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MAY 20 2014

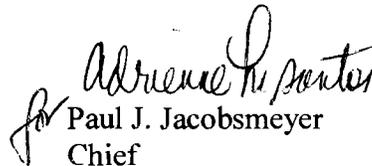
Ref: 12-F-1166

This is the final response to your enclosed Freedom of Information Act (FOIA) request for "a copy of the final report and recommendations from each of the following Defense Department review Panels: (1) Good Order & Discipline Panel and (2) Fraternalization Panel." We received your request on July 23, 2012 and assigned it FOIA case number 12-F-1166.

The Office of the Assistant Secretary of Defense, Readiness and Force Management, a component of the Office of the Secretary of Defense, conducted a search of their records systems and located one document, totaling 107 pages, which they have determined to be responsive to your request and appropriate for release without excision. The ASD(R&FM) did not find a copy of the final report; however, the Memorandum of July 29, 1988, is thought to be the result of the panel's discoveries.

There are no assessable fees associated with this request. Inasmuch as this constitutes a full grant of your request, I am closing your file in this Office.

Sincerely,


for Paul J. Jacobsmeyer
Chief

Enclosures:
As stated

Background Documents

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PERSONNEL
AND
READINESS

**UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000**



JUL 29 1998

MEMORANDUM FOR SECRETARY OF DEFENSE

SUBJECT: Ensuring the Good Order and Discipline Required for Effective Military Forces

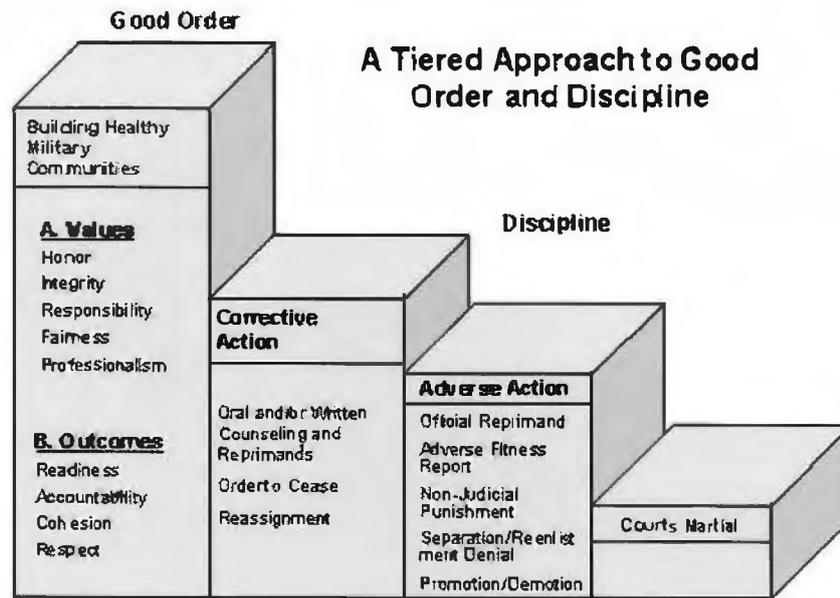
At your direction last July, I led a Task Force of senior representatives from the Services, the Office of the Secretary of Defense, the Office of the Joint Chiefs of Staff and the DoD Inspector General to determine whether current policies and practices for maintaining good order and discipline in the all volunteer force are fair and effective. This Task Force obtained the views of field commanders, senior enlisted personnel, members of the reserve components, Service chaplains, the Chair of the Defense Advisory Committee on Women in the Services and other interested parties on the content, enforcement, general understanding and perception of our policies.

The information obtained by the Task Force indicated that breaches of good order and discipline in our Services are not widespread. The effectiveness of our forces in performing today's demanding missions further bears this out. It was clear, however, that the Services defined, regulated and addressed relationships between service members differently. These differences result in the same conduct being punished by some Services while being permitted under some circumstances by other Services.

Our aim should be to ensure that regulations addressing good order and discipline are applied fairly, enforced appropriately and are clearly communicated so they can be understood by all service members. The following are my recommendations toward reaching this goal in this critical area.

Fair and Even Handed Enforcement

The best way to curtail inappropriate or unprofessional relationships is to prevent them through proper training and leadership by example. Should inappropriate relationships occur, commanders are expected to draw on a wide range of responses. Commanders must carefully consider all of the facts and circumstances in reaching a disposition that is warranted, appropriate and fair.



In my view, commanders should use a measured approach, such as that depicted in the figure above, to balance the nature of the violation and its impact on unit mission, morale, discipline and cohesion. The failure to adhere to standards of good order and discipline can often be effectively addressed and corrected by appropriate administrative measures.

More serious cases may warrant nonjudicial punishment. In the most aggravated cases, or where prior measures have been ineffective, trial by court-martial may be the appropriate response. Clearly, there is no single response appropriate for all cases. While the merits of each case may be different, timeliness, proportionality and the exercise of good judgment and common sense are always important.

Understandable Policies

The policies established to regulate good order and discipline are not always understood by those expected to abide by them. For any policy to be effective, it must be clear and understandable. I recommend that each Service prepare training materials that explain the Service’s policies and regulations pertaining to good order and discipline. The training materials should convey in clear and understandable terms how Service policies are applied and enforced, as well as the possible consequences for noncompliance. Commanders, chaplains, public affairs officials and enlisted personnel should actively participate in preparing the materials to ensure that they are both understandable and effective. Service members must also be given training on how Service policies will be applied. Clear, understandable training materials will enhance this effort.

Uniform Personal Relationship Policies

Military commanders and supervisors exercise substantial control over many aspects of their subordinates’ lives. This authority ranges from directing daily tasks to making decisions that affect their careers and personal life, to issuing orders that place subordinates

at risk of injury or even death. The mere perception that members in positions of authority may have abused that authority or made decisions based upon favoritism, adversely affects morale, and can degrade readiness.

The last decade has witnessed a dramatic rise in the number of joint operations, task forces and deployments conducted by our military. In order to support our national objectives today, the military Services task organize, deploy and fight predominantly as a unified force. In this environment, service members serving side by side should not be governed by rules that result in the conduct of one being a punishable offense, while the same conduct by another is condoned. Such differences in treatment are antithetical to good order and discipline, and corrosive to morale, particularly so as we move towards an increasingly joint environment. I do believe that it is appropriate to permit some differences in Service regulations to reflect unique customs, traditions and cultures. However, it is critical in today's military environment that we strive to eliminate as many differences in disciplinary standards as possible.

Accordingly, a more uniform policy that prohibits personal relationships such as dating, sharing living accommodations, engaging in intimate or sexual relations, business enterprises, commercial solicitations, gambling and borrowing between officer and enlisted regardless of their Service should be adopted. By their very nature, these personal relationships may create a perception or pose a substantial risk that officers may be influenced by inappropriate factors in decision making, and thus misuse their position by granting preferential treatment. This change should not affect existing marriages. Service members married to other service members should, however, be held to maintaining the traditional respect, customs and courtesies of an official military relationship when they are on duty, in uniform in public, or at an official social function.

In addition, I recommend that an overarching DoD policy be adopted in certain unique and critical settings. The first impression of the military most men and women develop is through a recruiter. These encounters establish expectations, begin the formation of attitudes and create impressions of the professional conduct expected of a military member. Similarly, military initial entry training programs are the means by which the values of military service as well as military skills and knowledge are transferred. Because these relationships are so critical, the Services should have policies prohibiting personal relationships between recruiter and recruit, as well as between instructors and permanent party personnel with initial entry trainees.

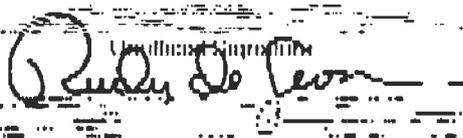
In setting forth rules governing prohibited unprofessional relationships, we should make clear that professional interaction between officers and enlisted members is encouraged. Participation by members of all ranks in organizational activities, unit-sponsored events, sports, chapel activities and community projects enhances morale and contributes to unit cohesion. Similarly, military members should be encouraged to communicate freely with their superiors and subordinates regarding their careers, performance, duties and missions. This type of communication strengthens morale and improves the operational environment, while preserving proper respect for authority and appropriate mission focus.

Conclusion

History has long demonstrated that good order and discipline is necessary to an effective fighting force. I believe the actions I am recommending in this memorandum support your

objective of ensuring that policies governing good order and discipline are clear and fair, and enhance the effectiveness and readiness of U.S. military forces.

I appreciate all of the hard work, thoughtfulness and assistance of the members of the Task Force and the military men and women who served on the various panels with which the Task Force met.

A handwritten signature in black ink, appearing to read "Rudy de Leon". The signature is written in a cursive style and is positioned above a horizontal line.

Rudy de Leon

Updated: 29 Jul 1998
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DoD Task Force on Good Order and Discipline Background Materials - Table of Contents

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DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



JUL 8 1997

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE (P&R)
GENERAL COUNSEL, DEPARTMENT OF DEFENSE
INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: Establishment of a Task Force to Review the Fairness and Effectiveness of
Personnel Policies and Practices Concerning Good Order and Discipline

The Secretary of Defense has asked me to convene a Task Force to determine whether current policies and practices for maintaining good order and discipline in the all volunteer force are fair and effective.

Attached is the charter for the Task Force. The Task Force shall be composed of the Assistant Secretary of Defense (Reserve Affairs), DoD General Counsel, DoD Inspector General, Under Secretaries of the Military Departments, the Vice Chiefs of the Services, the Director of the Joint Staff, and a representative from the Coast Guard. The Under Secretary of Defense for Personnel and Readiness shall chair the Task Force. The Task Force shall consult with the Chair of the Defense Advisory Committee on Women in the Services (DACOWITS), and other sources outside of the Department of Defense as appropriate. The Task Force shall also seek and consider the views of National Guard and Reserve personnel, field commanders, and senior enlisted service members.

The Task Force shall report its initial findings and recommendations by October 1, 1997.



John P. White

Attachment:
As stated

U10779 / 97

CHARTER

Department of Defense Task Force to Review Personnel Policies and Practices Concerning Maintaining Good Order and Discipline

I. Purpose

The Task Force is established to determine whether current policies and practices concerning good order and discipline are fair and effective.

II. Scope of Assessment

Within the context of its stated purpose, the Task Force shall examine the personnel policies of the Military Departments and the Services. The Task Force shall assess the extent to which the policies aimed at maintaining good order and discipline are clear, fair, and consistently applied. The Task Force shall review and assess current policies and their application in the following areas:

- ◆ Appropriate and inappropriate relationships to include:
 - Fraternization
 - Superior-subordinate relationships
 - Military-civilian employee relationships
 - Instructor-student and trainee relationships

- ◆ Any other area of personal conduct of concern to the Task Force.

The Task Force shall collect data and conduct such analyses as may be required to assess recent experience within the Department concerning enforcement of standards of personal and professional conduct necessary to ensuring good order and discipline.

III. Composition of Task Force

The Task Force shall be composed as follows:

- Under Secretary of Defense (Personnel and Readiness) – Chair
- Assistant Secretary of Defense (Reserve Affairs)
- DoD General Counsel
- DoD Inspector General
- Under Secretaries of the Military Departments
- Service Vice Chiefs
- Director of the Joint Staff
- Coast Guard representative

IV. Consultation

The Task Force shall consult closely with the Chair of the Defense Advisory Committee on Women in the Services (DACOWITS), and other sources outside the Department of Defense as is appropriate. The Task Force shall seek and consider the views of National Guard and Reserve personnel, field commanders, and senior enlisted service members.

V. Report

The Task Force shall make its initial recommendations to the Deputy Secretary of Defense by October 1, 1997.

VI. Support

Administrative and logistical support will be provided by the Director for Administration and Management. All DoD organizations and individuals may be tasked to provide assistance and cooperate in the work of the Task Force.



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



JUL 10 1997

MEMORANDUM FOR UNDER SECRETARY OF THE ARMY
UNDER SECRETARY OF THE NAVY
UNDER SECRETARY OF THE AIR FORCE

SUBJECT: Request for Information on Rules and Practices Governing Interpersonal Relationships

The Secretary of Defense has formed a Task Force to determine whether current policies and practices essential to maintaining good order and discipline are fair, consistently applied, and effective. In order to support the work of the Task Force, please provide the following information to me by July 31, 1997:

- A short factual synopsis of all courts-martial convictions for fraternization or maintaining an unprofessional relationship (including charges alleged as a violation of Articles 133 or 134 of the UCMJ or as a violation of a general order or regulation under Article 92 of the UCMJ) during 1994, 1995, and 1996 (based on date of approved conviction). List all charges brought against the accused and the adjudged and approved findings and sentence. If available, include the rank, race, and gender of the accused and gender of other person(s) involved.

- A short factual synopsis of all officer administrative separations and requests for resignation or retirement in lieu of court-martial based on conduct involving fraternization or maintaining an unprofessional relationship that were approved during 1994, 1995, and 1996. If available, include the rank, race, and gender of the accused and gender of other person(s) involved.

- Total number of nonjudicial punishments imposed for the same offenses for 1994, 1995, and 1996. Include, if available, the rank, race, and gender of the service member concerned.

- A copy and brief description of all Service-wide, Major Command, and Service Academy regulations or instructions (punitive and nonpunitive) and significant local policies pertaining to fraternization and unprofessional relationships and a discussion of the historical development of the current Service-wide policy.



- A description of the length, content, and targeted audience for established training and education programs addressing policies on fraternization and unprofessional relationships.

- Any other information which will assist the Task Force in fulfilling its charter (attached).



F. Pang

Acting Under Secretary of Defense

Attachment:
As stated

Gender Related Studies/Activities

• DEPARTMENT OF DEFENSE INITIATIVES:

- Task Force to Review the Fairness and Effectiveness of Personnel Policies and Practices Concerning Good Order and Discipline, Chair: Mr. Fred Pang
- Federal Advisory Committee on Gender-Integrated Training and Related Issues in the Military Services, Chair: Former Senator Nancy Kassebaum Baker
- Joint Staff Committee on Military Justice ("Adultery Task Force"), Lead: General Counsel
- Defense Equal Opportunity Council (DEOC) Task Force on Discrimination and Sexual Harassment, Co-Chairs: USD(P&R), Service Secretary (last co-chaired by Drs. Dom and Widnall)
- **Sexual Harassment and Unprofessional Relationships Process Action Team (SHURPAT).** Chartered by the DEOC Task Force on Discrimination and Sexual Harassment and co-chaired by OSD and JCS with Service and Coast Guard representatives. Purpose of the SHURPAT is to develop a system to measure the effectiveness of policies and programs of the Services to combat sexual harassment and unprofessional relationship associated with sexual/gender issues. Phase II report is being written and will recommend that Phase III be initiated to ensure long term monitoring and feedback of Service programs is accomplished.
- **Study on Gender Integration Mandated by FY97 National Defense Authorization Act (NDAA)**
The conferees directed the Secretary of Defense to conduct a study by a Federally Funded Research and Development Center (FFRDC) group. As part of the study, the FFRDC is required to evaluate the effect on defense readiness and morale of integrating women to newly opened occupations and positions as well as factors affecting the pace at which the military services are integrating women. Study should be completed soon. Draft publication, *New Opportunities for Military Women: Effects Upon Readiness, Cohesion, and Morale*, is being reviewed.
Study Sponsor: OUSD(P&R)(FMP)(MPP)OEPM
- **Homosexual Conduct Review**
The Secretary of Defense committed to this review to assess how well our policies are being applied and enforced. Principal Deputy Assistant Secretary of Defense for Force Management Policy has the lead working with Deputy General Council (Legal Counsel) and Service legal and personnel experts. The board is still conducting the review.
- **OUSD (P&R) Study:** Through the Consortium of Universities of the Washington metro area, OUSD (P&R) has contracted for a systematic analysis of sexual harassment and what may or may not be inhibiting communications from senior Defense leadership and the effectiveness of the training and education efforts as a part of that communication process. This contract is underway and is scheduled for completion in August 1998.

Equal Opportunity Survey: From August 1996 through February 1997, DMDC fielded the first DoD-wide equal opportunity (EO) survey. The survey was mailed to 76,754 active-duty military members and

about 40,000 completed the survey, for a response rate of 52 percent. A draft report is expected by September 1997 with a final report in January 1998.

The survey was designed to obtain active-duty service members' experiences, perceptions, and opinions on:

- interpersonal racial/ethnic harassment and discrimination (e.g., offensive remarks, exclusion from social activities, physical assault);
 - organizational or career-related racial/ethnic harassment and discrimination (e.g., not obtaining critical training or assignment opportunities);
 - racial/ethnic harassment and discrimination against family members on installations or in communities near installations;
 - efforts to reduce racial/ethnic harassment and discrimination at their installations/ships;
 - how serious Service leaders are about racial/ethnic harassment and discrimination;
 - whether extremist activities are occurring on installations or in communities near installations;
 - the EO complaints process;
 - the amount and effectiveness of EO training received during the last 12 months; and
 - EO progress in the military and across the nation (as a whole) during the past 5 years.
-
- **Military Uniform Task Force:** Under direction of ASD (FMP), task force is reviewing the practical aspects of military uniforms (cost, fit, wearability, maintainability, availability, etc.) to respond to DACOWITS recommendation and long standing concerns.

 - **Annual Military Equal Opportunity Assessment (MEOA):** DoD Instruction 1350.3, "Affirmative Action Planning and Assessment Process" requires the Reserve components to submit annual data on a variety of reporting categories that become the Annual Military Equal Opportunity Assessment (MEOA). Historically, nothing was done with this data and feedback was not provided to the Services or their components. OSD-EO sent the 1995 data to a civilian contractor for analysis. They did not send the Reserve component data. RA has requested, and the Assistant Secretary of Defense for Force Management Policy has approved, the inclusion of Reserve component data in future analysis of the MEOA. This data will be provided to each Reserve component Chief for 1996 and beyond for use in evaluating their programs.

 - **Gender Issues Survey for Reserve Component Members:** Currently there is no baseline data on gender issues for the Reserve components (RC). The 1995 Sexual Harassment Survey, conducted for the active duty, did not include Reserve component members. DACOWITS also recognized the need for RC data and recommended that a survey be conducted. RA is submitting a Study Proposal to conduct a written survey concerning gender issues and analyze the results. The analysis will include an executive summary, supporting data analysis to substantiate results, discussion of results and reliability factors of collected data. The analysis will be used by OSD and the Reserve components to assess their progress in meeting their goals for reducing and eliminating sexual harassment within the Reserve components.

Defense Agencies:

- Washington Headquarters Services is using the Merit Systems Protection Board to develop a questionnaire on sexual harassment. WHS plans to administer it near the end of 1997 to employees of OSD and the Defense agencies for which it provides personnel service. (That would exclude DLA, DISA, NIMA, and OSIA, for example)
- OSIA and the Defense Investigative Service are actively pursuing the use of sexual harassment awareness and prevention training via computer.

The following are related Service initiatives:

● **U.S. ARMY:**

- **Secretary of the Army Senior Review Panel on Sexual Harassment**, Chair: MG Siegfried (USA, Ret). Dr. Judith Youngman, DACOWITS Chair, serves as a consultant to the Panel.
- **Military Occupational Specialty Physical Standards Working Group**
The Assistant Secretary of Army (Manpower and Reserve Affairs) heads a work group to assess physical standards used to assess suitability for specific job areas within the Army. The work group is ongoing.
- **Attrition Study**
The Army is examining voluntary departure from the service and attempting to determine why attrition rates are different for categories (to include male/female) of departing soldiers.

● **U.S. NAVY/MARINES:**

- **Standing Committee on Military and Civilian Women in the Department of the Navy**
The Assistant Secretary of the Navy (Manpower and Reserve Affairs) heads a committee to periodically review implementation of initiatives undertaken from a study of the early 1990s and their effect on women in the Navy. DACOWITS Chair also participates with this group.
- **Pregnancy & Parenthood Survey**
Department of the Navy initiative undertaken to assess the effects of pregnancy and parenthood on service and retention.
- **Committee on Women in NATO Forces**
The Navy has been participating on this committee which is focused on sharing initiatives among NATO allies to facilitate integration of women into armed forces.
 - **Marine Corps Review of Sexual Harassment Training:** USMC is reviewing effectiveness of their formal sexual harassment training. The review is being conducted by the Marine Corps University at Quantico, VA.

- **U.S. AIR FORCE:** The US Air Force did not identify any specific gender related initiatives.

- **CONGRESSIONAL ACTION:** Representative Buyer, Chairman, Military Personnel Subcommittee, HNSC, is heading a bi-partisan investigation into sexual misconduct in the military. Representatives Fowler and Harmon are part of the group. Group released an interim report on 26 June focused mostly on the Army.

- **MEDICAL STUDY:** Defense Women's Health Research Program selected research projects that will be completed over the next three to four years. Subjects cover a range of issues including some social research about women integrating into male, hierarchical structures. Army Medical Command at Ft. Detrick, MD is the executive agent for this project. Additional information about studies can be obtained in the Internet: <http://www.4woman.org>

INFORMATION PAPER

SUBJECT: FRATERNIZATION AND UNPROFESSIONAL RELATIONSHIPS

What is fraternization?

The offense of fraternization is based on long-standing customs of the Services. It was added as a punitive specification to the Manual for Courts Martial in 1984.

Under the Manual, fraternization is an offense punishable under Article 134 of the UCMJ provided:

- 1) the accused is an officer (no offense mentioned for enlisted)
- 2) the accused fraternized on terms of military equality with an enlisted member(s)
- 3) the accused knew the person was an enlisted member
- 4) fraternization violated the custom of the Service
- 5) it was to the prejudice of good order and discipline or of a nature to bring discredit upon the armed forces
- 6) Not all contact between officers and enlisted is an offense. Factors considered:
 - Chain of command compromised
 - Appearance of partiality
 - Undermine good order, discipline, authority, or morale

Fraternization and unprofessional relationships may also be punishable as failure to obey a lawful general order or regulation under Article 92 of the UCMJ, and officers could be charged with conduct unbecoming an officer under Article 133, UCMJ. Also the regulations of some Services use the term fraternization to apply to officer - officer and enlisted - enlisted relationships.

What are the Service standards?

Each Service has a regulation covering fraternization and/or relationships between military members of different rank. In addition to Service-wide policies, each of the Service Training and Education Activities have regulations on relationships between instructors/trainers and students/trainees. A summary is provided below:

Army - Army Regulation 600-20, "Army Command Policy" (1988), addresses relationships between soldiers of different rank. It requires action to redress instances where relationships between soldiers of different rank cause actual or perceived partiality or unfairness; involve the improper use of rank or position for personal gain; or create an actual or clearly predictable adverse impact on discipline, authority, or morale. The regulation indicates that counseling is usually the most appropriate initial action rather than immediate imposition of disciplinary or other significant adverse action. A short paragraph on fraternization indicates that the relationships proscribed by the regulation may constitute the offense of fraternization under the UCMJ if between officers and enlisted soldiers.

DA Pamphlet 600-35, "Relationships Between Soldiers of Different Rank" (1993), supplements AR 600-20 and provides examples of proper and improper relationships. This pamphlet

indicates that the criminal offense of "fraternization" has recently been extended by court judgement to relationships between senior and junior enlisted members when in a senior-subordinate relationship. It also provides that the criminal offense of fraternization is different from a violation of the Army's regulatory policy regarding personal relationships between soldiers of different rank. The regulation further prohibits relationships between permanent party personnel and trainees in a training setting.

