

102d Congress }
2d Session }

COMMITTEE PRINT

No. 12

**WOMEN IN THE MILITARY: THE
TAILHOOK AFFAIR AND THE PROBLEM
OF SEXUAL HARASSMENT**

REPORT

OF THE

MILITARY PERSONNEL AND COMPENSATION
SUBCOMMITTEE

AND

DEFENSE POLICY PANEL

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION



SEPTEMBER 14, 1992

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1992

58-972 MC

ISBN 0-16-03926



90000



9 780160 392627

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-039262-4

58-972 0 - 92 - 1

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(II)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 17, 1992.

MEMORANDUM FOR MEMBERS, COMMITTEE ON ARMED SERVICES

Subject: Joint Report on Women in the Military and Sexual Harassment.

Attached is a report by the Defense Policy Panel and the Subcommittee on Military Personnel and Compensation on: Women in the Military: The Tailhook Affair and the Problem of Sexual Harassment, and Appendices. The report examines how to deal with sexual harassment and how to achieve cultural change in the military.

LES ASPIN, *Chairman,*
Defense Policy Panel.

BEVERLY B. BYRON, *Chairman,*
Military Personnel and Compensation Subcommittee.

Enclosure.

Approved for printing:
LES ASPIN.

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SCOPE OF THE REPORT

Events at the 1991 Annual Tailhook Association Convention in Las Vegas, Nevada spurred this inquiry by the Panel on Defense Policy and the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services, U.S. House of Representatives, but the details of those events are not the subject of this study. Likewise, the issue of women in combat—a subject now being examined by a presidential commission—is beyond the scope of this study. This inquiry examines the questions of how to deal with sexual harassment and how to achieve cultural change in the military.

FINDINGS

1. There was a failure on the part of senior leadership within the naval aviation community in conducting oversight of the activities associated with the annual Tailhook Association Convention in Las Vegas, Nevada. That the conventions combined professional presentations with parties where large amounts of alcohol were consumed in a raucous environment should not have escaped the attention of mid-level and more senior Navy personnel in the aviation community.

2. The scale of sexual harassment and assaultive behavior seen at the Tailhook convention was so large that it probably constituted a one-of-a-kind event, but the attitudes that permitted it to occur are not isolated. Rather, they are so widespread in the services that basic, cultural change will be necessary to remedy harassment.

3. Given the prevalence of these attitudes, the official Department of Defense investigation of specific activities at Tailhook must not be allowed to serve as a substitute for the vigorous and whole-hearted effort necessary to eliminate sexual harassment toward women in the military.

4. The effort to eliminate sexual harassment should take cognizance of a pattern discovered in this examination of how cultural change was achieved in matters of racial discrimination and illegal drug use. It was a pattern in which early attempts to remedy the problem failed.

- The first phase: the recognition of a problem followed by unsuccessful efforts to solve it;
- The second phase: a watershed event that puts at risk the services' ability to carry out their military missions and that may expose them to public embarrassment; and
- The third phase: finally, a whole-hearted commitment on the part of the uniformed military leadership to change behavior emerges.

5. In the third phase, the elements that appear to have been paramount in successful efforts are:

- Total leadership commitment.
- Career-long training and education.
- Clear demonstration through disciplinary action and career impact that certain behaviors will not be tolerated.

6. All of the services now have in place programmatic and administrative tools adequate to combat sexual harassment. Success will depend, however, upon the whole-hearted commitment of senior leadership of the Department of Defense and the services to use these tools continuously over time.

7. The context in which the services are dealing with cultural change regarding sexual harassment is significantly different in two ways from the other case histories studied.

- Military necessity will not force change. The imperative for change that existed during the Korean war and again during the transition to the AVF is not present now. The collapse of the Warsaw Pact and the Soviet Union led to a decision to decrease force structure by approximately 25 percent by fiscal year 1995. Some personnel are being encouraged to leave the services; many fewer are being allowed to join.
- The issue of women in combat is not settled. When the services tackled racial discrimination and drug abuse, attitudes toward those issues were not in question.

These differences suggest that a special commitment will be required to deal with sexual harassment in a force that will remain gender integrated whatever the numerical possibilities.

INTRODUCTION

In September 1991, a professional military organization known as the Tailhook Association met in Las Vegas, Nevada for its annual convention. The symposium offered seminars on issues pertinent to carrier aviation as well as parties where large amounts of alcohol were consumed.

There was raucous behavior, which had become a standard feature of the conferences. After the gathering was over, reports surfaced that women had been harassed and received unwanted physical attention. Later it became clear that some behavior went beyond harassment into the realm of criminal assault.

What went on at Tailhook prompted questions about the occurrence of sexual harassment throughout the armed services. The incident also raised broader concerns about how military culture views the role of women in the armed forces. It is the process of changing military culture that is the focus of this report.

HOUSE ARMED SERVICES COMMITTEE HEARINGS

The Defense Policy Panel and the Subcommittee on Personnel and Compensation of the House Armed Services Committee began their work with hearings on July 29 and 30, 1992. The focus of the July 29 hearing was on examining how the services had addressed the problems of racial discrimination and illegal drug use in the past. In these two instances, the military had been quite successful

in forcing cultural change. Today, the American military is given better marks for eradicating drug use and alleviating racial intolerance than any other segment of American society.

On July 29, witnesses included Roger T. Kelley, the Assistant Secretary of Defense from 1969-1973 who supervised departmental policies to improve race relations and to increase the number of women in the military; former Chief of Naval Operations Admiral Elmo R. Zumwalt, Jr., USN (Ret.), who was responsible for inaugurating and implementing the Navy's Race Relations program; Major General Jeanne Holm, USAF (Ret.), one of the first women generals and author of the book *Women in the Military, An Unfinished Revolution*; and Dr. Edwin Dorn, Senior Staff Member at The Brookings Institution and an expert on military personnel policy.

On July 30, the Chiefs of Staff of the military services and the Commandant of the Marine Corps provided testimony on the role of women in the military and their plans to deal with sexual harassment.

CASE STUDIES ON IMPLEMENTING CULTURAL CHANGE

A COMMON PATTERN EMERGES

Reviewing the military's history of bringing about cultural change as well as the circumstances surrounding the Tailhook case reveals a common pattern or model. In the case of race relations and drug abuse, the common pattern has produced very successful results. If this pattern applies to the current problem of sexual harassment, it may also show the way to a cultural change in attitudes toward women in the military.

The pattern of change includes:

- *Phase One*: the recognition of a problem by leadership, uniformed or civilian, that tries unsuccessfully to solve it;
- *Phase Two*: a watershed event that puts at risk the services' ability to carry out their military mission and that may expose them to public embarrassment; and
- *Phase Three*: a whole-hearted commitment on the part of the uniformed military leadership to change behavior.

CASE I: RACIAL INTEGRATION IN THE MILITARY

Today's military is one of the least racially discriminatory institutions in American society. But an enormous change in military culture was required to bring this about. In fact, the pattern of change can be observed in two separate periods before the armed services cast aside their racial barriers.

- The first cycle culminated in desegregation, which allowed blacks to serve in all facets of military life.

This was a significant step forward, but it did not end discrimination.

Years later, the pattern of change reappeared. This time, more subtle forms of discrimination were at issue.

- The second cycle ended with an institution that promoted harmonious interracial professional relationships, offered real

opportunities for advancement to all servicemen and punished those who resisted change.

THE FIRST PATTERN OF CHANGE: ENDING SEGREGATION

Before 1948, blacks served in the armed forces in segregated units that were, for the most part, restricted from full participation in combat. During this time, they were relegated to subservient roles that reinforced cultural barriers based on racial prejudices. Unfortunately, this was merely a reflection of the prevailing attitudes of that era.

Phase one

In July 1948, President Harry Truman signed Executive Order 9981, which marked the beginning of the first phase in the pattern of events that led to desegregation. President Truman, as Commander-in-Chief of the armed forces, recognized that segregation posed a problem for the services for two reasons. He was increasingly aware of the need for American society to respect the basic human rights of its citizens. He was also concerned about the military's ability to fill the manpower gaps created by individuals leaving the services after World War II.

President Truman attempted to solve the problem with Executive Order 9981.

- The directive called for "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin." It did not specifically mandate desegregation, but it did promote long overdue discussions within the services about alternatives to segregation.

However, the executive order resulted in little real progress on desegregation. Blacks continued to be relegated to supporting roles.

Phase two

Then came the Korean war, the watershed event that constitutes the second phase of the pattern. President Truman's concern over manpower shortages proved prescient. The war created a desperate need for trained personnel, and segregation was a stumbling block to solving the problem.

Momentum to integrate started to build in the services when black soldiers pressed to be allowed to participate fully in the war effort. In addition, battlefield casualties needed to be replaced.

Phase three

The combination of pressure and necessity spurred the military leadership to make genuine change. This phase of the pattern saw the end of institutional segregation.

- The remaining combat restrictions for blacks were dropped.
- Blacks were assigned to all units and performed their missions with distinction.

Dr. Edwin Dorn, a Brookings Institution expert on racial integration of the armed forces, sums it up this way:

" . . . [R]acial integration of the military, which actually began during the Korean War, after . . . several years of debate

over whether it truly would be necessary, was justified on the grounds of military necessity."

A PAUSE IN PROGRESS

At the end of the Korean War, racial issues were moved to the back burner and stayed there through the early 1960s. Military leaders concentrated on housing discrimination and other race-related problems in the communities surrounding military bases. There had been progress in race relations within the armed services; the United States Army was far more integrated than many other segments of American society. On the surface this was a relatively tranquil period for the military. Unfortunately, military leaders misinterpreted the appearance of calm to mean that there was no need to press for further progress in race relations.

THE SECOND PATTERN OF CHANGE: NEW ATTITUDES FOR THE ALL VOLUNTEER FORCE

By the mid-1960s the war in Vietnam was escalating, and race relations in the services became increasingly troubled. Black service members were being sent to Vietnam in numbers disproportionate to their number in the population as a whole. They also accounted for an equally disproportionate percentage of the combat casualties. This situation fostered lingering resentment among black members of the military, leading to heightened racial tensions.

Phase one

At about this time, events constituting the first phase of the pattern of events leading to cultural change appeared again. This time, change would virtually end discrimination. The civilian leadership of the Department of Defense became aware of the serious racial tensions within the armed forces and the need to correct the problem. Secretary of Defense Melvin Laird adopted an active leadership role. As Roger T. Kelley, the former Assistant Secretary of Defense for Manpower and Reserve Affairs, noted in testimony before the committee:

" . . . organizations, whether military or civilian, tend to be a reflection of the character, actions and behavior of the person at the top of the organization. Mel Laird was a forceful Secretary of Defense. He not only [said] the right words, but he supported his words with action."

- In August 1969, Secretary Laird ordered the publication of the "Department of Defense Human Goals" delineating a policy intended to make the Department of Defense a model of equal opportunity for all.

The strongly-worded goals were widely distributed but met with an indifferent response. Those present at the time acknowledged that the uniformed leadership of the military either lacked Secretary Laird's commitment or were narrowly focused on the Vietnam war.

By 1970, racial conflict was beginning to hinder the war effort in Vietnam as incidents occurred on military installations both at

home and abroad. In 1971, 40 black soldiers marched on the commanding general's headquarters at Chu Lai, Vietnam demanding an end to discrimination.

As a result of this, Secretary Laird began to pursue a more active approach to fighting discrimination, recognizing that better race relations were urgently needed for two reasons. First, they were necessary to help the war effort because military units distracted by internal tensions were unlikely to be properly focused on their military missions. Second, better race relations were necessary to ease the transition of the military through the end of conscription to an All Volunteer Force (AVF).

His strategy included:

- more frequent personal meetings with the service secretaries and service chiefs of staff to provide continued guidance. By raising this issue within the highest levels of command, Secretary Laird made improved race relations a priority issue.
- the establishment of a training program that included the development of the Department of Defense Race Relations Institute to train race relations specialists from each service.

In the words of former Assistant Secretary of Defense Kelley, ". . . this course taught respect for one another's roots, along with direction as to interpersonal behavior and teamwork befitting military members."

But Secretary Laird's renewed dedication still proved insufficient. Little progress was made toward ending discrimination until a critical event took place.

Phase two

The watershed event that seriously focused the military on improving race relations took place in 1972. High profile racial incidents occurred onboard the Navy aircraft carriers U.S.S. *Kitty Hawk* and U.S.S. *Constellation* and directly threatened the AVF as well as the fighting effectiveness of the Navy. Further, it exposed them to public scrutiny and embarrassment (See Appendix A).

Phase three

Phase three followed quickly behind the carrier episodes (See Appendix B). The combination of dangers finally forced the whole military to make a sustained, serious effort to stop racial discrimination. Each service adopted slightly different approaches, but all were very comprehensive. One example is the Navy's Race Relations program, strengthened by then Chief of Naval Operations, Admiral Elmo Zumwalt. It included:

- Race relations education designed to bring about an understanding of racial discrimination. The goal was to bring about a realization that racial discrimination existed and that it was a serious impediment to professional and interpersonal relations in the military. Components of this program included:
 - Training of a cadre of race relations specialists at the Defense Race Relations Institute, with follow-on training at a special Navy school established for that purpose. These trained race relations specialists were then dis-

persed throughout the Navy to conduct race relations training sessions for all Navy personnel.

- Mandatory racial awareness training for all levels of naval personnel. This training was designed to bring about a heightened sense of racial awareness, and to help individuals understand and respect each other, regardless of race. These sessions also proved helpful in sensitizing personnel to the cultural differences between the races and how negative attitudes concerning other races reflect learned prejudices. Once individuals began to understand why they thought and felt a certain way, negative behavior began to change.
- Personal interaction sessions during which black and white personnel were placed in confrontation groups to discuss racial issues. These volatile sessions were intended to bring about an awareness of racial differences and proved effective in highlighting prejudices held by both sides.
- Development of an Affirmative Action Plan designed to improve recruitment, retention and ultimately, the upward mobility of minorities within the Navy. This program also concentrated on eliminating racial biases in the promotion system and in the occupational classification of minorities.
- Enforcement of the Navy's commitment to equal opportunity through the fitness report and evaluation system.
 - Every fitness report for officers and evaluation for enlisted members required an assessment of that individual's support of the Navy's equal opportunity program. An inability to get along became a "career-ending" problem.

TOOLS CHART I: WHAT MADE RACIAL INTEGRATION WORK

Leadership commitment.

Career-long periodic mandatory racial awareness training.

- Group confrontation seminars.
- Trained race relations specialists.
- Minority role models.

Clear demonstration through disciplinary action and career impact that certain behaviors will not be tolerated.

- Officer fitness reports and enlisted performance evaluations to rate equal opportunity performance.
- Strict enforcement of regulations.

WHAT MADE THE PROGRAM WORK

Eliminating racial discrimination within the military was a slow and painful process requiring a massive effort. Experts agree that it took the totality of approaches listed above and others to keep making progress.

Three, however, appeared to have had a greater impact than the others. They were:

- total leadership commitment to confronting the problem;
- career-long training and education; and
- clear demonstration through disciplinary action and career impact that certain behaviors would not be tolerated.

Total leadership commitment was the most critical element in effecting change. It showed all personnel where to focus their attention.

Next was the career-long training and education program. Courses on racial awareness and human relations became mandatory for all personnel beginning with their entry into the service and continuing periodically throughout their military career. Dr. Edwin Dorn noted during hearings before the committee that:

" . . . clearly that type of training has made a difference over time. It has permeated the services. Everyone knew how to repeat the mantra drill sergeants use: I don't see black and white, I only see olive drab."

