. The six articles of the Code of Conduct are as follows:

ARTICLE I

I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

ARTICLE II

I will never surrender of my own free will. If in command I will never surrender the members of my command while they still have the means to resist.

ARTICLE III

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

ARTICLE IV

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

ARTICLE V

When questioned, should I become a prisoner of war, I am required to give name, rank, service number and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

ARTICLE VI

I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated

Student Notes:

to the principles which made my country free. I will trust in my God and in the United States of America.

REVIEW 1 QUESTIONS

- Q1. List the three sources that contain the basic disciplinary laws for the U.S. Navy.
- a.
 - b.
 - c.
- Q2. What is one of the most important characteristics of a good Sailor?
- Q3. For you to succeed in your work in the Navy, you should possess what quality?
- Q4. Why was the Code of Conduct established?
- Q5. What total number of articles are there in the Code of Conduct?
- Q6. When questioned under article V, what is the only information you are allowed to give?

MILITARY POLICE

Learning Objectives: When you finish this chapter, you will be able to—

- Recognize the authority of the military police/shore patrol.

- Identify the functions of the military police/shore patrol.

All branches of the armed forces assign personnel to duties as military police. In the Air Force, they are called *security police*; in the Army and Marine Corps, they are called *military police (MP)*; and in the Navy, they are called *shore patrol (SP)*. The shore patrol consists of officers and petty officers assigned to assist military personnel ashore. They are identified by armbands bearing the letters *SP*.

In areas where units of different armed services are located, the military police may be combined to form one unit instead of a separate unit for each service. This single unit is known as an *Armed Forces Police Detachment (AFPD)*, and all members are identified by brassards (armbands) with the letters *AFPD*. The primary duties of AFPD are to assist military personnel ashore, maintain good order and discipline among military personnel, and report conditions or practices that appear prejudicial to the welfare of military personnel. They have authority to stop, question, apprehend, or take into custody any member of the armed forces.

When asked to do so by the military police, you must show your ID card, leave authorization, and the like. You must obey any orders given you by the military police.

Some reminders are listed here for you to observe in any dealings with the military police or shore patrol. (For the remainder of our discussion, *patrol* is used to include all armed forces police.)

1. Obey the orders of the patrol.
2. Don't become argumentative if the patrol is questioning you. The patrol will rightfully question you if you are out of uniform, appear drunk, or act in a suspicious manner.
3. Never interfere with the members of the patrol in the performance of their duty. If you are in a place where a fight has begun or is about to develop and the patrol orders you to leave, do so without protest.

Don't feel that the patrol is trying to harass you. You won't have to prove who you are or verify that

Student Notes:

you're entitled to be ashore every time you see a patrol. The patrol will stop you only when you appear to be in, or to be headed for, some kind of trouble or if you arouse their suspicions in some other manner. The military patrol can be a real friend in time of need. The patrol's orders are to be courteous, fair, and reasonable in all dealings with members of the armed forces and with civilians.

Whenever you are away from your ship or station and need advice, directions, or help of any kind, call on the nearest military patrolman or patrol headquarters.

Aboard ships and stations, masters-at-arms (MAAs) and police petty officers have functions similar to those of the shore patrol. The master-at-arms force, headed by the chief master-at-arms (CMAA), works directly for the executive officer. The master-at-arms force enforces Navy and ship regulations, musters restricted personnel, holds reveille, and performs other duties as are required for the maintenance of good order and discipline.

The duties of police petty officers (PPOs) are about the same as those of MAAs, but are on a divisional instead of a shipwide basis. Although PPOs stand their regular watches and perform their normal duties within their divisions, they are assigned additional duties such as making reveille and taps, ensuring compartments are cleaned, and maintaining order. At times they assist the MAA force in searching the ship, and providing bunks for new personnel or passengers.

REVIEW 2 QUESTIONS

- Q1. In the Navy, the military police are known as the—
- Q2. Shore patrol personnel are identified by—
- Q3. When military police from different branches of the armed forces combine to form one unit, they are known as—

- Q4. List the primary duties of the shore patrol.
- a.
 - b.
 - c.

PURPOSE OF DISCIPLINE

Learning Objective: When you finish this chapter, you will be able to—

- Recall the purpose of good order and military discipline.

The word *discipline* comes from a Latin word meaning “to teach.” However, discipline involves a certain type of teaching. Discipline is not peculiar to military organizations. Discipline is the training that develops self-control, character, and efficiency, or is the result of such training. **Discipline is a character builder, not a destroyer of individuality.**

The Navy's discipline consists of training its Sailors to behave in certain ways under certain circumstances. It gets them to work as a unit with maximum efficiency. To encourage Sailors to work as a unit, the Navy uses a system of motivation and correction through reward and punishment. Studious Navy men and women, when recommended by their commanding officers, are rewarded by timely promotions; lazy or careless individuals suffer a self-inflicted punishment by missing out on those promotions. Fines, restriction, confinement, demotion, and other forms of disciplinary action punish Sailors who get into trouble because they are negligent or indifferent.

The signs of discipline are shown in smart salutes, proper wearing of the uniform, prompt and correct action in any emergency, and in battle efficiency that brings victory in wars (fig. 2-1). Discipline, obviously, is indispensable to a military organization. Without it almost any effort would be defeated by lack of organization.

The purpose of discipline in the military services is to bring about an efficient military organization—a body of human beings trained and controlled for

Student Notes:



Figure 2-1.—The results of discipline are shown in prompt and correct action in an emergency, and especially in battle efficiency.

concerted action for the attainment of a common goal. Each individual understands how to fit into the organization as a whole. The members understand one another through the sharing of common knowledge. They are bound together by a unity of will and interest expressed by their willingness to follow and obey their leader. A group so organized is effective, not only for the specific purpose intended, but also for an emergency. Thus, a gun crew may be readily converted into a repair party for carrying out any essential job within its capabilities; a company of midshipmen may be turned into a fire-fighting organization. A well-disciplined naval unit responds automatically to an emergency and is not subject to panic.

PUNISHMENT

Learning Objective: When you finish this chapter, you will be able to—

- Recall the Navy's concept of punishment.

Based on the Navy's concept, punishment is not personal, vindictive, or inflicted as revenge for misconduct. The Navy realizes punishment cannot right the wrong resulting from an act of dereliction (failure). The value of punishment is the object lesson the punishment teaches the wrongdoer and others—the offense must not be repeated. That concept is referred to as the deterrent theory of punishment.

To accomplish its purpose, punishment must be consistent and just and must be recognized as such by the recipients and their shipmates. Punishment should neither be of such a nature that it lowers self-esteem, nor should it be so severe that it is out of proportion to the offense. Recipients of Navy punishment should keep two facts in mind:

1. Personnel are punished only as a result of their misbehavior, and
2. They will not be punished again if they learn to conform to Navy standards of conduct.

The administration of punishment is not personal; therefore, those who administer it should be shown no malice (hate). They are carrying out their duties as required by *Navy Regulations*.

REVIEW 3 QUESTIONS

- Q1. What method does the Navy use to help Sailors work as a unit with maximum efficiency?
- Q2. What is the purpose of discipline in the military?

Student Notes:

Q3. What theory of punishment does the Navy use?

Q4. What two things should a recipient of Navy punishment remember?

a.

b.

REGULATIONS THAT GOVERN THE U.S. NAVY

Learning Objectives: When you finish this chapter, you will be able to—

- Recall various parts of the *Navy Regulations* and *Uniform Code of Military Justice (UCMJ)* articles.
- Identify types of courts-martial, purpose of the report of offense, and the procedures for redress of grievance.

Figure 2-2 shows the three official sources that set forth the basic disciplinary laws for the Navy. These sources are the *Uniform Code of Military Justice (UCMJ)* (contained in the *Manual for Courts-Martial, 1995 Edition*), *United States Navy Regulations* (commonly called *Navy Regs*), and the *Standard Organization and Regulations of the U.S. Navy*.

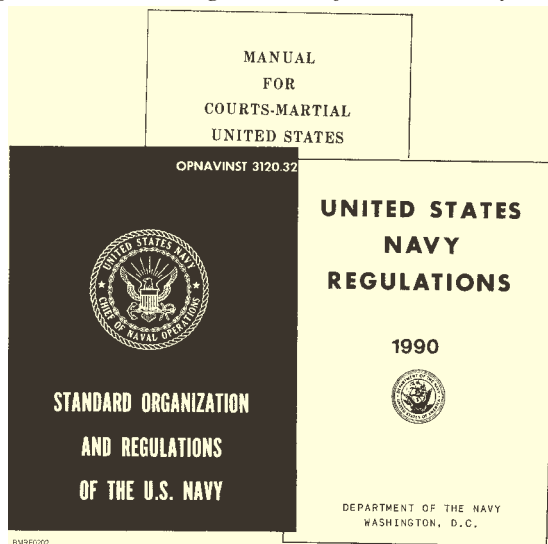


Figure 2-2.—Three official sources for basic disciplinary laws.

You probably have heard the saying: “Ignorance of the law is no excuse.” This is a true saying. If it weren’t, personnel could excuse their misconduct merely by saying they didn’t know there was a law against it. When you entered the Navy, you agreed to live by the Navy’s laws and regulations. However, you do need time to learn all the rules you must obey. You should make every effort to learn them as soon as possible to avoid embarrassing situations.

The *U.S. Navy Regulations* you must learn about are discussed first. Then the *Standard Organization and Regulations of the U.S. Navy* and the *UCMJ* are discussed.

U.S. NAVY REGULATIONS

The articles published in *United States Navy Regulations* describe the principal parts of the Department of the Navy. They also describe the duties, authority, and responsibilities of some of the offices within the Department of the Navy, such as the Secretary of the Navy, the Chief of Naval Operations, and the commanding officer. You will find the regulations concerning the honors and ceremonies given to civilian and military officials of the United States and foreign governments in the *Navy Regs*.

U.S. Navy Regulations describe the rights and responsibilities of all Navy members. As you become more familiar with the regulations that govern the Navy, you can see that they are written to protect you and to provide guidance affecting your day-to-day routine.

The Chief of Naval Operations is responsible for ensuring the *U.S. Navy Regulations* conform to the current needs of the Department of the Navy. *U.S. Navy Regulations* and changes to it are issued by the Secretary of the Navy after being approved by the President of the United States.

Summaries and Excerpts from *Navy Regulations*

This section lists articles (with a condensation of their text, if appropriate) from *United States Navy Regulations, 1990*, that all personnel in the Navy should know. This listing serves only as a starting place for you to learn about Navy regulations. **You are responsible for learning and obeying all regulations.** These

Student Notes:

regulations are not punitive articles, but laws under which the Navy operates. Many exist for your own protection. Failure to obey any regulation subjects the offender to charges under article 92, *UCMJ* (Failure to obey an order or a regulation).

The first two digits of the article number indicate the chapter of *Navy Regs* from which the article is taken. If the article is self-explanatory, no further explanation is given; the article will be shown in block quotation exactly as stated in *Navy Regs*. Articles that are lengthy and, in some cases, difficult to interpret, have been paraphrased (rewritten) to give you a brief overview of what the article contains. Remember that in *Navy Regs*, the words *he*, *his*, or *him* refers to both men and women Navy Sailors.

0818. Publishing and Posting Orders and Regulations

1. In accordance with Article 137 of the *Uniform Code of Military Justice*, the articles specifically enumerated therein shall be carefully explained to each enlisted person:

- a) At the time of entrance on active duty or within six days thereafter;
- b) Again, after completion of six months active duty; and
- c) Again, upon the occasion of each reenlistment.

2. A text of the articles specifically enumerated in Article 137 of the *Uniform Code of Military Justice* shall be posted in a conspicuous place or places, readily accessible to all personnel of the command.