Navy - OPNAV Instruction 5370.2A, "Navy Fraternization Policy" (1994), prohibits all "unduly familiar" relationships between officers and enlisted members. It also prohibits "unduly familiar" relationships between officers or between enlisted members. The Instruction indicates that "fraternization also includes improper relationships between officer members as well as between enlisted members." Relationships between staff and student personnel in a training environment are prohibited as are those between E-7 thru E-9 with E-1 thru E-6 which are "unduly familiar and do not respect differences in grade or rank." The Instruction provides that seniors will address offending conduct by taking appropriate action, to include counseling, issuing letters of instruction, comments on fitness reports or annual performance evaluations, reassignment, and/or, if necessary, by taking appropriate disciplinary steps.

Marine Corps - CMC ALMAR 185/96, "Marine Corps Manual" (1996), revised the Marine Corps Manual to prohibit all "unduly familiar" relationships between officers and enlisted members as per se prejudicial to good order and discipline. It also prohibits "unduly familiar" relationships between officers or between enlisted members. Such relationships "constitute fraternization and are prohibited."

Air Force - Air Force Instruction 36-2909, "Professional and Unprofessional Relationships" (1996), defines fraternization as a personal relationship between an officer and an enlisted member which violates the customary bounds of acceptable behavior in the Air Force and prejudices good order and discipline, discredits the armed services, or operates to the personal disgrace or dishonor of the officer involved. It sets out specific prohibitions relating to officers in their relationships with enlisted members that are punitive for Article 92, UCMJ, charging purposes. General guidelines for all military personnel for avoiding unprofessional relationships are also set out. The Instruction indicates that unprofessional relationships, including fraternization, between members of different services, particularly in joint service operations, may have the same impact on morale and discipline as if the members were assigned to the same service and should be avoided. Commanders have the authority to order a relationship to end or take other action when the relationship is judged to be unprofessional. The Instruction provides that actions in response to unprofessional relationships should normally be the least severe necessary to correct the relationship, giving full consideration to the impact the relationship has had on the organization. Specifically points out risks of personal relationships between students and instructors in a training environment. States military supervisors must maintain professional relationships with civilian employees.

Coast Guard - Section H, "Interpersonal Relationships within the Coast Guard," of COMDTINST M1000.6A, "Personnel Manual" (1996), defines the elements of fraternization as those specified in the Manual for Courts-Martial. While noting that fraternization is broader than

male-female relationships, it specifically prohibits romantic relationships outside of marriage between officer and enlisted personnel. This prohibition also applies to relationships between Coast Guard members and members of other military Services. This appears to be the only Service policy covering inter-Service relationships specifically with reference to fraternization. The manual gives specific examples of acceptable and unacceptable interpersonal relationships. The Coast Guard policy prohibits, as a punitive general regulation, the following relationships or conduct, regardless of rank, grade, or position of the persons involved:

- 1) Sexually intimate behavior aboard any Coast Guard vessel, or in any Coast Guard-controlled work place,
- 2) Romantic relationships outside of marriage between commissioned officers and enlisted personnel. For the purposes of this paragraph, Coast Guard Academy cadets and officer candidates (both OCS and ROCI) are considered officers.
- 3) Personal and romantic relationships between instructors at training commands and students.

_____ who had been struck (and injured) by the said vehicle) (making his/her (the driver's) identity known).

[Note: This language should be used when the accused was a passenger and is charged as a principal. See paragraph 1 of this part.]

83. Article 134—(Fraternalization)

a. *Text.* See paragraph 60.

b. *Elements.*

(1) That the accused was a commissioned or warrant officer;

(2) That the accused fraternized on terms of military equality with one or more certain enlisted member(s) in a certain manner;

(3) That the accused then knew the person(s) to be (an) enlisted member(s);

(4) That such fraternization violated the custom of the accused's service that officers shall not fraternize with enlisted members on terms of military equality; and

(5) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. *Explanation.*

(1) *In general.* The gist of this offense is a violation of the custom of the armed forces against fraternization. Not all contact or association between officers and enlisted persons is an offense. Whether the contact or association in question is an offense depends on the surrounding circumstances. Factors to be considered include whether the conduct has compromised the chain of command, resulted in the appearance of partiality, or otherwise undermined good order, discipline, authority, or morale. The acts and circumstances must be such as to lead a reasonable person experienced in the problems of military leadership to conclude that the good order and discipline of the armed forces has been prejudiced by their tendency to compromise the respect of enlisted persons for the professionalism, integrity, and obligations of an officer.

(2) *Regulations.* Regulations, directives, and orders may also govern conduct between officer and enlisted personnel on both a service-wide and a local basis. Relationships between enlisted persons of different ranks, or between officers of different ranks may be similarly covered. Violations of such regula-

tions, directives, or orders may be punishable under Article 92. See paragraph 16.

d. *Lesser included offense.* Article 80—attempts

e. *Maximum punishment.* Dismissal, forfeiture of all pay and allowances, and confinement for 2 years.

f. *Sample specification.*

In that _____ (personal jurisdiction data), did (at/on board—location), on or about _____ knowingly fraternize with _____ an enlisted person, on terms of military equality, to wit: _____, in violation of the custom of (the Naval Service of the United States) (the United States Army) (the United States Air Force) (the United States Coast Guard) that officers shall not fraternize with enlisted persons on terms of military equality.

84. Article 134—(Gambling with subordinate)

a. *Text.* See paragraph 60.

b. *Elements.*

(1) That the accused gambled with a certain servicemember;

(2) That the accused was then a noncommissioned or petty officer;

(3) That the servicemember was not then a noncommissioned or petty officer and was subordinate to the accused;

(4) That the accused knew that the servicemember was not then a noncommissioned or petty officer and was subordinate to the accused; and

(5) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. *Explanation.* This offense can only be committed by a noncommissioned or petty officer gambling with an enlisted person of less than noncommissioned or petty officer rank. Gambling by an officer with an enlisted person may be a violation of Article 133. See also paragraph 83.

d. *Lesser included offense.* Article 80—attempts

e. *Maximum punishment.* Confinement for 3 months and forfeiture of two-thirds pay per month for 3 months.

f. *Sample specification.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 19_____, gamble with

Tab F

Army Regulation 600-20

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E

Personnel—General

Army Command Policy

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Washington, DC
30 March 1968

(6) Distributing literature on or off a military installation.

(7) Participating in any activity that is in violation of regulations, constitutes a breach of law and order, or is likely to result in violence.

d. Commanders should take positive actions when soldiers in their units are identified as members of extremist groups and/or when they engage in extremist group activities. Some of these actions include—

(1) Educating soldiers as to the Army's policy of fair and equitable treatment for all. Commanders will point out that soldiers holding views to the contrary are not in harmony with Army goals, beliefs, and values, and should seriously reconsider their position.

(2) Counseling and advising soldiers of the incompatibility of such organizations with military service, and that their membership—

(a) Will be taken into consideration when evaluating their overall performance to include appropriate remarks on evaluation reports.

(b) Is a legitimate factor to be considered when selections for positions of leadership and responsibility are made.

(3) Removing or recommending removal of security clearances, where appropriate.

(4) Initiating reclassification actions or bar to reenlistment actions, as appropriate.

(5) Initiating UCMJ action against soldiers whose activities violate military law. Possible violations include—

(a) Article 92—Failure to obey a lawful order or violation of a lawful regulation or general order (for example, participation in nonapproved on-post meetings or demonstrations, distribution of literature without approval, or discrimination).

(b) Article 116—Three or more people whose actions cause "Public Terror."

(c) Article 117—Provoking words or gestures.

(d) Article 134—Conduct which is disorderly or service discrediting.

(6) Considering involuntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order, discipline, and morale.

(7) Denying requests for the use of on-post facilities by organizations which engage in discriminatory practice. (See para 6-7.)

(8) Imposing off-limits restrictions on off-post facilities that pose a threat to the discipline, health, morale, safety, or welfare of military personnel in accordance with AR 190-24.

(9) Ordering soldiers not to participate in specific events sponsored by extremist groups when there is a reasonable likelihood of such participation resulting in activities which are illegal or are prejudicial to good order, discipline, or morale.

e. Actions taken by commanders must be appropriate to the specific facts surrounding any incident. Not every incident warrants separation or UCMJ action. Coordination with the servicing staff Judge Advocate is strongly advised.

4-13. Army language policy

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and, therefore, must normally be English. However, commanders may not require soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications which are unrelated to military functions.

4-14. Relationships between soldiers of different rank

Relationships between soldiers of different rank that involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. It is Army policy that such relationships will be avoided.

a. Commanders and supervisors will counsel those involved or take other action, as appropriate, if relationships between soldiers of different rank—

(1) Cause actual or perceived partiality or unfairness.

(2) Involve the improper use of rank or position for personal gain.

(3) Create an actual or clearly predictable adverse impact on discipline, authority, or morale.

b. The commander will be responsible for establishing the leadership climate of the unit. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command.

c. Commanders share responsibility for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive relationship carrying over into their lives with each other.

(2) Duty is obedience and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their seniors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity provides a way of life. Demonstrated integrity is the basis for dependable information, decision-making, and delegation of authority.

d. Professionally competent leaders will add to respect for their authority by—

(1) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(2) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Article 137, Uniform Code of Military Justice.)

(3) Properly training their soldiers, and ensuring that equipment and they themselves, will be in the proper state of readiness at all times. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers.

e. All soldiers and Army civilians must understand that this policy is based on the principle of good judgment. An association between an officer and an enlisted soldier might not be considered fraternization yet still be inappropriate. Similarly, certain relationships between enlisted soldiers, or between officers, may be inappropriate. Just because a certain relationship does not break the law, does not mean it is acceptable or appropriate.

(1) Prejudgments in evaluating relationships and associations between soldiers of different rank have no place in military society. An association between soldiers of different rank who also are of different gender does not necessarily create a greater potential for impropriety than one between soldiers of the same gender. Relationships between males of different rank in the male-dominated military organization have as much potential for real or perceived partiality. Mentoring, coaching, and teaching of soldiers by their seniors should not be inhibited by gender prejudice. Strong bonds are needed to build commitment, esprit, and confidence necessary for mission accomplishment and human self-fulfillment.

(2) The policy applies to all relationships between soldiers of different rank. Any social or duty relationship may result in an impropriety. When soldiers date or marry other soldiers junior in rank, the potential for problems increases. Value conflicts may arise because the emotions and affections which draw people together are among the strongest in human society. In addition,

there is a special confidence and trust placed in our officers and noncommissioned officers which must be honored. Soldiers must remain aware that relationships between soldiers of different rank may lead to perceptions of favoritism or influence. The appearance of impropriety can be as damaging to morale and discipline as actual misconduct.

(3) Same sex relationships between soldiers of different rank may cause problems. The Army affirms managing our personal relationships to promote the health and welfare of all concerned and maintaining good order, morale, and discipline.

(4) The abuse of authority and the appearance of partiality are major causes of problems. The senior must exercise authority in such a manner as to affirm the welfare and dignity of all subordinates and limit the potential for actual or perceived abuse of authority.

(5) Certain structures within the military demand closer scrutiny because of the greater risk that they will involve partiality or an abuse of authority, or the appearance of either. These include, Initial Entry Training (IET), Advanced Individual Training, and military schools. Military commanders have always closely controlled relationships between trainers and trainees. The exercise of military authority over the life of a young soldier makes obedience the proper response to the senior. These relationships are regulated in a very restrictive manner. Also discouraged are relationships between senior and subordinate members of the same unit or between soldiers closely linked in the chain of command or supervision. They are fraught with the possibility of actual or perceived favoritism, and are, therefore, potentially destructive of discipline, authority, morale, and soldier welfare.

(6) When the senior has authority over the lower ranking soldier or has the capability to influence actions, assignments, or other benefits or privileges, there is the strongest justification for exercising restraint on social, commercial, or duty relationships. At the same time, when the senior does not have this authority or capacity regarding the lower ranking soldier, social relationships are not inherently improper and normally need not be regulated. Soldiers must be aware, however, that even these relationships can lead to perceptions of favoritism and exploitation under certain circumstances.

(7) Because determinations are often made to judge a relationship as improper, supervisors, leaders, and commanders must exercise their best leadership. The professional Army ethic of loyalty, duty, selfless service, and integrity requires leaders of all ranks to be truly professional.

(8) Commanders have the responsibility to articulate what is improper. If the commander becomes aware of a relationship which has the potential for creating an appearance of partiality or preferential treatment, counseling the soldiers concerned is usually the most appropriate initial action.

This also generally holds true for those relationships which involve only the appearance of partiality and have had no adverse impact on discipline, authority, or morale. Counseling is a most effective leadership tool. In addition, commanders may use administrative actions (for example, reassignment, oral or written admonitions, or reprimands) to assist in controlling these relationships. A close, unofficial relationship between soldiers of different rank normally should not result in an unfavorable evaluation or efficiency report, relief from command, or other significant adverse action unless it clearly constitutes a relationship that violates this policy. Even in such cases, counseling the soldiers concerned and allowing them an opportunity to terminate the improper relationship, rather than immediate imposition of disciplinary or other significant adverse administrative action, usually will be most appropriate, this is especially true if there has been no actual partiality or unfairness and no actual use of rank or position for personal gain.

(9) When an official relationship between soldiers violates this policy, the Army is firmly committed to corrective action.

4-15. Trainee and soldier relationships

Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party officers and noncommissioned officers without regard to the installation of assignment of the permanent party member or IET trainee. The above prohibition does not forbid or restrict positive instructor-student relations but precludes improper relationships such as those referred to in paragraph 4-14.

4-16. Fraternalization

Relationships in paragraph 4-14e, i between officers and enlisted soldiers, are prohibited by the customs of the Service and may constitute the offense of fraternalization under the provisions of article 134, Uniform Code of Military Justice. (See Part IV, para 83, Manual for Courts-Martial, United States, 1984.)

4-17. Standards of conduct

Department of the Army personnel should place loyalty to country, ethical principles, and law above private gain and other interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government. AR 600-50 prescribes minimum standards of conduct required of all soldiers and Army civilians to enable them to avoid conflicts of interest between their private interests (including commercial and financial interests) and their official duties.

Chapter 5 Other Responsibilities of Command

5-1. General

This chapter sets forth additional responsibilities concerning certain soldier activities and practices whose regulation are inherent aspects of command. Violation of the provisions of this chapter will provide a basis for disciplinary action under the UCMJ for those subject to its provisions.

5-2. Congressional activities

a. *Communicating with a Member of Congress.* No person may restrict any member of the Armed Forces from communicating with a Member of Congress, unless the communication is unlawful or violates a regulation vital to the security of the United States. (See section 1034, title 10, United States Code.) No person may be penalized or disciplined solely for having communicated with a Member of Congress, either personally or through other persons. However, leaders will be responsible for continually advising subordinates to seek advice or assistance within the chain of command, from proper staff agencies, or from an inspector general if there is a complaint. Soldiers should also be informed that a communication concerning a personal problem sent to anyone not in the local chain of command will be returned to the local commander. The commander will consider the matter before action is taken to render assistance. Soldiers should so advise members of their families.

b. *Appearance before congressional committees.* DA policy will be to provide maximum information about its operation and activities to congressional committees. This information is subject to the provisions of AR 380-5, paragraph 7-105. When asked to appear before a congressional committee, Army military personnel will coordinate with the Chief of Legislative Liaison, Office of the Secretary of the Army for guidance or assistance. Coordination will be accomplished with the Comptroller of the Army on matters pertaining to the budget. AR 1-20 contains additional information concerning this possibility.

5-3. Political activities

a. *Obligations as a citizen.* Soldiers are expected to carry out their obligations as citizens. However, while on active duty, soldiers (including full-time National Guard) are prohibited in certain cases from becoming a candidate for or holding civil office and engaging in partisan political activities. The following principles apply:

(1) Soldiers may—

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

(b) Contribute money to a political party or political committee favoring a particular candidate or slate of candidates. (These contributions are subject to the limitations of

SUMMARY of CHANGE

DA PAM 600-35

Relationships Between Soldiers of Different Rank

This new pamphlet--

- o Supplements AR 600-20, Army Command Policy.**
- o Provides examples of proper and improper relationships between soldiers of different rank.**

PREFACE

Discipline is the soul of the Army. It makes small numbers formidable, procures success to the weak, and esteem to all.

—George Washington

Soldiers of all ranks meet and associate with each other in many settings, both on and off duty. These meetings and associations foster the trust and confidence necessary for mission accomplishment. Soldiers associating with one another are governed in part by "rank" relationships, which are basic requirements for maintaining good order and discipline. How these relationships impact authority, discipline and morale is central to evaluating soldier relationships.

Historically, a relationship between two soldiers having a detrimental effect on the authority of the senior has generally been regarded as "fraternization." The term was poorly defined and often used without precision, which led to considerable confusion. The Manual for Courts-Martial (1984), part IV, paragraph 83, defines the criminal offense of fraternization. These elements are required for the crime:

- commissioned or warrant officer.
- fraternization on terms of military equality with members known to be enlisted.
- fraternization must violate a custom of the Army.
- conduct must be prejudicial to good order and discipline or bring discredit on the armed force.

The crime has recently been extended by court judgment. Fraternization between senior and junior enlisted, when in a senior-subordinate relationship, is also chargeable as a violation of Article 134 of the Uniform Code of Military Justice.

The criminal offense of "fraternization" is different from a violation of the Army's regulatory policy regarding relationships between soldiers of different rank. Any relationship which diminishes or predictably will diminish the ability of the senior member to influence a subordinate (junior) through the exercise of leadership or command is an unacceptable relationship in military service. Such relationships are rarely criminal, although they can be if they violate Army custom by either prejudicing good order and discipline or discrediting the service.

Close, personal relationships are desirable and required to build cohesive units in the Army. Soldiers of all ranks must feel they belong to the "family." We want to build "the bond of all comrades" who can fight, win, and survive on the battlefield. Building the "family" requires caring for one another with a professional acuity. Positive personal relationships are marks of good, solid interaction between soldiers of different rank. The Army needs professional, caring interactions because they build vertical bonds which tie leaders and followers. The leader must be counted on to use good judgment, experience, and discretion to draw the line between relationships which are "destructive" and those which are "constructive."

Department of the Army
Pamphlet 800-35

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Relationships Between Soldiers of Different Rank

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7 December 1993

Department of the Army
Pamphlet 600-35

Personnel—General

Relationships Between Soldiers of Different Rank

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

and civilian, including those employed by nonappropriated fund instrumentalities. It applies to members of the Army Reserve while on inactive duty for training, as well as active duty. It applies to members of the Army National Guard of the United States only when in Federal Service (Section 802(a)(3), title 10, United States Code). Examples of Federal service are Active Guard/Reserve duty, Overseas Deployment Training, or training conducted out-of-state. Procedures in this pamphlet are not modified during mobilization.

Proponent and exceptions. The proponent of this regulation is the Deputy Chief of Staff for Personnel. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponents may delegate this authority, in writing, to a division chief under their supervision within the proponent agency who holds the grade of colonel or the civilian equivalent.

Interim changes. Interim changes to this pamphlet are not official unless they are thecated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

Suggested improvements. The proponent agency of this pamphlet is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form (Recommended Changes to Publication Blank Form) directly to HQDA (D. HR-S), WASH DC 20310-0900.

Distribution. Distribution of this publication has been made in accordance with the requirements on DA Form 12-09-E, number 5415, intended for command A through E for Active Army, Army National Guard, and U.S. Army Reserve.

History. This printing publishes a new pamphlet.

Summary. This pamphlet provides guidance and examples about relationships between soldiers of different rank in the United States Army. It implements the policy contained in AR 600-10, paragraphs 4-14 through 4-16.

Applicability. This pamphlet applies to all Department of the Army personnel, military

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Chapter 1 Introduction

1-1. Purpose

This pamphlet explains the policy on soldier relationships contained in AR 600-20, paragraphs 4-14 through 4-16. It provides examples to help soldiers, commanders, and Army civilians understand Army custom and regulation on relationships between members of different rank.

1-2. References

Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this pamphlet are explained in the glossary.

1-4. Historical perspective

a. Leaders always have judged soldier relationships with the assistance of the customs and traditions of the Service. The military custom on fraternization forbade undue familiarity between officers and enlisted soldiers. It was said, "familiarity breeds contempt." While certain relationships—gambling with, drinking with, or borrowing money from enlisted soldiers—were specifically forbidden, most relationships were judged by the effects of the relationship. Custom protected the officer from situations where undue familiarity would undermine command authority and thereby threaten the good order, morale, or discipline of the unit. It also protected the enlisted soldier from unprincipled officers who might take advantage of rank and position. The custom regarding fraternization has always been primarily directed at officer-enlisted relationships.

b. The custom against undue familiarity was based on class distinctions, as well as discipline, since officers in theory came mostly from the "upper class." World War II had a profound impact on the officer corps of the Army. The wartime officer corps was much more representative of the total population than was the pre-war corps. While officers and enlisted soldiers still did not associate together in mutual social activities, rank distinctions no longer brought to mind class distinctions. The custom also changed slightly during the conflicts in Korea and Vietnam. The following two major aspects remained:

(1) The major focus on officer-enlisted relationships.

(2) The concept that officers and enlisted soldiers should not associate on a basis of military equality, thereby adversely affecting good order and military discipline.

c. It is difficult to predict which relationships—strong friendships, parent-child, sibling, career, business—can create adverse effects. Many judgments are "after the fact" and are "in the eye of the professional," since they judge the results of the relationships and not the relationships themselves. This does not mean the commander needs to wait until something happens in order to act on a relationship. Professional soldiers consider some relationships, like social relationships in a training environment or involving the chain of command, as having so much potential for abuse or having such a damaging effect on morale or discipline that these are consistently held to be improper.

d. Our custom acknowledges that leadership and obedience are founded in sincere, deeply held emotional bonds. Leaders affectionately care for their soldiers, and soldiers hold deep, caring affection for their leaders. Building these emotional ties is a mark of good leadership. Neither leader nor follower ought to act in ways which corrupt or abuse these bonds.

e. Our current policy grows out of the changing character of the United States and the structure of our Army. The current policy was first published as a change to AR 600-20 in 1978—a momentous year for the Army. The Women's Army Corps disbanded and female soldiers were integrated into the Army in greater numbers, serving in positions not previously filled by women. Women began to associate with their male counterparts in integrated units. Female soldiers often no longer had direct tutelage, mentoring, and

disciplining by women officers and noncommissioned officers. The manner in which relationships between male and female soldiers had been regulated changed.