The third most important ingredient of success was the unambiguous message, reinforced by severe penalties, that certain behaviors would not be tolerated. Charges of even minor discrimination received immediate attention, including swift and severe disciplinary action and negative marks in performance reports of offenders.

A commitment to enforce regulations through the use of punitive action was necessary to truly eliminate negative behavior. As former Chief of Naval Operations, Admiral Elmo Zumwalt noted:

"It took the visible sign that action, punitive action, would follow to get attention all the way up and down the chain of command. There were officers who were weeded-out for failure to [follow] directives and there were other officers who got poor fitness reports for such failures."

CASE II: THE WAR AGAINST DRUGS IN THE MILITARY

THE PATTERN OF CHANGE: ENDING ILLEGAL DRUG USE

The three-phase pattern leading to cultural change is also clear in the case of illegal drug use.

Military personnel had used illegal drugs to some degree for many years, but drug abuse was not recognized as a problem until the large-scale deployment of troops to Southeast Asia. One contributing factor was the extraordinary abundance and low cost of virtually every type of illegal drug in Vietnam.

Phase one

By 1967, drug abuse had increased to the point that the Secretary of Defense recognized the problem and formed a task force on prevention and treatment. The task force's recommendations led to drug and alcohol policies that focused on prevention, education and law enforcement practices for detection of use.

- In May 1971, the Defense Department established the urinalysis testing program, which was designed as a tool for local commanders to use in prevention, identification and control of substance abuse. Testing was not widespread, however, and laboratories were not certified, which prevented results from being used in legal proceedings.
- In June 1971, President Nixon issued an executive order declaring a national counter-offensive against drug abuse.
- In September 1971, in response to the executive order, Public Law 92-129 mandated a program for the identification and treatment of drug and alcohol dependent personnel in the armed forces.

Yet these laws and policies had very little effect. The services at that time viewed drug abuse as a medical issue. Moreover, fighting the war in Vietnam dominated the attention of the military leadership, overshadowing the drug problem.

In 1980, the Department of Defense conducted a world-wide survey of alcohol and non-medical drug use among military members. This survey was based on 15,268 questionnaires completed by personnel in pay-grades E-1 through E-6. The results were startling: 27.6 percent of the personnel surveyed had used nonmedical drugs within the last thirty days. Even more startling was the fact that up to 47 percent of E-1 through E-5 Navy personnel had used marijuana in the last thirty days. Of that group, 25 percent reported being high at work.

Phase two

Although the survey clearly demonstrated a serious substance abuse problem, it once again took a major event to galvanize the military leadership to commit themselves to making real changes.

The watershed was an aircraft accident on the flight deck of the U.S.S. *Nimitz* on May 26, 1981 resulting in 14 fatalities. Autopsies revealed the use of illegal drugs by the flight deck crew and the abuse of over-the-counter drugs by the aircrew. (See Appendix C).

The crash raised serious doubts about the Navy's combat capability and was a source of embarrassment.

Phase three

The Chief of Naval Operations, Admiral Tom Hayward, responded with what became the recurring anti-drug theme: "NOT ON MY WATCH, NOT ON MY SHIP, NOT IN MY NAVY." His meeting with the other service chiefs soon after the crash laid the groundwork for the real zero tolerance policy against drug use in the armed forces.

- In 1984, the services placed state-of-the-art urinalysis equipment in all drug screening labs. Results of tests conducted in these labs became admissible in legal proceedings.
- From 1981 through 1992, the armed services instituted a progressive tightening of drug abuse policies, finally resulting in mandatory separation of any service member after only one drug abuse offense.

The Defense Department also continued the practice of conducting world-wide surveys of substance abuse and health behaviors among military personnel. Surveys conducted in 1982, 1985 and 1988 showed that among all military personnel, the use of illegal drugs within the preceding 30 days decreased from 27.6 percent in 1980 to 19 percent in 1982, to 8.9 percent in 1985, to 4.8 percent in 1988. Marijuana was the most commonly used drug and accounted for most of the drug usage in 1988. Use of other drugs was one percent or less.

TOOLS CHART II: WHAT MADE THE DRUG PROGRAM WORK

Leadership commitment.

Career-long periodic mandatory drug abuse awareness training.

- Trained drug and alcohol program advisors.
- Periodic mandatory drug and alcohol awareness seminars.
- Drug and alcohol de-glamorization programs.

Clear demonstration through disciplinary action and career impact that certain behaviors will not be tolerated.

- Certified urinalysis testing programs.
- Zero tolerance policy—separation from the service after only one incidence of drug use.

WHAT MADE THE PROGRAM WORK

Although there was never any disagreement in the military about the acceptability of illegal drug use, servicemembers used them until a firm commitment by the leadership required the behavior to end. Tough detection and enforcement policies and the harsh, uncompromising consequences associated with illegal drug use have cut the rate of illegal drug use in the military to less than one percent across all the services.

THE NEED FOR CULTURAL CHANGE TODAY

CASE III: SEXUAL HARASSMENT AGAINST WOMEN IN THE MILITARY

It took World War II and its subsequent manpower shortage for women to be accepted into the military in significant numbers. To maintain sufficient personnel in the postwar period, Congress passed—over the reservations of many and the outright objections of some—the Women's Armed Services Act of 1948, which provided limited but permanent opportunities for women in the four services. This act also codified restrictions on the assignment of women to Navy and Air Force combat aircraft and Navy combat vessels.

Women continued to serve in the military within the bounds established by the Women's Armed Services Act for almost 20 years. Then, in 1967, a combination of military manpower problems caused by the war in Vietnam, growing resentment to the draft and women's interest in serving in greater numbers led to passage of Public Law 90-130 (see Appendix D). The law removed many of the restrictions on women in the military, including some on promotions for women officers.

THE PATTERN OF CHANGE REAPPEARS: AN END TO SEXUAL HARASSMENT?

In 1972, a special Congressional Task Force held hearings on the utilization of manpower in the AVF. As a result, Secretary Laird

directed the services to develop a plan to increase the use of military women. Specifically, the Army, Navy and Air Force were told to plan to double their women's programs by the end of fiscal year 1977. The Marine Corps was directed to plan for a 40 percent increase during the same period.

By the end of June 1977, all of the services had exceeded their goals. More than 110,000 women officers and enlisted women were on active duty.

Debate on the appropriate percentage of women in the military continued nonetheless. Many well-qualified women were volunteering to join the armed services in the 1970s, but Congress and military leaders were torn between accepting higher numbers of them and recruiting men who were less well qualified. Ultimately, the percentage of women settled at around 11 percent of the force, where it has remained through the present.

Even as more women entered the services, the question of sexual harassment received little attention. In fact, society and the military were just beginning to understand that certain behaviors constituted harassment. An administrative mechanism for resolving non-criminal incidents did not exist, and the military justice system covered only criminal cases.

Phase one

By 1979, the services had recognized that sexual harassment did occur and damaged work place effectiveness. Given a force that included 10 percent women, senior uniformed leadership concluded that the problem needed to be tackled in a comprehensive way. This began phase one in the pattern of change.

- In the early 1980s, each of the services developed a policy to eliminate sexual harassment. Zero tolerance was the objective from the very beginning.

The program suffered from growing pains for several years, however. The first stumbling block was defining sexual harassment. Over time, a workable definition evolved, but the difficulty then became enforcement. Again the military mirrored society, which was also struggling with the practical application of sexual harassment policies.

Congress grew concerned about the success of the zero tolerance program. Although the services had increased awareness of the problem, sensitivity to the issue remained low. The program was failing to win women's confidence. More importantly, leadership commitment was unclear, and enforcement was sporadic.

In 1986 and 1987, the Defense Advisory Committee on Women in the Services (DACOWITS) visited installations in England, Germany, and the Western Pacific and found that sexual harassment was a major problem. Misconduct ranged from verbal abuse to blatant demands for sexual favors. DACOWITS also discovered that women did not believe the chain of command would be responsive to grievances and felt that in some cases, the services condoned negative behavior toward women.

The Military Personnel and Compensation Subcommittee conducted hearings to investigate complaints of sexual harassment

and other issues influencing opportunities for women in the military.

- On October 1, 1987, the subcommittee heard testimony from a DACOWITS member and representatives from the Women and the Military Project of the Women's Equity Action League, and the National Military Families Association. The witnesses described low morale among women serving in the Philippines where prostitution and burlesque shows took place in U.S. military clubs.
- On February 4, 1988, Dr. David J. Armor, Principal Deputy Assistant Secretary of Defense for Force Management and Personnel, testified that despite vigorous institutional efforts to prevent it, sexual harassment remained a problem in all the services. He reported that a major DoD study confirmed the existence of systemic problems that contributed to widespread sexual harassment in the services.

At the same hearing, each of the services' personnel chiefs acknowledged that sexual harassment was a problem and proclaimed renewed leadership commitment to a zero tolerance policy. The comments of then-Navy Personnel Chief, Vice Admiral Leon A. Edney, were typical:

"Any form of sexual harassment must not be tolerated. Therefore, vigorous actions will be directed to expand training and education, to improve grievance reporting procedures and to enhance counseling. The Navy will include the prevention of sexual harassment and fraternization as Chief of Naval Operations Special Interest Items and these issues will become an area for review during Inspector General inspections."

Despite the zero tolerance policy, sexual harassment continued. Three years later, criminal assaults took place at the 1991 Annual Tailhook Association Convention in Las Vegas.

Phase two

The 1991 Tailhook convention may prove to be the watershed event in the pattern of change that curtails sexual harassment of women in the military.

The Tailhook Association, which counts as members active duty and retired Navy and Marine Corps aviators, has held annual conventions in Las Vegas to examine issues pertinent to carrier aviation. The conventions combine professional presentations with parties where large amounts of alcohol are consumed. The atmosphere typically has been rowdy and more reminiscent of a college fraternity than a professional military organization.

In fact, raucous, fraternity-like behavior had become a standard feature at Tailhook conventions. Even though senior Navy leadership professed ignorance of excesses, the rank and file of the naval aviation community who attended the conventions were familiar with the kind of activity that took place.

At the conclusion of the 1991 conference, reports surfaced within the Navy that women had been harassed and received unwanted physical attention. In fact, some behavior at the convention went beyond harassment into the realm of criminal assault. Ultimately,

it was discovered that at least 26 women, 14 of whom were military officers, had been assaulted by male officers in attendance.

Initial reports of alleged assault met with—at best—a mixed response. One woman naval aviator, an Admiral's aide, reported to her chain of command in general terms that she had been harassed. The Admiral's first response was one of apparent indifference.

The officer continued to pursue the matter and began describing what happened in greater detail. The chain of command then began to understand the seriousness of the behavior at Tailhook. A Naval Investigative Service (NIS) review was initiated. As public reports of the alleged assaults surfaced, Secretary of the Navy H. Lawrence Garrett III also requested that the Navy Inspector General conduct an investigation into the Navy's relationship with the Tailhook Association as well as the conduct of the annual Tailhook symposium.

The NIS investigation continued for several months, but members of the naval aviation community who had attended Tailhook closed ranks and refused to cooperate. Meanwhile, more details of the incidents emerged. This information plus the unsatisfactory results of the Navy investigation fueled public outrage.

Responsibility for additional investigation of the conference was then transferred to the Acting Inspector General of the Department of Defense. On June 26, 1992, Secretary Garrett resigned. Finally, the President personally met with the woman aviator who had reported the first incident.

The sustained level of public outrage ultimately forced the senior leadership of the Defense Department to recognize that a watershed event had occurred. In testimony before the committee several days after Secretary Garrett resigned, the Chief of Naval Operations, Admiral Frank B. Kelso, said:

"Tailhook was clear evidence we were confronting a broad cultural issue, but it was not the first evidence we had. Attitude surveys from the 1980s told us sexual harassment was a problem. Internal studies told us the same thing . . .

"Until Tailhook, we dealt too often with sexual harassment at the local level, one case at a time, rather than understanding it as a cultural issue that had to be addressed throughout the Navy . . .

"But this incident has galvanized us to reexamine the whole issue of treatment of women in uniform . . . Race and drugs are providing us with successful models on which to pattern our efforts in this area . . .

"The egregious behavior of some people at the 1991 Tailhook symposium and follow-on allegations of inadequate, unproductive investigation of this behavior have called into question the Navy's very character. The reputation of this institution and its men and women as fair, decent, hard-working and honorable has been tarnished."

The 1991 Tailhook convention revealed that the military continues to have a very serious problem with sexual harassment. Yet the great majority of the almost 3,000 military personnel who attended Tailhook conducted themselves as professionals, attended the educational discussions and used the meetings and free time to meet with friends and socialize with the senior Navy leadership.

Phase three

At the same July 30 hearing in which Admiral Kelso acknowledged that sexual harassment is a cultural problem, he also described his plans to tackle the problem. Admiral Kelso said:

"In April of last year the Chief of Naval Personnel developed procedures to enforce our policy of zero tolerance on sexual harassment. These went into effect on 1 March. Now individuals found guilty of a single incident of aggravated sexual harassment are processed for separation. Those committing less serious acts of sexual harassment are subject to administrative disciplinary action, and repeated offenders will be discharged.

- "In the future, all officer fitness reports and enlisted evaluations will require comment on the individual's support of our zero tolerance policy. A low mark in this area will kill a career.
- "The most important element or solution is education and training. In the long run, I believe aggressive education and change have had the greatest impact on our efforts to change people's attitudes towards racial discrimination and drug use . . . To that end, we have developed new standardized sexual harassment training materials and distributed them to every unit in the Navy.

- "We have mandated a 24-hour training stand down during which all commands must instruct their people on sexual harassment, appropriate conduct and alcohol abuse. This is not a one-shot deal. Our commands will hold similar training on an annual basis.

- "As part of our long-term solution, we have developed a curriculum to enforce the Navy's core values of honesty, integrity and respect for the human dignity of all people. This is being incorporated throughout our officer and enlisted training pipeline from accession to command.

- "I have recently directed the status of the system to track reporting of incidents of harassment and misconduct Navy-wide, similar to the one we used to monitor drug programs. This system will give us the data we need to evaluate the effectiveness of sexual harassment programs. We will continue to conduct periodic attitude surveys and special studies as we do for racial issues to give us a broad picture of how we are progressing."

- The Secretary of the Navy has established a standing committee to address issues concerning women in the Navy and Marine Corps.

- "It is absolutely clear that dealing effectively with these changes in our Navy will require innovation, commitment and leadership from the very top. It is also clear that we have much work to do to solve this problem. But I can assure you we are committed to doing that work."

Beyond this, the Acting Inspector General of the Defense Department and the Navy Inspector General are continuing their investigations into conduct at the Tailhook convention, the Navy's internal reviews and the accountability of military personnel in specific cases of sexual harassment or assault.

TOOLS CHART III: WHAT WILL END SEXUAL HARASSMENT

Leadership commitment.

- Given the prevalence of attitudes that permit sexual harassment, the official Department of Defense investigation of specific activities at Tailhook must not be allowed to serve as a substitute for the vigorous and whole-hearted effort necessary to eliminate sexual harassment toward women in the military.

Career-long periodic mandatory sexual harassment awareness training.

- Trained Human Relations specialists.
- Sensitivity training to ensure that all personnel recognize sexual harassment.
- Clearly-established mechanism for reporting sexual harassment.

Clear demonstration through disciplinary action and career impact that certain behaviors will not be tolerated.

- Stated zero tolerance policy and strict enforcement of regulations.
- Swift disciplinary action, including dismissal from the service in cases of aggravated sexual harassment.
- Regular evaluation of service members' compliance with sexual harassment regulations through fitness reports or other means.