3. Instructions concerning the *Uniform Code of Military Justice* and appropriate articles of *Navy Regulations* shall be included in the training and educational program of the command.

4. Such general orders, orders from higher authority, and other matters which the commanding officer considers of interest to the personnel or profitable for them to know shall be published to the command as soon as practicable. Such matters shall also be posted,

in whole or in part, in a conspicuous place or places readily accessible to personnel of the command.

5. Upon the request of any person on active duty in the armed services, the following publications shall be made available for that person's personal examination:

- a) A complete text of the *Uniform Code of Military Justice*;
- b) *Manual for Courts-Martial*;
- c) *Navy Regulations*;
- d) *Manual of the Judge Advocate General*;
- e) *Marine Corps Manual* (for Marine Corps personnel); and
- f) *Naval Military Personnel Manual* (for Navy personnel) or *Marine Corps Personnel Manual* (for Marine Corps personnel).

0917. Dealings With Foreigners

When in foreign ports, officers and enlisted personnel should respect local laws, customs, ceremonies, and regulations; display courtesy and moderation; and cultivate a feeling of good will and mutual respect.

1001. Officers of the Naval Service

Officers of the United States naval service shall be known as officers in the line, officers in the staff corps, chief warrant officers and warrant officers.

1002. Precedence of Officers

This article discusses the precedence of officers.

1003. Relative Rank and Precedence of Officers of Different Services

This article explains the relative rank of grades of officers of the Army, Air Force, Marine Corps, Navy, Coast Guard, and members of the National Oceanic and

Student Notes:

Atmospheric Administration and Public Health Service serving with the military.

1010. Manner of Addressing Officers

This article describes the proper manner of addressing officers orally and in writing.

1020. Exercise of Authority

All persons in the naval service on active service, and those on the retired list with pay, and transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, are at all times subject to naval authority. While on active service they may, if not on leave of absence..., on the sick list, taken into custody, under arrest, suspended from duty, in confinement or otherwise incapable of discharging their duties, exercise authority over all persons who are subordinate to them.

1021. Authority Over Subordinates

This article gives officers the authority necessary to perform their duties.

1022. Delegation of Authority

Although you may delegate authority, that does not relieve you of being responsible. You must make sure the delegated authority is properly exercised and orders and instructions are properly executed.

1023. Abuse of Authority

Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.

1024. Contradictory and Conflicting Orders

If an enlisted person in the naval service receives an order, which annuls, suspends or modifies one received from another superior, he or she shall immediately represent the facts to the superior from whom the last order was received. If, after such representation, the superior from whom the last order was received

should insist upon the execution of that order, it shall be obeyed. The person receiving and executing such order shall report the circumstances as soon as practicable to the superior from whom the original order was received.

1025. Authority of an Officer in Command

An officer in command, either of the line or of a staff corps, has authority over all officers and other persons attached to the command, whatever their rank and whether they are of the line or of a staff corps.

1033. Authority in a Boat

This article provides the senior line officer eligible for command at sea the authority over all persons embarked in a boat. It also delegates to the officer the responsibility for the safety and management of the boat.

1034. Authority and Responsibility of a Senior Officer Under Certain Circumstances

This article gives the senior person present, whether an officer or an enlisted person, the authority to take necessary action during a riot, a quarrel between naval service members, or circumstances not covered by these regulations.

1037. Authority of Warrant Officers, Noncommissioned Officers and Petty Officers

Chief warrant officers, warrant officers, noncommissioned officers and petty officers shall have, under their superiors, all necessary authority for the proper performance of their duties, and they shall be obeyed accordingly.

1038. Authority of a Sentry

A sentry, within the limits stated in his or her orders, has authority over all persons on his or her post.

1052. Orders to Active Service

You may not be ordered to active service without permission of the Chief of Naval Personnel.

Student Notes:

1064. Detail of Enlisted Persons for Certain Duties

Petty officers will not be detailed to perform mess duties, except when nonrated persons are unavailable.

1101. Demand for Court Martial

Except as otherwise provided in the *Uniform Code of Military Justice*, no person in the naval service may demand a court martial either on him- or herself or on any other person in the naval service.

1102. Limitations on Certain Punishments

Instruments of restraint, such as handcuffs, chains, irons and straitjackets, shall not be applied as punishment. Other instruments of restraint may not be used except for safe custody and no longer than is strictly necessary....

The punishments of extra duties and hard labor without confinement are not performed on Sunday, although Sunday counts in the computation of the period for which such punishments are imposed.

Guard duty shall not be inflicted as punishment.

1104. Treatment and Release of Prisoners

Persons in confinement must not be subjected to cruel or unusual treatment. They must be visited at least once every 4 hours to check on their condition and to care for their needs. In the event of an emergency, they may be removed to a safe area or released within the limits of the command. No greater force than that required to restrain or to confine an offender should be used to take into custody a person under the influence of alcohol, marijuana, narcotic substances, or other controlled substances.

1105. Places of Confinement

Prisoners must be confined only in briggs or other facilities designated as naval places of confinement by the Secretary of the Navy. In case of necessary temporary confinement, the senior officer present may

authorize confinement in spaces that provide sufficient security, safety for both prisoner and guards, and adequate living conditions.

Persons under the influence of alcohol or other drugs should not be confined in any place or manner that may be dangerous to them in their condition.

1110. Standards of Conduct

All Department of the Navy personnel are expected to conduct themselves in accordance with the highest standards of personal and professional integrity and ethics. At a minimum, all personnel shall comply with directives issued by the Secretary of Defense and the Secretary of the Navy regarding the Standards of Conduct and Government Ethics.

1111. Pecuniary Dealings with Enlisted Persons

No officer should have any dealings involving money with enlisted persons except as may be required in the performance of the officer's duties or as involved in the sale of personal property. An officer may be designated by superior authority to accept deposits from enlisted personnel for the purpose of safeguarding those funds under emergency or operational situations.

1112. Lending Money and Engaging in a Trade or Business

Naval personnel must not lend money to another member of the armed services at an interest rate, for the period of the loan, that exceeds 18 percent simple interest per year. Personnel may not act as a salesperson or an agent or engage in a business on board without permission of the commanding officer.

1113. Endorsement of Commercial Product or Process

Except as necessary during contract administration to determine specification or other compliance, no person in the Department of the Navy, in his or her official capacity, shall endorse or express an opinion of approval or disapproval of any commercial product or process.

Student Notes:

1115. Report of Fraud

Any suspicions of fraud, collusion, or improper conduct in matters concerning supplies and repairs should be reported to the proper authority.

1121. Disclosure, Publication and Security of Official Information

Naval personnel may not make speeches or write anything that might disclose information of interest to foreign countries or that would aid persons with claims against the United States. If naval personnel publish articles on Navy, political, or international subjects, they must state the views are theirs and not those of the Navy. When such articles are accepted for publication, personnel must forward a complete copy of each article to the Secretary of the Navy.

1122. Adverse Matter in Officer Fitness Reports and Enlisted Performance Evaluation Reports

Information of an adverse nature should not be entered in the record of a person of the naval service unless the member was first afforded an opportunity to submit a written statement regarding the matter. Certain medical and dental entries are excepted.

1125. Inspection of the Record of a Person in the Naval Service

The record of a person in the naval service which is maintained by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be available for inspection by the person or a duly authorized agent, designated as such in writing by the person.

1126. Correction of Naval Records

Any military record in the Department of the Navy may be corrected by the Secretary of the Navy, acting through the Board for Correction of Naval Records, when the Secretary considers that such action should be taken in order to correct an error or to remove an injustice.

Applications for corrections may be made only after exhaustion of all other administrative remedies afforded by law or regulation.

1127. Control of Official Records

No person, without proper authority, shall withdraw official records or correspondence from the files, or destroy them, or withhold them from those persons authorized to have access to them.

1129. Records of Fitness

Records of fitness reflect each officer and enlisted person's fitness for service and fitness for the performance of duties. These records are used to determine promotions and duty assignments.

1132. Compliance with Lawful Orders

All persons in the naval service are required to obey readily and strictly, and to execute promptly, the lawful orders of their superiors.

1133. Language Reflecting on a Superior

No person in the naval service shall use language that may tend to diminish the confidence in or respect due to his or her superior officer.

1134. Exchange of Duty

An assigned duty may not be changed with another person (such as trading watches) without permission from proper authority.

1135. Relations with Foreign Nations

Naval service members must conform to international law and precedents set by the United States in its relations with foreign nations.

1136. Foreign Religious Institutions

Navy personnel visiting foreign nations must respect that country's religious institutions and customs.

Student Notes:

1137. Obligation to Report Offenses

Persons in the naval service shall report as soon as possible to superior authority all offenses under the Uniform Code of Military Justice which come under their observation, except when such persons are themselves already criminally involved in such offenses at the time such offenses first come under their observation.

You should report all offenses under the UCMJ that you see to the proper authority unless reporting the offense would incriminate yourself. This is known as *self-incrimination*.

1138. Responsibilities Concerning Marijuana, Narcotics and Other Controlled Substances

Personnel may not bring on board any naval activity, or have in their possession at any time, marijuana, narcotics, or any controlled substances.

1140. Capture by an Enemy

A person in the naval service who is captured by the enemy is required to give name, grade or rate, service number, and date of birth. That person will make no statement disloyal to, critical of, or harmful to the United States or its allies.

1142. Unavoidable Separation from a Command

Persons who become separated from their ship, station, or unit by shipwreck, disaster, or other unavoidable happening, should proceed to the nearest U.S. military activity as soon as possible.

1143. Report of a Communicable Disease

Personnel should report any suspicions of communicable disease to their medical representative.

1144. Immunization

Personnel must take the immunizations prescribed for them as scheduled.

1145. Service Examinations

No persons in the Navy, without proper authority, should have or attempt to have in their possession, any examination papers, any part or copy thereof, or any examination answer sheets. They also must not obtain, sell, publish, give, purchase, receive, or reproduce any of these examination products.

1150. Redress of Wrong Committed by a Superior

A person who believes a superior has wronged him/her or is guilty of misconduct should submit a complaint to his/her commanding officer.

1151. Direct Communication with the Commanding Officer

The right of any person in the naval service to communicate with the commanding officer in a proper manner, and at a proper time and place, shall not be denied or restricted.

1152. Suggestions for Improvement

Any person in the Navy may submit suggestions or constructive criticism about efficiency or economical methods of administration or management within the Department of the Navy. Suggestions or criticism should be submitted to the Secretary of the Navy through the chain of command.

1154. Communications to the Congress

Personnel may not, in their official capacity, apply to Congress for congressional action of any kind or provide information requested by Congress. The only exception to this regulation is such communication as authorized by the Secretary of the Navy or as provided by law.

1155. Dealings with Members of Congress

All persons may write to their congressmen in a personal or private capacity on any subject as long as they do not violate security regulations or the law.

Student Notes:

1156. Forwarding Individual Requests

Requests from persons in the naval service shall be acted upon promptly. When addressed to higher authority, requests shall be forwarded without delay. The reason should be stated when a request is not approved or recommended.

1157. Leave and Liberty

Leave and liberty will be granted to the maximum extent practicable.

1159. Possession of Weapons

Personnel may not have any weapons or explosives in their possession without proper authority.

1160. Possession of Government Property

Personnel shall not possess, without permission, any property of the United States except what is needed in the performance of their duty.

1162. Alcoholic Beverages

The personal possession of any alcoholic beverages aboard any ship is prohibited. The transportation aboard ship of alcoholic beverages for personal use ashore is authorized subject to the discretion of and under regulations established by the commanding officer.

1164. Equal Opportunity and Treatment

All persons in the Department of the Navy regardless of their race, color, religion, sex, or national origin, consistent with requirements for physical capabilities, will be afforded equal opportunity and treatment.