1-5. Good judgment and problem situations

a. The present policy was promulgated in part because characteristics—especially dating—between soldiers of different ranks are a reality, and a predictable consequence of more women entering the Armed Forces. Dating between soldiers of different rank is harmful, and is usually not improper. However, the possibility of the opportunity for abuse is very real. When soldiers date or marry other soldiers junior in rank, the potential for problems increases. For example, how does a commander or supervisor treat a subordinate when outranked by the subordinate's spouse? Conflicts may arise because the emotions and affections which bring people together are among the strongest in human society.

b. Army policy in AR 600-20 is directed at all relationships between soldiers of different rank which might result in an impropriety. A special confidence and trust is placed in our officers and commissioned officers which must be honored, lest the very good order dissolve. Soldiers must remain aware that relationships between soldiers of different rank may lead to perceptions of favoritism or influence. The appearance of impropriety can be as damaging to morale and discipline as actual misconduct.

c. The policy focuses on managing our relationships to protect the health and welfare of all concerned and maintain good order, morale, and discipline. Proper leadership means exercising command and discipline because of race, color, religion, gender, or national origin. Our relationships should provide the help and care necessary to build the loyalties and friendships which establish military communities. They must also build and maintain the structures necessary to accomplish the Army mission.

d. The authority or influence one soldier has over another is central to any discussion of the propriety of a particular relationship between soldiers of different rank. Abuse of authority and appearance of partiality are the major sources of problems. Limiting the potential for actual or perceived abuse of authority or partiality is the primary purpose of the policy on relationships.

e. Army policy does not hold dating or most other relationships between soldiers as improper, barring the adverse effects listed in AR 600-20. Assignment, housing, and club policies accommodate marriage and other relationships between soldiers of different rank. However, all soldiers must be aware of the possibility for exploitation and favoritism. When a relationship violates the policies listed in AR 600-20, paragraph 4-14, the commander must take corrective action.

Chapter 2

Examples of proper and improper relationships

2-1. General

The following examples illustrate the issues and standards in Army regulatory policy.

2-2. Commander - staff officer

a. LTC X, a single male battalion commander, identified Z as a junior, single female on his staff, as an outstanding officer, much potential. He took pains to counsel her individually on career progression, assigned her separate significant tasks, advised her later that he considered her particularly talented. At battalion social events, he always singled her out for discussions and meetings at brigade and division levels with him, although that for an other lieutenant. Junior male and female officers in the battalion hinted at a sexual relationship (although that fact, not true). In general, junior officer morale was low because of the perceived unequal treatment.

b. This relationship clearly caused a perception of partiality and favoritism, adversely affecting morale. Commanders at all

must be particularly circumspect in their relationships with subordinates, both male and female. This is especially true in relationships with members in the same chain of command or supervision. In this instance, LTC X exercised poor judgment by establishing such a relationship with 2LT Y. He should be counseled and directed to take corrective action.

a. What assessment could be made if 2LT were a male officer and other junior officers hinted at a patronage relationship? Patronage may appear more evident in male-female relationships because of the possibility of sexual favors. However, patronage is independent of the gender of either party. Equity and impartiality are key criteria in differentiating between patronage, mentoring and normal development of subordinates.

d. Change the facts once again. What assessment would be made if LTC X established such a relationship with two of six officers? Suppose he offered special mentoring opportunities to all, but only two maintained a commitment? LTC X, by offering assistance to all, is not at fault if only two junior officers continue to participate in a close mentoring relationship.

2-3. Drill sergeant - IET trainees

a. SFC X, a male drill sergeant, invited several male trainees to his house over the weekend to watch football on television. While there, the trainees drank beer and watched television. As SFC X was in the process of painting his house, he asked if they would help. They all did so. Upon returning to the barracks that night, the trainees joked about their new friend, SFC X. One of the trainees said, "We paid a small price for easy treatment for the rest of the basic training period — we just painted his house. Of course, we had no real choice."

b. Any training situation requires special consideration and, normally, the command issues local regulations or policy letters. Virtually every U.S. Army Training and Doctrine Command (TRADOC) installation with training requirements has regulations prohibiting any but duty interaction between trainees and permanent staff. In this situation, SFC X violated a regulation when he invited the trainees to his house. He compounded the error by asking them to paint his house, an act which clearly took improper advantage of both his rank and position. Adverse action (including Uniform Code of Military Justice (UCMJ) options) against SFC X is appropriate.

2-4. Commander - enlisted soldier

a. CPT X was the single male commander of A Company, 1st Battalion. He frequently dated civilians in the local area. At one party he approached SPC Y, a single female, for a date, knowing she was a member of B Company, 2d Battalion. She was concerned that this relationship could be misrepresented by others, but her platoon sergeant advised her it was appropriate since she and CPT X were not in the same chain of command. They began dating. Although they were never seen together on post, it was common knowledge in both battalions that they were dating, since they frequently attended off-post parties together. The enlisted men and women of SPC Y's company were certain she was receiving preferential treatment because of the relationship, but they could cite only one example: SPC Y did not have to complete the Army Physical Fitness Test with the rest of the company. In fact, SPC Y had a valid temporary medical profile.

b. Given the facts above, there is nothing illegal about the dating relationship between CPT X and SPC Y. They were not in the same chain of command or supervision. They could continue the relationship. However, there might be an adverse effect on either unit anyway. CPT X should be counseled to conduct himself in a manner that avoids creating even the slightest perception of favoritism. Both parties must constantly be alert to avoid situations or appearances which compromise their integrity and professionalism, or which adversely affect their respective units.

2-5. Officer - enlisted soldier

a. 1LT X, a single female, met SSG Y, a single male, at an off post bar. They started dating. On the second date, each found that the

other was in the military and stationed at Fort B. 1LT X was division headquarters while SSG Y was in the corps headquarters. They continued to date, off post and in civilian clothes, telling no one of their relationship. Their company commanders first learned of the relationship when both requested leave to get married.

b. Under Army policy expressed in AR 600-20 this relationship is not improper. Nor is it fraternization.

2-6. Platoon sergeant - enlisted soldier

a. SFC X, a single male platoon sergeant of the 1st Platoon, A Company, is dating PFC Y, a single female in B Company. Both are in the same battalion. Their relationship is common knowledge in both companies, since they eat their lunches together and walk hand-in-hand while in uniform. Although both characterize their relationship as serious, marriage has not been discussed. Both company commanders are aware of the relationship and do not believe it adversely affects their units.

b. SFC X and PFC Y should be counseled by their respective unit commanders concerning their relationship. They must be made aware that perceptions of unequal treatment are likely. Hand-holding between soldiers in uniform while in public is inappropriate. Further, SFC X must be vigilant that he takes no action which causes, could be perceived as causing, or even remotely suggests special treatment for PFC Y.

2-7. Staff officer - staff officer

a. COL X, a single male installation headquarters staff officer, has been a widower for 3 years. At a bail and farewell, he met CPT Y, a single female officer in the headquarters. She does not work under his supervision. They have dated for the past 3 months. Last weekend was a special one for them, the first free weekend COL X and CPT Y had enjoyed since they met. They rented separate cottages at the beach. Unfortunately, due to another officer's sudden illness, CPT Y found she was the weekend duty officer at the last minute. COL X called his friend, the Secretary of the General Staff (SGS), and prevailed upon his friendship to find another officer to replace CPT Y. COL X and CPT Y then spent the weekend relaxing and having serious discussions about their future.

b. This is preferential treatment arising from the relationship between COL X and CPT Y. Such preference is forbidden. While there is nothing wrong with their dating, taking advantage of his position to obtain CPT Y's release from duty is an example of wrongful activity by COL X. He should be counseled as a minimum action.

c. What happens if COL X calls the SGS to find another officer to replace CPT Z, a male officer whose child is a close friend of COL X's daughter? Taking advantage of his position in this manner is equally improper.

2-8. Commander - enlisted soldier

a. CPT X, a single female company commander, became romantically involved with SGT Y, a single man in her company. Several soldiers complained to the first sergeant that SGT Y was getting preferential treatment. When counseled by her battalion commander about the adverse impact the emotion was having on the unit, CPT X promised to terminate the relationship. Subsequently, the battalion commander learned that the relationship was not terminated and had become a unit scandal, undermining unit morale. The rampant rumors and innuendos about CPT X's personal conduct on and off-duty seriously reduced her effectiveness as a leader.

b. The battalion commander should exercise good judgment and common sense in his investigation. The relationship clearly violates the Army Policy on fraternization. It undermined morale and could reasonably be expected to adversely affect discipline and authority. A romantic relationship between soldiers in the same chain of command or supervision is improper. CPT X exercised poor judgment by entering into the relationship from the outset, and compounded her error by lying and not terminating the relationship. Relief from command, an adverse officer evaluation report, and consideration of disciplinary action under UCMJ would be appropriate actions for the commander to consider.

2-9. Commander - enlisted soldier.

a. CPT X, a single male, is the commander of C Company, 1st Battalion. Immediately adjacent to CPT X's company is 1st Platoon of A Company, 2d Battalion, to which SPC Y, a single female, is assigned. CPT X and SPC Y date openly, and are frequently seen together at the post exchange (PX) and movie theaters on post. He has taken her to the officers' club and accompanied her to the enlisted member (EM) club on several occasions. Since their relationship became known, there has been a noticeable decline of morale in both companies. When SPC Y was promoted, many of the enlisted men and women of her platoon complained to the platoon leader, alleging favoritism because of her "boyfriend." SPC Y has also complained about the other members of the platoon constantly making fun of her about the relationship. One PFC was overheard saying, "Anytime I need to get some slack, I can always go see Tom (CPT X). He'll take care of me because of Sally (SPC Y)."

b. This is a relationship, not in a chain of command or supervision, causing at least the perception of partiality and an actual adverse impact on unit discipline, authority, or morale. The respective commanders should objectively determine and document that regulatory standards in AR 600-20 have been violated. Appropriate corrective action might include counseling both soldiers on the improper relationship and administrative action.

c. Change the facts. Make SPC Y a male and CPT X his brother-in-law. While sexual relations are not involved, the rest of the facts could be the same with only minor alterations. The two of them are often seen together and their family relationship is well known. The two individuals should have been counseled as soon as they were both assigned to the same unit that their family relationship could be perceived as fostering favoritism. They should be advised to keep their relationship strictly professional during duty hours. The violations in this instance are no less violations of AR 600-20 than in the original case cited. The relationship is equally improper.

2-10. Noncommissioned officer - junior enlisted soldier

a. SGT X was promoted ahead of his unit contemporaries based on his outstanding performance of duty and demonstrated leadership. Since he was married and living off post, his promotion did not result in his moving into noncommissioned officer billets. He was already filling a fire team leader position in his squad so he was not moved to a new position. In fact, SGT X saw little change in his status or responsibilities as a result of his promotion. He and his wife continued to socialize with his unit friends who were still PFCs and SPCs. SGT X and his wife frequently invited them to weekend parties at their home so they could get away from the troop billets and have a good time. When CPT Y, the company commander, learned that SGT X was continuing to socialize with his subordinates, he called SGT X in for a counseling session. He warned SGT X such relationships could undermine unit discipline. CPT Y further stressed the need to avoid actual or perceived favoritism, partiality, preferential treatment, and exploitation.

b. There is nothing inherently wrong with social relationships among soldiers of different rank. However, in this case, SGT X continued to act as an equal in rank to some of the soldiers in the unit. The commander firmly stressed to SGT X that his new rank carried with it different responsibilities and authority. He was encouraged to view his relationships with his friends in light of any actual or perceived advantage to them. If his familiarity with his friends is perceived as favoritism, it could undermine his authority and even erode discipline in his unit.

c. SGT X should know the power of positive personal relationships to foster respect and cohesion. If his peers who are now junior in rank acknowledge his leadership as much as the seniors who promoted him, he is fostering and encouraging teamwork and bonding. SGT X, the chain of command, and his post group need to discuss how to handle the change his new rank makes in their relationships. And open discussion will contribute to increased understanding, thereby creating the climate of proper relationships between soldiers of different ranks.

2-11. Staff officer - enlisted soldier

a. MAJ X, executive officer of the 1st Battalion, organized a gade softball team to play in a local league. He sought and obtained the brigade commander's approval to form the team since they were using the brigade's "Blue Devils" nickname as a team name. Other brigade support or sponsorship was requested as league games were played evenings and weekends to avoid conflict with duty hours. PFC Y from B Company, 2d Battalion was known all over the post as an outstanding softball pitcher. His playing with the Blue Devils made the team a solid contender in any league. PFC Y participated eagerly on the team as he knew he could carry the Blue Devils to a winning season. Besides, he knew MAJ X held an influential position in the brigade if he ever needed a favor. When B Company was tasked on short notice to support U.S. Army Reserve (USARV) and Army National Guard training, MAJ X went to the 2d Battalion executive officer and got PFC Y pulled off the troop list to the rear detachment. Soldiers in B Company complained to the inspector general who promptly notified the brigade commander.

b. In this instance, MAJ X exercised poor judgment by using position and rank to influence personal actions for a subordinate. While it was not a chain of command relationship, it clearly caused a perception of partiality adversely affecting morale. He should have counseled, at least.

2-12. NCO - AIT trainee

a. SGT X, a single male, invited a female trainee, PVT Y, to spend a weekend with him off-post. SGT X knew such conduct was wrong as the post had a very specific regulation prohibiting actual relationships among training center personnel and trainees. Furthermore, all personnel were instructed quarterly on their responsibilities under this regulation. When SGT X's weekend activities with PVT Y came to the attention of the ISG, SGT X advised that PVT Y was not in the same battalion and, in his opinion, the conduct had no effect on good order, discipline, and morale.

b. SGT X was tried by special court-martial for violation of AR 600-20. SGT X violated a lawful regulation prescribing responsibilities toward trainees.

2-13. Enlisted soldier - NCO supervisor

a. SPC X, a single female clerk, has been taking evening classes in computers and word processing. She was aware a good job opening was coming open in the headquarters. She wanted the job and needed a firm recommendation. Her current supervisor was acquainted with the officer who would make the selection. One night after work SPC X asked her supervisor if he would like to go someplace for a drink. During the next week they met a few times after work and agreed to write a letter recommending her for the job. She was heard bragging to a friend about using her good looks to get the job. The LTC who overheard the conversation called her in for counseling. She admitted she had fostered a personal relationship to get the recommendation.

b. Impropriety can result from the actions of a subordinate in a social relationship. When the social relationship is used for personal, work-related gain, the relationship is improper. In this instance, it would be appropriate to recommend SPC X not be considered for the job, that she be transferred, and her supervisor be counseled.

2-14. Staff officer - Army civilian

a. COL X, a single male, supervises a large staff section. His staff section has a mix of military and civilian personnel. During his tour as section chief, COL X met and established an intimate personal relationship with Miss Y, a single female civilian secretary who works in the staff section. COL X is the senior rated officer and immediate supervisor. COL X has never attempted to use his authority over Miss Y's supervisor to her benefit. However, many of the staff section have seen COL X and Miss Y walking hand in hand or talking intimately, while on break during the workday. The staff section members complained to COL X's superior about the relationship.

b. COL X's relationship with Miss Y is not a violation of AR 600-20 because the relationship is not between soldiers of different ranks.

rank. However, the problems which AP 600-20 is intended to prevent can also arise in this type of supervisory-subordinate relationship. There is a significant risk that other members of COL X's staff will believe Miss Y receives preferential treatment because of her relationship with COL X. This perception, even if unfounded, can reasonably be expected to have a detrimental effect on the morale and efficiency of the staff section. As a leader, COL X needs to be sensitive to these issues and avoid them. COL X's supervisor should counsel COL X and inform him that, although AR 600-20 does not apply to this situation, the intent and other regulations do apply. COL X should be advised to maintain a professional relationship during duty hours with all office staff personnel.

c. What if COL X were Mr. X, a civilian supervisor? The fact the staff section chief was a civilian instead of a soldier does not change his responsibility to use good judgment. It is just as important that Mr. X avoid conduct which can reasonably be expected to damage the morale and efficiency of the section. The critical issue in these situations is whether the conduct in question results in preferential treatment or can reasonably be expected to create the appearance of preferential treatment.

2-15. Army Reserve and Army National Guard— Interpersonal Relationships

a. ISG X and SSG Y are members of the same USAR troop program unit. In their civilian employment they work for the same company and are good friends. Their company commander has received several complaints that ISG X is giving SSG Y preferential treatment. Investigation has satisfied the commander that there is truth to the allegation.

A. The company commander should counsel the ISG to ensure immediate correction, and decide whether administrative action is necessary. Although SSG Y is not the senior NCO, he is a military leader and should be counseled/educated on the proper relationship between soldiers of different ranks. It is very difficult and perhaps even awkward for reservists who work side-by-side 3 days a week in a civilian job to reverse roles and adhere to a more rigid military regimen for 1 weekend a month and two weeks in the summer. Reservists must maintain the balance between the civilian and military environment and must always be sensitive to what is expected of them.

c. The USAR requires the same impartial leadership as the Active Army. Morale and unit cohesion require sound judgment at all levels of command in every component of the United States Army.

**Appendix A
References**

**Section I
Required Publications**

AR 600-20
Army Command Policy. (Cited to paras 1-1, 1-4, 1-5, 2-5b, 2-9,
2-12 and 2-14b.)

Misc. Pub. No. 9-2
Manual for Courts-Martial, 1984. (Cited in preface.)

**Section II
Related Publications**

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

DA Pamphlet 600-2
The Armed Forces Officer

FM 22-100
Military Leadership

FM 22-600-20
The Army Noncommissioned Officer Guide

**Section III
Prescribed Forms**

This section contains no entries.

**Section IV
Referenced Forms**

This section contains no entries.

Glossary**Section I
Abbreviations****APFT**
Army Physical Fitness Test**AR**
Army Regulation**ARNG**
Army National Guard**CPT**
Captain**COL**
Colonel**DA**
Department of the Army**EM**
Enlisted Member**FM**
Field Manual**HQDA LTR**
Headquarters Department of the Army Letter**IADT**
(Reserve Component) Inactive Duty for Training**LTC**
Lieutenant Colonel**MAJ**
Major**NAFI**
Non-Appropriated Fund Instrumentality**NCO**
Noncommissioned officer**PFC**
Private First Class**PVT**
Private**PX**
Post Exchange**SFC**
Sergeant First Class**SGS**
Secretary General Staff**SGT**
Sergeant**SPC**
Specialist**ADOC**
U.S. Army Training and Doctrine Command**UCMJ**
Uniform Code of Military Justice**USAR**
U.S. Army Reserve**1LT**
First Lieutenant**2LT**
Second Lieutenant**1SG**
First Sergeant**Section II
Terms****Custom**
A frequent or usual method of procedure or mode of conduct or behavior. Arises out of long established practice which by common usage has attained force of law in the military or other community. May not be contrary to existing law or regulation. A custom which has not been adopted by statute or regulation ceases to exist when its observance has been generally abandoned.**Relationships Between Soldiers of Different Rank**

Any relationships between soldiers of different rank, some of which may be improper. Commanders must be able to determine those relationships which involve or give the appearance of partiality, preferential treatment, or the improper use of rank or position for personal gain. Such relationships are prejudicial to good order, discipline and morale.

**Section III
Special Abbreviations and Terms**

This section contains no entries.

Index

This section contains no entries.

Tab G

DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
Washington DC 20350-2000

OPNAVINST 5370.2A
PERS-203C
14 March 1994

OPNAV INSTRUCTION 5370.2A

From: Chief of Naval Operations
To: All Ships and Stations
(less Marine Corps
field addressees not
having NAVY personnel
attached)

Subj: NAVY FRATERNIZATION
POLICY

Ref: (a) U.S. Navy Regula-
tions, 1990
(b) SECNAVINST 5300.26B

1. Purpose. To confirm Navy policy on fraternization to reference (a). This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. OPNAV Instruction 5370.2.

3. Policy. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in rank and grade are prohibited and violate long-standing custom and tradition of the naval service. Similar relationships that are unduly familiar between officers or between enlisted members of different rank or grade may also be prejudicial to good order and discipline or of a nature to bring discredit on the naval service and are prohibited. Commands are expected to take administrative and disciplinary action as necessary to correct such inappropriate behavior. This instruction and the prohibition of fraternization found in Article 1165 of reference (a) are lawful general orders effective without further implementation. Violation of this instruction or Article 1165 subjects the involved members to disciplinary action under the Uniform Code of Military Justice (UCMJ).

4. Background/Discussion

a. Navy has historically relied upon custom and tradition to define the bounds of acceptable personal relationships among its members.

Proper social interaction among officer and enlisted members has always been encouraged as it enhances unit morale and esprit de corps. At the same time, unduly familiar personal relationships between officers and enlisted members have traditionally been contrary to naval custom because they undermine the respect for authority which is essential to Navy's ability to accomplish its military mission. Over 200 years of seagoing experience have demonstrated that seniors must maintain thoroughly professional relationships with juniors at all times. This custom recognizes the need to prevent use of a senior grade or position in such a way that it results in (or gives the appearance of) favoritism, preferential treatment, personal gain, or involves actions that otherwise may reasonably be expected to undermine good order, discipline, authority, or high unit morale. In like manner, custom requires that junior personnel recognize and respect the authority inherent in a senior's grade, rank, or position. This recognition of authority is evidenced by observance and enforcement of the military courtesies and customs that have traditionally defined proper senior-subordinate relationships.

b. 'Fraternization' is the term traditionally used to identify personal relationships that contravene the customary bounds of acceptable senior-subordinate relationships. Although it has most commonly been applied to officer-enlisted relationships, fraternization also includes improper relationships and social interaction between officer members as well as between enlisted members.

c. Historically, and as used in this instruction, fraternization is a gender-neutral concept. Its focus is on the detriment to good order and discipline resulting from the erosion of respect for authority inherent in an unduly familiar senior-subordinate relationship, not the sex of the members involved.

OPTIONAL FORM 93 (7/94)

FAX TRANSMITTAL

1 of pages 1

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14 March 1994

In this sense, fraternization is a uniquely military concept, although abuse of a senior's position for personal gain and actual or perceived preferential treatment are leadership and management problems that also arise in civilian organizations. In the context of military life, the potential erosion of respect for the authority and leadership position of a senior in grade or rank can have an extremely negative effect on good order and discipline and seriously undermine a unit's effectiveness. The prohibition of fraternization, therefore, serves a valid, mission essential purpose.

d. This instruction discusses only fraternization. Other forms of impermissible conduct, such as sexual harassment are addressed in reference (b).

5. Prohibited Relationships

a. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service.

b. When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the naval service may result from, but are not limited to, circumstances which:

- (1) call into question a senior's objectivity;
- (2) result in actual or apparent preferential treatment;
- (3) undermine the authority of a senior; or
- (4) compromise the chain of command.

