

CHAPTER 2

MILITARY CONDUCT AND JUSTICE

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

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

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

PERSONAL CONDUCT

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

- Identify the personal characteristics of a good Sailor.

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

- Acts in a military and seamanlike manner.
- Puts the good of the ship and the Navy before personal likes and dislikes.

- Obeys the rules of military courtesy and etiquette as well as the rules of military law.
- Demonstrates loyalty, self-control, honesty, and truthfulness.
- Knows what to do in an emergency and how to do it with the least waste of time and with minimum confusion

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

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

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

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

THE CODE OF CONDUCT

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

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

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

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

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

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

In 1988, President Ronald Reagan issued Executive Order 12633, amending the Code of Conduct to use

gender-neutral language. First expressed in written form in 1955, the code is based on time-honored concepts and tradition that date back to the days of the American Revolution. The six articles of the Code of Conduct are as follows:

ARTICLE I

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

Student Notes:

REVIEW 1 QUESTIONS

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

MILITARY POLICE

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

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

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

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

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

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

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

Don't feel that the patrol is trying to harass you. You won't have to prove who you are or verify that you're entitled to be ashore every time you see a patrol. The patrol will stop you only when you appear to be in, or to be headed for, some kind of trouble or if you arouse their

Student Notes:

suspicious in some other manner. The military patrol can be a real friend in time of need. The patrol's orders are to be courteous, fair, and reasonable in all dealings with members of the armed forces and with civilians.

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

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

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

REVIEW 2 QUESTIONS

- Q1. In the Navy, the military police are known as the—
- Q2. Shore patrol personnel are identified by—
- Q3. When military police from different branches of the armed forces combine to form one unit, they are known as—
- Q4. List the primary duties of the shore patrol.

- a.
- b.
- c.

PURPOSE OF DISCIPLINE

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

- Recall the purpose of good order and military discipline.

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

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

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

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

Student Notes:



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

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

PUNISHMENT

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

- Recall the Navy's concept of punishment.

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

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

Student Notes:

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

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

REVIEW 3 QUESTIONS

- Q1. What method does the Navy use to help Sailors work as a unit with maximum efficiency?
- Q2. What is the purpose of discipline in the military?
- Q3. What theory of punishment does the Navy use?
- Q4. What two things should a recipient of Navy punishment remember?
 - a.
 - b.

REGULATIONS THAT GOVERN THE U.S. NAVY

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

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

Figure 2-2 shows the three official sources that set forth the basic disciplinary laws for the Navy. These

sources are the *Uniform Code of Military Justice (UCMJ)* (contained in the *Manual for Courts-Martial, 1995 Edition*), *United States Navy Regulations* (commonly called *Navy Regs*), and the *Standard Organization and Regulations of the U.S. Navy*.

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

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

U.S. NAVY REGULATIONS

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

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

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

Student Notes:

MANUAL
FOR
COURTS-MARTIAL
UNITED STATES

OPNAVINST 3120.32



STANDARD ORGANIZATION
AND REGULATIONS
OF THE U.S. NAVY

UNITED STATES
NAVY
REGULATIONS

1990



DEPARTMENT OF THE NAVY
WASHINGTON, D.C.

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

Summaries and Excerpts from *Navy Regulations*

This section lists articles (with a condensation of their text, if appropriate) from *United States Navy Regulations, 1990*, that all personnel in the Navy should know. This listing serves only as a starting place for you to learn about Navy regulations. **You are responsible for learning and obeying all regulations.** These regulations are not punitive articles, but laws under

which the Navy operates. Many exist for your own protection. Failure to obey any regulation subjects the offender to charges under article 92, *UCMJ* (Failure to obey an order or a regulation).

The first two digits of the article number indicate the chapter of *Navy Regs* from which the article is taken. If the article is self-explanatory, no further explanation is given; the article will be shown in block quotation exactly as stated in *Navy Regs*. Articles that are lengthy

Student Notes:

and, in some cases, difficult to interpret, have been paraphrased (rewritten) to give you a brief overview of what the article contains. Remember that in *Navy Regs*, the words *he*, *his*, or *him* refers to both men and women Navy Sailors.