WHAT WILL MAKE THE PROGRAM WORK

Public and institutional confidence in the Navy is not likely to be restored until there is a full accounting of Tailhook activities. But that must not be allowed to serve as a substitute for whole-hearted commitment to eliminating sexual harassment of women in the military. That, in turn, begins to bring about cultural change.

Although sexual harassment in the Navy and the Marine Corps has received the lion's share of public attention, sexual harassment exists in all services. All services also have had tools available to fight sexual harassment since the early 1980s in the form of statements, policies and regulations against such behavior.

Since the Tailhook incident, the Navy and Marine Corps have strengthened and expanded their existing policies and programs. The Army and Air Force have re-emphasized their existing programs. The key issue now is whether the services' leadership and the Secretary of Defense will use these tools continuously over time to fight sexual harassment (See Appendix E).

The history of tackling racial discrimination and fighting drug abuse has shown that sustained leadership commitment is the most important element of an effective agenda for change. Although it is too early to assess the services' progress, it appears

that at least the Navy is acting on an understanding of what has worked in the past. For example, Admiral Kelso noted at the July 30 hearing that commitment and leadership from the highest levels are essential to ending sexual harassment. Admiral Kelso clearly promised such commitment. Similar statements of strong leadership commitment were made by the Chiefs of Staff of the Army and Air Force, and the Commandant of the Marine Corps.

Admiral Kelso's testimony also described a very comprehensive career-long training program, another ingredient of successful change. However, one portion of this training program, a 24-hour training stand down for all Navy and Marine Corps personnel has received mixed reviews from some units. The Army and Air Force have similar career-long education and training programs for service personnel on sexual harassment. What remains to be seen is whether increased leadership will enhance the effectiveness of training and education efforts.

Finally, each service chief described in testimony the disciplinary action and career impact that certain behaviors will engender. As Admiral Zumwalt noted on July 29, the fight against racial discrimination included visible punitive action to underline the need to change unacceptable behavior. Once again, it will require the passage of time to assess the use of these available tools of behavioral change.

It is clear from the case studies of racial discrimination and drug abuse that it takes a combination of approaches to begin cultural change. In the case of sexual harassment, the tools are now in place. But only the passage of time will tell whether the leadership will keep up its commitment to win the fight against sexual harassment.

DIFFERENCES FROM THE EARLIER CASE STUDIES

Despite important similarities, there are two ways the problem of sexual harassment is different from racial discrimination and drug use. These differences may act as brakes on the pattern of change, although it is too early to know with certainty. Other differences between the current problem and the earlier case studies may also appear later.

- The first difference concerns military necessity.
- The second concerns women in combat.

The histories of racial discrimination and drug use strongly point to the conclusion that it was not enough that the behavior in question was judged to be wrong. Before effective action was taken, it also had to be shown that changing behavior was a military necessity. In the case of race, for instance, racial incidents aboard Navy ships fundamentally threatened combat effectiveness; military effectiveness dictated that changes had to take place.

Dr. Dorn summarized the reasons for change in the following way:

“. . . necessity and moral pressure together produced much of the change in the status of black Americans in the U.S. military; and necessity and moral pressure also produced the early changes in the status of women in the military. One must find

a way for that combination of factors to persist even as the services are being reduced in size.”

In the case of sexual harassment, only one of the two elements Dr. Dorn identified is present. Moral pressure to stop sexual harassment exists. The public has condemned such behavior in no uncertain terms. Leaders of the armed services have, too.

But the military imperative for change does not exist as it did during the Korean war and again during the transition to the AVF, as Dr. Dorn noted. The collapse of the Warsaw Pact and the Soviet Union led to a decision to decrease force structure by approximately 25 percent by fiscal year 1995. Some personnel are being encouraged to leave the services; many fewer are being allowed to join.

In such an environment, one answer to the question of sexual harassment could be to severely curtail women's presence in the military. Women currently constitute approximately 11 percent of the force; any reduction in their numbers would help the services meet their numerical goals for the drawdown.

All of the service chiefs, however, rejected the possibility of operating without women. For example, General Mundy, Commandant of the Marine Corps, said, “I do not want to operate without women . . . I think we are a better Corps because of the contributions and the quality that women bring to our Corps.”

General McPeak, Chief of Staff of the Air Force, cited military necessity, “The short answer is we cannot get our mission done today without participation and active contribution by women members of the Air Force.”

Admiral Kelso said, “Can I operate without women? No. I don't think we can operate without women . . . women provide a great talent to our service.”

General Sullivan, Chief of Staff of the Army, commented, “I cannot deal without women . . . I don't want to do it without women. We have about 80,000 women in the active Army. We sent 26,000 to the Gulf.”

The second key difference between racial discrimination and sexual harassment is the restriction that bars women from certain combat specialties. At the time the military tackled racial discrimination and drug abuse in earnest, attitudes toward race and drug abuse were not in dispute. Right now, the question of allowing women in combat specialties is still not settled. All four witnesses at the July 29 hearing—Admiral Zumwalt, Mr. Kelley, General Holm and Dr. Dorn—linked the incidence of sexual harassment with the exclusion of women from combat specialties. They believe combat restrictions keep women segregated and removed from the essence of the military mission; the limits on the roles they can perform contribute to perceptions of inferiority. For example, General Holm said:

“However, I honestly believe that these problems [sexual harassment] can never be fully resolved as long as women are banned from permanent duty aboard combat ships . . . the exclusion of women from the full range of shipboard assignments hurts Navy women's careers, morale and acceptance

within the sea service. The Navy's own studies have revealed this."

All the chiefs testified that they could end sexual harassment. None of them said that dealing with harassment specifically required removing the combat exclusion. They noted that many men in non-combat specialties are treated respectfully, receive promotions and have honorable careers; that women in combat specialties could jeopardize combat effectiveness. Two of the chiefs said they felt uncomfortable with the thought of ordering women into battle.

The chiefs of the Army and Air Force and the Commandant of the Marine Corps also said that the percentage of women in each of their services would either remain stable or grow slightly, despite the drawdown. The percentage of women in the Navy is expected to decrease slightly, according to the Navy chief.

THE WAR IN THE GULF

The U.S. forces deployed to Operations Desert Shield/Desert Storm turned in an excellent performance. General Norman Schwarzkopf, Commander-in-Chief of United States forces, called them "a magnificent fighting force." They were motivated and adaptable. Service representatives cited many operational innovations by personnel in the field. These innovations were responsible for equipment readiness rates above peacetime standards.

The force included more than 35,000 women. They served in greater numbers and performed a wider variety of military occupations than in any other conflict. They were deployed as logisticians, air traffic controllers, engineer equipment mechanics, drivers, reconnaissance aircraft pilots and in many other positions. They proved themselves enormously capable and professional.

They also suffered a share of the hardships of war. Two women were taken as prisoners of war. Fifteen were killed in the conflict, five by enemy fire.

Even though women did not serve in occupations categorized as combat specialties, some were nonetheless subject to the same risks men in combat specialties endured. For example, women on non-combatant ships cruised the same waters as the combatant ships they were assigned to serve.

It was also clear that both women and men in non-combat occupations were vulnerable to enemy attack. In Dhahran, far from the front lines, male and female personnel were killed by an Iraqi Scud missile that struck their barracks.

American society by and large accepted the roles women played in Operation Desert Storm and the risks and losses this entailed. There was concern in some quarters about subjecting women to a harsh climate, the dangers of a combat environment, and the potential complexities of living in close quarters with men who were strangers. But the families and communities of American service-women were proud of their contributions to the military mission and supported their presence in the Gulf.

THE DEBATE ON WOMEN IN COMBAT

The Persian Gulf War gave a real sense of the role of women in a combat environment. When a woman commanded troops in a combat environment several years ago during Operation Just Cause in Panama, it was perceived as a novelty. The greater number of women in Operation Desert Storm, the variety of jobs they performed and the quality of their work provided more information—and a truer test of the nation's tolerance for putting women in harm's way. The results showed general public acceptance.

This reaction was not a complete surprise. Attitudes have been evolving over the last decade as families from across the nation have sent increasing numbers of wives, mothers and daughters to the military to take advantage of the career opportunities and education it provides.

The acceptance of women's roles in Operation Desert Storm was the latest step in an incremental process. More and more military skills have been opened to women as public opinion and attitudes within the military over time have allowed. For example, the 1987 and 1988 Military Personnel and Compensation Subcommittee hearings spurred the Defense Department to open new specialties to women on:

- Combat Logistics Force Ships in the Navy;
- additional reconnaissance, training and transport aircraft in the Air Force; and
- and as embassy security guards in the Marine Corps.

The military has grown to see the wisdom of employing more women in a wide range of jobs.

The Operation Desert Storm experience itself moved the process another increment. The Committee on Armed Services repealed, during mark-up of the fiscal year 1992 Defense authorization bill, the exclusion for women flying Air Force and Navy combat aircraft. The Senate adopted a similar provision, and the result became part of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-90). The action permits but does not require women to fly combat missions. The description of the action says it would:

"... repeal the combat exclusion for women flying combat missions in the Air Force. Similarly, the provision would lift the assignment restriction of women flying combat missions in aircraft in the Navy and Marine Corps. The assignment restriction for vessels engaged in combat missions would be retained, except that women could be assigned to such vessels as aviation officers as part of an air wing or other air element assigned to such vessels."

The Congress, however, preserved the language preventing women other than aviators from serving on combat ships.

Finally, PL 102-90 included a Senate proposal to create a Presidential Commission on the Assignment of Women in the Armed Forces. The commission is currently working on its charter to examine the full range of policies on women in the armed forces. A report is due from the commission in November 1992 that will attempt to reconcile the strongly held views of Americans on all sides of the issue.

ADDITIONAL VIEWS OF MRS. SCHROEDER

I want to commend Chairman Aspin and Chairman Byron for beginning the Committee's exploration of sexual harassment in the military. This report is a good start. The analysis of racial and drug problems and three-phase process laid out in the report gives a good framework for the Services to continue their reevaluation of and improvement on the issue.

But the response to sexual harassment can't just be a "check box" on one's fitness report, where one is checked off as being sensitive to sexual harassment. Nor is the solution as simple as the pro forma training sessions that currently exist. An effective policy can only result from strong training with strong sanctions to back it up. Existing training has not worked and must be reevaluated. Strong sanctions are not represented with verbal reprimands, and a "wink" that boys-will-be-boys.

The trick is how to get the message to filter down the ranks. The Committee has not addressed how to force cultural change. We should not put ourselves in a position where we say we can't define sexual harassment, therefore we can't address it.

The Committee and the Services need to reevaluate why the existing structure failed and what improvements are needed to the existing structure. With 21 committee colleagues, I introduced H.Con.Res. 359 on August 12, 1992, which lays out concrete steps that the Services should:

(1) collect data on the number of sexual harassment and sexual assault cases involving members of the Armed Forces, including cases reported through both formal and informal channels, and the disposition of these cases;

(2) ensure that crisis intervention and long-term counseling are available to victims of sexual assault involving members of the Armed Forces;

(3) develop ongoing programs to educate members of the Armed Forces regarding the unacceptability and illegality of sexual harassment and sexual assault and the sanctions imposed on violators;

(4) implement an educational program for all members of the Armed Forces dealing with the prevention and risk reduction of sexual harassment and sexual assault;

(5) publicize their commitment against sexual harassment and sexual assault by posting appropriate signs with phone numbers for victims to report incidents and obtain assistance;

(6) reevaluate their existing methods of investigating and processing sexual harassment and sexual assault complaints involving members of the Armed Forces and consider alternative methods to provide effective enforcement;

(7) reevaluate their existing sanctions against those members of the Armed Forces who commit sexual harassment or sexual assault to determine whether the sanctions serve as an effective deterrent;

(8) determine whether adequate protections exist to ensure that members of the Armed Forces who report sexual harassment or sexual assault do not experience retaliation

for making such a report and, if not, develop effective protections; and

(9) protect members of the Armed Forces who report sexual harassment or sexual assault against retaliation once a complaint is made and ensure that a subsequent investigation into the complainant's sexual orientation is not performed.

Chairman Aspin has noted that there may be a backlash against women in the Services and I do not disagree. But we can't allow the backlash to go on. Knowing there will be a backlash, the Services have an affirmative obligation to put in safeguards to insure that this does not happen.

Finally, I want to address the relationship between sexual harassment and the question of women in combat. I certainly agree with General Jeanne Holm and Admiral Elmo Zumwalt that a key underlying factor in eliminating sexual harassment is to remove the restrictions on women in all parts of the service. But until that happens, the restrictions should be no excuse for sexual harassment, and sexual harassment should not be an excuse for keeping women out of certain areas. This circular argument must be broken.

The problem of sexual harassment and assault in the military will not cure itself. The Committee must continue to push the Services, by hearings and investigations, to reform and improve.

APPENDIX A

46 Hurt in Racial Clash on Carrier Off Vietnam

HONOLULU, Oct. 13—The Pacific Fleet Command announced today that 46 persons, both black and white, were injured in an "incident" aboard the aircraft carrier Kitty Hawk Wednesday off North Vietnam.

The Navy said that two of the injured crewmen had been evacuated to a shore base and that another was being evacuated today. The Navy did not disclose the hospital to which they were taken, or the extent of their injuries. It did say, however, that most of the injuries were minor.

In a brief statement at the Pacific Fleet headquarters here, the Navy said:

"The situation was brought under control largely through the positive assistance of a large number of both blacks and whites in controlling the altercation and in constructive discussions of the situation.

"The ship's operations have not been interrupted. Further information will be made available upon completion of an official investigation into the incident."

The Kitty Hawk, which has a crew of about 4,800 men, left San Diego on Feb. 17 of this year. She spent about a month in Hawaii in training exercises before she went to the Western Pacific.

Her skipper is Capt. Marland W. Townsend Jr., of Washington, D.C. Captain Townsend and the carrier's executive officer, Cmdr. Benjamin W. Cloud of El Cajon, Calif., met with the crew immediately after the incident to discuss the matter. Commander Cloud is black.

Pacific Fleet headquarters would not say whether the Kitty Hawk would return to the United States for the investigation. The Kitty Hawk, which displaces 78,200 tons when she is fully loaded, has a normal complement of 160 officers, 2,850 enlisted crewmen and an addi-

tional 2,000 "airwing" personnel—men whose function relates to aircraft.

No Ethnic Breakdown

A spokesman for the Chief of Information for the Navy, reached by telephone in Washington, said that it was impossible to provide an ethnic breakdown of the ship's personnel, since such figures are not kept.

There are six United States aircraft carriers in the Southeast Asia area, four of them usually stationed in the Gulf of Tonkin.

The Navy has had the reputation in the black community of being a service in which blacks were limited to stewards' jobs.

Last year the Navy began a five-year program of recruitment and reforms to build the number of blacks up to a level comparable to their 12 per cent representation in the nation's population. As of June, 1971, there were 518 black officers and 78,488 white officers in the Navy. The service's rolls also showed 29,860 black enlisted men and 558,508 white enlisted men.

Six years ago, racial strife broke out on another aircraft carrier, the Enterprise, which was stationed off Vietnam at the time. There were racial slurs in the crew's mess and a series of racial fights followed as the men returned to the ship in crude trucks the men called "cattle cars."

Last year, the Navy added black recruiters to 37 recruiting stations, increased the number of black midshipmen at Annapolis and opened Navy Reserve Officers' Training Corps units at two predominantly black colleges in the South.