6. Discussion

a. Fraternization, as defined in paragraph 5, is prohibited and punishable as an offense under the UCMJ.

b. It is impossible to set forth every act that may be prejudicial to good order and discipline or that is service discrediting because the surrounding circumstances often determine whether the conduct in question is inappropriate. Proper social interactions and appropriate personal relationships are an important part of unit morale and esprit de corps. Officer and enlisted participation on command sports teams and other command sponsored events intended to build unit morale and camaraderie are healthy and clearly appropriate. Dating, cohabitation, and intimate or sexual relations between officers and enlisted members are unduly familiar and are prohibited, as would be a private business partnership between officer and enlisted members. Likewise, such conduct between officer members and between enlisted members of different rank or grade would be unduly familiar and constitute fraternization if the conduct is prejudicial to good order and discipline or is service discrediting.

c. Prejudice to good order and discipline and discredit to the naval service may occur when the degree of familiarity between a senior and a junior in grade or rank is such that the senior's objectivity is called into question. This loss of objectivity by the senior may result in actual or apparent preferential treatment of the junior, and use of the senior's position for the private gain of either the senior or the junior member. The actual or apparent loss of objectivity by a senior may result in the perception the senior is no longer capable or willing to exercise fairness and make judgments on the basis of merit. An unduly familiar relationship that so undermines the leadership authority of a senior, or that compromises the chain of command, (i.e., where there is a direct senior-subordinate

relationship) is inappropriate and is prohibited.

d. Unduly familiar relationships may exist with individuals outside one's direct chain of command. By longstanding custom and tradition, Chief Petty Officers (E-7 to E-9) are separate and distinct leaders within their assigned command. Chief Petty Officers provide leadership not just within their direct chain of command but for the entire unit. Due to this unique leadership responsibility, relationships between Chief Petty Officers and junior personnel (E-1 to E-6) that are unduly familiar and that do not respect differences in grade or rank are typically prejudicial to good order and discipline when they are within the same command. Likewise, personal relationships that are unduly familiar between staff/student personnel within Navy training commands that do not respect differences in grade, rank, or the staff/student relationship are typically prejudicial to good order and discipline. While the existence of a direct senior-subordinate supervisory relationship is not a prerequisite for a relationship between juniors and seniors to constitute fraternization, the fact that individuals are in the same chain of command increases the likelihood that an unduly familiar relationship between senior and junior officers or between senior and junior enlisted members will result in prejudice to good order and discipline or discredit to the naval service.

e. Conduct which constitutes fraternization is not excused or mitigated by a subsequent marriage between the offending parties.

f. Service members who are married or otherwise related (father/son, etc.) to other service members must maintain the requisite respect and decorum attending the official relationship while either is on duty or in uniform in public.

OPNAVNET 5370.2A
14 March 1994

g. Compatible with sea/shore rotation policy and the needs of the service, service members married to each other will not be assigned in the same chain of command.

7. Action/Responsibility

a. Seniors throughout the chain of command will:

(1) Be especially attentive to their personal associations such that their actions and the actions of their subordinates are supportive of the military chain of command and good order and discipline. Since circumstances are important in determining whether personal relationships constitute fraternization, seniors must provide guidance on appropriate relationships that build unit cohesion and morale.

(2) Ensure that all members of the command are aware of the policies set forth in this instruction.

(3) Address the offending conduct by taking appropriate action, to include counseling, issuing letters of instruction, comments on fitness reports or annual performance evaluations, reassignment, and/or, if necessary, by taking appropriate disciplinary steps.

b. The responsibility for preventing inappropriate relationships must rest primarily on the senior. While the senior party is expected to control and preclude the development of inappropriate relationships, this policy is applicable to both members and both are accountable for their own conduct.

c. The Director for Naval Training (N7) will ensure training on this subject, including examples of appropriate and prohibited personal relationships, is provided in General Military Training.

OPNAVINST 5370.22
14 March 1994

d. Commanders will provide indoctrination and annual training to all hands on the subject of fraternization, including examples of appropriate and prohibited personal relationships.

F. B. KELSO, II

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Tab H

1 MAY 1996
Personnel



***PROFESSIONAL AND UNPROFESSIONAL RELATIONSHIPS**

NOTICE: This publication is available digitally. Contact your Publishing Distribution Office (PDO) for the monthly CD-ROM or access to the bulletin board system. The target date for discontinuing paper publications is December, 1996.

This instruction identifies command, supervisory and personal responsibilities for maintaining professional relationships between Air Force members, between Air Force members and the Air Force and Department of Defense civilian employee work force, and between Air Force members and members of other uniformed services. Unprofessional relationships, especially fraternization, erode good order, discipline, respect for authority, unit cohesion and, ultimately, mission accomplishment. It is the responsibility of commanders and supervisors at all levels to ensure compliance with this instruction. This instruction applies to all active duty members, members of the United States Air Force Reserve (USAFR), and members of the Air National Guard (ANG). Officers, including Reserve officers on active duty or inactive duty for training and ANG officers in Federal service, who violate the custom of the service against fraternization or the specific prohibitions contained in paragraph 5 and all of its subparagraphs can be prosecuted under either Article 92 or Article 134 of the Uniform Code of Military Justice (UCMJ), or both, as well as any other applicable article of the UCMJ, when appropriate.

SUMMARY OF REVISIONS

This instruction has been revised throughout. Major revisions follow: provides additional guidance on activities and situations that lead to or constitute unprofessional relationships, including fraternization; prohibits officers from engaging in specific relationships with enlisted members; subjects officers who violate the specific prohibitions to disciplinary action under the UCMJ; provides expanded guidance on administrative actions which may be initiated as a result of unprofessional relationships; extends the instruction to cover relationships between military members and civilian employees; stresses personal accountability for maintaining and enforcing professional relationships; and requires commanders and supervisors to act expeditiously in addressing all forms of unprofessional relationships.

1. General. Professional relationships are essential to the effective operation of all organizations, both military and civilian, but the nature of the military mission requires absolute confidence in command and an unhesitating adherence to orders that may result in inconvenience, hardships or, at times, injury or death. This distinction makes the maintenance of professional relationships in the military more critical than in civilian organizations. While personal relationships between Air Force members are normally matters of individual choice and judgment, they become matters of official concern when they adversely affect the Air Force. This guidance focuses on the impact of personal relationships on the interests of the Air Force as an institution. The guidance set forth in this instruction is based, in part, on the custom against fraternization that has been a part of and enforced within the American military for over 200 years.

2. Guidance

2.1. Professional Relationships. Professional relationships are those that contribute to the effective operation of the Air Force. The Air Force encourages personnel to communicate freely with their superiors regarding their careers, performance, duties and missions. This type of communication enhances morale and discipline and improves the operational environment while preserving proper respect for authority and appropriate mission focus. Participation by members of all grades in organizational activities, unit sponsored events, intramural sports, chapel activities, community welfare projects, youth programs and the like enhances morale and contributes to unit cohesion.

Supersedes: AFI 36-2909, 20 February 1995.
OPR: HQ AFPC/TA (Lt Col Kenneth A. Dekar)

Certified by: HQ USAF/DP (Lt Gen M. D. McGinty)
Pages: 4/Distribution:



2.2. Unprofessional Relationships. Relationships are unprofessional, whether pursued on or off-duty, when they deduct from the authority of superiors or result in, or reasonably create the appearance of favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, between enlisted members, between officers and enlisted members, and between military personnel and members of the civilian employee work force. Fraternalization is an aggravated form of unprofessional relationship and is recognized as a violation of Article 134 of the UCMJ.

2.2.1. Fraternalization. Fraternalization is a personal relationship between an officer and an enlisted member which violates the customary bounds of acceptable behavior in the Air Force and prejudices good order and discipline, discredits the armed services, or operates to the personal disgrace or dishonor of the officer involved. The custom recognizes that officers will not form personal relationships with enlisted members on terms of military equality, whether on or off-duty. Although the custom originated in an all male military, it is gender neutral. Fraternalization can occur between males, between females and between males and females. Because of the potential damage fraternalization can do to good order, discipline, morale, and unit cohesion, the President specifically provided for the offense of fraternalization under the UCMJ. Consequently, disciplinary action can be initiated under the UCMJ against an officer for fraternalization. (See Manual for Courts-Martial, 1984, Part IV, Paragraphs 59 and 83 for a complete discussion of fraternalization and the related offense of conduct unbecoming an officer.)

3. General Guidelines for all Military Personnel for Avoiding Unprofessional Relationships, Including Fraternalization. Military experience has shown that certain kinds of personal relationships present a high risk for being or developing into unprofessional relationships. Unprofessional relationships negatively impact morale and discipline. While some personal relationships are not in and of themselves unprofessional, they may be or become unprofessional when other facts or circumstances are taken into consideration. For example, factors which can change an otherwise permissible relationship into an unprofessional relationship include the members' relative positions in the organization, and the members' relative positions in the supervisory and command chains. Air Force members, both officer and enlisted, must be sensitive to the formation of those relationships and consider the probable impact of their actions on the Air Force in making their decisions. The rules regarding these relationships must be somewhat elastic to accommodate differing conditions; however, the underlying standard is that Air Force members are expected to avoid those relationships that negatively affect morale and discipline. Where economic constraints or operational requirements place officers and enlisted members and

members of different grades in close proximity with one another (such as combined or joint clubs, joint recreational facilities or mixed officer/enlisted housing areas) military members are, nevertheless, expected to maintain professional relationships. The mere fact that maintaining professional relationships may be more difficult under certain circumstances does not excuse a member's responsibility to maintain Air Force standards.

3.1. Relationships Within an Organization. Unduly familiar relationships between members in which one member exercises supervisory or command authority over the other can easily be or become unprofessional. Similarly, as differences in grades increase, even in the absence of a command or supervisory relationship, there may be more risk that the relationship will be, or be perceived to be unprofessional because senior members in military organizations normally exercise authority or some direct or indirect organizational influence over more junior members. The danger for abuse of authority is always present. The ability of the senior member to influence, directly or indirectly, assignments, promotion recommendations, duties, awards, and other privileges and benefits, places both the senior member and the junior member in a vulnerable position. Once established, such relationships do not go unnoticed by other members of a unit. Unprofessional relationships, including fraternalization, between members of different services, particularly in joint service operations, may have the same impact on morale and discipline as if the members were assigned to the same service and should be avoided.

3.2. Relationships With Civilian Employees. Civilians are an integral part of the Air Force. They contribute directly to readiness and mission accomplishment. Consequently, military supervisors of all grades must maintain professional relationships with civilian employees. Unprofessional relationships with civilian employees, particularly those whom they supervise can have an adverse affect on morale, discipline and respect for authority.

3.3. Dating and Close Friendships. Dating, courtship, and close friendships between men and women are subject to the same policy considerations as are other relationships. Like any personal relationship, they become a matter of official concern when they adversely affect morale, discipline, unit cohesion, respect for authority, or mission accomplishment. Members must recognize that these relationships can adversely affect morale and discipline even when the members are not in the same chain of command or unit. The formation of these relationships between superiors and subordinates within the same chain of command or supervision invariably raises the perception of favoritism or misuse of position and impacts morale and discipline negatively.

3.4. Shared Activities. Sharing living accommodations, vacations, transportation, and off-duty interests on a frequent or recurring basis can be, or can reasonably be perceived to be, unprofessional. These types of arrange-

ments often lead to claims of abuse of position or favoritism. It is often the frequency of these activities or the absence of any official purpose or organizational benefit which causes them to become, or to be perceived to be, unprofessional. While an occasional round of golf, game of racquetball or similar activity between a supervisor and a subordinate could remain professional, daily or weekly activities could result in at least the perception of an unprofessional relationship. Similarly, while it might be appropriate for a first sergeant to play golf with a different group of officers from his organization each weekend, in order to get to know them better, playing with the same officers every weekend might be, or be perceived to be, unprofessional.

3.5. Training, Schools and Professional Military Education. Personal relationships between students and instructors or staff in the training and school environment present particular risks and are especially likely to result in abuse of position, partiality or favoritism by instructors or staff, or create the appearance of such. Consequently, additional, specially tailored rules may be needed in this environment. Commands providing these functions should, consistent with this instruction, publish supplemental directives to regulate personal relationships in the training and school environment.

3.6. Other Relationships. Other relationships, not specifically addressed above, can, depending on the circumstances, lead to actual or perceived favoritism or preferential treatment and must be avoided. Examples of activities which may result, depending on the circumstances in an adverse impact on morale, discipline and respect for authority are gambling, partying with subordinates, soliciting or making solicited sales to members junior in rank, grade or position (with specific exceptions as set out in DoD 5500-7.R, *Joint Ethics Regulation*, paragraph 5-409), and joint business ventures.

4. Consequences of Unprofessional Conduct. All military members are subject to lawful orders. When a military member has been lawfully ordered to cease an unprofessional relationship or refrain from certain conduct, the military member is subject to prosecution under the UCMJ for violation of the order. Similarly, all military members are subject to prosecution for criminal offenses committed incidental to an unprofessional relationship (e.g. gambling, adultery, assault). In addition, officers may be prosecuted for violation of the specific prohibitions listed in paragraph 5 and all of its subparagraphs; violation of the custom against fraternization; and conduct unbecoming an officer.

5. Specific Prohibitions Relating to Officers (Fraternization). Unprofessional relationships between officers and enlisted members have a high potential for damaging morale and discipline and for compromising the standing of officers. Consequently, officers have an ethical and a legal obligation to avoid certain relationships and

activities. Officers must not engage in any activity with an enlisted member that reasonably may prejudice good order and discipline, discredit the armed forces or compromise an officer's standing. The custom against fraternization in the Air Force extends beyond organizational and chain of command lines. In short, it extends to all officer/enlisted relationships.

5.1. Specific Prohibitions. Conduct which violates the custom of the Air Force against fraternization can be prosecuted under Article 134 of the UCMJ. In addition, with reasonable accommodation of married members and members related by blood or marriage, the following conduct is prohibited and can be prosecuted under either Article 92 of the UCMJ, Article 134, or both, and any other applicable article of the UCMJ when appropriate:

5.1.1. Officers will not gamble with enlisted members.

5.1.2. Officers will not borrow money from or otherwise become indebted to enlisted members.

5.1.3. Officers Will Not Engage in Sexual Relations With or Date Enlisted Members. Dating as set out here includes not only traditional, prearranged, social engagements between two members, but also includes more contemporary social activities which would reasonably be perceived to be a substitute for traditional dating.

5.1.3.1. **Officer/Enlisted Marriages.** Officer/enlisted marriages are not always the result of fraternization. Some are created by commissioning civilians married to enlisted members; others by commissioning an enlisted member married to another enlisted member. A small number of these marriages occur by operation of law following force reductions and nonselection for promotion of some officers with prior enlisted service. Consequently, the fact that an officer is married to an enlisted member is not, by itself, evidence of misconduct. When evidence of fraternization exists, however, the fact that the officer and enlisted member subsequently marry does not preclude appropriate command action based on the prior fraternization. Regardless of how the marriage came to be, married members are expected to respect all customs and courtesies observed by members of different grades when they are on duty or in uniform in public.

5.1.4. **Officers Will Not Share Living Accommodations With Enlisted Members.** This prohibition does not extend to situations where military operations reasonably require the sharing of living accommodations.

6. Individual Responsibility To Maintain Professional Relationships. All military members share the responsibility for maintaining professional relationships. However, the senior member (officer or enlisted) in a personal relationship bears primary responsibility for maintaining the professionalism of that relationship. Leadership requires the maturity and judgment to avoid relationships which undermine respect for authority or which reasonably may impact negatively on morale, discipline, respect for authority, or the mission of the Air Force. This is especially true of officers and noncommissioned officers who are

expected to exhibit the highest standards of professional conduct and to lead by example. The senior member in a relationship is in the best position to appreciate the effect of that particular relationship on an organization and in the best position to terminate or limit the extent of the relationship. Members should expect to be and must be held accountable for the impact of their conduct on the Air Force as an institution.

7. Command and Supervisory Responsibilities. Commanders and supervisors at all levels have the authority and the responsibility to maintain good order, discipline and morale within their units. They may be held accountable for failing to act in appropriate cases.

8. Actions in Response to Unprofessional Relationships. If good professional judgment and common sense indicate that a relationship is causing, or may reasonably result in, a degradation of morale, good order, or discipline, corrective action is required. Action should normally be the least severe necessary to correct the relationship, giving full consideration to the impact the relationship has had on the organization. Counseling, alone, or in conjunction with other options, may be an appropriate first step. Where a relationship continues in spite of counseling or other administrative action, an order to cease the relationship, or the offensive portion of the relationship, can and should be given. Officers or enlisted members who violate such orders are subject to action under the UCMJ for the violation of an order. Corrective action in different cases need not be identical, but should be measured in terms of the nature of the violation and the severity of its impact on morale, discipline, unit cohesion or the mission. Appear-

ances of favoritism or partiality caused by inexperience or inadvertence are normally less serious than those resulting from a knowing disregard for policy or misuse of position or office. Instances of actual favoritism, partiality, or misuse of grade or position may constitute violations of the UCMJ and, in appropriate cases, should result in punitive action. Relationships which have had an adverse impact on the Air Force should not be excused simply because the members subsequently marry or one of the members leaves the service. Where action under the UCMJ is determined not to be appropriate, the full spectrum of administrative actions is available. Administrative actions include, but are not limited to, counseling, reprimand, creation of an unfavorable information file, removal from position or assignment, demotion, delay or removal from a promotion list, adverse comment in performance reports and processing for administrative separation. One or more administrative actions may be appropriate.

9. Training. Instruction on the concepts of unprofessional relationships and fraternization shall be made a part of the curricula for basic training, commissioning programs, and professional military education for all military personnel. Commanders will familiarize themselves with this instruction and make certain all personnel are briefed on the concepts on an annual basis or more frequently as required.

10. Questions Regarding This Instruction. Military members who have questions as to the application or interpretation of this instruction should consult their commander. Commanders are encouraged to consult their servicing staff judge advocate for assistance in interpretation.

MICHAEL D. MCGINTY, Lt General, USAF
DCS/Personnel

ALMAR 185/96

[<pre>]

R 130800Z MAY 96 ZYB
FM CMC WASHINGTON DC//CMC//
TO ALMAR
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ALMAR 185/96

MSGID/GENADMIN/CMC/MPP-56//

SUBJ/MARINE CORPS MANUAL (MCM) CH 3.//

RMKS/1. IN JULY, 1995, I DIRECTED THE DC/S M-RA TO CONVENE A TASK FORCE TO REVIEW OUR CURRENT POLICY REGARDING FRATERNIZATION. THE TASK FORCE VALIDATED THE POLICY BUT RECOMMENDED THAT AN UPDATED AND MORE THOROUGH EXPLANATION OF FRATERNIZATION BE INCLUDED IN THE MILITARY LEADERSHIP SECTION (PAR 1100) OF THE MCM. I CONCUR WITH THE TASK FORCE AND THIS ALMAR IMPLEMENTS THAT RECOMMENDATION. IN ORDER TO BE FULLY EFFECTIVE, MARINE CORPS POLICY ON THIS COMPLEX SUBJECT MUST BE EXPLAINED TO EVERY MARINE IN BOTH OUR FORMAL EDUCATION PROCESS AND IN INFORMAL LEADERSHIP SESSIONS. I DIRECT THE CG, MCCDC TO REVIEW POI'S TO ENSURE THAT FRATERNIZATION EDUCATION IS INCLUDED IN ALL APPLICABLE SCHOOL CURRICULUM. ADDITIONALLY, I DIRECT COMMANDERS AT EVERY LEVEL TO DISCUSS FRATERNIZATION ISSUES IN THEIR LEADERSHIP TRAINING PROGRAMS. WITH THE ACTIVE PARTICIPATION OF MARINE LEADERS AT EVERY LEVEL WE WILL KEEP OUR STANDARDS HIGH IN THIS IMPORTANT AREA.

2. THE FOL CHANGES TO THE SUBJ MANUAL ARE DIRECTED:

A. ON PAGE 1-22, DELETE CURRENT PAR 1100.4 IN ITS ENTIRETY AND REPLACE WITH THE FOL:

"4. PROFESSIONAL AND PERSONAL RELATIONSHIPS BETWEEN MARINES. PROFESSIONAL AND PERSONAL RELATIONSHIPS, INCLUDING DUTY, SOCIAL, AND BUSINESS CONTACTS AMONG MARINES OF DIFFERENT GRADES WILL BE CONSISTENT WITH TRADITIONAL STANDARDS OF GOOD ORDER AND DISCIPLINE AND THE MUTUAL RESPECT THAT HAS ALWAYS EXISTED BETWEEN MARINES OF SENIOR GRADE AND THOSE OF LESSER GRADE. PERSONAL RELATIONSHIPS BETWEEN OFFICER AND ENLISTED MEMBERS THAT ARE UNDULY FAMILIAR AND THAT DO NOT RESPECT DIFFERENCES IN GRADE OR RANK CONSTITUTE FRATERNIZATION AND ARE PROHIBITED. WHEN PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OR OF A NATURE TO BRING DISCREDIT ON THE MARINE CORPS, PERSONAL RELATIONSHIPS BETWEEN OFFICER MEMBERS OR BETWEEN ENLISTED MEMBERS THAT ARE UNDULY FAMILIAR AND THAT DO NOT RESPECT DIFFERENCES IN GRADE OR RANK CONSTITUTE FRATERNIZATION AND ARE PROHIBITED. PREJUDICE TO GOOD ORDER AND DISCIPLINE OR DISCREDIT TO THE MARINE CORPS MAY RESULT FROM ANY CIRCUMSTANCE WHICH CALLS INTO QUESTION A SENIOR'S OBJECTIVITY, RESULTS IN ACTUAL OR APPARENT PREFERENTIAL TREATMENT, UNDERMINES THE AUTHORITY OF THE SENIOR, OR COMPROMISES THE CHAIN OF COMMAND. THE FOLLOWING PARAGRAPHS WRITTEN BY MAJOR GENERAL JOHN A. LEJEUNE APPEARED IN THE MARINE CORPS MANUAL, EDITION OF 1921, AND SINCE THAT TIME HAVE DEFINED THE RELATIONSHIP THAT MUST EXIST BETWEEN MARINE OFFICERS AND ENLISTED MEMBERS, AS WELL AS BETWEEN OFFICERS OF DIFFERENT GRADES AND ENLISTED MEMBERS OF DIFFERENT GRADES OF THE CORPS AND OTHER MILITARY SERVICE MEMBERS."

B. ON PAGES 1-22 AND 1-23, SUBPARAGRAPHS 1100.4, A THROUGH F
REMAIN UNCHANGED

C. ON PAGE 1-23, DELETE CURRENT PARAGRAPH 1100.5 IN ITS ENTIRETY
AND REPLACE WITH THE FOL:

"5. NONCOMMISSIONED OFFICERS. THE PROVISIONS OF PARAGRAPHS
1100.3 AND 1100.4 ABOVE, APPLY TO THE RELATIONSHIP OF NONCOMMISSIONED
OFFICERS WITH THEIR SUBORDINATES AND APPLY SPECIFICALLY TO
NONCOMMISSIONED OFFICERS WHO MAY BE EXERCISING SUPERVISORY AUTHORITY
OR LEADERSHIP ROLES OVER JUNIOR MARINES."

D. ON PAGE 1-23, ADD NEW PARAGRAPH 1100.6:

"6. OFFICER AND ENLISTED MARRIAGES. THE MARINE CORPS
ACCEPTS OFFICER/ENLISTED MARRIAGES WHICH OCCUR BEFORE THE OFFICER
RECEIVES A COMMISSION OR BEFORE THE OFFICER REVERTS TO AN ENLISTED
GRADE. HOWEVER, MISCONDUCT, INCLUDING FRATERNIZATION, IS NEITHER
EXCUSED NOR MITIGATED BY SUBSEQUENT MARRIAGE BETWEEN THE PARTIES.
MARINES MARRIED TO OTHER MARINES OR TO OTHER SERVICEMEMBERS, OR
OTHERWISE CLOSELY RELATED (E.G., PARENT/CHILD, SIBLINGS) SHALL
MAINTAIN THE REQUISITE TRADITIONAL RESPECT AND DECORUM ATTENDING THE
OFFICIAL MILITARY RELATIONSHIP BETWEEN THEM WHILE EITHER IS ON DUTY,
IN UNIFORM IN PUBLIC, OR AT OFFICIAL SOCIAL FUNCTIONS."