0818. Publishing and Posting Orders and Regulations

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

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

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

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

4. Such general orders, orders from higher authority, and other matters which the commanding officer considers of interest to the personnel or profitable for them to know shall be published to the command as soon as practicable. Such matters shall also be posted, in whole or in part, in a conspicuous place or places readily accessible to personnel of the command.

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

- a) A complete text of the *Uniform Code of Military Justice*;

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

0917. Dealings With Foreigners

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

1001. Officers of the Naval Service

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

1002. Precedence of Officers

This article discusses the precedence of officers.

1003. Relative Rank and Precedence of Officers of Different Services

This article explains the relative rank of grades of officers of the Army, Air Force, Marine Corps, Navy, Coast Guard, and members of the National Oceanic and Atmospheric Administration and Public Health Service serving with the military.

1010. Manner of Addressing Officers

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

Student Notes:

1020. Exercise of Authority

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

1021. Authority Over Subordinates

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

1022. Delegation of Authority

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

1023. Abuse of Authority

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

1024. Contradictory and Conflicting Orders

If an enlisted person in the naval service receives an order, which annuls, suspends or modifies one received from another superior, he or she shall immediately represent the facts to the superior from whom the last order was received. If, after such representation, the superior from whom the last order was received should insist upon the execution of that order, it shall be obeyed. The person receiving and executing such order shall report the circumstances as soon as practicable to the superior from whom the original order was received.

1025. Authority of an Officer in Command

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

1033. Authority in a Boat

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

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

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

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

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

1038. Authority of a Sentry

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

1052. Orders to Active Service

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

1064. Detail of Enlisted Persons for Certain Duties

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

Student Notes:

1101. Demand for Court Martial

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

1102. Limitations on Certain Punishments

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

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

Guard duty shall not be inflicted as punishment.

1104. Treatment and Release of Prisoners

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

1105. Places of Confinement

Prisoners must be confined only in brigs or other facilities designated as naval places of confinement by the Secretary of the Navy. In case of necessary temporary confinement, the senior officer present may authorize confinement in spaces that provide sufficient security, safety for both prisoner and guards, and adequate living conditions.

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

1110. Standards of Conduct

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

1111. Pecuniary Dealings with Enlisted Persons

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

1112. Lending Money and Engaging in a Trade or Business

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

1113. Endorsement of Commercial Product or Process

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

Student Notes:

1115. Report of Fraud

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

1121. Disclosure, Publication and Security of Official Information

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

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

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

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

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

1126. Correction of Naval Records

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

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

1127. Control of Official Records

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

1129. Records of Fitness

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

1132. Compliance with Lawful Orders

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

1133. Language Reflecting on a Superior

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

1134. Exchange of Duty

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

1135. Relations with Foreign Nations

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

1136. Foreign Religious Institutions

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

Student Notes:

1137. Obligation to Report Offenses

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

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

1138. Responsibilities Concerning Marijuana, Narcotics and Other Controlled Substances

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

1140. Capture by an Enemy

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

1142. Unavoidable Separation from a Command

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

1143. Report of a Communicable Disease

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

1144. Immunization

Personnel must take the immunizations prescribed for them as scheduled.

1145. Service Examinations

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

1150. Redress of Wrong Committed by a Superior

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

1151. Direct Communication with the Commanding Officer

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

1152. Suggestions for Improvement

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

1154. Communications to the Congress

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

1155. Dealings with Members of Congress

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

Student Notes:

1156. Forwarding Individual Requests

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

1157. Leave and Liberty

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

1159. Possession of Weapons

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

1160. Possession of Government Property

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

1162. Alcoholic Beverages

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

1164. Equal Opportunity and Treatment

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

1165. Fraternization Prohibited

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

1166. Sexual Harassment

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

1167. Supremacist Activities

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

STANDARD ORGANIZATION AND REGULATIONS OF THE U.S. NAVY

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

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

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

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

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510.5 Armed Forces Identification Cards and Leave Papers

No person without proper authority shall:

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

510.14 Customs

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

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

510.16 Divine Services

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

510.18 Emergency Equipment

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

510.21 Government Property

No person shall:

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

510.27. Intoxicated Persons

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

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

510.34 Motor Vehicles

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

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

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

510.35 Working Stocks of Narcotics

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

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

b. With the exception of medical and dental officers, no person shall prescribe or

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

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

510.44 Photographic Equipment

No person shall:

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

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

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

Student Notes:

UNIFORM CODE OF MILITARY JUSTICE

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

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

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

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

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

In general, these articles concern the following topics:

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

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

Excerpts from the *Uniform Code of Military Justice*

The purpose of this section is not to make you an expert on the *Uniform Code of Military Justice (UCMJ)* but to give you an overview of each of the articles prescribed by article 137. Those articles that are

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

NOTE

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

Art. 2. Persons Subject to this Code

The following persons are subject to this code:

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

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

You should specifically note the following provisions of article 2:

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

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

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

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

Art. 3. Jurisdiction to Try Certain Personnel

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

Art. 7. Apprehension

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

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

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

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

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

A clear distinction exists between the authority to apprehend and the authority to arrest or confine (article

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9). Any person empowered to apprehend an offender, however, is authorized to secure the custody of an alleged offender until proper authority may be notified.

Art. 8. Apprehension of Deserters

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

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

Art. 9. Imposition of Restraint

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

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

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

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

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

Art. 10. Restraint of Persons Charged with Offenses

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

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

Art. 11. Reports and Receiving of Prisoners

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

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

An arrest is imposed by notifying the person to be arrested that the person is under arrest and informing the

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person of the limits of the arrest. The order of arrest may be oral or written. A person to be confined is placed under guard and taken to the place of confinement.

Art. 12. Confinement with Enemy Prisoners Prohibited

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

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

Art. 13. Punishment Prohibited Before Trial

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

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

Art. 14. Delivery of Offenders to Civil Authorities

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

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, the

delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for this offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence.

Art. 15. Commanding Officer's Nonjudicial Punishment

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

Art. 25. Who May Serve on Courts-Martial

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

Art. 27. Detail of Trial Counsel and Defense Counsel

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

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

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

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

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

Art. 31. Compulsory Self-Incrimination Prohibited

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

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

Art. 37. Unlawfully Influencing Action of Court

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

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

Art. 38. Duties of Trial Counsel and Defense Counsel

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

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

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

Art. 55. Cruel and Unusual Punishments Prohibited

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

Punitive Articles of the UCMJ

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

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

If you willfully refuse to pay just debts, you will be warned to pay them by your commanding officer. Continued failure to pay your debts can lead to an undesirable type of discharge. The Navy has no use for people who don't exhibit integrity and honesty. On the

other hand, if unscrupulous dealers are gouging you, see your legal officer for assistance.

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

Art. 77. Principals

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

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

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

Art. 78. Accessory After the Fact

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

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

Art. 79. Conviction of Lesser Included Offense

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

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

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

Art. 80. Attempts

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

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

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

An accused may be guilty of an attempt even though the crime turns out to be impossible to commit because of an outside intervening circumstance. For example, a pickpocket who puts a hand in the pocket of another person with the intent to steal a billfold is guilty of an

attempt to commit larceny, even though the pocket is empty.

Art. 81. Conspiracy

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

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

Art. 82. Solicitation

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

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

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

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Art. 83. Fraudulent Enlistment, Appointment, or Separation

Any person who:

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

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

shall be punished as a court-martial may direct.

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

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

Art. 84. Unlawful Enlistment, Appointment, or Separation

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

Art. 85. Desertion

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

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

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

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

Art. 86. Absence without Leave

Any member of the armed forces who, without authority—

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

(2) goes from that place; or

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

shall be punished as a court-martial may direct.

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

Student Notes:

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

Art. 87. Missing Movement

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

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

Art. 88. Contempt Toward Officials

Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct.

Art. 89. Disrespect Toward Superior Commissioned Officer

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

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

Art. 90. Assaulting or Willfully Disobeying Superior Commissioned Officer

Any person subject to this chapter who

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

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

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

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

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

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

Any warrant officer or enlisted member who

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

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

(3) treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or

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petty officer, while that officer is in the execution of his office;

shall be punished as a court-martial may direct.