1165. Fraternization Prohibited

No person in the Navy is to enter a personal relationship that is unduly familiar, does not respect differences in rank, and is prejudicial to good order and discipline.

1166. Sexual Harassment

Do not make offensive verbal comments, gestures, or physical contact in the work environment. Do not use implicit or explicit sexual behavior to control other personnel.

1167. Supremacist Activities

No person in the Naval service shall participate in any organization that espouses supremacist causes; attempts to create illegal discrimination based on race, creed, color, sex, religion, or national origin; advocates the use of force or violence against the government of the United States or the government of any state, territory, district, or possession thereof, or the government of any subdivision therein; or otherwise engages in efforts to deprive individuals of their civil rights.

STANDARD ORGANIZATION AND REGULATIONS OF THE U.S. NAVY

The *Standard Organization and Regulations of the U.S. Navy*, OPNAVINST 3120.32, provides regulations and guidance governing the conduct of all members of the Navy. This instruction specifies duties and responsibilities of personnel within a unit organization—from the commanding officer down to the messenger of the watch.

Naval personnel who fail to comply with regulations may be awarded punishment based on the *Uniform Code of Military Justice (UCMJ)*. Many regulations are printed on large posters and posted in conspicuous locations aboard naval units.

Excerpts from the Standard Organization and Regulations of the U.S. Navy

This section contains some of the articles contained in chapter 5, “Regulations,” of the OPNAVINST 3120.32. Self-explanatory articles are shown in block quotation exactly as stated in the OPNAVINST 3120.32. Sections that are lengthy or difficult to interpret are paraphrased to briefly explain the contents of the regulation.

Student Notes:

510.5 Armed Forces Identification Cards and Leave Papers

No person without proper authority shall:

- a. Have in his/her possession more than one properly validated Armed Forces identification card.
- b. Depart on liberty without his/her own properly validated identification card; or, in the case of leave, without his/her own properly validated leave papers and identification card.
- c. Have in his/her possession a false or unauthorized identification card; or a mutilated, erased, altered, or not properly validated identification card; or an identification card bearing false or inaccurate information concerning a name, grade, service number, or date of birth.
- d. Return from leave without depositing his/her leave papers with the proper authority. Any person returning without an identification card shall report the loss to the OOD in person.

510.14 Customs

Upon arrival of a naval unit in United States territory after visiting a foreign port, it is subject to customs and other inspections by Federal authorities.

- a. On such occasions, customs declarations will be distributed to all hands in sufficient time to be filled out and returned before arrival in port.
- b. It shall be the duty of all personnel to accurately complete customs declarations prior to arrival in port.
- c. No person, without permission from the commanding officer, shall bring on board any article, animal, or any other thing, the introduction of which into U.S. territory is forbidden or restricted under current regulations.

510.16 Divine Services

Accessible and appropriate space shall be provided for divine services. No person shall conduct himself/herself in a manner that would interfere with properly authorized divine services.

510.18 Emergency Equipment

No person shall use emergency equipment for any purpose other than that for which it is intended. Emergency equipment includes items such as battle lanterns, emergency first aid boxes, shoring, wrenches, life rings, equipment in life rafts and boats, portable fire pumps, fire hoses, and fuel for emergency machinery.

510.21 Government Property

No person shall:

- a. Conceal or fail to report to proper authority the loss, removal, destruction, or damage of government property entrusted to his/her care or custody.
- b. Remove without proper authority from its regular place of stowage or location, for any purpose whatever, any article of government property, including hull and damage control fittings, first aid equipment, life saving and emergency equipment, and stores and foodstuffs.
- c. Have in his/her possession any article of government property except as may be necessary for the performance of his/her duty or as may be authorized by proper authority.

510.27. Intoxicated Persons

- a. The officer of the deck or the command duty officer shall ensure that the medical officer or a qualified representative shall promptly examine all persons who return on board in an intoxicated condition, or found on board intoxicated.

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b. When restraint is imposed on an individual, it should be in such a manner as to accomplish the desired degree of restraint with a minimum of force. Attachment of an individual to a fixed or immovable object should only be authorized when all else fails, and then a continuous guard should be posted with specific instructions to care for the welfare of the person under restraint in the event of an emergency.

510.34 Motor Vehicles

a. No person shall operate a Government-owned motor vehicle assigned to a naval unit unless specifically designated to do so by the commanding officer, and then only for official unit business.

b. Military personnel operating Government-owned motor vehicles shall comply with all post, station, local, state, and federal directives. U.S. Government operator's permit is not required for vehicles under one ton.

c. All persons operating Government-owned motor vehicles assigned to a naval unit shall obtain the permission of the OOD before driving away from the unit and shall report to the OOD upon return.

510.35 Working Stocks of Narcotics

All narcotics and other controlled substances authorized for medical purposes shall be in the custody of the medical or dental officer. No one shall have access to this material except as prescribed by these officers or the commanding officer.

a. The medical and dental officers shall supervise in person all receipts and issues of narcotics and other controlled substances in their custody and shall keep proper records of all transactions to ensure strict accountability and detect losses promptly.

b. With the exception of medical and dental officers, no person shall prescribe or administer any narcotics or other controlled

substances, either to oneself or to another person, except to aid the injured during action or emergencies. The medical and dental officers may authorize certain hospital corpsmen and dental technicians to administer narcotics and controlled drugs to patients in sick bay per the medical and dental officer's prescription.

c. In units to which no medical officer is attached, all narcotics and dangerous drugs shall be in the custody of the controlled substances custodian, except small quantities of necessary narcotics and dangerous drugs that may be issued to the leading petty officer in the medical department. The narcotics and dangerous drugs shall be kept in a three-combination safe or, if this is not possible, under lock and key. All transactions between the bulk custodian and medical department representative shall be receipted for. Issues from the working stock in the sick bay shall be covered by prescription. Narcotics and dangerous drugs shall be inventoried monthly by a special inventory board....

510.44 Photographic Equipment

No person shall:

a. Possess or introduce on board a naval unit any camera or other photographic equipment capable of exposing a photographic plate or film without permission of the commanding officer or authorized representative.

b. Make photographs of a naval unit or its equipment, or of objects from the unit, without permission of the commanding officer, and then only of the objects for which permission was specifically given.

c. While on watch or duty as a sentry or member of a patrol, knowingly permit the introduction of any camera or photographic equipment on board a naval unit unless such equipment is authorized by the commanding officer or authorized representative.

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UNIFORM CODE OF MILITARY JUSTICE

Until 1951, the various branches of our armed forces operated under different military codes. The Army's *Articles of War* guided the administration of discipline and legal processes of the Army and Air Force. The Navy was guided by the *Articles for the Government of the Navy* ("Rocks and Shoals"), and the Coast Guard, by the *Disciplinary Laws of the Coast Guard*. Not surprisingly, an act considered an offense in the eyes of the Navy might not have been judged so in the Army. Even if an act was a breach of discipline in all branches of the armed forces, the type of trial and severity of punishment awarded varied.

A standardized code of military justice was recognized as a logical and necessary unification measure. Secretary of Defense, James Forrestal, appointed an interservice committee to study the measure. After an intensive study, the committee drafted what is now known as the *Uniform Code of Military Justice (UCMJ)*. The *UCMJ* was passed by Congress on 5 May 1950, signed into law by the President, and became effective 31 May 1951.

The *Manual for Courts-Martial, United States, 1951 (MCM)*, consolidated and standardized military legal procedures. Effective 31 May 1951, the same date as the original *UCMJ*, the *MCM* became the new standard of military justice. Case decisions of the Court of Military Appeals and changes in courts-martial procedures have made necessary several changes to the original manual. The current edition is the *Manual for Courts-Martial, 1995 Edition*.

Congress and the Navy have taken steps to ensure you will know the disciplinary laws and regulations most likely to affect your daily life. Article 137 of the *UCMJ* states that certain articles of the Code must be explained carefully to every enlisted person at certain intervals. They must be explained—

- at the time the person enters on active duty,
- after 6 months of active duty, and
- when the person reenlists.

In general, these articles concern the following topics:

Article	Subject
2	Persons subject to the Code
3	Jurisdiction to try certain persons even though they have been separated from the service
7-14	Apprehension and restraint
15	Nonjudicial punishment (captain's mast)
25	Membership of courts-martial
27	Detail of trial and defense counsel
31	Compulsory self-incrimination prohibited
37	Unlawful influence on the court
38	Duties of counsel
55	Certain cruel and unusual punishments prohibited
77-134	Punitive articles
137	Articles that must be explained
138	Complaints of wrongs
139	Payment for injury or loss of property

Navy Regulations supplements article 137 of the *UCMJ* by requiring each command to post the text of those articles in the preceding list in a conspicuous place. *Navy Regs* also requires each command to include these and other appropriate articles of *Navy Regulations* in the command's training and education program. Copies of the complete *UCMJ* (140 articles), *Navy Regulations*, and other general orders are available to any person who wants to read them.

Excerpts from the *Uniform Code of Military Justice*

The purpose of this section is not to make you an expert on the *Uniform Code of Military Justice (UCMJ)* but to give you an overview of each of the articles

Student Notes:

prescribed by article 137. Those articles that are self-explanatory are shown in block quotation as stated in the *UCMJ*; no further explanation is given. Some of the more lengthy articles have been shortened to present only portions of these articles. Articles that are lengthy and, in some cases, difficult to interpret are paraphrased (rewritten) to give you a brief overview of what the article contains.

NOTE

In this section of the chapter, the words “he,” “his,” and “him” do not indicate gender and are used for economy of communication.

Art. 2. Persons Subject to this Code

The following persons are subject to this code:

(1) Members of a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed forces; inductees from the time of their actual induction into the armed forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates when they are required by the terms of the call or order to obey it.

This article includes all persons on active duty, certain retired persons, prisoners, and prisoners of war.

You should specifically note the following provisions of article 2:

- Any person serving a sentence imposed by a court-martial remains subject to the *UCMJ*. Thus a prisoner who is serving a court-martial sentence may be tried for a crime committed while a prisoner. This applies even though the prisoner’s term of enlistment has expired at the time of commission of the crime.

- A reservist on inactive-duty training is subject to the *UCMJ* when (a) the training is authorized by written orders; (b) the orders are voluntarily accepted by the reservist; and (c) the orders specify that the reservist is subject to the *UCMJ*.

- A reservist ordered into the active military service is subject to the *UCMJ* beginning on the date specified in the orders for the reservist to report for active duty.

- The United States Supreme Court has held unconstitutional the exercise of court-martial jurisdiction over civilians in time of peace.

Art. 3. Jurisdiction to Try Certain Personnel

Article 3 states that a person may be tried by court-martial, even after leaving the service, for offenses committed while subject to the *UCMJ*.

Art. 7. Apprehension

(a) Apprehension is the taking of a person into custody.

(b) Any person authorized under regulations governing the armed forces to apprehend persons subject to this code or to trial thereunder may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(c) Commissioned officers, warrant officers, petty officers, and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein.

Enlisted persons performing police duties should not apprehend an officer except on specific orders of a commissioned officer. The exception is when such apprehension is necessary to prevent disgrace to the service, the commission of a serious offense, or the escape of one who has committed a serious offense. In such cases, the apprehending individual immediately notifies the officer to whom he or she is responsible or an officer of the security police, military police, or shore patrol.

An apprehension is effected by clearly notifying the offender that he/she is thereby taken into custody. The order may be oral or written.

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A clear distinction exists between the authority to apprehend and the authority to arrest or confine (article 9). Any person empowered to apprehend an offender, however, is authorized to secure the custody of an alleged offender until proper authority may be notified.

Art. 8. Apprehension of Deserters

Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the armed forces and deliver him into the custody of those forces.