3. C. C. KRULAK, GENERAL, COMMANDANT OF THE MARINE CORPS.//

BT

Marine Corps Manual
Section B - Management

1100 Military Leadership

4. Professional and Personal Relationships Between Marines. Professional and personal relationships, including duty, social, and business contacts, among Marines of different grades will be consistent with traditional standards of good order and discipline and the mutual respect that has always existed between Marines of senior grade and those of lesser grade. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in grade or rank constitute fraternization and are prohibited. When prejudicial to good order and discipline or of a nature to bring discredit on the Marine Corps, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank constitute fraternization and are prohibited. Prejudice to good order and discipline or discredit to the Marine Corps may result from, but is not limited to, one or more circumstances which call into question a senior's objectivity, result in actual or apparent preferential treatment, undermine the authority of the senior, or compromise the chain of command. The following paragraphs written by the then Major General Commandant John A. Lejeune appeared in the Marine Corps Manual, Edition of 1921, and since that time have defined the relationship that must exist between Marine officers and enlisted members, as well as between officers of different grades and enlisted members of different grades of the Corps and other U.S. military service members (*subparagraphs (a)-(f) not included in their entirety*):

- a. "Comradeship and brotherhood...
- b. "Teacher and scholar...
- c. "The realization of this responsibility on the part of officers is vital....
- d. "To accomplish this task successfully, a constant effort must be made by all officers to fill each day with useful and interesting instruction...
- e. "Love of corps and country...
- f. "Leadership...

5. Noncommissioned officers. The provisions of paragraphs 1100.3 and 1100.4 above, apply to the relationships of noncommissioned officers with their subordinates and apply specifically to noncommissioned officers who may be exercising supervisory authority or leadership roles over junior Marines.

6. Officer and Enlisted Marriages. The Marine Corps accepts officer/enlisted marriages which occur *before* the officer receives a commission or *before* the officer reverts to an enlisted grade. However, misconduct, including fraternization, is neither excused nor mitigated by subsequent marriage between the parties. Marines married to other Marines or to other servicemembers, or otherwise closely related (e.g., parent/child, siblings), shall maintain the requisite traditional respect and decorum attending the official military relationship between them while either is on duty, in uniform in public, or at official social functions.

Tab J

COAST GUARD PERSONNEL MANUAL CHAPTER 8.H.

8.H. INTERPERSONAL RELATIONSHIPS WITHIN THE COAST GUARD

8.H.1. GENERAL

8.H.1.a. Coast Guard Values

The Coast Guard attracts and retains highly qualified people with commonly shared values of honor, respect and devotion to duty. These values anchor our cultural and Service norms and serve as a common foundation for our interpersonal relationships within the Coast Guard.

8.H.1.b. Mission Success

We interact, communicate and work together as teams to accomplish our missions. Indeed, mission success depends on cultivating positive, professional relationships among our personnel. An environment of mutual respect and trust inspires teamwork, assures equal treatment, and grants Service members the opportunity to excel.

8.H.1.c. Leadership and Military Discipline

Professional interpersonal relationships always acknowledge military rank and reinforce respect for authority. Good leaders understand the privilege of holding rank requires exercising impartiality and objectivity. Interpersonal relationships which raise even a perception of unfairness undermine good leadership and military discipline.

8.H.1.d. Custom and Tradition

The Coast Guard has relied on custom and tradition to establish boundaries of appropriate behavior in interpersonal relationships. Proper social interaction is encouraged to enhance unit morale and esprit de corps. Proper behavior between seniors and juniors, particularly between officers and enlisted personnel, enhances teamwork and strengthens respect for authority.

8.H.1.e. Officers and Senior Enlisted

By long standing custom and tradition, commissioned officers, including warrant officers, have leadership responsibilities extending across the Service. Likewise, chief petty officers (E-7 to E-9) have a distinct leadership role, particularly within their assigned command. Both provide leadership not just within the direct chain of command, but for a broader spectrum of the Service. Due to these broad leadership responsibilities, relationships involving officers or chief petty officers merit close attention.

CH 26

B.H.

Post-it® Fax Note	7671	Date	# of pages 9
To	CDR Alex Hill	From	CDR R.W. Goodchild
Co/Dept.		Co	USCG (WPM-2)
Phone #		Phone #	202-267-2338
Fax #	(203) 614-6058	Fax #	

COAST GUARD PERSONNEL MANUAL CHAPTER 8.II.

8.H.2. POLICY**8.H.2.a. Professional Work Environment**

Coast Guard policy is to sustain a professional work environment which fosters mutual respect among all personnel, and in which decisions affecting personnel, in appearance and actuality, are based on sound leadership principles. Commanding Officers, officers-in-charge, and supervisors are expected to provide an environment which enhances positive interaction among all personnel through education, human relations training, and adherence to core values.

8.H.2.b. Positive Social Interaction

Coast Guard policy on interpersonal relationships has been crafted to be as gender-neutral as possible. However, this approach may obscure one important issue: the fundamental principle that interpersonal activities which are appropriate among men or among women are likewise appropriate among men and women. Positive social interaction among men has proved beneficial to the individuals and the organization in the past, and women should be afforded equal opportunity to participate in these activities. Women must not be insulated or isolated from proper professional and social activities if the Coast Guard is to benefit from the full measure of their contributions.

8.H.2.c. Acceptable Personal Relationships

As people work together, different types of relationships arise. Professional relationships sometimes develop into personal relationships. Service custom recognizes that personal relationships, regardless of gender, are acceptable provided they do not, either in actuality or in appearance:

1. Jeopardize the members' impartiality.
2. Undermine the respect for authority inherent in a member's rank or position.
3. Result in members improperly using the relationship for personal gain or favor, or
4. Violate a punitive article of the UCMJ.

8.H.2.d. Assessing the Propriety

The great variety of interpersonal relationships precludes listing every specific situation that members and commands may encounter. While some situations are clearly discernible and appropriate action is easily identified, others are more complex and do not lend themselves to simple solutions. Evaluating interpersonal relationships requires sound judgment by all personnel. Factors to consider in assessing the propriety of a relationship include:

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1. The organizational relationship between the individuals: whether one member can influence another's personnel or disciplinary actions, assignments, benefits or privileges;
2. The relative rank and status of the individuals: peers, officer and enlisted, CPO and junior enlisted, supervisor and subordinate, military and civilian, instructor and student; and
3. The character of the relationship; e.g., personal, romantic, marital.
 - a. Personal relationship: Non-intimate, non-romantic association between two or more people (of the same gender or not), such as occasional attendance at recreational or entertainment events (movies, ball games, concerts, etc.) or meals. (Does not involve conduct which violates the UCMJ.)
 - b. Romantic relationship: Cross-gender sexual or amorous relationship. (Does not involve conduct which violates the UCMJ.)
 - c. Unacceptable relationship: Inappropriate and not allowed under Service policy. Resolution normally administrative. Relationship must be terminated or otherwise resolved once recognized.
 - d. Prohibited relationship: Violates the UCMJ. Resolution may be either administrative, punitive, or both as circumstances warrant.

Exhibit 8.H.1 contains a matrix depicting common interpersonal relationships.

8.H.2.e. Violation of Service Policy

Relationships cross gender lines, can develop into romantic relationships, and even lead to marriage. A relationship, including marriage, does not violate Service policy unless the relationship or the members' conduct fails to meet the standards set by this section, standards of conduct set by the Uniform Code of Military Justice (UCMJ), or other regulations.

8.H.2.f. Unacceptable Romantic Relationships

Romantic relationships between members are unacceptable when:

1. Members have a supervisor and subordinate relationship (including periodic supervision of duty section or watchstanding personnel), or
2. Members are assigned to the same small shore unit (less than 60 members), or
3. Members are assigned to the same cutter, or

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4. The relationship is between chief petty officers (E-7/8/9) and junior enlisted personnel (E-4 and below), or
5. The relationship is manifested in the work environment in a way which disrupts the effective conduct of daily business.

The nature of operations and personnel interactions on cutters and small shore units makes romantic relationships between members assigned to such units the equivalent of relationships in the chain of command and, therefore, unacceptable. This policy applies regardless of rank, grade, or position. This policy applies to Reservists in an active status, whether or not on duty.

8.H.2.g. Prohibited Relationships

Coast Guard policy prohibits the following relationships or conduct, regardless of rank, grade, or position of the persons involved:

1. Engaging in sexually intimate behavior aboard any Coast Guard vessel, or in any Coast Guard-controlled work place,
2. Romantic relationships outside of marriage between commissioned officers and enlisted personnel. For the purposes of this paragraph, Coast Guard Academy cadets and officer candidates (both UCS and ROCI) are considered officers.
3. Personal and romantic relationships between instructors at training commands and students.

This provision is a punitive general regulation, applicable to all personnel subject to the Uniform Code of Military Justice without further implementation. A violation of this provision is punishable in accordance with the UCMJ.

8.H.2.h. Family Relationships

Service members married to Service members, or otherwise closely related; e.g., parent and child, siblings, etc., shall maintain requisite respect and decorum attending the official military relationship between them while either is on duty or in uniform in public. Members married to members or otherwise closely related shall not be assigned in the same chain of command.

8.H.3. EXAMPLES OF ACCEPTABLE AND UNACCEPTABLE RELATIONSHIPS AND CONDUCT**8.H.3.a. Acceptable Relationships**

Examples of acceptable personal relationships:

1. Two crewmembers going to an occasional movie, dinner, concert, or other social event.

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2. Members jogging or participating in wellness or recreational activities together.

8.H.3.b. Unacceptable Relationships

Examples of unacceptable relationships:

1. Supervisors and subordinates in private business together.
2. Supervisors and subordinates in a romantic relationship.

8.H.3.c. Unacceptable Conduct

Examples of unacceptable conduct:

1. Supervisors and subordinates gambling together.
2. Giving or receiving gifts, except gifts of nominal value on special occasions.
3. Changing duty rosters or work schedules to the benefit of one or more members in a relationship when other members of the command are not afforded the same consideration.

8.H.4. FRATERNIZATION**8.H.4.a. Definition**

Fraternization describes the criminal prohibition of certain conduct between officer and enlisted personnel set out in the UCMJ. Interpersonal relationships between officer and enlisted personnel and fraternization are not synonymous. Fraternization does not apply exclusively to male-female relationships, but a much broader range of inappropriate conduct. (While not an exhaustive listing, see paragraph 8.11.3.) The elements of the offense of fraternization specified in the Manual for Courts-Martial are:

1. The accused is a commissioned or warrant officer, and
2. The accused officer fraternized on terms of military equality with one or more enlisted members in a certain manner, and
3. The accused knew the person to be an enlisted member, and
4. The association violated the custom of the Service that officers shall not fraternize with enlisted members on terms of military equality, and
5. That, under the circumstances, the conduct of the member was prejudicial to good order and discipline in the Armed Forces, or was of a nature to bring discredit upon the Armed Forces.

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8.H.4.b. Personal Relationships Between Officer and Enlisted

The custom of the Service accepts personal relationships between officer and enlisted personnel, regardless of gender, if they do not violate the provisions of 8.H.2.c. Relationships in conflict with those provisions violate the custom of the Service.

8.H.4.c. Romantic Relationships Between Officer and Enlisted

The custom of the Service prohibits romantic relationships outside of marriage between officer and enlisted personnel. This includes such relationships with members of other military services. Officer and enlisted romantic relationships undermine the respect for authority which is essential for the Coast Guard to accomplish its military mission.

8.H.4.d. Marriage Between Officer and Enlisted

The custom of the Service accepts officer and enlisted marriages which occur before the officer receives a commission. Lawful marriage between an officer and enlisted service member does not create a presumption of misconduct or fraternization. However, misconduct, including fraternization, is neither excused nor mitigated by subsequent marriage.

8.H.5. RESPONSIBILITY**8.H.5.a. Primary Responsibility**

All personnel are responsible for avoiding unacceptable or prohibited relationships. Primary responsibility rests with the senior member. Seniors throughout the chain of command shall attend to their associations and ensure they support the chain of command, good order and discipline.

8.H.5.b. Early Resolution

Personnel finding themselves involved in or contemplating unacceptable relationships should report the situation and seek early resolution from their supervisor, commanding officer, officer in charge, command enlisted advisor, or Coast Guard chaplain. Any potential conflict with Coast Guard policy should be addressed promptly. Commands are expected to assist members in understanding Coast Guard policy requirements and resolving conflicts. Bringing an unacceptable relationship to early Command attention will increase the opportunity for early, positive resolution.

8.H.5.c. Commanding Officer Responsibility

Coast Guard Regulations Manual, COMDTINST M5000.3 (series) specifically charge commanding officers and officers-in-charge with responsibility for their command's safety, efficiency, discipline, and well-being. They should take prompt, appropriate action to resolve conduct which does not comply with the provisions of this section.

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8.H.5.d. Academy and Training Center Staff

Interpersonal relationships involving Academy and Training Center staff and students are particularly susceptible to abuse by the senior member. The Superintendent of the Academy and commanding officers of training commands may issue local directives further restricting or prohibiting such relationships as they deem appropriate. The Superintendent of the Academy may issue supplemental regulations addressing cadet relationships, including when cadets are in training situations aboard other Coast Guard units.

8.H.5.e. Violation by Commanding Officer

If a member's superior or immediate commanding officer is the subject of a report of misconduct under this article, procedures outlined in Section 9-2-2, COMDTINST M5000.3 (series), (Oppression or Other Misconduct by a Superior) shall be followed.

8.H.6. RESOLVING UNACCEPTABLE RELATIONSHIPS

8.H.6.a. General

Avoiding unacceptable personal relationships is in the best interest of all concerned. Training, counseling, and administrative actions help prevent unacceptable personal relationships or minimize detrimental effects when unacceptable relationships develop. Prompt resolution at the lowest level possible is desirable.

8.H.6.b. Training

Avoiding unacceptable and prohibited interpersonal relationships requires that personnel clearly understand Coast Guard policy and its application. The unit training program is an ideal forum to accomplish this. Training on "FRATERNIZATION AND INTERPERSONAL RELATIONSHIPS" shall be conducted at all officer and enlisted accession points and at resident training courses; e.g., leadership school, "A" and "C" Schools, etc. Training at other units is strongly encouraged.

8.H.6.c. Counseling

Early counseling often can resolve potential concerns about the characteristics of a relationship and appropriate actions to ensure the relationship develops in a manner consistent with Service custom. Counseling may be informal or more formal, including written documentation by Administrative Remarks, Form CG-3307 or an Administrative Letter of Censure (Article 8.E.4.). Counseling may include a direct order to terminate a relationship.

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8.H.6.d. Personnel Reassignment

Members may request or a command may recommend reassignment of a member involved in a questionable relationship. However, reassignment is not a preferred option. The Coast Guard is not obligated to reassign personnel due to members' desires or based solely on a relationship. When reassignment is not an option, members may be directed to end a relationship.

8.H.6.e. Evaluations

When members do not respond favorably to counseling, comments and marks in officer and enlisted evaluations may be appropriate.

8.H.6.f. Other Administrative Actions

As warranted, commands may recommend separation, removal or withdrawal of advancement recommendations, appointment to another status, or promotions.

☛ Chapter 12 for additional administrative actions which may be considered.

8.H.6.g. Disciplinary Action

Non-judicial punishment or courts-martial may address fraternization or other unlawful or prohibited relationships or conduct.

8.H.7. ACTION

Commanding officers and officers in charge are responsible for ensuring that all members of their commands are familiar with these provisions.

COAST GUARD PERSONNEL MANUAL CHAPTER 8.H

Interpersonal Relationships

Organizational Relationship	Character of Relationship				
	Personal	Romantic			Married/Family
Separate Units	1-4 A	1-2 A	3 U	4 P	1-4 A
Same Large Shore Unit or Co- Located Units	1-4 A	1-2 A	3 U	4 P	1-4 A
Same Chain of Command, Same Afloat Unit, Small Shore Unit	1-4 A	1-2 U	3 U	4 P	1-4 U (for assignment purposes)

Legend:Member Status:

1. Peers: (Very similar in rank or position, e.g., officers; CPOs; POs; non-rated personnel, etc.)
2. Military and Civilian CG employee
3. CPO and Junior Enlisted (E-4 and below)
4. Officer (including cadets and officer candidates) and Enlisted

Character of Relationship:

- Personal:** Non-intimate, non-romantic associations between two or more people (of the same gender or not), e.g. occasional attendance at recreational or entertainment events (movies, ball games, concerts, etc.) or meals. (Does not include conduct which constitutes fraternization.)
- Romantic:** Cross-gender sexual or amorous relationship. (Does not include conduct which violates the UCMJ.)
- Married/Family:** Service members married to service member, or otherwise closely related: e.g., parent and child, or siblings, etc.

Service Policy:

- A = Acceptable:** Permissible provided conduct meets Service standards.
(☛ Article 8.H.2.c.)
- U = Unacceptable:** Inappropriate; not allowed under Service policy. Relationship must be terminated or otherwise resolved once recognized. Resolution is normally administrative.
- P = Prohibited:** The relationship violates the UCMJ.



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



JUL 30 1997

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Task Force Meeting

During the July 24 meeting of the Task Force, we agreed that my office would develop a series of questions to serve as a baseline to help structure the discussion at our next meeting. These questions should lead us to a clearer definition of the issues we are charged to address, and inform us on the actions we may wish to take singly or collectively. The first draft of the questions is attached for your review and comment. Please add to the list, recommend changes or suggest a different approach that you believe would have greater utility. I would appreciate receipt of your input by COB on August 6.

Following the receipt of your comments, we will schedule a meeting to discuss them with the objective of delineating the problem we are attempting to solve, determining the information and analyses we need, and formulating an appropriate plan of action on how we should proceed.

F. Pang

Acting Under Secretary of Defense

Attachment:
As stated

cc:
Commandant of the Coast Guard

DISTRIBUTION:
Assistant Secretary of Defense (Reserve Affairs)
DoD General Counsel
DoD Inspector General
Under Secretaries of the Military Departments
Vice Chiefs of the Services
Director of the Joint Staff



FRATERNIZATION ISSUES

DRAFT

1. **Terminology.** The definition and usage of the term "fraternization" differs among the Services. For example, in the Air Force and Coast Guard instructions use of the term "fraternization" follows the elements of the Manual for Courts-Martial (MCM) form specification where the charge of fraternization may be brought against an officer for fraternizing on terms of equality with one or more enlisted members in violation of the custom of the Service to the prejudice of good order and discipline. In contrast, under the Department of the Navy, Navy and Marine Corps instructions define certain prohibited relationships between enlisted members and between officers as fraternization.

- Should the term "fraternization" have a uniform definition throughout the armed forces?
- Should other terminology be used (e.g., unprofessional relationships)?
- Should changes be made to the Uniformed Code of Military Justice (UCMJ) or the MCM? Should the form specification on fraternization in Article 134 be broadened to address other types of relationships? Should it be eliminated?

2. **Consistency of Enforcement and Punishment.** The Services' enforcement and punishment of fraternization incidents have been criticized as inconsistent. Even a perception of inconsistency in handling fraternization cases may adversely affect morale among service members and diminish credibility of the military justice system with external publics.

- Are Service standards sufficiently clear to place service members on notice of what relationships are prohibited and the likely consequences of violations?
- Is guidance provided to commanders sufficiently clear so that commanders' initial actions are proportional to the seriousness of the violation (e.g., use counseling and administrative actions when appropriate as first steps to resolve cases fairly and consistently)?
- Would it aid consistency if the Services delineated in their regulations three categories of relationships: Relationships that are prohibited, relationships that are unacceptable, and relationships that are acceptable?
- Should DoD adopt an approach that delineates between unacceptable relationships that would normally be handled administratively and other relationships that may be punished?
- Should this area be regulated through administrative measures only?

- What steps should be taken to ensure that fraternization policies are clearly understood and fairly enforced? For example, should DoD adopt uniform training standards in this area? Should a model for all assessment and PME training be developed? Should training programs include instruction on other Service's standards?

3. Need for Uniform Policies and Practices. DoD is under increasing pressure to develop consistent policies and practices governing fraternization and unprofessional relationships. Adopting uniform policies or a uniform umbrella policy might lead to more consistency in the way cases are resolved.

- Are the customs and traditions of the Services in this area truly so different as to warrant separate standards? Can we articulate and justify these differences in such a way as to satisfy service members, the press, the public, and Congress?
- How do the current differing Service standards on fraternization and unacceptable or unprofessional relationships apply in a joint environment?
- Is there a need for increased uniformity in regulating any of the following types of relationships:
 - officer-enlisted
 - officer-officer (based on grade or rank differentials)
 - enlisted-enlisted (based on grade or rank differentials)
 - instructor-student/cadet
 - cadet-cadet
 - military-civilian
 - different service relationships?
- Could the current policies and practices of one Service on unacceptable or unprofessional relationships serve as a model for all Services?
- Can current Service policies relating to marriage between officers and enlisted members be applied consistently and in a manner that is understood by service members to be fair and reasonable?

4. Environmental Issues. The press and other publics have frequently raised broader questions about how the climate in which military members serve affects the governance of interpersonal conduct in support of good order and discipline.

- What other areas of personal conduct should be of concern to Task Force?
- How do we reconcile the need for order and discipline in military life with the concept of personal privacy?



Drill sergeants,
discipline and abuse
in America's sensitive
new Army



NO MORE CUSSING.
NO MORE ABUSE.
NO MORE HUMILIATION.
NO MORE HOUSE OF PAIN.
WITH RULES LIKE THESE, CAN
AMERICA'S SONS AND DAUGHTERS
BE MOLDED INTO COMPETENT SOLDIERS?

FOR THE BRIEFEST OF MOMENTS, IT IS THE ARMY we know. At Aberdeen Proving Ground in Maryland, a sleepy group of young soldiers is stumbling into formation. It is just after 0700 hours. The morning heat feels steamy, wilting, unforgiving—but not nearly as unforgiving as the man in the distinct, wide-brimmed drill instructor's hat who is watching them, Sgt. 1st Class Garvin Gourie, the most powerful person in their lives.

He expects their formation to have the precision of a chessboard: pawns evenly spaced, a perfectly stitched seam of camouflage. "ATTEN...TION!" He expects a snap. But there is no snap this morning. A couple of soldiers are still scurrying out of the barracks. One is wearing sunglasses. A few are smirking.

SGT 1ST CLASS
GARVIN GOURIE
ACQUAINTS A
SOLDIER WITH
ARMY LIFE AT
ABERDEEN PROV-
ING GROUND.

By Jackie Spinner
Photographs
By Pete Souza/
Gamma Liaison

And this is the moment. We have seen it. It is so familiar from movies, from TV shows, from childhood games, from our own experiences, that we know what comes next: fury.

Because Gourie is furious. He is not a nice drill sergeant. He is not "candy," the term for instructors who try to be too buddy-buddy. Earlier in the morning, on a pre-dawn run, he was the sergeant pushing the soldiers to run harder, faster. He was the one whose

SERGEANT

breath was the steadiest as he ran alongside the troops, singing cadences, correcting broken strides, yelling at puffing, panting privates who were slowing down the run and ruining the beautiful clip-clop sound of shoes hitting pavement in unison. As runs go, it wasn't the best.