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

Art. 92. Failure to Obey Order or Regulation

Any person subject to this chapter who

- (1) violates or fails to obey any lawful general order or regulation;
- (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or
- (3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

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

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

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

duties efficiently, but performed them inefficiently nevertheless.

Art. 93. Cruelty and Maltreatment

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

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

Art. 94. Mutiny or Sedition

(a) Any person subject to this chapter who—

- (1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;
- (2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or disturbance against that authority is guilty of sedition;
- (3) fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

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

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

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

Art. 96. Releasing Prisoner without Proper Authority

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

Art. 97. Unlawful Detention

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

Art. 98. Noncompliance with Procedural Rules

Any person subject to this chapter who—

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

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

shall be punished as a court-martial may direct.

Art. 99. Misbehavior before the Enemy

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

(1) runs away;

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

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

(4) casts away his arms or ammunition;

(5) is guilty of cowardly conduct;

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

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

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

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

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

Art. 100. Subordinate Compelling Surrender

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

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

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Art. 101. Improper Use of Countersign

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

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

Art. 102. Forcing a Safeguard

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

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

Art. 103. Captured or Abandoned Property

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

(b) Any person subject to this chapter who—

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

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

(3) engages in looting or pillaging;

shall be punished as a court-martial may direct.

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

Art. 104. Aiding the Enemy

Any person who—

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

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

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

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

Student Notes:

Art. 105. Misconduct as Prisoner

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

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

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

Art. 106. Spies

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

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

Art. 106a. Espionage

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

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

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

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

Art. 107. False Statements

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

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

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

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

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

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

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

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

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

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

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

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

Art. 110. Improper Hazarding of Vessel

(a) Any person subject to this chapter who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces

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

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

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

Art. 111. Drunken or Reckless Driving

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

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

Art. 112. Drunk on Duty

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

The term *on duty* in article 112 refers to routine or detailed duties on board a ship or station. The term does not cover periods of leave or liberty (which come under a different article), but does include duties of a standby nature. A person whose mental or physical abilities are impaired by either liquor or drugs may be considered drunk.

Student Notes:

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

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

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

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

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

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

Don't do drugs! Just say NO!

Art. 113. Misbehavior of Sentinel

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

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

covers periods when you are performing any other duty that requires you to remain alert at all times.

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

Art. 114. Dueling

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

Art. 115. Malingering

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

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

(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

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

Art. 116. Riot or Breach of Peace

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

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

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

Art. 117. Provoking Speeches or Gestures

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

Art. 118. Murder

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

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

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

Art. 119. Manslaughter

(a) Any person subject to this chapter who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter

and shall be punished as a court-martial may direct.

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

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

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

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

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

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

Art. 120. Rape and Carnal Knowledge

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

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

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

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Art. 121. Larceny and Wrongful Appropriation

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

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

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

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

Art. 122. Robbery

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

Art. 123. Forgery

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

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

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

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

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

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

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

Any person subject to this chapter who—

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

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

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

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

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failing to maintain sufficient funds for payment of checks upon presentment is a violation.

Art. 124. Maiming

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

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

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

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

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

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

Art. 125. Sodomy

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

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

Art. 126. Arson

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

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

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

Art. 127. Extortion

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

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

Art. 128. Assault

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

(b) Any person subject to this chapter who—

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

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

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

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

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

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

Art. 129. Burglary

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

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

Art. 130. Housebreaking

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

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

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

Art. 131. Perjury

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

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

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

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

Art. 132. Frauds against the United States

Any person subject to this chapter—

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

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

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

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

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

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

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

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

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

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

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

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

Art. 133. Conduct Unbecoming an Officer and a Gentleman

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

Art. 134. General Article

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

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

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

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

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

Art. 137. Articles to be explained

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

Student Notes:

Art. 138. Complaints of wrongs

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

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

Art. 139. Redress of injuries to property

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

parties of the damages as assessed and approved.

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

Nonjudicial Punishment

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

Art. 15. Commanding Officer's nonjudicial punishment

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

Student Notes:

Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under this article to a principal assistant.