When a military service sends out a description of a deserter, with a request for the deserter's apprehension, the notice gives civil officers the authority to apprehend the person.

Art. 9. Imposition of Restraint

(a) Arrest is the restraint of a person by an order not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement.

(c) A commissioned officer, a warrant officer, or a civilian subject to this code or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated.

(d) No person may be ordered into arrest or confinement except for probable cause.

(e) Nothing in this article limits the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Art. 10. Restraint of Persons Charged with Offenses

Any person subject to this chapter charged with an offense under this chapter shall be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement. When any person subject to this chapter is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him.

As the words *normally* and *ordinarily* imply, the provisions of this article may not apply in exceptional cases. Whether to confine, arrest, or restrict a person in lieu of arrest is with the discretion of the officer having the power to do so. What this article says, in effect, is that in most instances confinement is not necessary for persons accused of minor offenses.

Art. 11. Reports and Receiving of Prisoners

(a) No provost marshal, commander of a guard, or master-at-arms may refuse to receive or keep any prisoner committed to his charge by a commissioned officer of the armed forces, when the committing officer furnishes a statement, signed by him, of the offense charged against the prisoner.

(b) Every commander of the guard or master-at-arms to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as he is relieved from guard, report to the commanding officer the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

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An arrest is imposed by notifying the person to be arrested that the person is under arrest and informing the person of the limits of the arrest. The order of arrest may be oral or written. A person to be confined is placed under guard and taken to the place of confinement.

Art. 12. Confinement with Enemy Prisoners Prohibited

No member of the armed forces may be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces.

Members of the armed forces may be confined in the same jails, prisons, or other confinement facilities, however, so long as they are separated from the other categories mentioned.

Art. 13. Punishment Prohibited Before Trial

No person, while being held for trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances required to ensure his presence, but he may be subjected to minor punishment during that period for infractions of discipline.

The minor punishment permitted under article 13 includes that authorized for violations of discipline set forth by the place in which the person is confined. The article does not prevent a person from being required to do ordinary cleaning or policing or from taking part in routine training and duties not involving the bearing of arms.

Art. 14. Delivery of Offenders to Civil Authorities

(a) Under such regulations as the Secretary concerned may prescribe, a member of the armed forces accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for this offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence.

Art. 15. Commanding Officer's Nonjudicial Punishment

Article 15 explains commanding officers' nonjudicial punishment. For some offenses, commanders may offer an article 15 instead of court-martial. If accepted, the commander may impose punishment as permitted by regulations (usually at captain's mast). Receiving an article 15 is not a conviction, and it does not give a person a criminal record. This article will be explained in greater detail later in this chapter under "Nonjudicial Punishment."

Art. 25. Who May Serve on Courts-Martial

Any commissioned officer, including commissioned warrant officers, on active duty with the armed forces is eligible to serve on a court-martial. Any warrant officer on active duty with the armed forces is eligible to serve on a general court-martial (GCM) and special court-martial (SPCM) for the trial of any person, other than a commissioned officer. Any enlisted person on active duty with the armed forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of enlisted persons. However, enlisted personnel may serve as a member of a court-martial only if, before the assembling of such court, the accused has personally requested in writing that enlisted personnel serve as members of the court.

Art. 27. Detail of Trial Counsel and Defense Counsel

Each general and special court-martial must have a trial counsel and a defense counsel, with such assistants as the convening authority deems necessary. The terms *counsel*, *trial counsel*, and *defense counsel* should be

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interpreted to mean the detailed counsel named in the convening order. The term *individual counsel* refers to the military counsel selected by the accused or the civilian counsel provided by the accused at his/her own expense.

The trial counsel and defense counsel detailed for a general court-martial must have equivalent legal qualifications. Each must be a judge advocate of the Army, Navy, Air Force, or Marine Corps who is a graduate of an accredited law school or is a member of the bar of a federal court or of the highest court of a state. Each must be certified as competent to perform such duties by the Judge Advocate General of the armed forces of which he/she is a member. A civilian counsel must be a member of the bar of a federal court or of the highest court of a state.

In a special court-martial, the accused must be afforded the opportunity to be represented by counsel qualified under article 27, *UCMJ*, unless such counsel cannot be obtained because of the geographical location or pressing military requirements. If qualified defense counsel cannot be obtained, the court may be convened and the trial held. The convening authority makes a written statement that states why qualified counsel cannot be obtained. The following conditions must be met:

- If the detailed trial counsel or any assistant trial counsel is qualified to act as counsel before a general court-martial, the defense counsel must be a qualified person; and
- If the detailed trial counsel or any assistant trial counsel is a judge advocate or a member of the bar of a federal court or the highest court of a state, the defense counsel detailed by the convening authority must be one of the foregoing.

Art. 31. Compulsory Self-Incrimination Prohibited

Article 31 explains your rights not to provide evidence against yourself (self-incrimination), a right given to all citizens under the Fifth Amendment to the U.S. Constitution. The following statements explain your rights against self-incrimination:

- You cannot be forced to answer questions or give evidence that may help to prove your guilt.
- You must be told the nature of the offense of which you are accused; that you do not have to make any statement; and that if you do, it can be used against you.
- You cannot be forced to make a statement or give evidence in a trial that is not related to the case or that may degrade you.
- No statement obtained from you by threats or trickery can be used against you in a court-martial trial.

Art. 37. Unlawfully Influencing Action of Court

(a) No authority convening a general, special, or summary court-martial, nor any other commanding officer, may censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceedings. No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

Article 37 is designed to ensure that every court, its members, and its officers are completely free to fulfill their functions without fear of reprisal.

Art. 38. Duties of Trial Counsel and Defense Counsel

The trial counsel prosecutes in the name of the United States and, under the direction of the court, prepares the record of proceedings. The duties of the trial counsel might be compared to those of a civil district attorney. The prosecution must prove beyond a reasonable doubt the guilt of the accused for each offense charged. Of course, such burden of proof is

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relieved by a plea of guilty. The many duties of the trial counsel vary widely beginning at the time of assignment to the trial. The duties change throughout the preparation for trial, the trial itself, and the preparation and disposition of the record of trial.

All accused persons have the right to be represented before special and general courts-martial by defense counsel. This counsel may be a civilian or military lawyer selected by the accused or the convening authority may appoint a defense counsel. If a civilian counsel is selected, the accused must pay the counsel's expenses. If the accused prefers to select a civilian counsel, the detailed counsel and assistant counsel act as associate counsel if the accused so desires; otherwise, they may be excused.

Art. 55. Cruel and Unusual Punishments Prohibited

Article 55 prohibits any cruel or unusual punishment. In particular, courts-martial are forbidden to award sentences that include flogging, branding, marking, or tattooing the body. The use of irons is also prohibited except for the purpose of safe custody.

Punitive Articles of the UCMJ

The punitive articles of the *UCMJ* are those numbered 77 through 134. They are the laws of Congress telling you what you must do and must not do, under pain of punishment.

What about civil laws? Can you be given military punishment for nonmilitary offenses? Yes, you can. For example, the only *UCMJ* regulations against drunkenness are for drunken driving and being drunk on duty. Many civilian communities, though, have laws against public intoxication. If you are found guilty in civil court and spend time in jail for public intoxication, the Navy can try you for being absent without leave (*UCMJ*, article 86) and for bringing discredit upon the Navy (*UCMJ*, article 134).

If you willfully refuse to pay just debts, you will be warned to pay them by your commanding officer. Continued failure to pay your debts can lead to an undesirable type of discharge. The Navy has no use for

people who don't exhibit integrity and honesty. On the other hand, if unscrupulous dealers are gouging you, see your legal officer for assistance.

The punitive articles that follow are those that you are required to know. If you have any questions about their meaning, ask your division officer for guidance.

Art. 77. Principals

The mere fact that a person is at the scene of a crime does not make the person a principal. To be a principal of a crime, the person must be guilty of intent to aid or encourage the person(s) who committed the crime.

A person who witnesses a crime can be a principal. Evidence must show the witness had a duty to interfere and the witness's noninterference was intended to operate and did operate to encourage or protect the perpetrator.

A person may be a principal even though not at the scene of the crime if he/she commanded, advised, or obtained another person to commit an offense.

Art. 78. Accessory After the Fact

Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

A person who voluntarily gives an escaped prisoner provisions that permit him/her to avoid pursuers becomes an accessory after the fact to the prisoner's escape. Provisions include transportation, clothing, money, or any other necessities.

Art. 79. Conviction of Lesser Included Offense

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

Student Notes:

Examples of what generally are held to be lesser-included offenses contained in a principal offense include the following:

ART	PRINCIPAL OFFENSE	ART	LESSER INCLUDED OFFENSE
94	Mutiny	92	Failure to obey order or regulation
94	Sedition	116	Riot or breach of peace
95	Resistance, breach of arrest, and escape	134	General article
118	Murder	119	Manslaughter
122	Robbery	121	Larceny and wrongful appropriation
124	Maiming	128	Assault

Art. 80. Attempts

(a) An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

An accused may be guilty of an attempt even though the crime turns out to be impossible to commit because of an outside intervening circumstance. For example, a

pickpocket who puts a hand in the pocket of another person with the intent to steal a billfold is guilty of an attempt to commit larceny, even though the pocket is empty.

Art. 81. Conspiracy

Conspiracy is defined as an agreement between two or more persons to commit a crime. Conspiracy refers to such a plan by a group whose intent usually is to commit a crime of a bold nature, such as overthrowing a government.

The agreement in a conspiracy need not be formal. The agreement need only be a common understanding in the minds of the parties to accomplish the objective of the conspiracy.

Art. 82. Solicitation

(a) Any person subject to this chapter who solicits or advises another or others to desert in violation of...(article 85) or mutiny in violation of...(article 94) shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of...(article 99) or sedition in violation of...(article 94) shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, he shall be punished as a court-martial may direct.

Solicitation may be accomplished by other means than by word of mouth or by writing. Any act or conduct that may reasonably be considered as a serious request or advice to commit one of the offenses named in the article may constitute solicitation. The accused may act through other persons in committing this offense.

Student Notes:

Art. 83. Fraudulent Enlistment, Appointment, or Separation

Any person who:

(1) procures his own enlistment or appointment in the armed forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) procures his own separation from the armed forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;

shall be punished as a court-martial may direct.

An essential element of the offense of fraudulent enlistment or appointment is that the accused shall have received pay or allowances while under that enlistment or appointment. Acceptance of food, clothing, shelter, or transportation from the government constitutes receipt of allowances.

After apprehension, an accused charged with having fraudulently obtained separation from a branch of the armed forces is subject to the *UCMJ*. The accused is subject to the *UCMJ* while in the custody of the armed forces and while awaiting trial for the fraudulent separation.

Art. 84. Unlawful Enlistment, Appointment, or Separation

Any person subject to this chapter who effects an enlistment or appointment in or a separation from the armed forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

Art. 85. Desertion

Members of the armed forces who, without permission, leave their place of duty or organization with the intent to remain away permanently are guilty of desertion.

The status of an absentee changes to that of a deserter after 30 days of absence, or sooner if the intent to desert is apparent. For example, suppose a Navy member goes ashore without permission, taking all personal belongings and announcing to shipmates that he/she is leaving the service for good. That person could be immediately declared a deserter.

After an individual is declared a deserter, notification is forwarded to the next of kin, the deserter's hometown police, and various other law enforcement agencies, including the FBI. Deserters are nearly always caught and identified because of nationwide fingerprinting and identification practices. Furthermore, expenses incurred in the return of the deserter to military control are chargeable to the returned absentee.

The effects of desertion can be many; some can be severe. If tried and convicted of desertion, the deserter is almost certainly imprisoned; in time of war, the deserter may be executed. A person whose conviction of desertion in time of war results in a dishonorable discharge can never hold any office of trust or profit in the United States government.