And now this. Unbelievable. Pathetic. It is so clear to Gourie what is wrong here. An Army, he knows, needs to be orderly. Order means there has been subjugation of the individual, which allows for teamwork, which allows for unity, which allows for fighting-machine dominance. Lining up straight is the beginning of this, absolutely necessary for everything that is to follow, like crawling to walking, and if these soldiers, these fatboys, these slackers, these losers, these morons, these sloths, these spoiled crybabies can't even line up straight, then there goes the Army, there goes the nation, there goes democracy, there goes everything, and so the time has come for Gourie to get in their faces and be furious, just as his drill sergeant was to him and drill sergeants have been forever.

Except this is the new Army, an army that no longer allows drill sergeants to be cussing, ranting, abusive beasts. They cannot slap, hit, kick, punch or call privates names anymore. They cannot deny their soldiers meals or water as punishment, make them roll in the mud or assume the infamous roach position, in which a private lies on his back and shakes his legs and arms in the air like a dying cockroach. That would be humiliating. That could mean disciplinary action. That would be Old Hat, so to speak, and Gourie is New Hat.

So this is what he does.

He searches for the proper f-word to use and settles on "fricking." As in, "Have you lost your fricking minds today?"

They still aren't moving fast enough, so he barks at them some more. "Dress this mess up before I really get upset!"

And then he searches deep inside himself for one more thing to say, something that will punctuate his exasperation and emphasize his rage and motivate his soldiers and save the democracy and meanwhile not violate the rules, and it is those words, carefully chosen, intended as fists, that now rain down upon the soldiers.

"Doggone it!" he roars.

GARVIN GOURIE IS A DRILL SERGEANT IN THE KINDER Army, the gentler Army, the modern Army.

In the old Army, the prevailing philosophy of basic training was that a recruit had to be completely torn down before he could be built into a good soldier.

In the new Army, Gourie says in all sincerity: "I try to treat soldiers the way I would want to be treated. I keep that in the back of

my mind at all times. You can enforce the standards without any type of abuse."

In the old Army, what a drill sergeant said was unchallengeable, and what he did was unquestionable.

In the new Army, Staff Sgt. Sean Polwort, drill sergeant of the year at Fort Benning in Georgia, home of the Army infantry, says: "Would you like to be shoved up against a wall and shouted at? I wouldn't. Why would we want to do that to a private? He isn't going to like it, either. It doesn't make sense to push them around like that. We don't do it anymore."

In the old Army, the chain of command was seen as tacitly, if not directly, endorsing such shoving and shouting.

In the new Army, Gen. William W. Hartzog, the head of the U.S. Army Training and Doctrine Command, says: "The drill instructors today need to understand the soldiers they deal with. To do that they need to understand the culture and the mores of those soldiers. Our drill instructors today have to be role models. They have to really function in a way that the very impressionable youth hopefully will emulate."

"You treat people with dignity," he says. "You treat people like human beings."

All of which is to say that there is a profound and consequential shift underway in the Army about the meaning of power in a changing society.

Though the Army has been examining its training methods for years, much of the current urgency comes from Aberdeen itself, which in the old Army was just another military installation, and in the new Army is a symbol of what can go wrong when one person's power over another is assumed to have no boundaries. Just as the old stereotype of a drill sergeant is familiar, so, now, is Aberdeen: from the first allegations of rape late last year to the acknowledgment by the Army that something had indeed gone terribly wrong. To the filing of criminal charges against 11 sergeants and one captain. To the further acknowledgment

that there were problems Army-wide. To the national hot line set up that recorded 1,288 complaints of abuse in its seven months in operation, 353 of which resulted in criminal investigations. To, most of all, the trial this spring of Delmar Simpson, an Aberdeen drill sergeant who was convicted and sentenced to 25 years in prison for raping six female soldiers under his command.

Maybe Simpson is so extreme that nothing would have prevented what he did at Aberdeen. Maybe he is a product neither of Old Hat nor New Hat, but a true aberration, so egregious in behavior that no adjustment of Army regulations would have kept him from forcing sex on women in his office, in the barracks, in his quarters.

But inside the extreme of Simpson are the Army's 2,100 other drill sergeants, all of whom

A DRILL SERGEANT CALLS A HAIT, ABOVE, DURING RIFLE AND BAYONET TRAINING AT FORT BENNING, THE ALL-MALE HOME OF THE ARMY INFANTRY. LEFT, PROVIDING SOME ONE-ON-ONE GUIDANCE FOR A SOLDIER AT ABERDEEN.





face moments every day in which the potential to create a good soldier can seem in conflict with the potential for abuse. To be a drill sergeant is to be in a position of absolute power over recruits. It is a kind of power that doesn't exist in the civilian world. Drill sergeants tell their soldiers when to sleep, when to eat, what to wear, how to think. They have the power to reward good soldiers and punish bad ones. They can recommend soldiers be promoted or kicked out of the Army. They can make life easy or they can make life hell. At 18, a person can run away from an abusive home without legal ramifications; in the Army, a recruit who runs away from his drill sergeant can end up in jail. That's the kind of power Delmar Simpson had over his soldiers day to day. He marched them to class, marched them home, inspected their barracks, ordered them to chow, passed out their mail, gave them permission to see the doctor, made sure their uniforms were worn properly, checked to see if they were in bed on time, helped them with their class work, made sure their finances were in order, their relationships were in order, their lives were in order.

The Army has long recognized the kind of immense power that is established under those conditions. Only now is it beginning to recognize the deep flaws in the system. There have been several inquiries conducted since Aberdeen—some by the Army, one by an independent congressional review panel—and among the general findings has been the inescapable conclusion that the system needs to be changed. For instance, the Army has never routinely conducted criminal background checks on drill sergeant candidates. Also, only a small percentage of the candidates are subjected to evaluation, by either a psychologist or their direct superiors. It's as if the ability to bark, "Attention!" has somehow been adequate.

It hasn't. That's why it's more than a new Army that is being created. It is a new drill sergeant.

PLENTY OF OLD HATS AND NEW HATS BELIEVE THAT GENDER integration has forced the creation of the new drill sergeant. That if you didn't have women in the Army, then you could be as rough and

'WOULD YOU LIKE TO BE SHOVED UP AGAINST A WALL AND SHOUTED AT? I WOULDN'T. WHY WOULD WE WANT TO DO THAT TO A PRIVATE? HE ISN'T GOING TO LIKE IT, EITHER. IT DOESN'T MAKE SENSE TO PUSH THEM AROUND LIKE THAT.'



tough as the old days. *It's the women*, they whisper conspiratorially, knowing that's not the politically correct thing to say. But it's more than gender integration. Abuse is no longer tolerated anywhere in the Army, including training facilities where there are no women. It has to do with broader changes in society. It has to do with good business: The modern Army sweats to get recruits, so why be abusive toward them once they get in? They won't want to stay.

But accommodation tends to breed tension. Tension can produce uncertainty. Uncertainty can lead to questions. And for Staff Sgt. Anthony Houzah, who teaches a class in sexual harassment and trainee abuse at the U.S. Army Drill Sergeants School at Fort Jackson, S.C., the questions are the same ones again and again.

His classes are filled with sergeants who are about to become drill sergeants, and every one of them has heard about the troubles at Aberdeen. They know the name Delmar Simpson. They know he wasn't the only one and that Aberdeen wasn't the only place. Now, as Houzah stands one day in front of a new class while sorting

through slides for the overhead projector, here come the hypotheticals he's been expecting:

Suppose there's this female, someone asks, and her uniform is out of order and you have to correct it, and suppose someone sees you and thinks you're putting the moves on her?

Or suppose there's this other soldier, and she's lying on the road, and she's hurt or collapsed or something. Suppose she needs mouth-to-mouth. What if somebody sees you when you're giving her CPR and you get in trouble because they think you're kissing her?

They seem absurd questions to an outsider, almost comical, but none of the students is laughing. Instead, they are nodding because these are precisely the questions they have been wondering about, too.

Houzah finds the slide he's after, one of an Army regulation, and displays it on the overhead. "It says, 'You can touch a private where the safety of the soldier is in question or when making correction directly related to training,'" he recites. "That is permitted."

"But didn't you say you have to ask her permission before you

'YOU CAN'T IMAGINE WHAT IT'S LIKE UNTIL YOU PUT THE HAT ON. YOU JUST CAN'T IMAGINE WHAT IT'S LIKE TO HAVE THAT MUCH POWER. YOU'VE GOT TO HAVE SOMEBODY WHO'S READY FOR IT.'



can touch her?" a student says.

Houzah sighs. "No. You can touch them to correct..." He's cut off.

"But it's safer to ask?"

"Yes," he concedes. "It's safer to ask."

This is classroom instruction, post-Aberdeen. It involves worrying about perception, about being falsely accused, about any number of theoretical situations—even though the reality suggested by Army numbers is that the percentage of drill sergeants who cross the line between appropriate and abusive behavior is extremely small. Last year, the Army's 16 training installations reported 127 confirmed cases of abuse of recruits, a relatively scant amount compared with the nearly 320,000 new soldiers the Army trained. The number doesn't reflect unreported cases, which, as the response to the bot line suggests, could be substantially higher. But whether the number is 127 or 10 times that, the perception of widespread abuse is pervasive enough that the Army can't ignore it.

"We get calls from family members who automatically assume their children are going to be abused because they've joined the Army," says Staff Sgt. John Rowe, a drill instructor at Fort Jackson. "The Army's been cleaning themselves up for years, but people still expect us to be like the drill sergeants in the movies. The soldiers come in and they expect you to be like that. They are so petrified of you and if you were to go, 'Boo!' half of them would wet their pants."

It is not easy being a New Hat. The issues are much more complicated,

the soldiers are tougher to train, and the Army demands more of its drill sergeants than ever before. A drill sergeant is expected to be a model soldier, parent, psychologist, sociologist, financial planner, not just a tyrant. Not even a tyrant.

"You hear from some of the soldiers trying to get into the [drill sergeant] program and they want to know if it's really that tough out there," says Command Sgt. Maj. Chester A. Perry, commandant of the Fort Jackson school. "It's kind of obvious that's going to happen, but you have to tell them there is no problem in being a drill sergeant if you've got good morals and you're not on a power trip."

The Army considers its drill sergeants to be some of its best soldiers, which is one of the reasons the Aberdeen scandal stung the service so severely. Drill sergeants are chosen for their leadership skills and technical expertise, and because they presumably can handle the kind of power they'll inherit.

"That's why it's so important we get the best soldiers," says 1st Sgt.

Thiriso Hamilton, deputy commandant at the school. "That power you have as a drill sergeant, you can't imagine what it's like until you put the hat on. You just can't imagine what it's like to have that much power. You've got to have somebody who's ready for it."

Perry and Hamilton agree the Army could do a better job of finding those soldiers. Currently, the selection process is an impersonal one, done by Army bureaucrats at the Pentagon who base their decisions on a soldier's career record, duty assignments, awards and commendations—in other words, things that look good on paper. Commanders who work closely with a sergeant out in the field rarely are asked to weigh in, even though, as Hamilton points out, "the chain of command has the best knowledge about that sergeant. They know the positives and negatives. They know who's going to flip out."

At the drill sergeant school, instructors are sometimes able to spot students who might have problems once they graduate, but they are often powerless to do anything about it. The school isn't designed to weed out bad drill sergeants. It is designed to make successes of everyone there.

Drill sergeants must go through nine weeks of instruction, an intense period of simulated basic training designed to immerse the students in the complete surrender required of a recruit. For some of the students—all of them sergeants, some of whom have been in



the Army 10 years or more—it isn't always easy.

In the cement courtyard outside the school one afternoon, a drill sergeant berates a student who, instead of facing the criticism straight on, tries to look away, embarrassed that anyone is watching.

"Come on, sergeant, I'm not telling you again about your doggone hat," the drill sergeant scolds. "That's the third time I've had to tell you."

The student, who will be a drill sergeant himself in three weeks, adjusts his cap and walks away, his head down.

"It's a good reminder for us to live with this," says Staff Sgt. Lynda Packett, another of the students.

"It's what we are going to ask our privates to do, so you've got to do it, too."

Packett, a landy-looking woman with a toothpaste-commercial smile, is munching on a slice of sausage pizza in the school's chow hall. When she is done at the school, she will become one of about 200 female drill sergeants in the Army. Her assignment will be to Fort Leonard Wood, Mo., a training installation that has been plagued by the same kind of scandal as Aberdeen. Yet at the lunch table, Packett and Staff Sgt. Matildo Coppi, another student, agree that it won't be hard to do the right thing as long as they follow the rules. Neither can imagine a drill sergeant graduating from the

AN INSTRUCTOR ADVISES HER PUPILS, ABOVE, AT THE DRILL SERGEANTS SCHOOL AT FORT JACKSON. OPPOSITE, READY AND WAITING DURING BARRACKS INSPECTION AT FORT BENNING.



school and not knowing the difference between right and wrong because the rules are repeated over and over and over again: Never talk to a private in your office without someone else there. Leave the door open. Don't play favorites. Never conduct bed checks by yourself. Never touch a private in anger.

"There is a regulation that says exactly what you can and can't do in a situation," Coppi says. "As long as you live by those rules, you can't go wrong."

It sounds simple. But as the session in Houzah's class continues, it becomes clear that his students are uncomfortable with what they are learning about the potential for false accusations, and it also becomes clear that mixed in with their general enthusiasm about what's ahead is a sense of nervousness.

"Everybody's just so shellshocked about this stuff," Staff Sgt. Richard Jones utters at one point from the back of the room.

"Because of the past, because of what drill sergeants did before us, these things have turned the spotlight on us," Houzah says.



"These drill sergeants said they'd do the moral and right thing. They swore they'd do the moral and right thing—and they didn't. Nobody sends their son or daughter into the U.S. Army to be verbally or sexually abused, everybody understand that? That's why we are in the limelight we are today, everybody understand that?"

"HOOAH!" the students shout in unison, to show they understand.

"It is up to you stop it," Houzah goes on. "You have to shut down the sexual harassment, the fraternization and the trainee abuse in that environment. HOOAH?"

"HOOAH!"

AWAY FROM THE CLASSROOM, IN ANOTHER PART OF FORT Jackson, Sgt. 1st Class Keith Purnell is meeting his new platoon of recruits for the first time. It is a pivotal moment, when the lines of power are first established, and in this moment Purnell knows: They are scared. They can barely look at him. Or they don't want to look at him. Or they think they can't look at him.

The young privates, their heads buzzed and lanky limbs hanging inside brand-new uniforms, are huddled on a set of metal bleachers in the atrium of the Delta Company barracks. This isn't just their first meeting with Purnell, it's the first day of basic training, and everything is entirely confusing. "Listen to them. Emulate them. And you will not go wrong," someone in a uniform is saying to them. They don't know who the man is. They don't know his uniform. They don't know his rank. Soon enough, they will: He's a first sergeant, introducing them to Purnell and their other drill sergeant, Staff Sgt. Peter Vasquez, but for now it's all uncertainty as Purnell and Vasquez begin walking toward them, closer and closer, until they abruptly snap their heels and come to a stop.

"Sound off," Purnell shouts.

"Bulldogs," Vasquez shouts back.

The recruits just stare at them.

For the next eight weeks, Purnell and Vasquez will be responsible for turning the 1st Platoon Bulldogs into soldiers. They will have to stress their soldiers out toward what some might consider a breaking point. They will make them run, jump, shoot a rifle, throw a grenade. They will teach them to recognize a first sergeant. They will teach them to respect authority without fearing it. Or so they hope.

Purnell, a drill sergeant for only two months, is still excited about the prospect. The 18-hour days, the six-day work week, the long stretches away from his family, the inevitable tensions that arise between drill sergeants and their spouses—*one of them has dug in yet*. It will.

At chow that morning, three hours into the day and just past 0700, Purnell heard the war stories from the other drill sergeants sitting around the faux-wood table, buffed to a shine no doubt by some private.

Staff Sgt. Joe Cooper talked about missing his anniversary in July. It wasn't the first time, but July 2 was a crucial training day this year, and he had to make a choice: Buckle down with the privates or take his wife out. He buckled down with the privates.

"It's more pressure on the wife than anybody," Cooper said. "Day in, day out, she's the one that's got to take care of the kids when you're gone. You can't really concentrate too much on your family. A whole lot of drill sergeants have problems at home because of that."

Sgt. 1st Class Tonya Griffin, a drill sergeant as tough as they come, nonetheless winced a bit when she talked about missing one of her son's basketball games. "Mom, we always win when you're at the game," he'd told her. "You've got to be at this one." But she couldn't be. She had to be with her privates, and of course her son's team lost, and in describing this she said, "Those things hurt. My sons, they try to understand, and my husband is the best, and you try not to disappoint them, but you can't be there for the school plays and you can't have too many sleepovers when you've got to be up at 3 a.m."

That's the deal, though. Griffin knows it, Cooper knows it and Purnell is learning it. They are required to spend all day with the soldiers, every day but Sunday, for two months. When one class graduates the next class might arrive a few hours later, and when that class graduates in will come another, and all of them, in their first moments, will be like the class Purnell is facing now.

What must they see, exactly, these brand-new recruits? What did Delmar Simpson's recruits think when they first saw him? Simpson is 6-foot-4. He has a jagged, three-inch-long scar running down one side of his face. He liked to scare new recruits. He would push them, prod them and scream at them, once poking a private so hard in her arm to make a point that it left a deep bruise. How far is it from that kind of intimidation to the kind of abuse of power that Simpson was ultimately convicted of? "Why didn't you just run out of there?" one of Simpson's victims was asked during his trial. "He would have just got me sometime," she answered.

That's the image that endures post-Aberdeen. Absolute power. Complete intimidation. No sense of humanity. Purnell wants no part of it. He doesn't want to rule by fear. But



WITH A NOTE-TAKER AND WITNESS, CONDUCTING AN INSPECTION, LEFT, AT ABERDEEN. BELOW, STRESS CLASS FOR SERGEANTS AT FORT JACKSON. OPPOSITE, NEWLY BARBERED ENLISTEES AT FORT BENNING



neither does he want to be candy. He wants to be somewhere in between, never a pushover but always approachable, and even if he puts a little more edge on his style as he settles into the job, he doesn't want to be perceived as ever having put up a wall. "They should have respect for my hat, but I never want that soldier to be afraid of me," he'd said just before meeting the recruits. "If that soldier is afraid of me, he's going to be afraid of the opposing force."

That's where Purnell will draw a line, then, but for any drill sergeant, such lines are always being adjusted by the endless decisions they face during a day. If a private doesn't empty his garbage can before inspection, what is the appropriate punishment? If a private is late for formation, is it acceptable to order her to do push-up after push-up to the point of near collapse?

They can seem like such little things—a leftover piece of trash, a half-second late to the line—but as M. Thomas Davis, a retired Army colonel and former federal executive fellow at the Brookings Institution, explains it, soldiers have to learn to follow orders, even the ones that seem insignificant.

Davis says his son once asked him why soldiers were getting in trouble because they hadn't shaved, especially if they were out on patrol or in a foxhole all night. Privates often wonder the same thing. Male soldiers in basic training are required to shave every

morning and can be punished if they show up at formation with a stubble. Female soldiers are required to keep their hair pinned above their collars.

"You always want to maintain the semblance that we are civilized," Davis explains. "We are a civilized people even though we are called to do things from time to time like kill, which is uncivilized. It is a reminder to them that we are still a civilized people and we follow rules of good order and discipline. When I ask you to kill, I expect you to do it. When I tell you to stop, I expect you to stop. That's a tough thing to instill in people, and it has to start in basic training. It has to start with the drill sergeant."

There is no single, perfect way to accomplish this. Theory may be a general guide, but the reality of basic training is encouragement one minute, bawling out the next.

At a weapons range hidden deep in the woods that surround Fort Jackson, Sgt. 1st Class Andrew Garner is hollering at a line of soldiers who are face down in the dirt in front of him. "Do it right," he howls, the sweat dripping off his face. The sound of rifle fire off in the distance punctuates his lecture. PING. PING. PINGPINGPING.

Garner is teaching his soldiers how to install and retrieve a Claymore mine, one of the most difficult of all the combat skills the soldiers will have to master before they can *continued on page 25*

'WHEN I ASK YOU TO KILL, I EXPECT YOU TO DO IT. WHEN I TELL YOU TO STOP, I EXPECT YOU TO STOP. THAT'S A TOUGH THING TO INSTILL IN PEOPLE, AND IT HAS TO START IN BASIC TRAINING. IT HAS TO START WITH THE DRILL SERGEANT.'

DRILL SERGEANT

continued from page 17

graduate from basic training. The sequence is complicated by a number of different tasks. Inventory check. Get down in the prone. Test the firing device. Test the wire. Tie the wire. It has to be done in order, precisely. These are mines, after all.

At Garner's command, the privates pick up the wire and start moving across the field, a dry, sandy lot with rust-brown torso-shaped enemy targets planted here and there. "You're going to move down range and be a star," he says, trying to encourage them. "What are you going to do?"

Two dozen hot, tired voices shout back weakly. "Be a star, drill sergeant."

He can't hear them. He is annoyed again.

"Be a star, drill sergeant."

The privates file down the field, unreeling the wire, sidestepping to keep from tripping. They move carefully, methodically, all except for one private who has figured out that it's much easier to do this by walking backward rather than sidestepping, and that's the private Garner is now running toward full-tilt until he is inches away, in his face, screaming.

"You never turn your back on the enemy, private!" he screams so loud that he is red-faced. *"Don't you ever, ever turn your back on the enemy!"*

IN 1986, SEAN POLWORT WAS 17 YEARS old, a scrappy kid from Texas arriving at Fort Benning for basic training. Old Hats ruled. Privates were made to do push-ups until drill sergeants got tired of watching. Cuss words flew. Punches flew. Arms got broken. The end of the day would come, and privates and drill sergeants would head over to the NCO club and get drunk and then march back to the barracks around midnight.

"Our drill sergeants would make us do push-ups, drunk like that," Polwort recalls. "People were puking all over the place, and the drill sergeants thought it was funny."

Polwort, now a drill sergeant himself, is standing at the edge of a field where 200 grunting privates in gray T-shirts and shorts are moving through a morning of physical training. To his right, they are doing push-ups. To his left, the bicycle. In front of him, the ropes. On the track, here comes a platoon of soldiers, singing their cadence: "Shut



up, take it, shut up, take it." Over there, making whispering sounds, is a private who was caught cheating on his last lap around the track. He is struggling to do one more push-up while his drill sergeant crouches by him and shakes a fistful of dirt in his face and screams, "Get your lazy butt up. Now let's go. You're going to run that last lap, and you're going to kick it. You can feel sorry later."

But something else has captured his attention: On the far side of the track, a private is hopping on one leg instead of running with the rest of his platoon. A drill sergeant is yelling something at him. The words aren't distinct, but the tone is ferocious, and the private is struggling to maintain his balance.

"What's he doing?" Polwort says. He furrows his brow and shakes his head. "I'm going to have to talk to him. That drill sergeant isn't supposed to be doing that." He keeps watching. "That's what's bad about this environment. People hide under this hat. They forget they're human. These kids are human."