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

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

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

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

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

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

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

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

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

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

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

EXTRA DUTY.—Extra duty is the assignment of any duty (except guard duty) to be performed after the person's regular working hours. Extra duty is not to exceed 2 hours daily or to be performed on holidays. Petty officers may not be assigned extra duties that would demean their grade or position.

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

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

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

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

Article 1107 of *Navy Regs* grants the right for any person to communicate with the commanding officer. You can't just walk up to the captain, however, and start

talking. For the purpose of hearing valid requests or complaints from crew members, the CO sets certain times aside. This practice is called *request mast*. The person having a request or grievance should first try to resolve the problem through the chain of command. Failing that, the person may request mast.

COURTS-MARTIAL

Based on article 16 of the *UCMJ*, courts-martial are of three types: summary, special, and general. The captain decides the type of court-martial to award based on the nature, time, and place of the offense.

Summary Courts-Martial

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

Special Courts-Martial

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

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General Court-Martial

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

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

REVIEW 4 QUESTIONS

- Q1. What chapter of the *Navy Regs* deals with your responsibility and authority while carrying out orders?
- Q2. What chapter of the *Navy Regs* deals with rights and responsibilities?
- Q3. Who is responsible for ensuring the *Navy Regs* conforms to the current needs of the Department of the Navy?
- Q4. New *Navy Regs* and changes to it are issued by whom and approved by whom?
- Q5. The instructions found in the OPNAVINST 3120.32 provide guidance and regulations for—

Q6. What was the purpose for developing and signing into law the *Uniform Code of Military Justice*?

Q7. When was the *UCMJ* signed into law?

Q8. Article 137 of the *UCMJ* states that certain articles of the Code must be explained carefully to every enlisted person at what minimum interval?

Q9. List the three types of court-martials.

- a.
- b.
- c.

SUMMARY

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

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

Discipline or conduct could sometimes make the difference between saving or losing a unit. Without discipline, ships would not have the efficient fire or repair parties that have kept many of them afloat after major damage. Imagine the panic that would take place

Student Notes:

if Sailors didn't have the discipline, self-control, and efficiency they have been taught.

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

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

REVIEW 1 ANSWERS

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

REVIEW 2 ANSWERS

- A1. In the Navy, the military police are known as the **shore patrol**.
- A2. Shore patrol personnel are identified by **armbands bearing the letters SP**.

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

REVIEW 3 ANSWERS

- A1. **Motivation and correction through reward and punishment** are used to help Sailors work as a unit.
- A2. The purpose of discipline in the military is to **bring about an efficient military organization**.
- A3. **Deterrent** theory of punishment is used by the Navy.
- A4. The two things a recipient of Navy punishment should remember are—
 - a. **Punishment is a result of their behavior**.
 - b. **They won't be punished again if they learn to conform to Navy's standard of conduct**.

REVIEW 4 ANSWERS

- A1. **Chapter 10 of the Navy Regs** deals with your responsibility and authority while carrying out orders.
- A2. **Chapter 11 of the Navy Regs** deals with your rights and responsibilities.
- A3. **Chief of Naval Operations** is responsible for making sure that the *Navy Regs* conform to the current needs of the Department of the Navy.

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A4. **Secretary of the Navy issues and the President approves** new *Navy Regs* and changes to *Navy Regs*.

A5. The instructions found in the OPNAVINST 3120.32 provide guidance and regulations for **the duties and responsibilities for all personnel within a unit or organization.**

A6. The purpose for developing and signing into law the *Uniform Code of Military Justice* was **to standardize legal procedure and discipline throughout all branches of service.**

A7. The *UCMJ* was signed into law on **31 May 1951.**

A8. Article 137 of the *UCMJ* states that certain articles of the Code must be explained carefully

to every enlisted person **at the time of entrance or no later than 6 days later, 6 months on active duty, and every reenlistment.**