Art. 86. Absence without Leave

Any member of the armed forces who, without authority—

(1) fails to go to his appointed place of duty at the time prescribed;

(2) goes from that place; or

(3) absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

This article covers every case not provided for in the other punitive articles in which an armed forces member, through that member's own fault, is not in a required location at a specified time. As opposed to desertion, whether or not the member intended to remain away makes no difference. The intent is expressed by the member's absence.

Student Notes:

Make sure you avoid the bad habit of taking the last bus, train, or plane when returning from leave. Always allow time for unexpected delays.

Art. 87. Missing Movement

Any person subject to this chapter who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

Provisions of article 87 should be self-explanatory. However, note that the violator, to be found guilty, need not have known the exact hour or even the exact date of the scheduled movement. If a person had knowledge of only the approximate date, the court may convict the absentee on the charge of missing movement. Missing movement is a serious offense in the Navy. It leaves the ship shorthanded and requires someone else to do the absentee's work and stand the absentee's watches.

Art. 88. Contempt Toward Officials

Any commissioned officer who uses 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 shall be punished as a court-martial may direct.

Art. 89. Disrespect Toward Superior Commissioned Officer

Any person subject to this chapter who behaves with disrespect toward his superior commissioned officer shall be punished as a court-martial may direct.

A superior commissioned officer is a commissioned officer that is superior in rank or command. Disrespect includes insulting words, insolence, impertinence, undue familiarity or other rudeness, and failing to salute.

Art. 90. Assaulting or Willfully Disobeying Superior Commissioned Officer

Any person subject to this chapter who

(1) strikes his superior commissioned officer or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior commissioned officer;

shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.

An officer is in the "execution of his office" when performing any act the officer is required or authorized to do. Note that the article is not confined to striking a superior commissioned officer; it takes in brandishing a weapon or waving a fist at that officer.

Willful disobedience, as used here, means intentional defiance of a lawful order. You must presume that any order given by an officer is legal. If you disobey because you think otherwise, you do so at your own risk. It is better to do your questioning after you have carried out the order.

Art. 91. Insubordinate Conduct Toward Warrant Officer, Noncommissioned Officer, or Petty Officer

Any warrant officer or enlisted member who

(1) strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in execution of his office;

(2) willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or

(3) treats with contempt or is disrespectful in language or deportment toward

Student Notes:

a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office;

shall be punished as a court-martial may direct.

This article has the same general objectives with respect to warrant officers, noncommissioned officers, and petty officers as articles 89 and 90 have with respect to commissioned officers. Namely, it ensures obedience to their lawful orders and protects them from violence, insult, or disrespect.

Art. 92. Failure to Obey Order or Regulation

Any person subject to this chapter who

(1) violates or fails to obey any lawful general order or regulation;

(2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or

(3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

A general order or regulation is one that applies generally to an armed force. The President or the Secretary of Defense, the Secretary of Transportation, or the Secretary of a military department may issue it. An officer having general court-martial jurisdiction, a general or flag officer in command, or a commander superior to one of these may also issue it.

Disobedience of “any other lawful order” requires that the person must have had a duty to obey the order and must have had knowledge of the order. An accused may be charged with disobedience of the lawful order of one not a superior, provided the accused had a duty to obey such order. Examples are lawful orders of a sentinel or of members of the armed forces police.

Dereliction in the performance of duties occurs when a person willfully or negligently fails to perform them or performs them in a culpably inefficient manner. To be guilty of inefficiency, an accused must have had the ability and opportunity to perform the assigned

duties efficiently, but performed them inefficiently nevertheless.

Art. 93. Cruelty and Maltreatment

Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

The cruelty, oppression, or maltreatment must be real, although not necessarily physical. To assault and to subject to improper punishment are examples of this offense. The assignment of necessary or proper duties and the requirement for their correct performance will not constitute this offense even though such duties may be arduous and/or hazardous.

Art. 94. Mutiny or Sedition

(a) Any person subject to this chapter who—

(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or disturbance against that authority is guilty of sedition;

(3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

Student Notes:

Art. 95. Resistance, Breach of Arrest, and Escape

Any person subject to this chapter who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.

Art. 96. Releasing Prisoner without Proper Authority

Any person subject to this chapter who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

Art. 97. Unlawful Detention

Any person subject to this chapter who, except as provided by law, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

Art. 98. Noncompliance with Procedural Rules

Any person subject to this chapter who—

(1) is responsible for unnecessary delay in the deposition of any case of a person accused of an offense under this chapter; or

(2) knowingly and intentionally fails to enforce or comply with any provision of this chapter regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

Art. 99. Misbehavior before the Enemy

Any person subject to this chapter who before or in the presence of the enemy—

(1) runs away;

(2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property, which it is his duty to defend;

(3) through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4) casts away his arms or ammunition;

(5) is guilty of cowardly conduct;

(6) quits his place of duty to plunder or pillage;

(7) causes false alarms in any command, unit, or place under control of the armed forces;

(8) willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies when engaged in battle;

shall be punished by death or such other punishment as a court-martial may direct.

Art. 100. Subordinate Compelling Surrender

Any person subject to this chapter who compels or attempts to compel the commander of any place, vessel, aircraft, or military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to any enemy without proper authority, shall be punished by death or such other punishment as a court-martial may direct.

Although these offenses are similar to mutiny, they do not require concert of action. The compulsion to surrender must be by acts, rather than words. To “strike the colors or flag” is to surrender. The offense is committed by anyone subject to the *UCMJ* who assumes the authority to surrender a military force or position when that person is not authorized to do so either by competent authority or by the necessities of battle.

Student Notes:

Art. 101. Improper Use of Countersign

Any person subject to this chapter who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

A *countersign* is a word designated by the principal headquarters of a command to aid guards and sentinels in their scrutiny of persons who apply to pass the lines. It consists of a secret challenge and a password. A *parole* is a word used as a check on the countersign; it is imparted only to those who are entitled to inspect guards and to commanders of guards.

Art. 102. Forcing a Safeguard

Any person subject to this chapter forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

A *safeguard* is a detachment, guard, or detail posted by a commander. It protects persons, places, or property of the enemy or of a neutral affected by the relationship of the opposing forces in their prosecution of war or during a state of conflict. The term also includes a written order left by a commander with an enemy subject or posted upon enemy property for the protection of the individual or property concerned. The effect of a safeguard is a pledge of honor by a nation that its armed force will respect the person or property concerned.

Art. 103. Captured or Abandoned Property

(a) All persons subject to this chapter will secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this chapter who—

(1) fails to carry out the duties prescribed in subsection (a);

(2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(3) engages in looting or pillaging;

shall be punished as a court-martial may direct.

Immediately upon its capture from the enemy, public property becomes the property of the United States. Persons subject to military law have an immediate duty to take those steps within their power and functions to secure such property to the service of the United States. They then have the duty to protect that property from destruction or loss.

Art. 104. Aiding the Enemy

Any person who—

(1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money or other things; or

(2) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall suffer death or such other punishment as a court-martial or military commission may direct.

This article applies to all persons whether or not they are otherwise subject to military law. Enemy denotes citizens as well as members of military organizations. All the citizens of hostile nations, as well as their government, are our enemies.

Student Notes:

Art. 105. Misconduct as Prisoner

Any person subject to this chapter who, while in the hands of the enemy in time of war—

(1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) while in a position of authority over such persons maltreats them without justifiable cause; shall be punished as a court-martial may direct.

Art. 106. Spies

Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial or by a military commission and on conviction shall be punished by death.

The words *any person* brings within the jurisdiction of courts-martial and military commissions all persons of whatever nationality or military or civilian who commit the offense of spying.

Art. 106a. Espionage

Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any entity described ... either directly or indirectly, any thing described ... shall be punished as a court-martial may direct, except that if the

accused is found guilty of an offense that directly concerns nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large scale attack, war plans, communications intelligence or cryptographic information, or any other major weapons system or major element of defense strategy, the accused shall be punished by death or such other punishment as a court-martial may direct.

The term *entity* can be any of the following:

- A foreign government
- A faction or party or military force within a foreign country...
- A representative, officer, agent, of such government, faction, party, or force

Art. 107. False Statements

Any person subject to this chapter who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct.

Several articles of the *UCMJ* provide for the punishment of untruths: articles 83 and 84 (fraudulent and unlawful enlistment, appointment, or separation), article 107 (false statements), article 131 (perjury), and article 132 (fraud). You can see how highly *truth* is regarded in the military service.

A statement, whether oral or in writing, is official when it is made pursuant to regulations. A statement is also official when made in response to a request or question from one's commanding officer or a person acting under the commanding officer's authority. Official statements thus include all those made in the line of duty.

Student Notes:

Art. 108. Military Property of the United States—Loss, Damage, Destruction, or Wrongful Disposition

Any person subject to this chapter who, without proper authority—

- (1) sells or otherwise disposes of;
- (2) willfully or through neglect damages, destroys, or loses; or
- (3) willfully or through neglect suffers to be lost, damaged, sold, or wrongfully disposed of;

any military property of the United States, shall be punished as a court-martial may direct.

Whether the property in question was issued to the accused, whether it was issued to someone other than the accused, or whether it was issued at all is immaterial.

Willful means intentional. *Neglect* means inattention to duty or failure to take action that, under the circumstances, should have been taken to prevent the loss, destruction, or damage of any military property.

Art. 109. Property Other Than Military Property of United States—Waste, Spoilage, or Destruction

Any person subject to this chapter who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States shall be punished as a court-martial may direct.

Wastes and *spoils* refer to wrongful acts of voluntary destruction, such as burning down buildings, burning piers, tearing down fences, or cutting down trees. To be destroyed, property need be only sufficiently damaged to be useless for the purpose for which it was intended. *Damage* consists of any physical injury to the property. The property must be other than military property of the United States and must belong to one other than the accused.

Art. 110. Improper Hazarding of Vessel

(a) Any person subject to this chapter who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces shall suffer death or such punishment as a court-martial may direct.

(b) Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court-martial may direct.

The word *suffers* means to allow or permit. A person suffers a ship to be hazarded who, although not in direct control of the vessel, knows a danger to be imminent but takes no steps to prevent it. For example, a plotting officer of a ship under way inadvertently fails to report observation of a radar target on a collision course with, and dangerously close to, the ship. The officer has negligently suffered the ship to be hazarded.

Art. 111. Drunken or Reckless Driving

Any person subject to this chapter who operates any vehicle while drunk, or in a reckless or wanton manner, or while impaired by a substance described in... (article 112a(b)), shall be punished as a court-martial may direct.

Operating a vehicle includes not only driving or guiding it while in motion, it also includes starting it or manipulating its controls to cause the vehicle to move. The term *vehicle* applies to all types of land transportation, whether motor-driven or passenger carrying. Drunken or reckless operation of water or air transportation may be charged as a violation of article 134. For the meaning of *drunk(en)*, see the remarks following article 112.

Art. 112. Drunk on Duty

Any person subject to this chapter, other than a sentinel or lookout, who is found drunk on duty, shall be punished as a court-martial may direct.

The term *on duty* in article 112 refers to routine or detailed duties on board a ship or station. The term does not cover periods of leave or liberty (which come under

Student Notes:

a different article), but does include duties of a standby nature. A person whose mental or physical abilities are impaired by either liquor or drugs may be considered drunk.

Art. 112a. Wrongful Use, Possession, etc., of Controlled Substances

(a) Any person subject to this chapter who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces a substance described in subsection (b) shall be punished as a court-martial may direct.

(b) The substances referred to in subsection (a) are the following:

(1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide [LSD], methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(2) Any substance not specified in clause (1) that is listed on a schedule of controlled substances prescribed by the President for the purposes of this article.