It seems like what Polwort is saying is another variation of what Garvin Gourie said at Aberdeen, and Anthony Houzah said at Fort Jackson—but there's a difference. Aberdeen and Fort Jackson have gender-integrated training, while Fort Benning is the all-male, all-testosterone home of the Army infantry. Aberdeen and Fort Jackson are where changes would be expected, while the expectation at Fort Benning would be to scoff at such nonsense.

In theory, then, Fort Benning is the place to see how far the concept of new Army has

filtered down. At Fort Jackson, for instance, a student in drill sergeant school, whose father was a drill sergeant and whose first posting was going to be to Fort Benning, snickered when his teacher, clearly a New Hat, reminded the students to think before they act, to consider the consequences before going after a private. "It's a different world at Benning," the student said, explaining his reaction. "A soldier gets out of line, and he's going to find himself crushed in a trash can, hurting."

In fact, it's not a different world. The commanders have made it clear that the same regulations that apply to drill sergeants at Aberdeen and Fort Jackson apply to Fort Benning's 387 drill instructors as well. Once drill sergeants laughed at vomiting privates, now they don't even laugh at the sight of a private hopping around on one foot.

At least at that level, then, everything at Fort Benning seems consistent with new Army regulations. But beneath that is an ongoing debate about the consequences of the regulations that is perhaps fiercer at Fort Benning than anywhere else.

Earlier this summer, word came down to the drill sergeants that they were no longer to terrorize soldiers on the first day they met them.

"We couldn't put that first strike of fear in them," says Staff Sgt. David Francis. "We had to be professional. We had to welcome them to the Army."

A DRILL SERGEANT HAS A QUIET MOMENT ON THE FORT BENNING RIFLE RANGE.

'WE COULDN'T PUT THAT FIRST STRIKE OF FEAR IN THEM. WE HAD TO BE PROFESSIONAL. WE HAD TO WELCOME THEM TO THE ARMY.'

**SWIM IN JUST
20 DAYS***

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The drill sergeants hated the results.

"It didn't work. The privates didn't listen. They didn't do what you told them to do," Francis says. "They weren't afraid of you. They were completely out of control the entire time they were here."

Polwort says the change was well-intentioned, but even a New Hat knows there's a limit. "You might as well have handed those soldiers a cup of coffee and a Snickers," he says. "I didn't see anybody yelling, nothing at all. It was pathetic. It was all out of whack. There is nothing wrong with making it clear that you are in charge."

Soon after, new word came down saying things should go back to how they were. But that one experiment left the drill sergeants keenly aware of the transition underway, that the Army brass, Congress, the American public, parents of soldiers and the soldiers themselves are all watching them closely, scrutinizing their every move, waiting for the first hint that a drill sergeant is stepping out of line. The drill sergeants have become concerned about false accusations of abuse because that's been happening. They are concerned that the line between appropriate and inappropriate behavior has shifted too far in favor of the privates, that they are losing their power, that their commanders are caving in to public pressure, that there is a lack of awareness of the type of recruit they're being asked to train. The Nintendo generation, they call the recruits: They know how to push buttons and little else. Many come from broken homes. Many have never been disciplined. Many seem to know nothing about values, about being part of a team, about playing by the rules. Some have enlisted because a judge told them it was either that or jail.

That's who the drill sergeants find themselves trying to turn into soldiers, and as the regulations keep shifting, even the soldiers themselves can feel the effects.

Tyler Strands and Isaac Avrett are what the Army calls split-opts, or split options, because they joined the service when they were still in high school. They did their first half of basic training in 1996. Now they are back at Fort Benning for the second half, and they are astonished at the changes in a year.

A year ago, their drill sergeants welcomed them to the "House of Pain," a euphemism for the kind of brutal training experience that is not supposed to exist anymore.

"The first time I met my drill sergeants, they told me that we were at the House of Pain. Nobody knows what goes on in training but them. There's nobody to run to. Nobody will care," says Pfc. Strands, a 20-year-old college student.

All summer long, he and Avrett say, the drill sergeants were in their face. They were mean, and they pushed hard. If a floor was buffed perfectly, a drill sergeant would

scuff it and make the privates shine it again. One time a drill sergeant hit Strands in the face with his hat, over and over again across the bridge of his nose.

Strands says he was mad at the time—but now, a year later, he thinks the drill sergeant did the right thing.

"Last year I went home and I felt really, really good about the Army," Strands says. "Last year I had no chips on my shoulder."

"There's this line now, and people outside of the military are trying to say what they should and should not be able to do," says Avrett, an 18-year-old whose father was a Marine drill sergeant. "I think that's wrong. I think the military should make the rules and other people shouldn't stick their noses in. I volunteered to do this. Nobody made me do it."

"This year I think it's getting soft, and it shouldn't," Strands says. "It's like these drill sergeants, and you can just tell, they are trying not to lose their rank."

AND THAT MAY BE THE MOST ENDURING post-Aberdeen image of all, the image of a drill sergeant, for so long the embodiment of unquestioned power, now becoming the embodiment of uncertainty.

"We used to be able to push them to the limits," says Aberdeen's Gourie, who has been in the Army for 15 years. "It's unheard of now. They call it trainee abuse. As a drill sergeant, you're always having to do a mental check. It changes your spontaneity, and in doing that it changes the way you think. It's like you are protecting your own interests."

There are any number of drill sergeants who would disagree with such a characterization, who say that there's no reason for any drill sergeant to feel anything other than confident. "My chest sticks out so far when I put that hat on my head," says Tonya Griffin. "I'm like a peacock. We're the best of the best. I mean, I still get a lump in my throat when I hear reveille and retreat. I wear this uniform and I wear this hat with pride. I don't care if I'm going to Wal-Mart. I'm going with this hat on my head because I want people to see that I am a drill sergeant."

But the uncertainty is there nonetheless, sometimes showing up in blunt declarations, sometimes comically, sometimes subtly.

One day it's apparent in Aberdeen Staff Sgt. Jeffrey Rails. "This hat here," he says, thinking of how people react to the drill instructor hat on his head, "it means nothing now."

Another day, it's apparent in Sgt. Wendell E. Little, who is trying to teach a platoon of privates how to throw a grenade into a metal bunker. They're supposed to run to the bunker in pairs, drop to the ground, pull out the grenade, remove the pin, count to two, throw the grenade into the bunker, roll

away, flip 180 degrees, point their M-16s toward the tree line and wait for the bang, which, since these grenades are for practice, will sound like a small firecracker. Simple enough—except the pair running toward the bunker now includes a soldier so wispy it doesn't seem as if he could carry a 10-pound sack of potatoes, much less a rifle. He drops to the ground. He pulls out his grenade. He tosses it and watches helplessly as it misses the bunker and goes skidding across the ground directly toward the sergeant's feet. *Bang.* Dirt and sand cover Little's boots. He runs toward the private. His face is red and turning redder. Clearly, he's fuming, but instead of screaming, he hesitates, and then says with all sincerity, "Private, you need to move closer to the hole. Your arms are length-challenged, or whatever the P.C. thing is to say. They're short, private. That means you have to get closer to the hole."

Another day. This time it's Sgt. 1st Class Michael Coolidge. Once again it's morning at Aberdeen, shortly past 0700 hours. A few miles away are the places where Delmar Simpson forced himself on his soldiers, and somewhere is the building where the court martial took place, where another of his victims testified that she remembered thinking after she was assaulted: "Why was he doing this? He's my drill sergeant. He's not supposed to be making me do this." Several months after that, Aberdeen hasn't forgotten that testimony, but neither can its drill sergeants dwell on it. There is too much to be done. There's a new class of recruits in, and Coolidge has to turn them into soldiers. And look at them. They're standing around. Talking. Laughing. As if they have all the time in the world. As if becoming a soldier is something casual rather than vital. To Coolidge, there's nothing casual about it at all. He is the type of drill sergeant who likes to pound on chairs to get attention. He is as tough as they come. He yells. He screams. Maybe he's not Old Hat, but he isn't exactly New Hat either, and clearly it's time to say something, to get this day moving along.

But what?

He hesitates.

Decides.

"Private," he yells to no one in particular. "*Polish those boots.*"

Immediately, a dozen privates bend over and start scrubbing at their boots, and Coolidge watches with satisfaction. It is the Army he knows. It is the Army we know. But only briefly.

Because it isn't.

Jackie Spinner is a Post Metro reporter who has written extensively about the scandal at Aberdeen.

LOCKE

continued from page 20

Seattle was cut short by a 1962 plane crash.

None of this was especially revelatory, and during the campaign, Locke's heritage was never a salient issue. But Locke found that by emphasizing his ethnic particularity, he was becoming universally appealing. Roots-talk was humanizing him. Ron Chew, who directs the Wing Luke Asian Museum in Seattle, watched the transformation with particular interest. "The art of politics is finding phrases that resonate," says Chew. "Once Locke found that his story resonated, it's like he talked himself into believing it. And the more he told it, the more he reinforced his Asian American identity."

Thus has Gary Locke become, in the words of A. Magazine founding editor Jeff Yang, "the most quintessentially American politician Asian America has yet generated." Not by Anglomorphing, not by whitewashing, but by staking a claim to a minority identity. This, now, is what it means to assimilate. And this is why so many Asian Americans are astir.

IN HIS 1995 NOVEL, *Native Speaker*, Chang-rae Lee tells the tale of John Kwang, a Korean immigrant and a rising New York City councilman. Not much in *Native Speaker* presages the emergence of a figure like Gary Locke: Where the fictional Kwang was charismatic and emotive, Locke conveys a Northwestern flatness of affect; where Kwang built his political machine around an illicit credit scheme, Locke has a squeaky-clean image; where Kwang had a Clintonian compulsion for human contact, Locke, as one Seattle politico put it, would rather "curl up with a good bill." But in real life, as in fiction, this much is true today: The Asian American politician with momentum becomes the object of more invested hope and projected ambition than he can reasonably anticipate.

As Locke traveled across the country last fall to raise money from Asian Americans for his gubernatorial campaign, he began to appreciate this. Though there were at the time three voting Asian Americans in the U.S. House and two in the Senate (both from Hawaii), there had never been an Asian American governor—a chief executive—in the continental United States. Locke, who defeated popular Seattle Mayor Norm Rice for the nomination and then took a commanding lead over his Republican opponent, promised to cross that threshold. As Election Day approached, his candidacy electrified many Asian Americans who, out of apathy or disdain, had long avoided involvement in politics.

If Locke had "buzz" during the campaign, once he won, with 58 percent of the vote, he

NK-B on Gender Integrated Training 10/22/97

- final report to Sec Def by 15 Dec
- contacted 1000+ troops and 500+ instructors

USMC

- 12 week basis; transform successfully into Marines
- segregated training works for the Marines
 - male + female recruits } all supportive; integrated training would cause distractions
 - No instructors
- build cohesion extremely well; team over individual; good for other services to review this; build terrific esprit
- know what the rules are and repeated values
- sometimes extreme... "better to stay away from females" = some DE solution to sexual harassment
- same CG for recruiting and training
- training cadre = career enhancing move; all facilities, curriculum, time, etc are all first class
- good support staff and widely used need as for over stressed physical
- first turnover (post recruit training) felt there wasn't enough training in basic once they look back
- systematic transition from no integration to "fully" integrated in the field; development of a new example process from recruitment until post training assignments
- since training is segregated, ensure males and females understand what the other is doing; clear up a misconception that one gender has it harder than the other
- recruiters were very good in informing and preparing new recruits for basic training... make somewhat better prepared

USMC (cont'd)

- recruits receive credit only after the recruit graduates
- segregated training provides opportunity for positive role model leadership for each gender

NAVY

- fleet perspective - success of training; understand the rules and the ^{core} values
- some recruits felt recruiters should have told them more about what to expect in basic ... not really a problem; some selection hearing by recruits
- excellent classes on sexual harassment
- instructors believed the attrition rate is too low
 - caution against numbers driven vs quality cut
- basic was too easy ... must have more PT, field exercises
- all very well supervised and controlled
- instructors and recruiter numbers should be increased; need a better instructor-student ratio; low funding support
- new recruits lack discipline → tough transition
- use of stress cards to signal instructors that there may be a problem
- make more time for talk/idea exchange between basic and advanced training instructors
- integrated training is successful ... question asked, "what is the problem?"
- petty officers from the fleet return to Great Lakes to keep current on basic training; show what is current; success for all involved.

NAVY (cont'd)

- problem with surge; peak training reduces instructor-student ratios and can detract from training success
- integrated or segregated is not as much of the issue as is the quality of the instructors
- instructor training may focus too much on checklists (how to make a bed, stow a locker) and not enough on leadership development
- instructor/training duty not viewed as career enhancing
- questions on dating once at aboard a ship ... E3s on the same ship can't date each other
- General comment for all services
 - some degradation of instructor authority and the fear of retaliation if they take a tough stance with the trainee
 - added concern about false accusation
- extremely long hours put in by trainees/instructors and this has an effect on the family; also high cost of uniform maintenance
- nearly 100% of recruits and instructors said training should remain integrated

AF

- basic - 6 weeks
- more field exercise time is needed ... how much does the AF need?
- trainees are volunteers ... quality cut - career enhancing
- instructor-ratios are too high; need to reduce
- focus on physical conditioning not just training or exercising
- need more women in leadership positions

AF (cont'd)

- master trainers can take leave during the 6 week training cycle that they run; some trainers saw up to 4 different MTSs during their 6 week bases
- information passed out by recruits could be more standardized among sections
- sexual harassment provided in } teach, but don't cover the why
 • fraternization } if in this training necessary
- some comments that attrition rates are too low... need a stronger basic course, especially the PT
- role, authority, + limits not fully understood... some fear of retaliation to include Congressional interference
- no rape awareness training -> could supplement sexual harassment
- more integration among instructors at base -> relevant thing
- moved recruits out immediately to a new platoon rather than remain and cause problems
- close the gap on physical standards between men and women

ARMY

- commanders have much broader perspectives (TD, CD) than do their other service counterparts
- concept of buddy teams; some distraction... one goes on sick call, the buddy must accompany
- DI - trainee ratios too low; other staffing cuts which also impacts... cut bus drivers, now DIs must drive
- all male + female are trained to the same standards (except PT)

Army (cont'd)

- "Gender integrated training is great; gender integrated barracks suck!"
- need to assess gender and MOS staffing in training battalions - not enough females and often too many combat arms
- conflict between the company and the school house; more synergy possible between DIs and instructors
- SDA feel a lack of support; lower morale; not career enhancing
- perception is that there is pressure to graduate people
- over reaction to Aberdeen
- inconsistency of standards among units at the same post; need some quality assurance to maintain equal standards
- increase training + staffing shortfalls; reserves help with surge, but they aren't fully trained/prepared to lead trainees; some with USMA cadets... don't let them learn on new recruits
- review DI POI to ensure they are prepared for basic + AT; some lack the necessary preparation; interpersonal skills
- give DI more pay commensurate with recruits
- must have a clear definition of fraternization → all services
- believe DIs spend about 5% of their time dealing w/ fraternization → distraction, not a ~~prob~~ problem
- new start program - reluctant to use and even more reluctant to eliminate those who fail new start
- need military construction dollars; some sanitation very poor; barracks aren't suited to gender integrated training
- slow erosion of discipline and training progressed
- DIs are selected and not volunteers

(2)

Army (cont'd)

- those being discharged stay in the company and can "contaminate" others → need to be moved ASAP
- in AIT have we out sourced too much so that we have civilian teaching instead of military ... create a lack of discipline for young recruits?
- we support systems (hot lines, etc ...) too much rather than allowing the chain of command to do their job
- DI currently under excessive scrutiny - "deer in the headlights"
- instructors could assume more of the DI duties to free the DI's up for more focus on training; DI's and instructors have a lack of understanding as to what each other does

NK-B Gender Integrated Training 10/24/97

RECOMMENDATIONS

- Improve quality of training for a gender integrated force
- Recruiting Policy
 - training recruiters; update to put ~~off~~^{out} standard information - not necessarily the same for each service; want a recruiter in NY to put out same info as the recruiter in California.
 - services develop means of getting out info; for example, the Army just announced a new PT policy - are recruiters aware of this & how it impacts on recruit training
 - tie in reserve components to do some pre-training; recruits in DEP could take regular PT (pre basic training) with AC in their local area
 - standardize info at a central location and then send out same info to all recruiters ... electronic links?
 - recruiters need to paint a realistic perspective; have a better sensing of what to expect and prepare for
- Training cadre
 - improve/increase staffing → reduce instructor-student ratios
 - need more female trainers ... how many are available to serve?
 - have more DI volunteers (Army now assigns more DI than volunteers) ... what incentives to make this happen? Pay? Follow-on assignments? Rewards?
 - Marines lead in the area of "taking care of" their drill instructors, such as high promotion rates
 - TOE vs TDA in the Army; remove stigma of TDA being a dead end

Basic training requirements

- equalize standards ... tough to accomplish because of both gender and age differences; PT simply can't be equalized; how much is real and how much is perceived? ~~being~~ ^{have} training standards really been lowered because of females? Physical fit is making a max score on the PT test; ~~on~~ ^{across} the board all military are better fit today than compared to previous years.

- Attrition = more/less? Cost

- someone who is being eliminated must be moved out of the training company ASAP; separate holding area needed

- Show cards = recruit "Bill of Rights" ... some questions about DE and instructor "Bill of Rights" → in their preventing the effective use of the chain of command

- respect harassment or is it more interpersonal relationships or professional relationships

**ARMED FORCES CHAPLAINS BOARD RECOMMENDATIONS TO
THE REVIEW PANEL FOR
GOOD ORDER AND DISCIPLINE, SPECIFICALLY FRATERNIZATION**

General Observations

1. There are built-in tensions, polarities and competing values which can't be solved or fixed, but should be acknowledged and managed such as:
 - a. The tension between command prerogative and overriding directive(s).
 - b. The tension between Service-specific policies and a joint policy.
 - c. The tension between Service culture and public perception/opinion.
 - d. The tension between popular culture and military necessity.
 - e. The tension between unit cohesiveness and individual privilege.
 - f. The tension between all volunteer force and public perception.

2. There are significant gaps or disconnects such as:
 - a. The gap between what is intended in a Service policy and what is understood.
 - b. The gap between the development of sound policy and its implementation.
 - c. The gap between policy reinforcement in a consistent manner at all levels and attention to it only in moments of crisis.

3. There is not one Service policy which is morally superior to another or all others, however, all Service policies should be clear, fair and consistently administered.

Specific Recommendations

4. Statement of Fraternization Policy

- a. The policy needs to be stated *clearly*.

- b. *Reasons* need to accompany the policy, to answer the question "why?"
 - (1) A Military Service is a special community and the health, welfare and survivability of the community is paramount.

 - (2) This policy is designed to protect unit mission, cohesion and morale.

 - (3) Any violation of this policy undermines the effectiveness of its service, its mission, and its welfare.

c. *Consequences* need to be stated when there are violations of policy.

(1) Decriminalize penalties for fraternization.

d. It is absolutely essential that all Service Members are *aware* of Service policies on fraternization, which includes awareness of consequences.

5. The Moral Issue.

a. The existing Service policies on fraternization are morally neutral per se. Moral issues arise when the policies are applied unequally and inconsistently.

b. Command prerogative should not include subjective application from one unit to another within a Service.

c. Command prerogative should not include variance of application from one unit to another within a Service unless dictated by clearly differing mission requirements.

6. The Joint Operations Issue.

a. There will be a continued push to establish a common good order and discipline policy, across Service cultures, for the following reasons:

(1) Increased number of Joint operations demand it.

(2) Increased number of instances in which males/females interface.

(3) Increased opportunities for officer/enlisted/civilian interface such as training and educational programs.

7. Hot Lines.

a. Hot lines ought to be eliminated in favor of *Assistance Lines*.

(1) Assistance lines assure that issues/concerns will be addressed.

(2) Assistance lines push the responsibility for response to the local chain of command and/or existing agencies.

(3) Assistance lines preclude the presumption of guilt, remove the burden of proving innocence from anonymous accusation and the demoralizing threat of retribution by telephone call.

Today's Military

- Best trained and equipped in the world
 - All enlisted are high school graduates, many have Bachelor's and Graduate Degrees
 - Most officers have Bachelor's Degrees
 - Most senior officers have Graduate Degrees
 - Some officers have Doctorates
- Fewer problems than society
 - Criminals and drug users screened out at recruitment
 - Attractive profession to good and patriotic citizens
 - Youth, optimal health and fitness are required
- Proven track record in addressing and solving problems

The United States military Services are the preeminent fighting forces in the world, and the envy of foreign forces. We demand much from our people, and they deliver it. They are ready to fight and win...as they so ably demonstrated during Desert Storm. Our forces are intelligent, hard working, and dedicated, often making significant sacrifices in far-off places like Bosnia or Haiti.

Today's military is fitter, healthier, and better educated than at any other time in our nation's history. We lead the world in state-of-the-art equipment, which our people are well-trained to use in defense of our country. Nearly all enlisted personnel are high school graduates and many have significant college experience. All direct commission officers (vice those few who achieved commissioning after climbing the enlisted ranks) have at least a Bachelor's Degree. Most field grade (O-4 and above) officers have completed a graduate degree.

By imposing age limits for enlistment, and carefully screening new accessions for preservice drug use, criminal histories and health problems, our forces are sound in both body and mind and ready to defend our freedom.

We are unique in that we proactively solve problems as they arise--if our weapons aren't up to the task, we fix them...and if our personnel policies have a negative impact on readiness, we fix them too. The Navy's careful policy review following Tailhook is just one example. We see the Army stepping up to do a thorough scrub following the Aberdeen matter. While we'd rather not have had these situations take place at all, our proactive approach when they arise is a powerful future preventive tool.

Reasons for Military Services' Success

■ Effective Organization

- Professionalism of service members
- Clear sense of purpose
- Mission accomplishment paramount

■ Core Values

- Service specific core value charters
- Establishes strong sense of loyalty, duty, ethics and discipline
- Adds to the professionalism of the force

■ Effective Leaders - Field Commanders

- Implement military policy
- Make decisions; safeguard welfare of forces; accomplish mission
- Decentralized decision making and strong chain of command maximize force effectiveness

Our military's superb readiness posture is the result of a number of factors. First, our soldiers, Sailors, airmen and Marines are true professionals, who understand our mission—to defend our nation, and if needed, to fight and win. Discipline and cohesiveness go hand-in hand with mission accomplishment. Our people are team leaders and team players who understand that our success depends on a disciplined approach to the task at hand. And, without a doubt, our people look to our front-line leaders to set the tone.

The Services' core values are inculcated into military members from day one, molding people from different walks of life into a strong cohesive unit. This unit identity is paramount to the success and effectiveness of each branch of the United States Armed Forces.

No one understands the forces in the field like their military commanders. Pentagon policy makers don't have their perspective, and they rely on field commanders to give them that all-important insight. These key leaders make operational decisions that affect the course of battle, and administrative decisions that impact readiness and Quality of Life for Service members as well as their families. The field commander is expected to fight, win, and bring the troops safely home. This leader is the first link in the chain of command, affecting every other link in the chain. A strong, effective leader with a strong, effective chain of command will have the complete trust and confidence of subordinates on his or her team. The effectiveness of our Armed Forces depends upon the leadership talents of our field commanders.

Good Order and Discipline

Why have it?