A9. The three types of courts-martial are—

a. **Summary**

b. **Special**

c. **General**

CHAPTER COMPREHENSIVE TEST

- Which of the following are sources that set forth the basic disciplinary laws for the U.S. Navy?
 - U.S. Navy Regulations*
 - Standard Organization and Regulations of the U.S. Navy*
 - Uniform Code of Military Justice (UCMJ)
 - Each of the above
- Which of the following characteristics are traits of a good Sailor?
 - Puts the good of the ship and the Navy above personal likes and dislikes
 - Obeys the rules of military courtesy and etiquette
 - Demonstrates loyalty, self-control, honesty, and truthfulness
 - All of the above
- In what year was the Code of Conduct first prescribed?
 - 1965
 - 1955
 - 1945
 - 1935
- The Code of Conduct was adopted to provide guidance for service personnel in which of the following circumstances?
 - When stationed on foreign soil
 - When traveling at home and abroad
 - When facing the enemy as prisoners of war
 - All of the above
- In what year was Executive Order 12633 issued amending the Code of Conduct to use neutral-gender language?
 - 1987
 - 1988
 - 1989
 - 1990
- How many articles make up the Code of Conduct?
 - Two
 - Four
 - Six
 - Eight
- When, if ever, may you voluntarily surrender to the enemy?
 - If alone and completely isolated from friendly troops
 - If no longer able to inflict casualties on the enemy
 - If able to detain the enemy and let others escape capture
 - Never
- Who may be assigned shore patrol duties?
 - Officers only
 - Petty officers only
 - Officers and petty officers
 - All Navy personnel
- In areas where different armed services are located, the military police from each service may be combined to form one unit. What term identifies this unit?
 - Armed Forces Police Department
 - Armed Forces Police Detachment
 - Armed Forces Police Service
 - Armed Forces Police Group
- Aboard ship, the master-at-arms (MAA) force is headed by the chief master-at-arms (CMAA). The CMAA works directly for which of the following officers?
 - Weapons officer
 - Security officer
 - Executive officer
 - Administrative officer
- Discipline training develops which of the following personal traits?
 - Character
 - Efficiency
 - Self-control
 - All of the above
- Discipline is important to the Navy for which of the following reasons?
 - To instill fear of punishment
 - To decrease command responsibility
 - To provide punishment for wrongdoers
 - To enable personnel to function as a unit with a high degree of efficiency

13. Punishment is administered in the Navy for which of the following reasons?
 1. To serve as an object lesson to the wrongdoer and others
 2. To pacify those who have suffered a wrong
 3. To correct a wrong
 4. To avenge a wrong
14. What chapter of the *United States Navy Regulations* describes the rights and responsibilities of all Navy members?
 1. 12
 2. 11
 3. 10
 4. 9
15. What person is responsible for making sure that the *Navy Regs* conforms to the current needs of the Department of the Navy?
 1. The Secretary of the Navy
 2. The Judge Advocate General
 3. The Chief of Naval Operations
 4. The Commandant of the Marine Corps
16. *Navy Regs* and changes to it are issued by the Secretary of the Navy after what person approves them?
 1. The President
 2. The Vice President
 3. The Attorney General
 4. The Chairman of the Joint Chiefs of Staff
17. Failure to obey any regulation subjects the offender to charges under what *UCMJ* article?
 1. 91
 2. 92
 3. 93
 4. 94
18. What article of the *Navy Regs* lists the publications that must be made available upon request by any active-duty person?
 1. 1020
 2. 1010
 3. 0917
 4. 0818
19. What article of the *Navy Regs* gives officers the authority necessary to perform their duties?
 1. 1021
 2. 1023
 3. 1025
 4. 1033
20. *Navy Regs*, article 1033, Authority in a Boat, provides which of the following officers the authority and responsibility over all persons embarked?
 1. The senior line officer eligible for command at sea
 2. The junior line officer eligible for command at sea
 3. The senior staff officer
 4. The junior staff officer
21. Which of the following *Navy Regulations* articles outlines the authority of a sentry?
 1. 1037
 2. 1038
 3. 1052
 4. 1053
22. You may not be ordered to active duty without the permission of which of the following persons?
 1. Commandant of the Marine Corps
 2. Commandant of the Coast Guard
 3. Chief of Naval Operations
 4. Chief of Naval Personnel
23. *Navy Regulations*, article 1104, Treatment and Release of Prisoners, prohibits cruel and/or unusual treatment. According to this article, prisoners must be checked on at what minimum interval?
 1. 10 hours
 2. 8 hours
 3. 6 hours
 4. 4 hours
24. During a Saturday duty day, one of your shipmates asks you to change watches with him/her. You agree but fail to get permission from proper authority. Under what article of *Navy Regs* could you be charged?
 1. 1138
 2. 1134
 3. 1133
 4. 1129