On shore in Vietnam in 1968, there was a weekend of tensions between blacks and whites, caused by what the Navy termed a pistol-shooting rampage by a black sailor, and certain restrictions were imposed. The China Beach rest and recuperation center at Da-nang was closed to all but authorized military visitors.

NY Times
Oct. 14, '73

New York Times
October 16, 1972

**MORE DETAILS GIVEN
ON CLASH ON CARRIER**

HONOLULU, Oct. 16 (AP)—More than 100 men were involved in the racial fight in which 46 men were injured aboard the aircraft carrier Kitty Hawk off Vietnam last week, the Navy said today.

Some 5,000 men were aboard the ship at the time of the incident.

The series of altercations between black and white crew members stemmed from an initial fight in the ship's dining area, a spokesman for the Pacific Fleet said. The fighting continued in various parts of the ship during the night and early morning hours last Thursday and Friday.

There were no further disturbances, and the incident did not interrupt the carrier's operations, the spokesman said.

Three of the crewmen were seriously injured and have been flown to the hospital at Clark Air Force Base in the Philippines, but all are expected to recover. The other injured men were treated aboard the ship and have returned to duty, the spokesman said.

No charges have been filed and no one has been placed under confinement, but an investigation is continuing, he said.

New York Times
October 17, 1972

4 White Navy Men Injured; 11 Blacks Held at Subic Bay

HONOLULU, Oct. 17 (AP)—Four crewmen were injured in an apparent racial clash yesterday aboard the United States Navy oiler *Hagayampa* at Subic Bay in the Philippines. Pacific Fleet headquarters reported today.

A spokesman said 11 crew members were placed in the base correctional center at Subic Bay "for legal processing in connection with the incident."

All the injured were white and all those detained were black, the spokesman said.

He said all the injured were treated and returned to duty.

It was the second racial disturbance aboard a United States Navy ship reported by Pacific Fleet headquarters within five days. Last Friday, the Navy said 46 men were injured in a racial clash Thursday involving more than 100 men aboard the aircraft carrier *Kitty Hawk* off Vietnam.

Crew's Racial Grievances To Get Hearing by Navy

New York Times
November 11, 1972

By EVERETT R. HOLLES
Special to The New York Times

SAN DIEGO, Nov. 11—The Navy announced today that individual hearings to deal with the racial grievances of 129 crewmen from the aircraft carrier *Constellation* would begin next week at three shore stations to which most of the dissident sailors have been reassigned.

Meanwhile, Adm. Bernard A. Clary, chief of the Pacific fleet, ordered all ship and shore units under his command to report immediately on the extent of racial unrest and the steps being taken to head off more serious troubles.

Admiral Clary's action, which included ships on combat duty in the Vietnam war zone, came as a quick response to yesterday's stern reprimand from Adm. Elmo R. Zumwalt Jr., the Chief of Naval Operations, who accused the Navy's senior commanders of ignoring his orders to promote racial equality.

The Admiral Kidd Club and other officers' messes in this Navy town were alive with talk about the "hard-nosed line" taken by Admiral Zumwalt and the strong implication in his latest directive that punishment or change of stations might be in store for officers who "fail to heed Defense Department equal opportunities policy."

A Navy spokesman insisted, however, that Admiral Zumwalt's new directive was not aimed at Capt. J. D. Ward of the *Constellation*.

Captain Ward interrupted

maneuvers at sea to put 137 crewmen ashore at North Island as a "temporary beach detachment" last Saturday after they had staged a protest demonstration the night before aboard the warship to complain of what they called "calculated racism" on the part of the ship's officers in administering discipline and work assignments.

After Captain Ward ordered the men to report back aboard by 8 A.M. yesterday they staged a sitdown at the *Constellation's* pier and later were removed from the *Constellation's* rolls and transferred to duty at shore stations. Eight of the men had returned by the deadline.

At these stations disciplinary proceedings called captain's masts were ordered to determine their punishment for unauthorized absence while they were staging the sitdown.

The captain's masts continued today before Capt. Robert D. McKenzie, commander of the North Island Naval Air Station, for 123 of the men on charges of unauthorized absence. The other six men returned voluntarily to the *Constellation* during yesterday's demonstration and await similar disciplinary proceedings on board ship.

"Weeding Out" Threatened
WASHINGTON, Nov. 11 (AP)—Admiral Zumwalt said today that officers who were insensitive or lax in dealing with racial problems would be weeded out of the Navy.

Admiral Zumwalt had been asked in an interview how he intended to enforce his policy on commanders who have failed to carry out equal-oppor-

tunity programs "with a whole heart."

"We will insist that selection boards pay great attention to a man's performance in this area," Admiral Zumwalt said, "and those who are not really fully conscious of the need for absolute and total equality will, over time, be weeded out in the Navy's selection system."

Of those men charged with unauthorized absence, all but a dozen are black.

Five Sentenced

Nineteen pre-mast investigations were completed today on the service and performance records of the men. Five of the sailors were sentenced yesterday to loss of pay in varying amounts. The Navy took the unusual procedure of allowing two attorneys, provided by the Black Servicemen's Caucus, to sit in on the pre-mast proceedings.

The Black Servicemen's Caucus raised a protest over the decision to handle the sailors' grievances about conditions aboard the *Constellation* at the three different shore stations where they will take up their new duties Monday. The caucus feels this is an attempt to scatter the dissidents.

The stations, all in the San Diego area, are the North Island, Imperial Beach and Miramar Naval Air Stations.

Jake Colbert, an official of the caucus who had been in the Navy for six years, said the complaints of the 137 "beached" sailors involved only the *Constellation* and that the men would insist upon a group hearing and assurances from Captain Ward that the alleged racial injustices would be remedied.

Comdr. William Collins, public affairs officer at the North

Island station, replied that the men had passed up an opportunity to have their grievances heard by Captain Ward when they refused to obey his orders to return to the ship.

Staffs Assigned

Staffs of Navy personnel and minority affairs officers have been assigned to the hearings on the sailors' grievances, which one officer said were expected to be a "fulldress airing" of the enlisted men's complaints. It was reported that Admiral Zumwalt's special assistant for minority affairs, Lieut. Comdr. William Norman, would come here for the hearings, but this could not be confirmed at Pacific fleet headquarters.

The Black Servicemen's Caucus is also urging the Congressional Black Caucus in Washington to send a representative.

Commander Collins said no man's grievance would be heard until his captain's mast had been disposed of. A captain's mast is a disciplinary procedure less severe than a court-martial.

Navy spokesmen took pains to point out that Admiral Zumwalt's directive was not aimed specifically at Captain Ward and the troubles aboard the *Constellation*. They said that both Admiral Zumwalt and Navy Secretary John W. Warner had warned that such incidents of dissidence could not be tolerated and that both had enlaced the actions of the *Constellation's* commander in dealing with the defiant crewmen during the dockside sit-down.

The Navy reported that calm prevailed today on board the *Constellation*, which has suspended her at-sea operations until after Thanksgiving.

Some Very Unhappy Ships

WASHINGTON—The Navy, with its tradition of Filipino waiters and Southern WASP leadership, never really was an alternative for America's young city blacks during the early years of the Vietnam war. The ghetto youths instead joined, fought and died with Army or Marine Corps ground infantry units.

Then, two years ago, officials, under the leadership of Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, decided to change the Navy's image and its appeal to blacks. Special recruiters were added, and the number of black enlistees and midshipmen at the Annapolis Naval Academy rose dramatically—to the point where this year roughly 12 per cent of new Navy recruits were black, a total equivalent to their percentage in the population as a whole.

But in recent weeks the Navy has been stunned by the worst racial outbreaks in its history—starting a month ago with a riot aboard the aircraft carrier Kitty Hawk and peaking last Thursday with a dockside sitdown by crewmen of the carrier Constellation. And on Friday, Secretary of the Navy John W. Warner and Admiral Zumwalt called in a 60 to 90 senior commanders for a stern lecture. The subject: the "failure" of the Navy brass to implement equal opportunity programs.

A round-the-clock operational tempo in the Southwest Pacific was held partially responsible for the racial outbreaks that started with the riot aboard the Kitty Hawk. It left 40 whites and six blacks injured, but led to the arrest of 25 blacks and no whites. The arrest pattern caused as grave concern in some areas of the Pentagon as the outbreak itself. "Anytime you have a so-called race riot and you lock up 25 blacks," one black Navy official noted caustically during a recent interview, "that has to raise some questions."

Hard on the heels of this disturbance, another racial incident occurred aboard the oiler Hassayampa, moored at the Navy's main port of Subic Bay in the Philippines. Four crewmen were injured and 11—again, blacks only—were arrested.

In the latest incident, crewmen aboard the Constellation disrupted at-sea exercises with protests against

"menial job assignments" and "harsher punishment than whites" for the same infractions. Forcing the vessel back to harbor at San Diego, the 130 dissidents, all but nine of them black, staged a lengthy sitdown. Finally disbanded and assigned to shore stations, they now face individual "captain's mast" trials, in which punishment may range from a pay cut to seven days in the brig. So far, five men have been ordered to forfeit pay in varying amounts undisclosed by the Navy.

Adding to the Navy's concern—though not directly related to the racial outbreaks—has been a growing number of alleged acts of sabotage aboard its fleet. A court-martial of a seaman accused of the deliberate destruction of the aircraft carrier Ranger's engine gears began in San Francisco Bay last week. Another—

involving a seaman accused of arson aboard the carrier Forrestal—is scheduled to begin in Norfolk, Va., on Nov. 27. The men accused in the Ranger and Forrestal incidents are white. Yet some Navy officials are known to believe that the increase in alleged sabotage may be linked in some visceral way to the increasing racial violence—with the continuing antiwar feelings among young black and white sailors serving as a common denominator or triggering agent.

Most of the serious racial incidents to date have taken place during liberty periods or while a vessel is sailing to a combat zone. Some officers point to crowded conditions on ships—a carrier may carry as many as 5,000 sailors—as making them ripe for the explosion of racial tensions. Few incidents, however, have occurred on the firing line. There, the long hours and arduous work apparently leave the men too exhausted to worry about anything but getting enough sleep.

Another explanation sometimes offered for acts of sabotage or racial violence is drug usage, known to be heavy in the Seventh Fleet. One admiral has termed drugs the most significant factor in the recent turmoil.

But many black navy officers believe the conflicts now breaking out are the inevitable result of increased recruiting and what they view as the Navy's inability to truly deal with the

New York Times
November 12, 1972

black sailor as a black. "The initial complaints dealt with things that were easily reconcilable," the Navy official noted, "such as availability of black magazines, soul music in jukeboxes and black-oriented cosmetics in the PX [Post Exchange]." "Well, we've progressed from that point 'til we're dealing with the real nitty gritty now—problems of promotion, assignments, interracial relationships."

Many officers point to the disturbance Oct. 11 aboard the Kitty Hawk as extreme, yet typical of how such outbursts come about. According to their account, it really began the night before when an argument broke out at the enlisted men's club at Subic Bay, where men from the ship were celebrating their last night of liberty before sailing again for North Vietnam. The argument turned into a fight and a riot squad was called in. Tear gas was thrown, the fight intensified, and five black and four white sailors were arrested. After the ship sailed the next morning, an investigating officer began an on-board inquiry, and some black sailors were summoned. "This [singling out of blacks only] was hard to understand in terms of the tensions," said one officer, who had access to all of the reports of the incident. "The black guys were feeling that 'I'm going to be had.'"

An argument ensued with the investigating officer. The blacks stalked out and joined other black sailors on a mess deck. The ship's executive officer, a black, eventually calmed the men down. However, a senior enlisted man had called out the riot squad and the black sailors, upon leaving the mess deck, were forced to break up into groups of twos. The blacks resisted and a melee quickly flared throughout the decks of the huge ship, involving perhaps 150 men at its height.

Some black officers who have studied the reports believe the riot could have been avoided. "It was a combination of things," one officer said. "Their anger at seeing the riot squad, the frustration with the war, and with the problems of institutional racism in the Navy. All of these things came together." —SEYMOUR M. HERSH

House Inquiry Links Navy's Racial Strife to Laxity

New York Times
Jan. 24, 1973

WASHINGTON, Jan. 23 (UPI) — A House subcommittee concluded today that a climate of "permissiveness" and a possible breakdown of discipline — not discrimination — contributed to serious racial incidents last year aboard the aircraft carriers Kitty Hawk and Constellation.

The Armed Services subcommittee, which took 74 hours of private testimony on the incidents, said that it had been unable to find a single case of racial discrimination that could have provoked rioting aboard the Kitty Hawk Oct. 12-13 and a sit-in on the Constellation Nov. 3-4.

"The riot on Kitty Hawk consisted of unprovoked assaults by a very few men, most of whom were of below-average mental capacity, most of whom had been aboard for less than one year and all of whom were black," Representative Floyd V. Hicks, Democrat of Washington, who was chairman of the subcommittee, told the House in summarizing the three-man panel's findings.

"Senseless beatings" used by the Navy "promise more than the Navy is able to deliver, especially to blacks, armed with chains, wrenches, bars, broomsticks and perhaps other instruments. Mr. Hicks expressed support for the Navy's efforts to improve service life and to eliminate discrimination, but he declared that "the Navy must be controlled by command, not be

demanded."

"The result," he said, "was:

extremely serious injury to three men and lesser injury requiring medical treatment of many more, including some blacks."

The Constellation sit-in, the subcommittee chairman said, was "the result of a carefully orchestrated demonstration of passive resistance" in which about 20 to 25 blacks encouraged the idea among other blacks that while racism was prevalent in the navy.

He criticized the navy's decision to "negotiate with Constellation's dissidents and eventually to appease them by acquiescing in their demands."

Representative Hicks said that the vast majority of Navy personnel were performing their duties "loyally and efficiently. However, we did find that permissiveness exists in the Navy today."

He charged that the "generally smart appearance" of Navy personnel had begun to deteriorate both on and off ship, that there had been a "failure in the middle management area to utilize the command authority," and that recruiting advertising used by the Navy "appears to

Navy's Racial Trouble Persists Despite Long Effort to Dispel It

New York Times
May 28, 1973

By EARL CALDWELL

SAN DIEGO, May 27—In the six months since racial disorders erupted on two aircraft carriers at sea, the first reactions of shock and anger within the Navy have given way to a period of quiet.

The Navy has moved to relieve tensions, processing out "undesirable" blacks, stiffening recruiting standards, pressing for more black officers, even making sensitivity sessions mandatory for officers and petty officers.

And yet, judging by three months of interviews at recruiting stations, training camps, career schools, testing centers and on ships both in port and at sea, the Navy's racial differences remain as deep and perhaps as explosive as ever.

Indeed, feelings among some young black sailors border on the mutinous. As one sailor on the carrier U.S.S. Hancock put it: "I can't wait until someone gives me an order—just so I can refuse it."

At the same time veterans' white petty officers make little effort to conceal their disgust as the uncompromising efficiency and discipline they have idealized for so long begin, as they see it, to go soft.

"You tell some of these guys to do something," one senior officer with 17 years in the Navy said, "and they'll tell you to go—yourself!"

Role of Petty Officers
That something so fundamental—and so resistant to change—as day-to-day military discipline has emerged as the focus of the racial dispute is only one of the twists in the Navy's predicament.

The petty officer is by tradition the backbone of the Navy, the individual whose energy and leadership keep the system working, and yet it is the petty officer who has been singled out by the black sailors as their enemy.

The Navy is seeking, perhaps more vigorously than ever before, to wipe out discrimination, and yet to the black sailors these very efforts merely confirm that they are victims of discrimination.