- Bolsters the chain of command
- Strengthens unit cohesion and morale
- Impacts directly on the effectiveness of military operations and overall mission accomplishment

•Bolsters the chain of command

-Experience has shown that authority between superiors and subordinates is enhanced by observation of decorum, tradition, custom, usage, and conventions which are particular to the services alone

-Good order and discipline maintains honor, integrity and objectivity and fosters confidence and respect for authority.

-Leaders who engage in behavior prejudicial to good order and discipline undermine the moral authority of ALL leaders

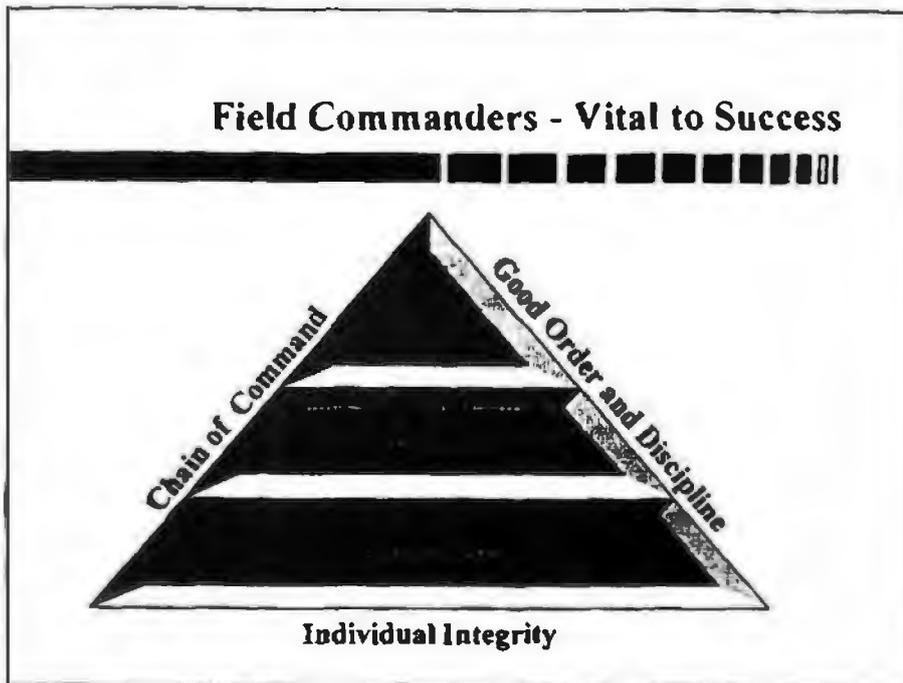
-When good order and discipline is maintained, servicemembers have faith in a senior's objectivity. Familiarity, undue informality, favoritism or advantage by a senior to a junior has a negative impact on all those not favored, and erodes readiness.

•Strengthens unit cohesion and morale

-Perceptions of favoritism, discrimination, unfair treatment or other inappropriate conduct weaken and disintegrate the morale of a unit. A firm, fair leader inspires subordinates, promotes teamwork and enhances unit cohesion and readiness.

•Directly impacts the effectiveness of military operations and overall mission accomplishment

-Good order and discipline establishes "faith in the system" and a bond of trust between seniors and subordinates, a bond that is absolutely vital in a combat scenario. Servicemembers are expected to carry out lawful orders when given, and that bond of trust will motivate a servicemember to obey, even when danger is present. For this reason, our HIGH standards are vital to readiness, and must be uniformly known, consistently applied, and non-selectively enforced.



At the heart of military leadership is the commander of each unit. The commander sets the tone, serves as an example, and establishes a level of integrity that influences subordinate conduct.

The chain of command is the system through which all information flows - both from the top down and from the bottom up.

Good Order and Discipline are required to carry out the command mission in the most efficient way.

Individual integrity is expected of every servicemember. Individual integrity means performing to the best of one's abilities, and conforming to military rules and regulations.

Enlisted Views

- Perception is key
 - Fraternization hard to define
 - Different perspectives can cause confusion
 - Inconsistent message from leadership
- Regulatory guidance unclear to junior enlisted
- Joint Environment
 - Service leadership focal point for guidance
- Supports argument for DOD policy

Each branch of Service has differing policies with regard to fraternization. In addition to these differing rules, how seniors and subordinates view their own Services' fraternization policy makes a real difference in what happens to a servicemember if a relationship is called into question.

"Fraternization is hard to define, but you know it when you see it."

Some commanders view, interpret, address and enforce policies more liberally or more strictly than others. Inconsistent application of policy sends an unclear message to troops.

Many junior enlisted are unclear about the specific meaning of the policy. Senior leaders (officers and NCOs) must ensure jr ranks understand the policy

In the joint environment the rules tend to be based on the Service of the Senior Officer in Command.

The potential for confusion supports the need for a DOD policy that all Services view as fair and consistent with mission requirements.

Enlisted Views

■ Enlisted relationships also need guidance

- Often more problematic than officer and enlisted
- Rules vary more between the services

■ Administrative sanctions more reasonable

- Commanders are more likely to enforce
- Most felt specific circumstances should be considered
- Counseling should be the first step
- Administrative or punitive actions only as necessary

The panel felt that relationships between enlisted members also require specific guidance and are often more problematic than officer/enlisted relationships. These problems occur when individuals are in the same chain of command or when there is a significant difference in paygrades (e.g. an E7 dating an E2). Each service approaches this type of relationship differently. The Navy's policy is the most strict, prohibiting E7 and above from dating any E6 and below at their command.

The panel clearly favored using administrative procedures over courts-martial when dealing when cases of fraternization. The specific circumstances of each case should be taken into consideration when considering an appropriate remedy.

In all fraternization cases, the individuals involved should be counseled first. Subsequent actions, either administrative or punitive, should be considered as necessary.

Enlisted Views

- Need more specific guidance
- Policies unevenly enforced
- Officer/Enlisted dating is disruptive to good order and discipline.
 - Enlisted - Officer interactions should respect differences in rank
 - An Army Panelist felt the Army could be stricter

The panelists felt that the current policies were ambiguous and that more specific guidance is needed....they also believed that the policies are unevenly enforced in some organizations.

Officer and Enlisted dating is a problem. Enlisted hold relationships with senior leaders in high regard and do not want those relationships marginalized

One Army panelist felt that the Army could adopt a stricter policy if previously existing relationships were grandfathered as necessary. Other panelists were very resistant to adopting the Army Policy

Service Comparison

	Officers/Enlisted	Sr. Officer/Jr. Officer	Sr. Enlisted/Jr. Enlisted
Army	Not Prohibited	Not Prohibited	Not Prohibited
Navy	Prohibited	Not Prohibited	May Prohibited
USMC	Prohibited	May be Prohibited	May be Prohibited
Air Force	Prohibited	Unprofessional Relationship	Unprofessional Relationship
Coast Guard	Prohibited	May be Prohibited	May be Prohibited

Army Regulation 600-20 states that fraternization between officer and enlisted soldiers may be punishable under Article 134 of the UCMJ.

The Navy policy is covered in OPNAVINST 5370.2A which prohibits all officer/enlisted fraternization. The Navy policy also addresses *unduly familiar* relationships, between senior and junior officers, impact good order and discipline. In addition E7 and above are not allowed to fraternize with E-6 and below, *assigned to their own command*.

The Marine Corps policy also prohibits officer/enlisted fraternization. It goes on to state that all levels of fraternization that are *unduly familiar* and do not respect differences in grade or rank are prohibited.

Like the Navy and the Marine Corps the Air Force prohibits officer/enlisted fraternization, and uses the term *unprofessional relationships* to describe other *unduly familiar* relationships. The Air Force policy is covered in AFI 36-2909.

The Coast Guard policy is covered in COMDTINST M1000.6A and mirrors the Navy Policy.

Tasking

Task Force established to determine if existing policies and practices for maintaining good order and discipline are fair and effective (*DEPSECDEF Memo of 8 July 97*)

■ **Task Force Configuration:**

- | | |
|---------------------------------------|-------------------------------|
| USD (Personnel and Readiness) - Chair | ASD (Force Management Policy) |
| ASD (Reserve Affairs) | DOD General Counsel |
| DOD Inspector General | Service Under Secretaries |
| Service Vice Chiefs | Director, Joint Staff |
| Coast Guard Representative | |

GOOD ORDER and DISCIPLINE

24 September Meeting

Discussion: Perspective of field commanders with respect to matters under consideration by the task force

Attendees:

Army - COL Crockett (Signal Corps)

LTC Robert Kissell (Infantry)

Navy - CAPT Greg Brown (Naval Aviator)

CDR David Jackson (Surface Warfare)

Marines - Col Aaron Butler (Logistics)

Maj Patrick Looney (Infantry)

Air Force - Col R. J. Larsen (Pilot)

Maj Vanessa Benn (Aircraft Maintenance)

Coast Guard - CAPT Ken Venuto

CDR Bryon Ing

General Conclusions:

- Each Service maintain current policy
- Commander must retain authority and flexibility to deal with each case individually
- Keep court martial option for serious cases
- Training could be improved

GOOD ORDER and DISCIPLINE

Task Force Configuration :

- **Under Secretary of Defense (Personnel & Readiness) - Chair**
- **Assistant Secretary of Defense (Reserve Affairs)**
- **DoD General Counsel**
- **DoD Inspector General**
- **Under Secretaries of the Military Departments**
- **Service Vice Chiefs**
- **Director of the Joint Staff**
- **Coast Guard Representative**

Mission Statement:

The Task Force is established to determine whether current policies and practices concerning good order and discipline are fair and effective.

First Meeting: 24 July 1997

GOOD ORDER and DISCIPLINE

MEETINGS

- 24 July** Briefings from the Vice Chiefs of the Services
Discussion of the process and desired outcomes of the deliberations of the Task Force
- 3 Sept** Briefing from DACOWITS Chair
Briefings from Vice Chiefs on services experience with Hot lines & Help Lines
- 11 Sept** Senior Enlisted Panel
- 18 Sept** Briefings from the Reserve Component Chiefs or their Deputies
Consider the views of the National Guard and Reserves with respect to matters under consideration by the task force
- 24 Sept** Perspective of Field Commanders

GOOD ORDER and DISCIPLINE

24 July Meeting

Discussion: Process and desired outcomes of the deliberations of the Task Force

Attendees: Task Force members, Service Vice Chiefs and Deputies

Briefs: Vice Chiefs on policies and practices relevant to their respective service with regard to fraternization, superior-subordinate relationships, military-civilian relationships, instructor-student relationships

General Conclusions: Agreed that the office of USD(P&R) would develop a series of questions to serve as a baseline to help structure the discussion.

Define issues to address, and action to be taken, singly and collectively.

GOOD ORDER and DISCIPLINE

3 September Meeting

Discussion: Service Hot Lines and Help Lines: Strengths and weaknesses of different approaches, policies, programs and procedures

Attendees: Task Force members, Service Vice Chiefs and Deputies, DACOWITS

Briefs: DACOWITS Chair, Dr. Judith Youngman: Issues relating to the maintenance of good order and discipline with reference to the Committee's recent overseas trip to WESTPAC

Vice Chiefs: Experience with Hot lines and Help lines

GOOD ORDER and DISCIPLINE

11 September Meeting

Attendees:

Army	CSM Debra Strickland	ISG Raymond Jones
Navy	YNCM(SW) Lois Ambush	STCM(SW) Robert Burinskas
Air Force	MSgt David Lutzow	CMSgt Wayne Petro
Marines	MGySgt Roy Sharp	GySgt Gary House
Coast Guard	YNC Debra Baker	
ASD(RA)	CSM Doug Murray	

General Conclusions:

Regulatory guidance in general is unclear to some junior enlisted personnel

- Navy & Marines seem to be the exception
- Officers & NCOs must ensure junior ranks understand the policy

All felt policies were unevenly enforced in some organizations.

Fraternization is a concern both in and outside command chain.

- Favoritism is an issue, both in reality and perception
- Senior NCOs should also be disciplined in fraternization cases
 - Often understand rules better than junior officers
- Junior enlisted rarely disciplined for fraternization infractions

GOOD ORDER and DISCIPLINE

18 September Meeting

Discussion: Views of the National Guard and the Reserves with respect to matters under consideration by the task force

Attendees:

COL(P) Michael Squier, ARNG
CAPT McLaughlin, USNR
Brig Gen Paul Weaver, Jr., ANG
RADM Thomas Barrett, USCGR

BG David Boeket, USAR
BGen Jan Huly, USMCR
Brig Gen John Bradley, USAFR

General Conclusions:

- Total force, Service policies must apply
- UCMJ does not apply to civilians
- Grey area exists, e.g. entire families in a unit, boss in reserve is subordinate in civilian job
- Training could be improved

SERVICES' REGULATORY GUIDANCE FOR DISPOSITION

OF

FRATERNIZATION OR IMPROPER RELATIONSHIP SITUATIONS

Manual For Courts-Martial.

Applies To All Services: "(b) *Policy.* Allegations of offenses should be disposed of in a timely manner at the **lowest appropriate level** of disposition listed in subsection (c) of this rule." Rule for Courts-Martial 306, MCM.

Discussion: "... one of the most important and difficult decisions facing a commander. Many factors must be taken into consideration and balanced, ... The goal should be a disposition that is warranted, appropriate, and fair."

"(c) *How offenses may be disposed of.* Within the limits of a commander's authority, a commander may take the actions set forth in this subsection to initially dispose of a charge or suspected offense.

- Depending on the severity of the offense, may start at (1) return then show next step
- (1) *No action.*
 - (2) *Administrative action.* [... subject to regulations of Secretary concerned...including counseling, admonition, reprimand, (personnel actions), etc.
 - (3) *Nonjudicial punishment.* [Article 15, UCMJ]
 - (4) *Disposition of charges.* [Court-martial action]
 - (5) *Forwarding for disposition."*

Service Regulations.

Air Force: "Action should normally be the **least severe necessary** to correct the relationship, giving full consideration to the impact the relationship has had on the organization. **Counseling, alone, or in conjunction with other options, may be an appropriate first step.** Where a relationship continues in spite of counseling or other administrative action, **an order to cease** the relationship, or the offensive portion of the relationship, can and should be given. [Says violations of orders then subject to UCMJ action.]...Corrective action in different cases need not be identical, but **should be measured** in terms of the nature of the violation and the severity of its impact on morale, discipline, unit cohesion or the mission...Where action under the UCMJ is determined not to be appropriate, the **full spectrum of administrative actions is available.**"
Paragraph 8, AFI 36-2909.

Army: "When a relationship violates the policy contained in AR 600-20, paragraph 4-14, the commander must take corrective action." DA PAM 600-35, 7 Dec 93.

"Commanders and supervisors will **counsel those involved or take other action, as appropriate**, if relationships between soldiers of different rank—(1) Cause actual or perceived partiality or unfairness. (2) Involve the improper use of rank or position for personal gain. (3) Create an actual or clearly predictable adverse impact on discipline, authority, or morale...The commander will be responsible for establishing the leadership climate of the unit." Paragraph 4-14a,b, AR600-20.

"If the commander becomes aware of a relationship which has the potential for creating an appearance of partiality or preferential treatment, **counseling the soldiers concerned is usually the most appropriate initial action...Counseling is the most effective leadership tool**. In addition, commanders may use **administrative actions** to assist in controlling these relationships...**counseling the soldiers concerned and allowing them an opportunity to terminate the improper relationship, rather than immediate imposition of disciplinary or other significant adverse administrative action, usually will be most appropriate.**" Paragraph 4-14e(8), AR 600-20.

"Relationships in paragraph 4-14e, if between officers and enlisted soldiers, are prohibited by the customs of the Service and may constitute the offense of fraternization [under Article 134, UCMJ]. Paragraph 4-16, AR 600-20.

Navy-

Marine Corps: "Seniors throughout the chain of command will: (3) Address the offending conduct by **taking appropriate action, to include counseling, issuing letters of instruction, comments on fitness reports or annual performance evaluations, reassignment, and/or, if necessary, by taking appropriate disciplinary steps.**" Paragraph 7a(3), OPNAVINST 5370.2A.

Coast Guard: "Resolving Unacceptable Relationships. a. General. **Prompt resolution at the lowest level possible is desirable.** (1) Training. (2) Counseling. (3) Personnel Reassignment. (4) Evaluations. (5) Other Administrative Action. (6) Disciplinary Action. [Non-judicial punishment or courts-martial may address fraternization or other unlawful or prohibited relationships or conduct.]" Paragraph 8-H-6a, CH-23 to Personnel Manual, COMDTINST M10000.6A.

Service Fraternization Policies

Office of the Under Secretary of
Defense (Personnel and
Readiness)

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FRATERNIZATION POLICIES

→ expand to include other reg. policies such as adults at West Point.

PROPOSITION:

If A is in the military and B is another person, there is no AB relationship which is permitted under all circumstances.

BECAUSE

If A is in the military any aspect of an AB relationship which is prejudicial to good order and discipline is prohibited by the UCMJ.

THUS

If A is in the military any aspect of an AB relationship which is not prejudicial to good order and discipline is permitted, unless it is specifically prohibited by other provisions of the UCMJ, by regulation or by direct order.

SERVICE DIFFERENCES/SIMILARITIES:

The Services and the UCMJ have created various specific prohibitions in the areas of gambling, bonowing, etc. The most contentious is dating/sexual relations.

OFFICER-ENLISTED (*gender-neutral*) ** hard to explain... how can we make clear to our troops*

The Air Force prohibits dating and sexual relations between officers and enlisted personnel always.

→ panel reviews... usmc truly believe such relationships
The Navy, Marines, Coast Guard presume such relations are bad

The Army prohibits it sometimes.

→ all prohibited
distinction... order moving toward int 134

ENLISTED-ENLISTED

Navy presumes bad between E9-7 with E6-1

Coast Guard presumes bad between E9-7 with E4-1

Marine instruction is silent but strongest in practice prohibitions, due to custom of the Service

OFFICER-OFFICER

All Services regulations and instructions are silent

OTHER MATTERS

Coast Guard prohibits sexually intimate behavior on a vessel or in the work place.

↳ How have a service regulation/policy.

Specific Prohibitions

Officer/Enlisted Relationships *Art 72*

	Sexual Relations	Dating	Cohabiting	Business	Gambling	Other
Army	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	Punished under 134 if prejudicial good order and discipline
Air Force	Per se <i>Prohibited</i>	Per se	Per se	Per se	Per se	Punitive Regulation
Navy	Presumed	Presumed	Presumed	Presumed	Presumed	Punitive Regulation Unduly Familiar standard
Marine Corps	Presumed	Presumed	Presumed	Presumed	Presumed	Punitive Regulation
Coast Corps	Per se (aboard vessel or on-site)	Per se	May be Prohibited	Unacceptable	Unacceptable	Punitive Regulation

Bulk of the violation **Enlisted/Enlisted Relationships** - *Art 134*

	Sexual Relations	Dating	Cohabiting	Business	Gambling	Other
Army	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	Punished under 134 if prejudicial good order and discipline
Air Force	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	Punished under 134 if prejudicial good order and discipline
Navy	Presumed (E 7/9 w/ E1/6)	Presumed (E 7/9 w/ E1/6)	Presumed (E 7/9 w/ E1/6)	Presumed (E 7/9 w/ E1/6)	Presumed (E 7/9 w/ E1/6)	Punitive Regulation Unduly familiar standard
Marine Corps	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	May be Prohibited	Punitive Regulation Unduly familiar standard
Coast Corps	Per se (aboard vessel or on-site)	romantic relationships between E-7/9 and E-1/4 are unacceptable	May be Prohibited	Unacceptable	Unacceptable	Punitive Regulation

Service Regulation Comparison

	Regulation Criminalizes	Guidance to Redress	Join/ other services	Gender neutral	Applies to Reserves	Marriage guidance	Training Required
Army AR 600-20/DA Pam. 600-35	None (use 134, UCMJ)	yes (para 4-14e8 (counseling usually appropriate))	no guidance	yes	no guidance	Permitted if before commission - not excused	Yes, but not specific
Air Force AFI 36-2909	Officer/Enlisted	yes (para. 8 normally be least severe to correct)	Guidance (para. 3.1 Unprofessional to be avoided)	yes	yes, preamble	Permitted if before commission not excused	Basic, commissioning, and professional mil education (para. 9)
Navy OPNAV Inst. 5370.2A	Officer/Enlisted Enlisted/Enlisted	yes (para. 3 & 7a3 - appropriate administrative or judicial)	no guidance	yes	no guidance	No guidance	Indoctrination and annual (para. 7d)
Marine Corps USMC Order/C MC ALMAR 185/96	Officer/Enlisted	yes (para 2d dealt with promptly and sufficient severity)	no guidance	yes	no guidance	Permitted if before commission not excused	Every level (ALMAR 185/96)
Coast Corps COMDTI NST M1000.6 A	Officer/Enlisted Officer/Officer Enlisted/Enlisted	yes (para. 8H6a - prompt action at lowest level possible)	Yes, Guidance covering inter service	yes para. 8H2b	no guidance	Permitted if before commission - not excused	Accession and resident training courses (para. 8H6a1)

Service Fraternization Standards

	Officer/ Enlisted	Officer/ Officer	Enlisted/ Enlisted	Civil/Military	Student/ Teacher	Other
Army AR 600- 20/DA Pam. 600.35	Nonpunitive [Prohibited under article 134]	Not punitive [Prohibited under article 134]	Not punitive [Prohibited under article 134]	Guidance in DA Pam	Training ^{1b} (para. 4-15)	
Air Force AFI 36-2909	Punitive (gambling, borrow, sexual relations, dating, cohabitating)	Nonpunitive [Prohibited under article 134]	Nonpunitive [Prohibited under article 134]	Guidance para. 3.2 (military supervisors maintain professional relationships)	staff/student (para. 3.5)	
Navy OPNAV Inst. 5370.2A	Punitive (unduly familiar personal relationships)	Punitive (if prejudicial to good order and discipline)	Punitive (if prejudicial to good order and discipline)	No guidance	unduly familiar staff/student typically prejudicial	Unduly familiar E-7/9 relationships with E-1/6 typically prejudicial
Marine Corps USMC Order/CMC ALMAR 185/96	Punitive (unduly familiar personal relationships)	Punitive (if prejudicial to good order and discipline)	Punitive (if prejudicial to good order and discipline)	No guidance	unduly familiar staff/student typically prejudicial	
Coast Corps COMDTINS T M1000.6A	Punitive (romantic relationships and sexual behavior in workplace)	Punitive (sexual behavior in workplace)	Punitive (sexual behavior in workplace)	No guidance	Punitive personal and romantic relationships	Romantic relationships between E-7/9 and E-1/4 are unacceptable

COURTS - MARTIAL

	Air Force		Navy		Marines		Army	
YEAR	M	F	M	F	M	F	M	F
94	10	1	3	0	0	0	3	0
95	12	2	6	0	1	0	6	0
96	8	2	5	1	1	0	1	1

DISCHARGES

	Air Force		Navy		Marines		Army	
YEAR	M	F	M	F	M	F	M	F
94	3	0	19	3	3	1	2	0
95	7	1	14	6	9	1	7	2
96	9	0	12	9	8	1	9	3

ARTICLE 15's

	Air Force		Navy		Marines		Army	
YEAR	M	F	M	F	M	F	M	F
94	8	4						
95	7	6						
96	18	6						