25. Sexual harassment is offensive and illegal. Under what article of *Navy Regs* may a person be charged with sexual harassment?
1. 1166
 2. 1164
 3. 1162
 4. 1160
26. Aboard your ship or station, you could find the regulatory articles of the *Standard Organization and Regulations of the U.S. Navy* posted in which of the following locations?
1. On bulletin boards
 2. In the log room
 3. On the quarterdeck
 4. All of the above
27. Ships arriving in U.S. territory after visiting a foreign port are subject to customs inspection. Which of the following personnel must complete a customs declaration?
1. Only personnel possessing articles with a monetary value that exceeds \$50
 2. Enlisted personnel only
 3. Officer personnel only
 4. All hands
28. Actions the officer of the deck may take in dealing with intoxicated persons are outlined in which of the following articles of the *Standard Organization and Regulations of the U.S. Navy* ?
1. 510.21
 2. 510.27
 3. 510.34
 4. 510.44
29. On what date did the original *Uniform Code of Military Justice* become effective?
1. 5 February 1950
 2. 5 May 1950
 3. 31 May 1951
 4. 31 August 1951
30. Article 137 of the *UCMJ* states, "...certain articles of the code must be explained carefully to every enlisted person...at the time the person enters active duty and after 6 months of active duty." At what other time interval must article 137 be explained?
1. Every 6 months thereafter
 2. Every 12 months thereafter
 3. Every 24 months thereafter
 4. Each time the person reenlists
31. Which of the following *UCMJ* articles explains the commanding officer's nonjudicial punishment?
1. 55
 2. 35
 3. 15
 4. 5
32. When an accused person selects a civilian counsel, who must bear the expense of such counsel?
1. The accused only
 2. The military only
 3. The accused and the military
 4. The accused if convicted, otherwise the military
33. Petty Officer Pistol, knowing that SN Brush has committed a robbery, loans Brush a car so that Brush can return to the ship to establish an alibi. What offense has Petty Officer Pistol committed?
1. Accessory after the fact to robbery
 2. Principal to the offense of robbery
 3. Conspiracy
 4. Robbery
34. The status of an absentee changes from absence without leave to deserter after how many days absence?
1. 10
 2. 20
 3. 30
 4. 40

35. SN Doe oversleeps after having the weekend off and fails to return to the ship before it got under way Monday morning. Under what *UCMJ* article can SN Doe be charged?
1. 84
 2. 87
 3. 90
 4. 93
36. If the chief master-at-arms (CMAA) of a ship strikes the colors to an enemy without authorization by competent authority, the CMAA is in violation of what *UCMJ* article?
1. 94
 2. 98
 3. 99
 4. 100
37. Weapons or other public property taken from captured enemy forces becomes the property of the
1. enemy
 2. United States
 3. person who captured the enemy
 4. person from whom they were taken
38. Seaman Door tries to bring a small container of crack cocaine on board his ship. Which of the following *UCMJ* articles has he violated?
1. 112
 2. 112a
 3. 113
 4. 113a
39. Under *UCMJ*, article 116, Riot or Breach of Peace, the term *riot* is used when a disturbance is caused by what minimum number of people?
1. Six
 2. Five
 3. Four
 4. Three
40. Petty Officer Frost takes a neckerchief from another person's locker, wears it on liberty, and replaces it upon return to the ship. What offense of the *UCMJ* has Petty Officer Frost committed?
1. Purposeful mislocation
 2. Wrongful appropriation
 3. Robbery
 4. Larceny
41. What *UCMJ* article provides specific statutory authority for the prosecution of bad-check offenses?
1. 123
 2. 123a
 3. 125
 4. 126
42. If a person considers his/her punishment under *UCMJ*, article 15, unjust, the person has the right to appeal to the next superior authority in the chain of command. How many days is generally considered reasonable for submitting an appeal?
1. 5
 2. 10
 3. 15
 4. 20