And while far-reaching changes have been set in motion, it is widely recognized that they cannot be made swiftly enough to satisfy the dissidents' demands.

Years will be needed, for example, to produce the black officers the Navy now wants. (In 1971, according to Navy statistics, there were 518 black officers and 76,486 white officers.)

And those black recruits the Navy now considers desirable are often more interested in college and a corporate job than a four-year hitch in the Navy.

First Word of Disorders
It was in the middle of last October that the news first came through from the Navy that all was not well out in the fleet.

These first reports said only that fights had erupted among black and white crewmen on the huge carrier, the U.S.S. Kitty Hawk while she was operating off the coast of Vietnam.

Soon, though, those accounts were altered to concede that a race riot had taken place aboard ship.

The impact of that incident had hardly settled before word came of more trouble. This time it was from the carrier the U.S.S. Constellation. The reports said that black sailors had staged a sit-down demonstration at sea, creating a situation at times that the captain was forced to return the ship to port and put the dissidents

When later ordered to return to the ship the blacks refused. They described themselves as the targets of discrimination and prejudice and that the racism on the Constellation was so great that they were actually afraid to

so starting were the incident and the charges that accompanied them that a Congressional investigation was begun almost immediately in Washington, Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, ordered senior officers to the Pentagon and accused them of failures in leadership and of ignoring his directives on race relations.

The officers responded not with admissions of guilt but by quietly passing the word to newsmen that the problems that had appeared out in the fleet were not the result of discrimination but rather reflected a disciplinary crisis arising in part from what they viewed as permissiveness and from the racial-equality edicts handed down by Admiral Zumwalt.

Although the incidents that took place on the two carriers are still being examined and the facts have yet to be fully established, the dots are being connected as to cause has spread throughout the Navy. The issue seems to have fully established, the dots are being connected as to cause has spread throughout the Navy.

There are many points of view. Some say that the Navy jobs and those without skills. Mr. McBride, who is black, said that by and large the petty officer is supreme. When the deal with young blacks, he who only get into the Navy because standards were lowered, and black's mostly say the order to him is unthinkable, about people problems."

There is nothing facial. Further complicating the matter, the black sailor who talks about it, said one white petty officer, "A lot of these guys know the fact that the few petty officers who complain about the breakdown in discipline are just looking for often want to avoid involvement. Viewed as composite trouble and some of them are just plain lazy."

The white petty officers do not assign the young blacks to black chiefs have been struggling for years to secure their own place in the Navy and that they were reluctant to risk their own careers by becoming angry and militancy that has Navy integrated, it also began young blacks.

All in all, there is broad agreement that the situation is still explosive.

Capt. K. R. Bivin says: "The handwriting is on the wall. It is going to be torn apart unless it solves its own problems."

A black civilian attorney, Clifton Blevins of San Diego, who defended a number of the black sailors charged with rioting aboard the Kitty Hawk, says Navy ships today are "more dangerous than cities— a carrier could easily be another Watts."

And Chief McBride says it is no longer a matter of believing in equal rights; commanding officers must be concerned now "just to keep their ships from blowing up."

The black sailor is usually in Navy schools and thus ended his early twenties. He is new to up on ships assigned to the Navy and unfamiliar with its traditions. He comes off the city streets and harbors the anger and militancy that has grown up inside young urban blacks.

His career in the Navy is determined largely by how well he scores in aptitude tests. Many of these blacks find the tests difficult, score poorly and end up assigned to ships—where, most likely, carriers—where, only 40 or 50 blacks there were because they failed to qualify for special advanced training they found themselves doing menial tasks to the undesirable jobs. They were given menial tasks to the undesirable jobs. They were given menial tasks to the undesirable jobs.

This is where the painting and chipping and cleaning the ship. "It's dirty work that has to be done," Commander Johnson said, "but the blacks in the same situation, why should we be doing all the officers aboard ship are all of the Commander Johnson said petty officers are white and that it was only logical that the crewmen onboard with the explosions should have a very few, are also all white. "On smaller ships such as destroyers, you only have 20 or 30 blacks," so it is possible to see the problems developing. But on the carriers where you have four and five thousand men for better positions. He believes you can lose touch."

Routine Growing
The so-called dirty work that system working against him, blacks complain of aboard ship and he rebels. He resents the orders that come from the crewmen down through the "hard hats of the Navy," the racial stigma attached to it black sailors call them—and because white sailors were threatened to refuse them. Being given orders by white petty officers — the years, previously, there was no anything," a 22-year-old black sailor from Chicago on the U.S.S. Hancock said in a statement that was typical. "They always grouse order you. It's always do this, 'Nobody likes working down or do that. They don't even here,'" a white sailor in the boiler room on the U.S.S. Hancock said. "It's not down here and the work is dirty. But this is how the young black cock said. "It's not down here and the work is dirty. But this is how the young black cock said. "It's not down here and the work is dirty. But this is how the young black cock said."

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Generally he is in his late enlisted adviser at the Recruiting Command in San Diego. He also sees, white man and petty officers up through the ranks and Diego. He is an advocate of the system officers and his white buddies have involved them—sees it as a system in which nothing discriminatory about skilled specialists get the good it for him."

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There is nothing facial. Further complicating the matter, the black sailor who talks about it, said one white petty officer, "A lot of these guys know the fact that the few petty officers who complain about the breakdown in discipline are just looking for often want to avoid involvement. Viewed as composite trouble and some of them are just plain lazy."

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APPENDIX B

141300Z NOV 72
FM CNO (Z-117)
TO NAVOP
UNCLAS //NOOOOO//

EQUAL OPPORTUNITY IN THE NAVY

1. IT IS MY DESIRE THAT THIS Z-NAVOP RECEIVE THE WIDEST POSSIBLE DISTRIBUTION TO ALL HANDS ON BOARD.

2. ON 10 NOVEMBER I ADDRESSED THE QUESTION OF RECOGNIZING THE IMPORTANCE OF ASSURING EQUAL OPPORTUNITY AND FOSTERING MUTUAL UNDERSTANDING IN RACE RELATIONS AT ALL COMMAND LEVELS OF THE NAVY. MY REMARKS WERE DIRECTED PRIMARILY TO ALL IN A POSITION OF LEADERSHIP, URGING THEM TO DIRECT THEIR FULLEST EFFORTS AT ENSURING THESE PROGRAMS WERE BEING CARRIED OUT IN FULL.

AT THAT TIME I ALSO STATED THAT THERE MUST BE NO SUBSTITUTION OF ONE PREJUDICE FOR ANOTHER. THAT THE PREJUDICE AGAINST GOOD ORDER AND DISCIPLINE IS AS BAD AS THE PREJUDICE OF RACE. IT IS TO THIS POINT THAT I WOULD ADDRESS.

ADMIRAL ERNEST KING, IN SPEAKING TO MY GRADUATION CLASS, STATED THAT TRUE MILITARY DISCIPLINE IS THE "INTELLIGENT OBEDIENCE OF EACH FOR THE EFFECTIVENESS OF ALL." AS I HAVE SAID BEFORE, IT IS THROUGH ENLIGHTENED LEADERSHIP THAT WE OBTAIN THAT TRUE MILITARY DISCIPLINE ABOUT WHICH ADMIRAL KING SPOKE SOME 30 YEARS AGO.

DURING THE PAST 28 MONTHS I HAVE SET AS MY OBJECTIVE BRINGING ABOUT A NAVY ENVIRONMENT THAT WOULD ASSIST OUR NAVAL COMMANDERS IN PROVIDING THAT ENLIGHTENED LEADERSHIP THAT WOULD ENSURE INTELLIGENT OBEDIENCE FOR THE EFFECTIVENESS OF ALL." I BELIEVE THAT WE HAVE BEEN SUCCESSFUL. WE HAVE OUTSTANDING PERFORMANCE BY OUR PEOPLE WHO HAVE RESPONDED WITH BRAVERY AND DEDICATION TO THE RECENT MASSIVE INVASION OF SOUTH VIETNAM. THEY HAVE DONE SO IN THE FACE OF GREATLY EXTENDED AND EARLY DEPLOYMENTS, REDUCED SHIPBOARD MANNING AND OVER-LONG HOURS SEVEN DAYS A WEEK. NAVY-WIDE, WE HAVE SEEN OVERALL DISCIPLINARY AND CONFINEMENT RATES REDUCED FROM THEIR EARLIER FIGURES WITH COMMENSURATE REDUCTIONS IN SHORE PATROL REQUIREMENTS. I AM PROUD OF NAVY'S PERFORMANCE, FOR IT HAS TRULY BEEN SUPERB.

ON THE OTHER HAND, IT OCCURS TO ME THAT THIS IS PERHAPS A GOOD TIME TO REITERATE TO THOSE OF OUR MORE JUNIOR PERSONNEL WHO HAVE ENTERED THE NAVY IN THIS PERIOD OF TRANSITION AND WHOM I HAVE NOT HAD THE OPPORTUNITY TO SPEAK WITH IN THE PAST YEAR, MY PERSONAL PHILOSOPHY REGARDING THEIR RESPONSIBILITY TO LEADERSHIP IN OUR NAVY I DO THIS ESPECIALLY SINCE I NOTE THAT, OF THOSE WHO HAVE BEEN INVOLVED IN RECENT INCIDENTS OF VIOLENCE OR OTHER DISRUPTIVE ACTIVITIES, THE OVERWHELMING MAJORITY ARE THOSE IN THE 18 TO 20 YEAR AGE CATEGORY AND WITH LESS THAN ONE YEAR OF NAVAL SERVICE.

THIS SAYS TO ME THAT MANY OF THOSE WHO ARE NEW TO THE NAVY

VERY WELL MAY NOT BE AWARE OF THE FRAMEWORK WITHIN WHICH WE HAVE BEEN WORKING TO MAKE THE NAVY A CHALLENGING, INTERESTING AND REWARDING CAREER, NOR OF WHAT THEIR RESPONSIBILITIES ARE TO THE NAVY WITHIN THAT SAME FRAMEWORK.

LET ME SPEAK TO YOU, IN TURN, OF YOUR RESPONSIBILITIES TO THE NAVY AND OUR COUNTRY. WHAT IS REQUIRED OF YOU IS SELF DISCIPLINE ESPECIALLY IN THESE TIMES OF EXTENDED DEPLOYMENTS AND REDUCED MANPOWER. IT IS YOUR DUTY TO YOUR SHIPMATES AND THOSE WHO ARE RESPONSIBLE FOR YOUR WELFARE IN TIME OF PEACE AND ESPECIALLY IN TIME OF WAR TO CONDUCT YOURSELVES IN A MANNER THAT CONTRIBUTES TO THE OVERALL GOOD AND WELFARE OF YOUR DIVISION, YOUR SHIP, YOU STATION AND, IN THE LONG RUN, OF YOUR COUNTRY. YOU HAVE TAKEN AN OATH TO DO SO AND THE NAVY WILL EXPECT NOTHING LESS NOR WILL IT ACCEPT ANYTHING LESS.

THIS SELF DISCIPLINE AND SUBORDINATION OF SELF FOR THE GOOD OF ALL IS ABSOLUTELY MANDATORY FOR ANY ORGANIZATION CIVILIAN OR MILITARY TO FUNCTION PROPERLY. IT CANNOT BE ANY OTHER WAY.

THE RESPONSIBILITIES OF COMMAND ARE NOT EASY IN THIS MODERN DAY OF COMPLEX MACHINES AND EVEN MORE COMPLEX MEN. YOUR COMMANDING OFFICER HAS RESPONSIBILITIES TO HIGHER AUTHORITIES AND TO HIS COUNTRY THAT STAGGER THE IMAGINATION AND THE MAGNITUDE OF HIS RESPONSIBILITIES HAS BEEN MADE EVEN GREATER BY THE FACT THAT WORLD TENSIONS ARE NOT ALWAYS WHAT WE WOULD LIKE THEM TO BE. THESE PAST NINE MONTHS HAVE BEEN EVEN MORE STRENUOUS BECAUSE OF THE INCREASED EFFORTS OFF THE COAST OF VIETNAM.

ON THE DAY THAT I TOOK COMMAND OF THE NAVY I SAID THAT I WAS ASSUMING AS MY FIRST TASK THE IMPROVEMENT OF ALL ASPECTS OF THE NAVAL CAREER. I HAVE DEDICATED MYSELF TO THAT TASK AND HAVE MADE MANY CHANGES DESIGNED FOR THAT PURPOSE. I ALSO SAID, AND I REPEAT, THAT THOSE CHANGES WILL ONLY BE MADE WITHIN THE FRAMEWORK OF THE MAINTENANCE OF GOOD ORDER AND DISCIPLINE, AND THAT THOSE FEW WHO WOULD ABUSE THESE PRIVILEGES MUST BE HELD TO ACCOUNT.

FOR THOSE OF YOU WHO ARE NEW TO THE NAVY OR WHO MAY NOT BE AWARE OF MY STATEMENTS IN THIS REGARD, LET ME ASSURE YOU THAT I MEANT WHAT I SAID THEN AND HAVE REITERATED IN EVERY SUCCEEDING CHANGE THAT COULD BE INTERPRETED TO HAVE AN EFFECT ON PERSONNEL BEHAVIOR. I EXPECT, AND WILL CONTINUE TO INSIST UPON, THE STRICTEST POSSIBLE ADHERENCE TO OUR DISCIPLINARY STANDARDS IN EVERY RESPECT. THOSE WHO DO NOT ACCEPT THESE STANDARDS CAN EXPECT TO BE PROMPTLY AND FAIRLY DISCIPLINED AND HELD RESPONSIBLE FOR THEIR ACTIONS IN ACCORDANCE WITH THE UCMJ.

OTHER CHANGES MADE DURING THE PAST TWO YEARS ARE DESIGNED TO ASSIST BOTH THE INDIVIDUAL AND THOSE IN COMMAND TO DRAW ON THE ASSISTANCE OF THEIR SUPERIORS TO RESOLVE PROBLEMS BEYOND THEIR IMMEDIATE ABILITY OR RESPONSIBILITY. THESE INCLUDE MATTERS SUCH AS PERSONNEL ASSIGNMENTS, TRANSFERS, PERSONAL SERVICES, ETC. THESE ARE NOT INTENDED NOR IN ANY WAY CAN THEY BE CONSTRUED TO MEAN AN ACCEPTANCE OF "SHORT CIRCUITING" THE LEGITIMATE CHAIN OF COMMAND.

COMMANDING OFFICERS RECOGNIZE THESE FOR WHAT THEY ARE--A TOOL TO BE USED WHEN SOLUTIONS ARE OUTSIDE HIS AREA OF RESPONSIBILITY. YOU SHOULD ALSO RECOGNIZE THEM FOR WHAT THEY ARE, A SOLUTION TO PROBLEMS THAT CANNOT BE SOLVED WITHIN YOUR OWN COMMAND STRUCTURE.

FINALLY, LET ME CONCLUDE BY ADDRESSING THE MATTER OF YOUR PERSONAL RESPONSIBILITIES TO THE MAINTENANCE OF GOOD ORDER AND DISCIPLINE, FOR IN THIS MATTER THERE CAN BE NO COMPROMISE. I ADDRESSED MYSELF TO OUR NAVAL LEADERSHIP ON THIS SUBJECT ON 10 NOVEMBER. NOW, LET ME TELL YOU WHAT I EXPECT OF YOU. I AM FULLY AWARE OF THE EXTRA HOURS WORKED AND THE OVERLONG EMPLOYMENTS EXPERIENCED BY MANY, BUT THE NAVY IS NO DIFFERENT THAN ANY OTHER INSTITUTION IN THAT IT REQUIRES COMPLETE AND TOTAL OBEDIENCE. IT CAN BE NO OTHER WAY.