(3) Any other substance not specified in clause (1) or contained on a list prescribed by the President under clause (2) that is listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Don't do drugs! Just say NO!

Art. 113. Misbehavior of Sentinel

Any sentinel or lookout who is found drunk or sleeping upon his post, or leaves it before being regularly relieved, shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the offense is at any other time, by such punishment other than death as a court-martial may direct.

Some actual or imaginary line does not limit a post, nor is it confined to those times when you may be on watch as a sentry. This article covers all periods when you are standing a watch of any kind, such as guarding stores or prisoners or acting as a bow lookout. It also covers periods when you are performing any other duty that requires you to remain alert at all times.

A sentinel on post who is found asleep or drunk is guilty of a serious offense. In time of war, the offense may be punishable by death. For persons in the armed forces, drunkenness is prejudicial to good order and discipline whenever and wherever it appears. Being drunk in public, whether a person is in uniform or civilian clothes, may bring discredit upon the service, while being drunk on station is a breach of military discipline. But being drunk while on duty as a sentinel or lookout in time of war endangers every person in the command.

Art. 114. Dueling

Any person subject to this chapter who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

Art. 115. Malingering

Any person subject to this chapter who for the purpose of avoiding work, duty, or service—

(1) feigns illness, physical disablement, mental lapse or derangement; or

(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

Malingering is an offense defined as any act to avoid duty by *feigning* (pretending) to be ill or physically/mentally disabled.

Student Notes:

Art. 116. Riot or Breach of Peace

Any person subject to this chapter who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

The term *riot* is used when a disturbance is caused by a group of three or more persons and is engaged against anyone who may oppose them.

Breach of the peace is an unlawful disturbance by violent or turbulent means that disturbs the peace of the community. Engaging in a fight and using abusive words in public are examples of breach of the peace. As used in this article, *community* includes any military installation or ship, as well as a civilian community.

Art. 117. Provoking Speeches or Gestures

Any person subject to this chapter who uses provoking or reproachful words or gestures towards any other person subject to this chapter shall be punished as a court-martial may direct.

Art. 118. Murder

Any person subject to this chapter who, without justification or excuse, unlawfully kills a human being, when he—

- (1) has a premeditated design to kill;
- (2) intends to kill or inflict great bodily harm;
- (3) is engaged in an act that is inherently dangerous to another and evinces a wanton disregard of human life; or
- (4) is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

is guilty of murder, and shall suffer such punishment as a court-martial may direct, except that if found guilty under clause (1) or (4), he shall suffer death or imprisonment for life as a court-martial may direct.

Art. 119. Manslaughter

(a) Any person subject to this chapter who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who, without an intent to kill or inflict great bodily harm, unlawfully kills a human being—

- (1) by culpable negligence; or
- (2) while perpetrating or attempting to perpetrate an offense, other than those named in clause (4) of... article 118, directly affecting the person;

is guilty of involuntary manslaughter and shall be punished as a court-martial may direct.

Manslaughter is the unlawful killing of another. There are two basic types of manslaughter: *voluntary* and *involuntary*.

Voluntary manslaughter is the unlawful killing of another when there is intent to kill or inflict great bodily harm, but the act is committed in the heat of sudden passion caused by adequate provocation.

Involuntary manslaughter is the unlawful killing of another committed without intent to kill or inflict great bodily harm.

Art. 120. Rape and Carnal Knowledge

(a) Any person subject to this chapter who commits an act of sexual intercourse, by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(c) Penetration, however slight, is sufficient to complete either of these offenses.

Student Notes:

Art. 121. Larceny and Wrongful Appropriation

(a) Any person subject to this chapter who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind—

(1) with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(2) with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

(b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

Art. 122. Robbery

Any person subject to this chapter who with intent to steal takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.

Art. 123. Forgery

Any person subject to this chapter who, with intent to defraud—

(1) falsely makes or alters any signature, to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

(2) utters, offers, issues, or transfers such a writing, known by him to be so made or altered;

is guilty of forgery and shall be punished as a court-martial may direct.

A forgery may be committed by a person signing his/her own name to an instrument. For example, presume a check payable to the order of a certain person comes into the hands of another person of the same name. The receiver commits forgery if, knowing the check to be another person's, he/she endorses it with his/her own name with the intent to defraud.

Some of the instruments most frequently subject to forgery are checks, orders for delivery of money or goods, military orders directing travel, and receipts. A writing may be falsely "made" by materially altering an existing writing; by filling in or signing the blanks in a paper, such as a blank check; or by signing an instrument already written.

Art. 123a. Making, Drawing, or Uttering Check, Draft, or Order Without Sufficient Funds

Any person subject to this chapter who—

(1) for the procurement of any article or thing of value, with intent to defraud; or

(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive;

makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full presentment, shall be punished as a court-martial may direct....

This article provides specific statutory authority for the prosecution of bad-check offenses. In the absence of evidence indicating otherwise, bad faith might be shown by the maker's or drawer's failure to effect redemption within the 5-day period provided for in the

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article. The offense of wrongfully and dishonorably failing to maintain sufficient funds for payment of checks upon presentment is a violation.

Art. 124. Maiming

Any person subject to this chapter who, with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which

(1) seriously disfigures his person by a mutilation thereof;

(2) destroys or disables any member or organ of his body; or

(3) seriously diminishes his physical vigor by the injury of any member or organ;

is guilty of maiming and shall be punished as a court-martial may direct.

Maiming includes putting out a person's eye; cutting off a person's hand, foot, or finger; or knocking out a person's front teeth, as these injuries destroy or disable those members or organs. Maiming also includes cutting off a person's ear or scaring a person's face, as these injuries seriously disfigure the person. Injuring an internal organ so as to seriously diminish the physical vigor of a person is also considered maiming.

Art. 125. Sodomy

(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.

Art. 126. Arson

(a) Any person subject to this chapter who willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson and shall be punished as court-martial may direct.

(b) Any person subject to this chapter who willfully and maliciously burns or sets fire to the property of another, except as provided in subsection (a), is guilty of simple arson and shall be punished as a court-martial may direct.

In aggravated arson, danger to human life is the essential element; in simple arson, it is injury to the property of another. In either case, the fact that no one is injured is immaterial.

Art. 127. Extortion

Any person subject to this chapter who communicates threats to another person with the intention thereby to obtain anything of value or any acquaintance, advantage, or immunity is guilty of extortion and shall be punished as a court-martial may direct.

A threat may be communicated by word of mouth or in writing, the essential element of the offense being the knowledge of the threat to the victim. An acquittance is, in general terms, a release or discharge from an obligation.

Art. 128. Assault

(a) Any person subject to this chapter who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who—

(1) commits an assault with a dangerous weapon or other means of force likely to produce death or grievous bodily harm; or

(2) commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

Section (a) describes the offense of simple assault. Swinging your fist, pointing a gun at a person, or raising

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a club over someone's head, even though no harm is actually done, is each an act of simple assault. When the threat is consummated and force is applied to the victim, the offense becomes assault and battery.

Section (b) describes aggravated assault, of which there are two types. The first is assault with a dangerous weapon and other means of force likely to kill or grievously harm the victim (like shoving a person over the fantail). The second type takes place when an assailant intentionally inflicts severe bodily harm, with or without a weapon. If, after you have knocked an individual down, you repeatedly kick him/her so as to break the person's ribs, you have committed aggravated assault.

Art. 129. Burglary

Any person subject to this chapter who, with intent to commit an offense punishable under... articles 118 - 128, breaks and enters, in the nighttime, the dwelling house of another, is guilty of burglary and shall be punished as a court-martial may direct.

The house must be a dwelling place at the time of the breaking and entry, but the residents do not have to actually be in it. A simple act such as opening a closed door or window or some other similar fixture or cutting out the glass of a window or the netting of a screen constitutes breaking. Entry gained through a trick, false pretense, impersonation, intimidation, or collusion also constitutes breaking. For the intruder to succeed in carrying out the intent for which the house was broken into is not an essential element.

Art. 130. Housebreaking

Any person subject to this chapter who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of housebreaking and shall be punished as a court-martial may direct.

The initial entering must amount to trespassing; this article is not violated if the accused entered the building or structure lawfully, even though the person had the intent to commit an offense therein. This offense is broader than burglary in that the place entered need not be a dwelling house; also, the place need not be

occupied. A breaking is not essential. The entry may be either in the nighttime or in the daytime. The criminal intent is not limited to those offenses punishable under articles 118 through 128.

Art. 131. Perjury

Any person subject to this chapter who in a judicial proceeding or in a course of justice willfully and corruptly—

(1) upon a lawful oath or in any form allowed by law to be substituted for an oath, gives any false testimony material to the issue or matter of inquiry; or

(2) in any declaration, certificate, verification, or statement under penalty or perjury as permitted under section 1746 of title 28, United States Code, subscribes any false statement material to the issue or matter of inquiry;

is guilty of perjury and shall be punished as a court-martial may direct.

Art. 132. Frauds against the United States

Any person subject to this chapter—

(1) who, knowing it to be false or fraudulent—

(A) makes any claim against the United States or any officer thereof; or

(B) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof;

(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States or any officer thereof—

(A) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

(B) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

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(C) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) who, having charge, possession, custody, or control of any money, or other property of the United States, furnished or intended for the armed forces thereof, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States;

shall, upon conviction, be punished as a court-martial may direct.

This article deals with frauds against the United States. It pertains to making false claims against the government to obtain money or property.

It also pertains to the offense of making a writing or other paper known to contain a false statement for the purpose of obtaining the approval, allowance, or payment of a claim. The offense is complete when the writing or paper is made for that purpose, whether or not the use of either one has been attempted and whether or not the claim has been presented.

Art. 133. Conduct Unbecoming an Officer and a Gentleman

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

Art. 134. General Article

Though not specifically mentioned in this chapter, all disorders and neglects to the

prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

Article 134 makes punishable acts or omissions not specifically mentioned in other articles. Those acts include wearing an improper uniform, abusive use of a military vehicle, the careless discharge of a firearm, or impersonating an officer. They also include offenses involving official passes, permits, and certificates; and the wrongful possession of a habit-forming narcotic drug.

Discredit means to injure the reputation of; that is, to bring the service into disrepute. Examples include acts in violation of state or foreign laws, failure to pay one's debts, adultery, bigamy, and indecent acts.

Crimes and offenses not capital include those acts or omissions, not punishable by another article, denounced as crimes or offenses by enactment of Congress or under authority of Congress and made triable in the federal civil courts. Some of these offenses are punishable wherever committed; others are punishable only if committed within the geographical boundaries of the areas in which they are applicable.

Art. 137. Articles to be explained

Articles 2, 3, 7 through 15, 25, 27, 31, 37, 38, 55, 77 through 134 and 137 through 139 of this chapter shall be carefully explained to each enlisted member at the time of his entrance on active duty, or within six days thereafter. They shall be explained again after he has completed six months of active duty, and again at the time when he reenlists. A complete text of the *Uniform Code of Military Justice* and of the regulations prescribed by the President thereunder shall be made available to any person on active duty upon his request, for his personal examination.

Student Notes:

Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

This article provides for redress of wrongs inflicted by a commanding officer on subordinates, and it prescribes the procedure to be followed by subordinates to apply for such redress.

Art. 139. Redress of injuries to property

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages as assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

Nonjudicial Punishment

If you break a rule or are negligent, careless, or unmilitary in your conduct, an officer or petty officer may put you on report. Being *put on report* means you may appear before the commanding officer at a specified time for nonjudicial punishment (*UCMJ*, art. 15); that is, you may appear at captain's mast.