I PLEDGE MY CONTINUING EFFORTS TO ENSURE THAT ALL OF OUR NAVY MEN AND WOMEN WILL CONTINUE TO RECEIVE MY FULL SUPPORT IN MAKING THIS NAVY OF OURS AN EXCITING, CHALLENGING ENVIRONMENT IN WHICH TO WORK AND LIVE WITH THE EQUAL OPPORTUNITY WHICH CAN ONLY BE ACHIEVED WITHIN A FRAMEWORK OF DISCIPLINE. IN TURN I LOOK TO YOU TO MATCH THE CONTRIBUTIONS OF THOSE WHO ARE YOUR SENIORS IN WORKING TOWARD THE SAME GOALS.

E. R. ZUMWALT, JR., ADM., U.S. NAVY
CHIEF OF NAVAL OPERATIONS

172054Z DEC 70
FM CNO (Z-66)
TO NAVOP
UNCLAS //NOOOOO//

EQUAL OPPORTUNITY IN THE NAVY

- A. MY 270004Z AUG 70 (NAVOP Z-14)
B. MY 141346Z (NAVOP Z-24)

1. THE PURPOSE OF THIS NAVOP IS TO EXPRESS MY WHOLEHEARTED SUPPORT OF THE POLICIES ON EQUAL OPPORTUNITY STRONGLY REAFFIRMED BY THE SECRETARY OF THE NAVY IN ALNAV 51, TO EXPRESS MY GENERAL GUIDANCE FOR IMPLEMENTATION OF THESE POLICIES, AND TO DIRECT IMPLEMENTATION OF A FEW OF THE ACTIONS WE CAN TAKE IMMEDIATELY.

2. LAST MONTH, SECRETARY CHAFEE AND I, ALONG WITH OTHER SENIOR OFFICIALS OF THE NAVY DEPARTMENT, MET ON ONE OCCASION WITH REPRESENTATIVE BLACK NAVY OFFICERS AND THEIR WIVES AND LATER WITH A REPRESENTATIVE GROUP OF BLACK ENLISTED MEN AND THEIR WIVES. PRIOR TO THESE MEETINGS, I WAS CONVINCED THAT, COMPARED WITH THE CIVILIAN COMMUNITY, WE HAD RELATIVELY FEW RACIAL PROBLEMS IN THE NAVY. HOWEVER, AFTER EXPLORING THE MATTER IN SOME DEPTH WITH THESE TWO GROUPS, I HAVE DISCOVERED THAT I WAS WRONG--WE DO HAVE PROBLEMS, AND IT IS MY INTENTION AND THAT OF SECRETARY CHAFEE TO TAKE PROMPT STEPS TOWARD THEIR SOLUTION.

3. WHAT STRUCK ME MORE THAN ANYTHING ELSE WAS THE DEPTH OF FEELING OF OUR BLACK PERSONNEL THAT THERE IS SIGNIFICANT DISCRIMINATION IN THE NAVY. PRIOR TO THESE MEETINGS, I SINCERELY BELIEVED THAT I WAS PHILOSOPHICALLY PREPARED TO UNDERSTAND THE PROBLEMS OF OUR BLACK NAVYMEN AND THEIR FAMILIES, AND UNTIL WE DISCUSSED THEM AT LENGTH, I DID NOT REALIZE THE EXTENT AND DEEP SIGNIFICANCE OF MANY OF THESE MATTERS.

4. THERE ARE TWO KEYS TO THE PROBLEM. FIRST, WE MUST OPEN UP NEW AVENUES OF COMMUNICATION WITH NOT ONLY OUR BLACK PERSONNEL, BUT ALSO WITH ALL MINORITY GROUPS IN THE NAVY SO THAT WE MAY LEARN WHAT AND WHERE THE AREAS OF FRICTION ARE, SECOND, ALL OF US IN THE NAVY MUST DEVELOP A FAR GREATER SENSITIVITY TO THE PROBLEMS OF ALL OUR MINORITY GROUPS SO THAT WE MAY MORE EFFECTIVELY GO ABOUT SOLVING THEM. OUR MEETINGS HERE IN WASHINGTON WERE A BEGINNING, BUT NO MORE THAN THAT. MUCH REMAINS TO BE DONE.

5. FOR EXAMPLE, I AM PARTICULARLY DISTRESSED BY THE NUMEROUS EXAMPLES OF DISCRIMINATION BLACK NAVY FAMILIES STILL EXPERIENCE IN ATTEMPTING TO LOCATE HOUSING FOR THEIR FAMILIES. THIS SITUATION AND OTHERS LIKE IT ARE INDICATIVE IN SOME CASES OF LESS THAN FULL TEAMWORK BEING BROUGHT TO BEAR BY THE WHOLE NAVY TEAM ON BEHALF OF SOME OF OUR MEMBERS AND FAILURE TO USE EXISTING AUTHORITY AND DIRECTIVES TO ENFORCE THEIR RIGHTS (SECNAV INST 5350.12). IN SOME PLACES HOUSING PERSONNEL ARE TACITLY CONTRIBUTING TO DISCRIMINATION IN HOUSING.

6. SECRETARY CHAFEE AND I HAVE ASKED OUR STAFFS TO BEGIN

WORK WITH OTHER MEMBERS OF THE NAVY DEPARTMENT TO MAKE AN IN-DEPTH INVESTIGATION OF THIS PROBLEM AND PRESENT TO US WITHIN 60 DAYS PROPOSALS WHICH WILL HELP ALLEVIATE THE MOST ACUTE HOUSING PROBLEMS. MEANWHILE, THERE ARE MANY THINGS THAT CAN BE ACTED UPON IMMEDIATELY. THEREFORE, BY 15 JANUARY 1971 I EXPECT ACTION TO BE TAKEN AS FOLLOWS:

A. EVERY BASE, STATION AND AIRCRAFT SQUADRON COMMANDER AND SHIP COMMANDING OFFICER SHALL APPOINT AN AWARE MINORITY GROUP OFFICER OR SENIOR PETTY OFFICER AS HIS SPECIAL ASSISTANT FOR MINORITY AFFAIRS. THIS OFFICER OR PETTY OFFICER SHOULD HAVE ACCESS TO THE COMMANDER/COMMANDING OFFICER AND WILL BE CONSULTED ON ALL MATTERS INVOLVING MINORITY PERSONNEL. EXCEPTING THOSE COMMANDS ALREADY HAVING MINORITY AFFAIRS OFFICER BILLETS, THE INITIAL ASSIGNMENT WILL BE ON A CONCURRENT DUTY BASIS. (I CAREFULLY WEIGHED THIS ITEM WITH MY DESIRE, AS EXPRESSED IN REF A, TO REDUCE COLLATERAL DUTY ASSIGNMENTS. HOWEVER, AFTER DISCUSSING THIS WITH SEVERAL BLACK OFFICERS I BECAME CONVINCED THAT THEY WOULD, IN FACT, CHERISH THIS AS A COLLATERAL DUTY.)

B. ALL SHORE BASED COMMANDERS SHALL ENSURE THAT A MINORITY GROUP WIFE IS INCLUDED IN THE NAVY WIVES OMBUDSMAN CONCEPT SET FORTH IN REF B.

C. THE PROGRAMS ALREADY BEGUN BY COMNAVSUPSYSCOM TO ENSURE THAT THE SPECIAL NEEDS OF MINORITY GROUPS ARE RECOGNIZED AND PROVIDED FOR SHALL BE EXPEDITED, NAMELY:

(1) SUITABLE COSMETICS AND OTHER PRODUCTS FOR BLACK PERSONNEL AND THEIR DEPENDENTS WILL BE STOCKED IN NAVY EXCHANGES.

(2) SHIP'S STORES WILL STOCK BLACK GROOMING AIDS.

(3) EVERY BASE AND STATION WILL EMPLOY, AS SOON AS POSSIBLE, AT LEAST ONE QUALIFIED BLACK BARBER/BEAUTICIAN IN MAJOR BARBER AND BEAUTY SHOPS, AND WILL WORK TOWARD THE GOAL OF HAVING SUFFICIENT BARBERS/BEAUTICIANS QUALIFIED IN HAIR CARE FOR BLACK PERSONNEL TO PROVIDE SERVICE FOR ALL BLACK PATRONS.

(4) ALL MAJOR COMMISSARIES SHALL STOCK FOODS AND PRODUCE FREQUENTLY REQUESTED BY MINORITY GROUPS. AS A MINIMUM SPECIFIC RECOMMENDATION SHOULD BE SOLICITED FROM MINORITY PERSONNEL AND THEIR FAMILIES AND ACTED UPON BY LOCAL COMMISSARY MANAGERS.

D. SPECIAL SERVICES OFFICES WHICH DEAL IN DISCOUNT TICKETS FOR VARIOUS ENTERTAINMENT PROGRAMS WILL ALSO OBTAIN DISCOUNT TICKETS TO EVENTS OF SPECIAL INTEREST TO MINORITY GROUPS WHENEVER SUCH TICKETS ARE AVAILABLE.

E. A REPRESENTATIVE SELECTION OF BOOKS, MAGAZINES AND RECORDS BY AND ABOUT BLACK AMERICANS WILL BE MADE AVAILABLE IN NAVY LIBRARIES, WARDROOMS, CLUBS AND OTHER READING AREAS.

ANY OF THE ABOVE WHICH CANNOT BE ACCOMPLISHED WITHIN THE TIME SPECIFIED ABOVE WILL BE REPORTED VIA CHAIN OF COMMAND TOGETHER WITH

A SUMMARY OF CIRCUMSTANCES PREVENTING TIMELY IMPLEMENTATION.

7. IN ORDER THAT I MAY REACH A MORE COMPLETE UNDERSTANDING OF THE PROBLEMS EXPERIENCED BY OUR MINORITY PERSONNEL, IN ADDITION TO SECNAV/OPNAV/BUPERS TEAM VISITS I AM DIRECTING MY SPECIAL ASSISTANT FOR MINORITY AFFAIRS, LCDR NORMAN, TO VISIT MAJOR NAVAL ACTIVITIES WITHIN CONUS TO MEET WITH INDIVIDUAL COMMANDING OFFICERS AND WITH MINORITY MILITARY PERSONNEL AND THEIR DEPENDENTS. BY LEARNING IN DEPTH WHAT OUR PROBLEMS ARE, I BELIEVE WE WILL BE IN A BETTER POSITION TO WORK TOWARD GUARANTEEING EQUAL OPPORTUNITY AND TREATMENT FOR ALL OF OUR NAVY PEOPLE.

8. THIS IS THE FIRST OF MY REPORTS TO YOU ON MINORITY AFFAIRS. SECRETARY CHAFEE AND I WILL BE LOOKING INTO ALL AREAS OF MINORITY AFFAIRS AND WILL BE ISSUING FURTHER REPORTS AS OUR PROBLEMS BECOME MORE CLEAR AND THEIR SOLUTIONS BECOME MORE APPARENT. IT IS EVIDENT THAT WE NEED TO MAXIMIZE OUR EFFORTS TO IMPROVE THE LOT OF OUR MINORITY NAVYMEN. I AM CONVINCED THAT THERE IS NO PLACE IN OUR NAVY FOR INSENSITIVITY. WE ARE DETERMINED THAT WE SHALL DO BETTER. MEANWHILE, WE ARE COUNTING ON YOUR SUPPORT TO HELP SEEK OUT AND ELIMINATE THOSE DEMEANING AREAS OF DISCRIMINATION THAT PLAGUE OUR MINORITY SHIPMATES. OURS MUST BE A NAVY FAMILY THAT RECOGNIZES NO ARTIFICIAL BARRIERS OF RACE, COLOR OR RELIGION. THERE IS NO BLACK NAVY, NO WHITE NAVY--JUST ON NAVY--THE UNITED STATES NAVY.

E. R. ZUMWALT, JR., ADMIRAL, U.S. NAVY,
CHIEF OF NAVY OPERATIONS.

APPENDIX C

Congressman Says Most Killed in Nimitz Crash Showed Traces of Drugs

New York Times
June 17, 1981

By ROBERT REINHOLD

Special to The New York Times

WASHINGTON, June 16 — Most of the 14 sailors and marines killed May 26 when a Marine EA-6B Prowler jet fighter plane crashed on the deck of the aircraft carrier Nimitz had traces of illicit drugs in their systems, Representative Joseph P. Addabbo said today.

Mr. Addabbo, a Queens Democrat, based his assertion on information he said he had obtained from the autopsies of the victims. An aide said the tests pointed to marijuana use, though heavier drugs might also have been involved.

Mr. Addabbo did not assert that drug abuse had caused the crash, but he said that the findings raised troubling questions that he wanted Navy officials to answer at a hearing Thursday of the House Appropriations Subcommittee on Defense, of which he is chairman.

The Navy, which is still investigating the cause of the crash, issued a statement this afternoon calling Mr. Addabbo's information "inaccurate" though it did not specifically deny that tests had found evidence of drug use. The statement quoted Navy Secretary John F. Lehman as saying, in a letter to Mr. Addabbo, "I can categorically state that drug use or abuse did not contribute to the tragic crash."

The Navy statement said there was "no trace whatsoever of any kind of drug" in

the recovered remains of the three men on the plane. As for the 11 men killed on the deck, it said, "that is still under investigation." The statement added, "However, preliminary information indicates that Mr. Addabbo's information is inaccurate." A Navy spokesman, Lieut. Mike Thuwanger, said that he could not elaborate.

Experts at the National Institute on Drug Abuse say that it would probably be impossible to establish conclusively that any of the Nimitz crew had been smoking marijuana on the night of the crash because the test does not directly detect the component of marijuana smoke that acts on the brain, tetrahydrocannabinol or THC, but only its metabolites, the chemicals into which it is broken down by the body. Because the metabolites may persist in the blood for many days, the test may detect marijuana that was used many days earlier long after the effects have worn off.

In a letter to Mr. Lehman, Mr. Addabbo, who has long been concerned about drug abuse in the military, said, "If any of the air operations personnel on board the Nimitz were under the influence of drugs at the time the Marine EA-6B made its final approach, it would be tantamount to a death sentence for those in the aircraft as well as those on the flight deck."

New York Times
June 19, 1981

Navy Reports 6 of 14 Killed Aboard Nimitz Had Used Marijuana

WASHINGTON, June 18 (UPI) — The Navy acknowledged today that six of the 14 men killed in a crash aboard the aircraft carrier Nimitz had smoked marijuana but said that drug use had not caused the accident.

Autopsies showed that three of the men either smoked marijuana heavily or used it shortly before the fiery crash May 28, but none of the users were members of the flight crew, the Navy said.

The Navy reported to the Defense Subcommittee of the House Appropriations Committee, which is conducting a hearing to determine whether drug use contributed to the accident, the worst involving an American carrier in peacetime.

"The data which I have provided confirm my belief that drug use or abuse did not contribute to this tragic crash," Navy Secretary John F. Lehman Jr. said in a letter to one subcommittee member, Representative Joseph Addabbo, Democrat of Queens.

Crash Attributed to Pilot Error

The use of marijuana, Secretary Lehman said, "does not establish in any way that any of these men were in the least impaired in the performance of their duty."

Mr. Lehman said that although the Navy had not completed its investigation, it appeared that pilot error had caused the EA-6B Prowler electronic warfare plane to crash, injuring 47 other men and damaging or destroying more than \$200 million worth of aircraft.