Art. 15. Commanding Officer's nonjudicial punishment

(a) Under such regulations as the President may prescribe, and under such additional regulations as may be prescribed by the Secretary concerned, limitations may be placed on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this article to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the armed forces under this article if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under this article to a principal assistant.

Student Notes:

(b) Subject to subsection (a) any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial...

Commanding officer's nonjudicial punishment is often referred to as captain's mast. Captain's mast gets its name from the old sailing days when the setting for this form of naval justice was the weather deck near the ship's mainmast.

Cases are heard and punishments given at captain's mast. Anyone who is not attached to or embarked in a vessel may, however, demand trial by court-martial in lieu of punishment at mast, before such punishment is imposed.

The punishments permitted at captain's mast depend upon the rank of the officer holding mast. Figure 2-3 shows the punishment that may be awarded.

A commanding officer that decides an offense deserves a punishment more severe than he/she is authorized to award at mast may order a court-martial.

The following paragraphs explain some of the punishments that may be given at captain's mast.

RESTRICTION.—Restriction is the requirement to remain within certain specified limits (ship, station, etc.). Although required to muster at certain times, the restricted person usually continues to perform his/her regular duties.

CORRECTIONAL CUSTODY.—Correctional custody is the physical restraint (confinement) of a person during duty or nonduty hours, or both. The person may be required to perform extra duties or hard labor. A typical example is an individual who is free to carry out regular duties during the day but is confined in a confinement facility at night.

CONFINEMENT ON BREAD AND WATER OR DIMINISHED RATIONS.—Confinement on bread and water or diminished rations may be imposed only on enlisted persons E-3 and below aboard ship.

EXTRA DUTY.—Extra duty is the assignment of any duty (except guard duty) to be performed after the person's regular working hours. Extra duty is not to exceed 2 hours daily or to be performed on holidays.

ENLISTED		
	Any officer commanding, LCDR and above	Commanding officers below LCDR; OICs, any grade
Admonition or reprimand	Yes	Yes
Confinement on B&W or diminished rations	3 consecutive days (aboard ship) E-3 and below	3 consecutive days (aboard ship) E-3 and below
Correctional custody	30 consecutive days E-3 and below	7 consecutive days
Forfeiture of pay	1/2 of 1 month pay per month for 2 months	7 days' pay
Reduction in grade	To next inferior grade	To next inferior grade
Extra duty	45 consecutive days	14 consecutive days
Restriction	60 consecutive days	14 consecutive days

Figure 2-3.—One or more of the maximum punishment authorized by article 15, UCMJ.

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Petty officers may not be assigned extra duties that would demean their grade or position.

FORFEITURE OF PAY.—Forfeiture of pay is a permanent loss of a specified amount or a temporary withholding of a certain amount of pay. The detention period must be specified. The money detained is normally returned at the end of the detention period, but it can be detained for a period of 1 year.

APPEALS.—If persons consider their punishment under article 15 to be unjust or out of proportion to the offense, they may appeal to the next superior authority in the chain of command. The appeal must be made within a reasonable time (generally 5 days) and promptly forwarded. If the superior authority upholds the appeal, all rights, privileges, and property are restored.

PROTECTION AGAINST SELF-INCRIMINATION.—Under article 31 of the *UCMJ*, compulsory self-incrimination is prohibited. The accused must be informed of the nature of the charges against him/her. The accused must also be advised that he/she does not have to make any statement regarding the offense of which accused, but that any statement made may be used as evidence against him/her in a trial by court-martial. No statement obtained through the use of coercion, unlawful influence, or unlawful inducement may be used as evidence against the accused.

MERITORIOUS AND REQUEST MASTS.—Not all masts are for disciplinary purposes. A meritorious mast may be held by the commanding officer to give awards or commendations to those persons who have earned them.

Article 1107 of *Navy Regs* grants the right for any person to communicate with the commanding officer. You can't just walk up to the captain, however, and start talking. For the purpose of hearing valid requests or complaints from crew members, the CO sets certain times aside. This practice is called *request mast*. The person having a request or grievance should first try to resolve the problem through the chain of command. Failing that, the person may request mast.

COURTS-MARTIAL

Based on article 16 of the *UCMJ*, courts-martial are of three types: summary, special, and general. The

captain decides the type of court-martial to award based on the nature, time, and place of the offense.

Summary Courts-Martial

A summary court-martial consists of one commissioned officer. If the commanding officer is the only officer with the command, that officer acts as the summary court officer. A summary court can award any sentence that may be given at mast. It can also award the additional punishments of confinement for 1 month and hard labor without confinement for 45 days. Any person awarded confinement at a summary court-martial will then be held, as appropriate.

Special Courts-Martial

A special court-martial consists of not less than three members; or a military judge and not less than three members; or only a military judge. When a military judge (a qualified lawyer) is detailed to the court, the accused has the right to know the identity of the military judge. The accused also has the right to consult with the defense counsel and to request that the court consist of only the military judge. The request must be in writing, submitted before the court is assembled, and approved by the military judge. A special court-martial may award the same punishment as a summary court, or it may award a more severe punishment. For example, it can award a bad-conduct discharge, confinement for 6 months, loss of two-thirds pay per month for 6 months, and hard labor without confinement for 3 months.

General Court-Martial

A general court-martial consists of a military judge and not less than five members; or only a military judge. Under the conditions described for a special court, the accused may request that the court consist of only a military judge. A general court-martial can award any punishment not forbidden by the *UCMJ*, including death when specifically authorized for the offense.

All accused persons have the right to be represented before special and general courts-martial by defense counsel. This counsel may be a civilian or a military lawyer selected by the accused or a defense counsel appointed by the convening authority. If a civilian counsel is selected, the accused must pay the counsel's expenses.

Student Notes:

REVIEW 4 QUESTIONS

- Q1. What chapter of the *Navy Regs* deals with your responsibility and authority while carrying out orders?
- Q2. What chapter of the *Navy Regs* deals with rights and responsibilities?
- Q3. Who is responsible for ensuring the *Navy Regs* conforms to the current needs of the Department of the Navy?
- Q4. New *Navy Regs* and changes to it are issued by whom and approved by whom?
- Q5. The instructions found in the OPNAVINST 3120.32 provide guidance and regulations for—
- Q6. What was the purpose for developing and signing into law the *Uniform Code of Military Justice*?
- Q7. When was the *UCMJ* signed into law?
- Q8. Article 137 of the *UCMJ* states that certain articles of the Code must be explained carefully to every enlisted person at what minimum interval?

Q9. List the three types of court-martials.

- a.
- b.
- c.

SUMMARY

Discipline is training that develops self-control, character or orderliness, and efficiency. *Justice* is impartiality—fairness. *Conduct* is the way one acts—behavior. We all deal with discipline, justice, and conduct in our day-to-day dealings as members of the U.S. Navy. We have certain standards of behavior, both on and off duty, by which we must abide. Our justice system sets those standards of behavior; therefore, it should not intimidate us.

We also have standards of conduct by which we must abide if we are taken prisoner. These standards are fundamental to our safety and to our fellow prisoners.

Discipline or conduct could sometimes make the difference between saving or losing a unit. Without discipline, ships would not have the efficient fire or repair parties that have kept many of them afloat after major damage. Imagine the panic that would take place if Sailors didn't have the discipline, self-control, and efficiency they have been taught.

Our justice system has its own checks and balances. For example, if a person does something wrong, the commanding officer is restricted as to the type of punishment he/she may award. A person also has a right to appeal punishment awarded—a right all people enjoy. A person also has the right to communicate with the commanding officer.

Our justice system protects us. Because of naval regulations and standards of conduct, we know what the Navy expects of us. Our conduct, both on and off duty, should reflect our pride in the Navy and in our unit.

Student Notes:

REVIEW 1 ANSWERS

- A1. The three sources that contain the basic disciplinary laws for the U.S. Navy are—
 - a. *U.S. Navy Regulations*
 - b. *Standard Organization and Regulations of the U.S. Navy*
 - c. *Uniform Code of Military Justice (UCMJ)*
- A2. One of the most important characteristics of a good Sailor is a **sense of moral responsibility**.
- A3. To succeed in your work in the Navy, you should value and take part in **teamwork**.
- A4. The Code of Conduct was established to **govern situations where Sailors were POW's**.
- A5. There are **six articles in the Code of Conduct**.
- A6. Under article V, the only information you are allowed to give is your **name, rank, service number, and date of birth**.

REVIEW 2 ANSWERS

- A1. In the Navy, the military police are known as the **shore patrol**.
- A2. Shore patrol personnel are identified by **armbands bearing the letters SP**.
- A3. When military police are from different armed forces and combined to form one unit, they are known as an **Armed Forces Police Detachment (AFPD)**.
- A4. The primary duties of the shore patrol are to—
 - a. **Render assistance to military personnel ashore**
 - b. **Maintain good order and discipline among military personnel**
 - c. **Report conditions or practices that appear prejudicial to the welfare of military personnel**

REVIEW 3 ANSWERS

- A1. **Motivation and correction through reward and punishment** are used to help Sailors work as a unit.

- A2. The purpose of discipline in the military is to **bring about an efficient military organization**.
- A3. **Deterrent** theory of punishment is used by the Navy.
- A4. The two things a recipient of Navy punishment should remember are—
 - a. **Punishment is a result of their behavior**.
 - b. **They won't be punished again if they learn to conform to Navy's standard of conduct**.

REVIEW 4 ANSWERS

- A1. **Chapter 10 of the Navy Regs** deals with your responsibility and authority while carrying out orders.
- A2. **Chapter 11 of the Navy Regs** deals with your rights and responsibilities.
- A3. **Chief of Naval Operations** is responsible for making sure that the *Navy Regs* conform to the current needs of the Department of the Navy.
- A4. **Secretary of the Navy issues and the President approves** new *Navy Regs* and changes to *Navy Regs*.
- A5. The instructions found in the OPNAVINST 3120.32 provide guidance and regulations for **the duties and responsibilities for all personnel within a unit or organization**.
- A6. The purpose for developing and signing into law the *Uniform Code of Military Justice* was to **standardize legal procedure and discipline throughout all branches of service**.
- A7. The *UCMJ* was signed into law on **31 May 1951**.
- A8. Article 137 of the *UCMJ* states that certain articles of the Code must be explained carefully to every enlisted person **at the time of entrance or no later than 6 days later, 6 months on active duty, and every reenlistment**.
- A9. The three types of courts-martial are—
 - a. **Summary**
 - b. **Special**
 - c. **General**

Student Notes:

ASSIGNMENT 1

Textbook Assignment: Chapter 1 “*Policies and Programs*” and chapter 2 “*Military Conduct and Justice*.”

1. Pollution can result when which of the following types of agents is/are introduced into the air, water, or soil?
 1. Biological
 2. Chemical
 3. Physical
 4. All of the above
2. Which of the following operations causes the most pollution?
 1. Industrial
 2. Municipal
 3. Transportation
 4. All of the above
3. Which of the following materials is the primary municipal pollutant?
 1. Raw or inadequately treated sewage
 2. Radioactive waste
 3. Petroleum products
 4. Acids
4. Which of the following modes of transportation creates most air pollutants?
 1. Trains
 2. Waterborne vessels
 3. Motor vehicles
 4. Aircraft
5. Which, if any, of the following effects of pollution is the most serious?
 1. Psychological
 2. Biological
 3. Physical
 4. None of the above
6. Steel erodes faster than normal when exposed to which of the following air pollutants?
 1. Pesticides
 2. Herbicides
 3. Zinc oxides
 4. Sulfur oxides
7. Most pesticides fall into which of the following categories?
 1. Selective
 2. Nonselective
 3. Preselective
 4. Control selective
8. What is the primary pollution concern of Navy personnel?
 1. Noise pollution
 2. Shore command wastes
 3. Shipboard wastes
9. Which of the following terms identifies abatement?
 1. Maintaining
 2. Raising
 3. Lowering
 4. Containing
10. Under the Clean Air Act, what government body has the primary responsibility for assuring air quality?
 1. Federal government
 2. Each state
 3. Local municipalities
 4. Department of Transportation
11. Virtually all Navy ships have some type of sanitation device installed. Which of the following types of systems retains sewage on board for discharge ashore or in waters where discharging is allowed?
 1. Direct discharge
 2. Positive flow
 3. Marine sanitation
 4. Collection, holding, and transfer
12. When operating sanitation devices in foreign waters, Navy ships comply with which of the following requirements?
 1. Status of Forces Agreement
 2. Coast Guard instructions
 3. NAVFAC guidelines
 4. All of the above

13. Vessels may not discharge unpulped trash within what minimum distance from the U.S. coastline?
 1. 20 nm
 2. 25 nm
 3. 30 nm
 4. 35 nm
 14. Submarines may discharge negatively buoyant compacted trash not less than 12 nm from the U.S. coastline only if the water depth is greater than how many fathoms?
 1. 1,000
 2. 500
 3. 100
 4. 50
 15. The Navy's land management program involves which of the following efforts?
 1. Migratory bird management
 2. Production and sale of forest products
 3. Soil and water conservation
 4. Use of off-road vehicles
 16. From what part of the world does the U.S. import most of its crude oil?
 1. Southeast Asia
 2. Central Europe
 3. South America
 4. Middle East
 17. What program provides information and support for Navy personnel who are guests in foreign lands?
 1. Navy Sponsor Program
 2. Overseas Duty Support Program
 3. Navy Assistance Program
 4. Navy Relocation Program
 18. The Military Cash Awards Program (MILCAP) provides monetary recognition of up to what maximum amount?
 1. \$ 5,000
 2. \$10,000
 3. \$20,000
 4. \$25,000
 19. The Navy's Health and Physical Readiness Program promotes health and fitness at the command level. As part of this program, naval personnel are required to undergo fitness testing at what interval?
 1. Biennially
 2. Annually
 3. Semiannually
 4. Quarterly
 20. "Informing the public and members of the naval service about Navy operations and programs" is the mission of
 1. BUPERS
 2. CNO
 3. PAO
 4. SECNAV
- IN ANSWERING QUESTIONS 21 THROUGH 23, SELECT THE TERM USED TO DEFINE THE QUESTION.
21. Extravagant, careless, or needless expenditure of government resources.
 1. Fraud
 2. Waste
 3. Abuse
 4. Mismanagement
 22. Intentional misleading or deceitful conduct that deprives the government of its resources or rights.
 1. Fraud
 2. Waste
 3. Abuse
 4. Mismanagement
 23. Intentional wrongful or improper use of government resources.
 1. Fraud
 2. Waste
 3. Abuse
 4. Mismanagement

24. You can report fraud, waste, abuse, and mismanagement to which of the following offices?
1. The Navy hotline
 2. The chain of command
 3. The Naval Criminal Investigative Service
 4. All of the above
25. To maintain public confidence in its integrity, all naval personnel must comply with the Standards of Conduct and Professional Ethics.
1. True
 2. False
26. If you disclose information about a person to unauthorized personnel, you could be fined up to what maximum amount?
1. \$5,000
 2. \$3,000
 3. \$2,000
 4. \$1,000
27. The guidance and policy for making sure that equal opportunity works rests with what office?
1. Command master chief
 2. Commanding officer
 3. Chief of Naval Operations
 4. Secretary of the Navy
28. Which of the following persons is responsible for making equal opportunity a reality with a command?
1. Commanding officer
 2. Executive officer
 3. Operations officer
 4. Command master chief
29. Your performance evaluation does not reflect your attitude toward and your conduct in support of the Navy's equal opportunity program.
1. True
 2. False
30. If a Sailor takes part in insensitive practices, he/she receives counseling on treating people equally. If counseling isn't effective, what action, if any, may take place?
1. Administrative action only
 2. Disciplinary action only
 3. Administrative or disciplinary action
 4. None
31. On what basis should supervisors assign duties such as food service and compartment cleaning?
1. Skills and abilities
 2. Seniority
 3. A fair, rotational basis
 4. Time in service
32. The Department of the Navy sets the requirements for advancement for paygrades E-1 through E-9. Which of the following is the determining factor in advancement?
1. A vacancy
 2. Having a high multiple
 3. Passing the advancement-in-rate exam
 4. All of the above
33. Navy personnel are prohibited from taking part in a civil rights demonstration under which of the following circumstances?
1. When the demonstration occurs during duty hours
 2. While they are in uniform
 3. When the demonstration occurs on a military reservation
 4. Each of the above
34. If you cannot resolve a complaint among the personnel involved, you can attach a written complaint to a special request chit and forward it through the chain of command. You must do this within 5 days?
1. True
 2. False
35. Which of the following personnel can be victims of sexual harassment?
1. Men only
 2. Women only
 3. Both 1 and 2 above
36. Which of the following phrases describes sexual harassment?
1. Unwelcome sexual advances
 2. Requests for sexual favors
 3. Verbal or physical conduct that is sexual in nature
 4. Each of the above

37. Someone in a command position makes sexual advances towards you, making it impossible to do your job. You are being sexually harassed.
1. True
 2. False
38. Which of the following is a criteria for a person's behavior to be considered sexual harassment?
1. Unwelcome
 2. Sexual in nature
 3. Occur or impact your work
 4. Each of the above

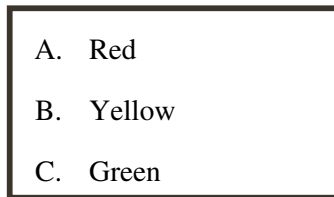


Figure A

IN ANSWERING QUESTIONS 39 AND 40, REFER TO FIGURE A AND SELECT THE ZONE USED TO DESCRIBE THE QUESTION.

39. Sexually explicit pictures.
1. A
 2. C
 3. B
40. Suggestive posters, calendars, and off-color jokes.
1. A
 2. C
 3. B
41. What person has the responsibility of appointing the command ombudsman?
1. Commanding officer
 2. Executive officer
 3. Division officer
 4. Command master chief
42. What person determines the content and priorities of the command ombudsman program?
1. Commanding officer
 2. Executive officer
 3. Division officer
 4. Command master chief

43. Which of the following statements is a purpose of the Reenlistment Quality Control Program?
1. To provide a personnel management program to control rating manning
 2. To issue reenlistment criteria
 3. To establish standardized professional growth points
 4. All of the above
44. All first-term Sailors in paygrades E-1 through E-6 requesting reenlistment must be approved for reenlistment through what program?
1. CREO
 2. ENCORE
 3. HYT
 4. EEO
45. What person directs and supervises the Navy's voting program?
1. Chairman, Joint Chiefs of Staff
 2. Chief of Naval Operations
 3. Chief of Naval Personnel
 4. Chief of Naval Information
46. Which of the following are sources that set forth the basic disciplinary laws for the U.S. Navy?
1. *U.S. Navy Regulations*
 2. *Standard Organization and Regulations of the U.S. Navy*
 3. *Uniform Code of Military Justice (UCMJ)*
 4. Each of the above
47. Which of the following characteristics are traits of a good Sailor?
1. Puts the good of the ship and the Navy above personal likes and dislikes
 2. Obeys the rules of military courtesy and etiquette
 3. Demonstrates loyalty, self-control, honesty, and truthfulness
 4. All of the above
48. In what year was the Code of Conduct first prescribed?
1. 1965
 2. 1955
 3. 1945
 4. 1935

49. The Code of Conduct was adopted to provide guidance for service personnel in which of the following circumstances?
1. When stationed on foreign soil
 2. When traveling at home and abroad
 3. When facing the enemy as prisoners of war
 4. All of the above
50. In what year was Executive Order 12633 issued amending the Code of Conduct to use neutral-gender language?
1. 1987
 2. 1988
 3. 1989
 4. 1990
51. How many articles make up the Code of Conduct?
1. Two
 2. Four
 3. Six
 4. Eight
52. When, if ever, may you voluntarily surrender to the enemy?
1. If alone and completely isolated from friendly troops
 2. If no longer able to inflict casualties on the enemy
 3. If able to detain the enemy and let others escape capture
 4. Never
53. Who may be assigned shore patrol duties?
1. Officers only
 2. Petty officers only
 3. Officers and petty officers
 4. All Navy personnel
54. In areas where different armed services are located, the military police from each service may be combined to form one unit. What term identifies this unit?
1. Armed Forces Police Department
 2. Armed Forces Police Detachment
 3. Armed Forces Police Service
 4. Armed Forces Police Group
55. Aboard ship, the master-at-arms (MAA) force is headed by the chief master-at-arms (CMAA). The CMAA works directly for which of the following officers?
1. Weapons officer
 2. Security officer
 3. Executive officer
 4. Administrative officer
56. Discipline training develops which of the following personal traits?
1. Character
 2. Efficiency
 3. Self-control
 4. All of the above
57. Discipline is important to the Navy for which of the following reasons?
1. To instill fear of punishment
 2. To decrease command responsibility
 3. To provide punishment for wrongdoers
 4. To enable personnel to function as a unit with a high degree of efficiency
58. Punishment is administered in the Navy for which of the following reasons?
1. To serve as an object lesson to the wrongdoer and others
 2. To pacify those who have suffered a wrong
 3. To correct a wrong
 4. To avenge a wrong
59. What chapter of the *United States Navy Regulations* describes the rights and responsibilities of all Navy members?
1. 12
 2. 11
 3. 10
 4. 9
60. What person is responsible for making sure that the *Navy Regs* conforms to the current needs of the Department of the Navy?
1. The Secretary of the Navy
 2. The Judge Advocate General
 3. The Chief of Naval Operations
 4. The Commandant of the Marine Corps

61. *Navy Regs* and changes to it are issued by the Secretary of the Navy after what person approves them?
1. The President
 2. The Vice President
 3. The Attorney General
 4. The Chairman of the Joint Chiefs of Staff
62. Failure to obey any regulation subjects the offender to charges under what *UCMJ* article?
1. 91
 2. 92
 3. 93
 4. 94
63. What article of the *Navy Regs* lists the publications that must be made available upon request by any active-duty person?
1. 1020
 2. 1010
 3. 0917
 4. 0818
64. What article of the *Navy Regs* gives officers the authority necessary to perform their duties?
1. 1021
 2. 1023
 3. 1025
 4. 1033
65. *Navy Regs*, article 1033, Authority in a Boat, provides which of the following officers the authority and responsibility over all persons embarked?
1. The senior line officer eligible for command at sea
 2. The junior line officer eligible for command at sea
 3. The senior staff officer
 4. The junior staff officer
66. Which of the following *Navy Regulations* articles outlines the authority of a sentry?
1. 1037
 2. 1038
 3. 1052
 4. 1053
67. You may not be ordered to active duty without the permission of which of the following persons?
1. Commandant of the Marine Corps
 2. Commandant of the Coast Guard
 3. Chief of Naval Operations
 4. Chief of Naval Personnel
68. *Navy Regulations*, article 1104, Treatment and Release of Prisoners, prohibits cruel and/or unusual treatment. According to this article, prisoners must be checked on at what minimum interval?
1. 10 hours
 2. 8 hours
 3. 6 hours
 4. 4 hours
69. During a Saturday duty day, one of your shipmates asks you to change watches with him/her. You agree but fail to get permission from proper authority. Under what article of *Navy Regs* could you be charged?
1. 1138
 2. 1134
 3. 1133
 4. 1129
70. Sexual harassment is offensive and illegal. Under what article of *Navy Regs* may a person be charged with sexual harassment?
1. 1166
 2. 1164
 3. 1162
 4. 1160