Urinalysis indicated the presence of high concentrations of the chemical components of marijuana only in members of the deck crew and not in the bodies of three members of the flight crew of the plane that crashed, Mr. Lehman said. The body of the fourth flight crewman was not recovered.

The deputy chief of operations for naval warfare, Adm. Wesley McDonald, told the subcommittee that none of the deck crew were involved in landing operations.

"The pilot was solely responsible for landing the plane," Admiral McDonald said.

The Admiral said the twin-engine plane came in too high, missing the four rows of arresting wires completely. He said its right wing hit the tail rotor of an SH-3 helicopter, sheared off the nose of an A-7 Corsair fighter-bomber, then plowed into a cluster of parked aircraft near the bow, igniting the fire.

Autopsies Reveal 6 on Nimitz Had Drugs in Their Systems

By George C. Wilson
Washington Post Staff Writer

Six of 10 sailors killed when a Navy war plane crashed onto the deck of the aircraft carrier Nimitz May 28 had drugs in their systems, according to autopsy results revealed yesterday by two congressmen.

Navy Secretary John F. Lehman Jr. did not say how many of the dead men had taken drugs before the crash, but said: "I can categorically state that drug use or abuse did not contribute to the tragic crash."

Joseph P. Addabbo (D-N.Y.), chairman of the House defense appropriations subcommittee, watched off the controversy by complaining in a letter to Lehman that "I have learned that a majority of those killed on the Nimitz had drugs in their systems at the time of the crash."

Rep. G. William Whitehurst (R-Va.), a member of the House Armed Services Committee, specified that Navy officials had told him that neurologists had detected "traces of marijuana" in the bodies of six of the 10 dead sailors. Three dead Marine officers in the EA-6B radar-jamming jet that crashed had no drugs in their systems, Whitehurst said.

The body of the fourth marine was lost at sea, apparently hurled out of the jet and overboard from the impact

of the crash.

Whitehurst declared yesterday that it would be a false conclusion to assume that three crew members were smoking pot on the flight deck of the Nimitz that night. That marijuana could have been ingested any time up to 30 days before.

Navy officials said some medical authorities believe that traces of marijuana remain in the bloodstream for at least 30 days after use. The Nimitz had left Norfolk 11 days before the accident.

Two last night, the question of who or what caused the crash that also injured 49 men on the Nimitz will be addressed into how extensively drugs are used within the armed services. A hearing on the matter is scheduled tomorrow afternoon before the House defense appropriations subcommittee.

Navy officials said that Lehman felt confident in leaving categorically that drugs contributed to the crash, because the crash investigation indicates that the cause was pilot error, not anything done by the crew.

The pilot evidently came in too high for the jet's landing gear to be snagged by the arresting wires and veered to the right, just above the flight deck where his jet, nicked parked planes and went out of control. A series of collisions with other aircraft set off a fireball of fuel and ammunition.

In his letter, Addabbo told Lehman that "to the best of my knowledge, the drug-induced human error proves to be the cause of either the crash or the high toll of lives and injuries. The tragic human consequences may well have been prevented or at a minimum greatly reduced."

Lehman lambasted Addabbo for that suggestion by declaring in a letter to the subcommittee chair-

man:

"To raise the issue of possible drug use as a factor because of drugs, and one in 25 "is actually dependent upon drugs."

The report Addabbo cited was written for the Pentagon by Burt Associates of Bethesda and released last year. The firm assessed drug and alcohol use at 81 military installations around the world and surveyed 19,592 active duty soldiers, sailors, marines and airmen to determine trends.

The rank of E5 is an Army sergeant, a Navy second class petty officer, a Marine sergeant and an Air Force staff sergeant. The Burt Associates report gave these figures on drug use for the 12 months prior to the survey:

Marine Corps, 61 percent; Navy, 59 percent; Army, 63 percent; and Air Force 33 percent.

By far the most common drug used was marijuana. In averaging the percentages of drug use by the users services, the report said 49 percent had used marijuana in the previous 12 months and 37 percent in the previous 30 days. For heroin, the figures were 2 percent for the 12-month period and 1 percent for the 30 days.

The first witness at the subcommittee hearing is scheduled to be Army Brig. Gen. William C. Russell, deputy assistant secretary of defense for drug and alcohol abuse prevention.

"For example, a recent report by the Department of Defense reveals that 60 percent of all Navy and Marine Corps personnel of pay grade E5 and below use drugs, excluding alcohol, for nonmedical purposes."

Addabbo, drawing from that same Pentagon report, said one in four of those junior-grade enlisted people suffers "some degree of work impairment" because of drug use.

Washington Post
June 17, 1981

Shortfalls In DoD Drug Detection Methods Cited At Nimitz Hearing

WASHINGTON—The recent crash of a military jet aboard the Navy aircraft carrier Nimitz underscored the military's problem with gauging the impact of illicit drug use on the performance of military personnel, DoD officials told a panel.

There is no use the heroic dead to spotlight at home within the services," Rep. Joseph P. Addabbo (D., N.Y.), said in convening a hearing on the carrier crash in which 14 sailors were killed and 48 others were wounded.

Rep. Addabbo, chairman of the House Appropriations defense subcommittee, had said he would call the hearing to dispel the "intense secrecy" surrounding the Navy's investigation of the crash.

He had expressed concern over traces of illicit drugs found in urine samples taken from six of the crash victims. Three of those samples indicated the victims were heavy drug users or had used drugs possibly within six hours of the time they were killed, according to Navy reports.

Lt. Cdr. David Kouns, a Navy biochemist, confirmed that the autopsy information given Rep. Addabbo by Navy secretary John F. Lehman Jr. in a June 17, 1981 letter, "suggested heavy or recent use" of marijuana in at least three of the victims.

Specifically, the Lehman letter said "varying quantities of cannabinoids, the metabolic by-product of the psychoactive ingredient found in marijuana," were found in 6 of 12 urine samples submitted for toxicological analysis.

"Three of these six samples produced an EMIT-4a.u. (Syva Cannabinoid Urine Assay) response greater than 75 nanograms (ng) per milliliter and showed a peak height correlation when analyzed on a mass spectrometer," the Lehman letter said.

What those findings meant, Dr. Kouns told the subcommittee, was that those individuals had used drugs at some point in time which ranged anywhere from within six hours to 10 days of the Nimitz crash.

The Nimitz had been at sea 11 days at the time of the crash, and the shift on which the victims had been working had begun 11 hours earlier, Vice Adm. Wesley L. McDonald, deputy chief of naval air warfare operations said. Adm. McDonald said the accident happened within seconds. He said all of the victims whose urine samples showed drug use were support—not flight crew—personnel who were on deck to the side of the flight line at the time of the crash.

The difficulty with the autopsy data, Dr. Kouns explained, is that "it cannot tell you if the person was incapacitated at the time."

The three victims whose urine samples indicated a higher level of cannabinoids suggested "heavy or recent drug use" but is not a measure of incapacitation, he reiterated.

Dr. Kouns added that cannabinoids are sequestered in fatty tissue, and tend to be released when an individual is under stress.

"Are you saying that stress or long hours would tend to make the situation

worse," Rep. John P. Murtha (D., Pa.), a subcommittee member, asked?

Dr. Kouns responded he was "uncertain of the effect of hours" upon individuals using drugs.

Dr. Monique Braude of the National Institute on Drug Abuse told U.S. Medicine it is true that "long lasting metabolites as far as we know are inactive on the central nervous system."

Dr. Braude is involved in biomedical studies of marijuana at NIDA. Although she is not a biochemist, Dr. Braude said she has observed that marijuana metabolites can show up in the body a week to a month later, long after psychoactive effects apparently are gone.

What impact these metabolites have on individuals, she added, is not known. Brig. Gen. William C. Lousell, deputy assistant defense secretary for drug and alcohol abuse and prevention, told the subcommittee the military is involved in studies to determine the effects of substance use and abuse on combat effectiveness, but that appropriate methodologies for such measures have yet to be determined.

He emphasized that whole units have never been declared unready for combat because of substance abuse, but that the impact of individual abusers on a unit needs to be studied.

U.S. Medicine
July 1, 1981

Prescription Drug Found in Nimitz Pilot's Body

WASHINGTON — The Marine pilot of the plane that crashed aboard the aircraft carrier Nimitz last May in which he and 13 others were killed might have been drowsy at the time of the accident because of an abnormally high amount of a prescription drug in his system.

A toxicological study performed on the body of 1st Lt. Steve E. White by the Armed Forces Institute of Pathology here found that the pilot had used antihistamines and aspirin sometime before his flight, Navy officials said. The level of aspirin in White's body was normal, but the level of antihistamine was between six and 11 times the recommended level, according to Rep. Joseph P. Addabbo, the chairman of the House Defense Appropriations Subcommittee.

Addabbo, in announcing the autopsy results showing the high dosage of medicine in the pilot's body, conceded that there was no evidence to suggest the high concentration of brompheniramine, the active ingredient in many allergy medicines, caused the accident, but said it was a possibility.

Other factors were also cited by Addabbo, such as malfunctioning lights on the center line of the

flight deck and the pilot's concern about running out of fuel.

"Navy and congressional investigators have sifted over every conceivable possibility and are of the opinion that the unprescribed use of the medication alone or with the combination of factors outlined, might have caused the accident. That may be as close as we can ever come to detailing the specific cause of the crash," he said.

Navy officials declined to speculate whether the high concentration of brompheniramine — 9 micrograms per deciliter compared to a normal dosage of between .8 and 1.5 was a factor in the accident. A Navy investigation into the accident is continuing.

Navy officials did say that pilots who have taken medication are prohibited from flying within 12 hours of taking the medication unless specific approval is received from the flight surgeon. Officials could not say if White had permission. The toxicological report was unable to determine when White took the medication nor what dosage he took, officials said.

It also appears that White might not have had a prescription for the medication, Addabbo said. The medication is usually obtained by

prescription, but does not necessarily have to be, officials said.

Addabbo's announcement of the autopsy results comes after his previous announcements about drug use by some of the men who died aboard Nimitz in the accident. Capt. John R. Batzler, skipper of Nimitz, recently told *Navy Times* during a visit aboard his ship that he failed to see what was driving Addabbo to harp constantly on the accident. He said Addabbo's constant references to drug use by the flight deck crewmen who fought fire on Nimitz "serves no useful purpose except to hurt the families."

Other Navy people aboard Nimitz also complained. Admitting the drug use does exist in the Navy, they said it was no worse in the Navy than in the civilian population. "Drug use isn't going to stop in the military, no matter what kind of controls we try to place, until it stops in the civilian population. Why isn't Addabbo concerned about that," one officer asked.

New York Times
October 26, 1981

APPENDIX D

PUBLIC LAW 90-130—NOV. 8, 1967

[81 STAT.]

Public Law 90-130

AN ACT

To amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

- (1) Section 123 (a) is amended by striking out "3391".
- (2) Section 310(c) is amended by striking out "for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve".
- (3) Section 591(c) is amended by striking out "as nurses or medical specialists".
- (4) Section 1006(e) is amended by striking out "3847," and "8847".
- (5) Section 1164 is amended by striking out "male" in subsection (a), all of subsection (b), and "or (b)" in subsection (c).
- (6) Chapter 63 is amended by repealing section 1255, striking out the corresponding item in the analysis, and by striking out "1255 or" in section 1263(a).
- (7) Section 1405 is amended by striking out "6399(c)(2)".
- (8) Chapter 307 is amended by—

(A) amending section 3069 to read as follows:

"§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment

"(a) The Army Nurse Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above major and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed.

"(c) The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above major. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position."

(B) amending the text of section 3070 to read as follows:

"(a) The Army Medical Specialist Corps consists of the Chief and assistant chiefs of that corps, other officers in grades prescribed by the Secretary of the Army, and the following sections—

- "(1) the Dietitian Section;
- "(2) the Physical Therapist Section; and
- "(3) the Occupational Therapist Section.

"(b) The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above captain and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed.

"(c) The Surgeon General shall appoint three assistant chiefs from officers of the Regular Army in that corps whose regular grade is above captain. Each assistant chief is the chief of a section of that corps. An assistant chief serves during the pleasure of the Surgeon General, but not for more than four years, and may not be reappointed to the same position."

(C) amending the text of section 3071 to read as follows:

81 STAT.] PUBLIC LAW 90-130—NOV. 8, 1967

"(a) The Women's Army Corps consists of the Director and Deputy Director, other officers in grades prescribed by the Secretary of the Army, and enlisted members.

"(b) The Secretary of the Army shall appoint the Director from the officers of the Regular Army in that corps whose regular grade is above major. The Director is the adviser to the Secretary on Women's Army Corps matters and serves during his pleasure, but normally not for more than four years.

"(c) The Secretary of the Army shall appoint the Deputy Director from the officers of the Regular Army in that corps whose regular grade is above major. She serves during the pleasure of the Secretary, but normally not for more than four years.

"(d) The Secretary of the Army shall designate the positions that he finds necessary for the training and administration of the Women's Army Corps. He shall fill those positions from officers of that corps who are on active duty and whose Regular or Reserve grade is above captain. An officer holding such a position serves during the pleasure of the Secretary."; and

(D) amending the item in the analysis relating to section 3060 to read as follows:

"3069. Army Nurse Corps: composition; chief and assistant chief; appointment."

(9) Chapter 331 is amended by—

(A) striking out the designation "(a)" in the first sentence of section 3206, and the words "2,500." and adding the words "such numbers as may be prescribed by the Secretary.";

(B) striking out section 3206(b);

(C) striking out the designation "(a)" in the first sentence of section 3207, and the words "350." and adding the words "such numbers as may be prescribed by the Secretary.";

(D) striking out section 3207(b);

(E) striking out the second sentence of section 3209(b);

(F) striking out column 2 and footnote 3 of the table in section 3211(b) and redesignating column 3 as "Column 2";

(G) striking out "3304," in section 3212; and

(H) striking out the second sentence of sections 3215(a) and 3215(b);

(10) Chapter 335 is amended by—

(A) striking out "Except for officers of the Army Nurse Corps and the Army Medical Specialist Corps, vacancies" in section 3298(b) and inserting in place thereof "Vacancies";

(B) amending section 3299 by striking out "except as provided in subsections (f) and (g)," in subsection (a), the last sentence of subsection (c), subsections (f) and (g), and the last sentence of subsection (h);

(C) repealing section 3304 and striking out the corresponding item in the analysis;

(D) striking out the last sentence of section 3305(a); and

(E) striking out "other than officers in Army Nurse Corps and Army Medical Specialist Corps" in the catchline of section 3305 and in the corresponding item in the analysis.

(11) Chapter 337 is amended by—

(A) striking out subsection (g) in section 3366;

(B) striking out subsection (d) in section 3367;

(C) striking out the dash and clauses (1)-(3) in section 3370(a) and inserting in place thereof "colonel";

(D) striking out "field grade in certain cases" in the catchline of section 3370 and in the corresponding item in the analysis and inserting in place thereof in each case "grade of colonel to fill vacancies";

Women
Corps.

71 Stat.

70A Stat.

72 Stat.

70A Stat.

71 Stat.

70A Stat.

71 Stat. 37

72 Stat. 15

Repeal.

71 Stat.:

74 Stat. 2

November 8, 1967
(H. R. 5894)Armed Forces
Women officers.

74 Stat. 264.

70A Stat. 17.

72 Stat. 1440.

72 Stat. 1444.

70A Stat. 90.

Repeal.

70A Stat. 100.

72 Stat. 130.

71 Stat. 375.

Army Medical
Specialist
Corps.

70A Stat. 169.

74 Stat. 270.
Repeal.

(E) striking out "in a reserve grade below colonel is one that" in the second sentence of section 3383 (b); and

(F) repealing section 3391 and striking out the corresponding item in the analysis.

(12) Chapter 363 is amended by—

(A) repealing section 3847 and striking out the corresponding item in the analysis; and

(B) striking out "except as provided in section 3847 of this title," and "and each officer in the reserve grade of major who is assigned to the Army Nurse Corps, Army Medical Specialist Corps, or the Women's Army Corps, who has been recommended for promotion to the reserve grade of lieutenant colonel who is not a member of the Retired Reserve, and who has remained in an active status since that recommendation," in section 3848 (a).

(13) Chapter 367 is amended by repealing section 3913 and striking out the corresponding item in the analysis.

(14) Chapter 513 is amended by—

(A) striking out the last two sentences of section 5140 (a) and inserting in place thereof the following: "An officer of the Navy, while serving as Director of the Nurse Corps, has the rank of captain unless otherwise entitled to a higher rank or grade. An appointment as Director does not disturb an officer's permanent status as a commissioned officer in the Nurse Corps.";

(B) amending the second sentence of section 5143 (a) to read as follows: "While so serving, she has the rank of captain in the Navy unless otherwise entitled to a higher rank or grade."; and

(C) striking out subsections (b), (c), (e), and (f) in section 5143.

(15) Section 5206 is amended by—

(A) amending the second sentence of subsection (a) to read as follows: "While so serving, she has the rank of colonel unless otherwise entitled to a higher rank or grade."; and

(B) striking out subsections (b), (c), (e), and (f).

(16) Chapter 531 is amended by repealing sections 5410 and 5411 and striking out the corresponding items in the analysis.

(17) Chapter 533 is amended by—

(A) striking out subsection (b) in section 5444;

(B) amending section 5444 (c) to read as follows:

"(c) The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of rear admirals authorized under this section for each corps. The numbers so computed are the numbers of officers serving on active duty prescribed for the grade of rear admiral in the corps concerned. However, if the Secretary determines at the time of making any computation under this section that the number of officers required to meet the needs of the service in the grade of rear admiral in any of these corps is less than the prescribed number as computed, the lesser number becomes the prescribed number for the grade of rear admirals in the corps concerned.";

(C) striking out subsection (c) in section 5449;

(D) striking out the second sentence of section 5449 (d);

(E) amending section 5452 to read as follows:

"§ 5452. Navy: women line officers on active duty; Marine Corps: women officers on active duty

"The Secretary of the Navy shall prescribe the number of women officers serving on active duty in the line of the Navy who may hold appointments in each grade above lieutenant (junior grade) and the number of women officers serving on active duty in the Marine Corps who may hold appointments in each grade above first lieutenant.";

Repeal.
71 Stat. 379;
80 Stat. 852.

70A Stat. 287.

70A Stat. 293.

Repeals.
70A Stat. 298.

70A Stat. 305;
71 Stat. 381.

72 Stat. 1491.

(F) repealing section 5453 and striking out the corresponding item in the analysis;

(G) striking out "or 5453" in section 5455 and inserting in place thereof "or 5452"; and

(H) amending the item in the analysis relating to section 5452 to read as follows:

"5452. Navy: women line officers on active duty; Marine Corps: women officers on active duty."

(18) Chapter 543 is amended by—

(A) amending clause (1) of section 5702 (a) to read as follows:

"(1) A board for each corps, other than the Medical Service Corps, to recommend captains in each corps and commanders in the Nurse Corps for continuation on the active list or to recommend captains in each corps, other than the Medical Service Corps and the Nurse Corps, for promotion to the grade of rear admiral, each consisting of not less than three or more than nine officers serving in the grade of rear admiral or above.";

(B) striking out "and the Nurse Corps" in section 5702 (a) (2);

(C) striking out "captain" in section 5702 (a) (2) and inserting in place thereof "commander";

(D) striking out "and a board for the Nurse Corps to recommend captains and commanders for continuation on the active list, each" in section 5702 (a) (3);

(E) striking out clauses (5) and (6) in section 5702 (a);

(F) amending the first sentence of section 5702 (b) to read as follows: "Each board convened under this section to consider officers in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, the Dental Corps, or the Nurse Corps shall consist of officers in the corps concerned, and each board convened under this section to consider officers in the Medical Service Corps shall consist of officers in the corps indicated in subsection (a).";

(G) adding the following at the end of section 5702 (c): "However, in the case of boards considering officers in the Nurse Corps, the Secretary may complete the minimum required membership by appointing as members of the board officers on the active list of the Navy in the Medical Corps serving in the prescribed grades.";

(H) striking out the last sentence in section 5702 (e);

(I) amending the first sentence of section 5704 (a) to read as follows: "At least once each year and at such time as he directs, the Secretary of the Navy shall convene selection boards to recommend women officers in the line of the Navy for promotion to the grades of captain, commander, lieutenant commander, and lieutenant.";

(J) amending the first sentence of section 5704 (b) to read as follows: "The Secretary shall convene selection boards, for each staff corps in which there are women officers appointed under section 5590 in this title, to recommend women officers for promotion to the grades of captain, commander, lieutenant commander, and lieutenant.";

(K) amending the first sentence of section 5704 (c) to read as follows: "At least once each year and at such times as he directs, the Secretary shall convene selection boards to recommend women officers in the Marine Corps for promotion to the grades of colonel, lieutenant colonel, major, and captain.";

(L) inserting "captain (Navy)," before "commander" and "colonel," before "lieutenant colonel" in section 5707 (a) (4); and

(M) striking out clause (1) in section 5711 (c).

Repeal.
70A Stat.

70A Stat.

71 Stat.

70A Stat.

71 Stat. 3
70A Stat.

70A Stat.

70A Stat.
71 Stat. 382.
70A Stat.

- (19) Chapter 543 is amended by—
347. (A) striking out "Regular" in the catchline of section 5752 and in the corresponding item of the analysis;
- (B) striking out "on the active list" wherever those words appear in section 5752(a);
- (C) renumbering clauses (1), (2), and (3) in section 5752(a) as clauses "(2)", "(3)", and "(4)", respectively, and inserting the following new clause:
- "(1) Four years in the grade of commander in the Navy or lieutenant colonel in the Marine Corps."
- (D) amending section 5753 by striking out "subsections (b) and (c)" in subsection (a) and inserting in place thereof "subsection (b)" and by striking out subsection (c);
350. (E) amending the first sentence of section 5760(a) to read as follows: "The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of women officers in the line of the Navy that may be recommended for promotion to the grade of captain, commander, or lieutenant commander or the number of women officers of the Marine Corps that may be recommended for promotion to the grade of colonel, lieutenant colonel, or major."
- (F) striking out "on the active list" wherever those words appear in section 5760(b);
- 351; (G) striking out "or the Medical Service Corps" in section 5762(a) and inserting in place thereof "the Medical Service Corps, or the Nurse Corps";
3. (H) striking out subsection (e) in section 5762;
352. (I) amending the first two sentences of section 5763 to read as follows: "The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of women officers of the Navy in a staff corps, other than officers of the Nurse Corps and women officers appointed under section 5574, 5578, 5579, or 5581 of this title, that may be recommended for promotion to the grade of captain, commander, or lieutenant commander. This number is the product of—
- "(1) the number of such women staff corps officers in the promotion zone for the grade and corps concerned; and
- "(2) a fraction, of which the numerator is the number of women line officers who are placed on the promotion list pursuant to the report of the comparable board for the selection of women line officers convened in the same fiscal year, and the denominator is the number of women line officers in the promotion zone considered by that board."
353. (J) amending the catchlines of sections 5764 and 5765 and the corresponding items in the analysis by striking out in each case "male";
- (K) adding the following new subsection in section 5764:
- "(d) The Secretary shall establish a promotion zone in each grade for women officers in the line of the Navy in the manner prescribed in this section for the establishment of promotion zones for male line officers."
- 354; (L) adding the following new subsection in section 5765:
6. "(d) The Secretary shall establish a promotion zone in each grade for women officers of the Marine Corps in the manner prescribed in this section for the establishment of promotion zones for male officers."
355. (M) amending section 5766(a) by striking out "other than women officers appointed under section 5590 of this title," and inserting before the period at the end "or for women line officers, as the case may be";
- (N) adding the following new subsection in section 5767:

"(c) Whenever the Secretary determines that there is a position of sufficient importance and responsibility to require an incumbent in the grade of rear admiral or brigadier general, and that there is a woman officer of the Navy or the Marine Corps who is best qualified to perform the duties of the position, he may designate that woman officer to hold that position. A woman officer so designated may be appointed by the President, by and with the advice and consent of the Senate, to the grade of rear admiral or brigadier general. Such an appointment is effective on the date the officer reports for the designated duty and terminates on the date she is detached."

(O) striking out "Regular" in the catchline of section 5771 and in the corresponding item of the analysis;

(P) amending section 5771 by striking out "on the active list" wherever those words appear in subsections (a) and (c) and amending subsection (b) to read as follows:

"(b) Women officers in the line of the Navy and women officers of the Marine Corps who are on a promotion list for any grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps are, in the order in which their names appear, eligible for promotion to the grade concerned as vacancies occur in that grade.":

(Q) striking out "other than women officers appointed under section 5590 of this title," in section 5773(a);

(R) striking out "Except as provided in subsection (c), each" in section 5773(b) and inserting in place thereof "Each";

(S) striking out subsection (c) in section 5773;

(T) repealing section 5774 and striking out the corresponding item in the analysis;

(U) striking out "a male" wherever those words appear in section 5776(a) and inserting in place thereof "an";

(V) striking out "subject to subsections (d) and (e), an" in section 5776(c) and inserting in place thereof "An";

(W) striking out subsections (d) and (e) in section 5776;

(X) striking out "appointed under section 5590" in section 5778 and inserting in place thereof "selected by boards convened under section 5704";

(Y) striking out subsection (d) in section 5782; and

(Z) striking out clause (1) in section 5786(a).

(20) Chapter 549 is amended by—

(A) adding the following new subsection in section 5891:

"(g) For the purpose of this section, a woman officer who is eligible for consideration for promotion by a selection board convened under chapter 543 of this title shall be considered to be on a lineal list."

(B) striking out "commander or lieutenant commander" and "lieutenant colonel or major" in section 5896(a) (7) and inserting in place thereof "captain, commander, or lieutenant commander" "colonel, lieutenant colonel, or major", respectively;

(C) amending subsection (c) and (d) of section 5899 to read as follows:

"(c) A woman officer of the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when any woman officer of the Naval Reserve who is junior to her is in or above the promotion zone established for her grade under section 5764 of this title or when her running mate is in or above that zone.

"(d) A woman officer of the Marine Corps Reserve is in the promotion zone and is eligible for consideration for promotion to the next

70A Stat. 358.

70A Stat. 359.

Repeal.

70A Stat. 361.

71 Stat. 383.

70A Stat. 366.

72 Stat. 1499.

10 USC 5701-5711.

72 Stat. 1501.

70A Stat. 323.

Ante, p. 378.

higher grade by a selection board convened under this chapter when any woman officer of the Marine Corps Reserve who is junior to her is in or above the promotion zone established for her grade under section 5765 of this title or when her running mate is in or above that zone.”; and

(D) amending the text of section 5903 to read as follows:

“(a) An officer of the Naval Reserve or the Marine Corps Reserve is considered as having failed of selection for promotion if—

“(1) he is in a promotion zone established under this chapter;

“(2) his name is furnished to the appropriate selection board;

and

“(3) he is not selected for promotion.

“(b) An officer of the Naval Reserve or the Marine Corps Reserve whose name is withheld by the Secretary of the Navy, under section 5890 (g) of this title, from consideration by two selection boards for promotion to the same higher grade is considered as having twice failed of selection for promotion to that grade.”

(21) Section 5945 is amended by striking out the second sentence.

(22) Chapter 555 is amended by repealing section 6030 and striking out the corresponding item in the analysis.

(23) Chapter 571 is amended by—

(A) amending section 6324 to read as follows:

“§ 6324. Officers: creditable service

“For the purpose of this chapter, service as a nurse in the armed forces before April 16, 1947, is considered as commissioned service.”; and

(B) amending the item in the analysis relating to section 6324 to read as follows:

“6324. Officers: creditable service.”

(24) Chapter 573 is amended by—

(A) amending section 6376 by inserting “(a)” at the beginning and adding the following new subsection:

“(b) This section does not apply to women officers appointed under section 5590 of this title.”;

(B) amending the catchline of section 6377 and the corresponding item in the analysis by striking out in each case “or for age”;

(C) amending section 6377 by striking out “except the Nurse Corps” in subsection (b), striking out subsection (c), and amending subsection (d) to read as follows:

“(d) If not on a promotion list and if not continued on the active list under section 6378 of this title, each officer serving in the grade of commander on the active list of the Navy in the Nurse Corps shall be retired on June 30 of the fiscal year in which the officer is considered as having twice failed of selection for promotion to the grade of captain and has completed at least twenty-six years of active commissioned service as computed under section 6388 of this title.”;

(D) inserting “women officers appointed under section 5590 of this title or” in section 6379 (b) after “apply to”;

(E) amending section 6396 to read as follows:

“§ 6396. Regular Navy; officers in Nurse Corps in grades below commander: retirement or discharge

“(a) An officer on the active list of the Navy serving in the grade of lieutenant commander in the Nurse Corps shall, subject to the provisions of section 5777 of this title, be retired on June 30 of the fiscal year in which the officer

“(1) is not on a promotion list;

“(2) is considered as having twice failed of selection for promotion to the grade of commander; and

“(3) has completed at least twenty years of active commissioned service as computed under section 6388 of this title.

“(b) An officer retired under this section shall be retired—

“(1) in the highest grade satisfactorily held by her on active duty as determined by the Secretary, but not lower than her permanent grade; and

“(2) with retired pay at the rate of 2½ per centum of the basic pay of the grade in which retired multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 per centum or less than 50 per centum of the basic pay upon which the computation of retired pay is based.

“(c) An officer on the active list of the Navy serving in the grade of lieutenant in the Nurse Corps shall be honorably discharged on June 30 of the fiscal year in which the officer

“(1) is not on a promotion list; and

“(2) has completed thirteen years of active commissioned service as computed under section 6388 of this title.

However, if she so requests she may be honorably discharged at any time during that fiscal year.

“(d) An officer on the active list of the Navy serving in the grade of lieutenant (junior grade) in the Nurse Corps shall be honorably discharged on June 30 of the fiscal year in which the officer—

“(1) is not on a promotion list; and

“(2) has completed seven years of active commissioned service as computed under section 6388 of this title.

However, if she so requests, she may be honorably discharged at any time during that fiscal year.

“(e) Each officer discharged under this section is entitled to a lump-sum payment equal to two months' basic pay at the time of discharge multiplied by the number of years of active commissioned service as computed under section 6388 of this title, but the payment may not be more than two years' basic pay or more than \$15,000.”;

(F) amending section 6398 to read as follows:

“§ 6398. Regular Navy; women captains and commanders; Regular Marine Corps, women colonels and lieutenant colonels: retirement for length of service; retired grade and pay

“(a) Each woman officer on the active list of the Navy, appointed under section 5590 of this title, who holds a permanent appointment in the grade of captain and each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of colonel shall be retired by the President on the first day of the month following the month in which she completes thirty years of active commissioned service in the Navy or the Marine Corps.

“(b) Each woman officer on the active list of the Navy, appointed under section 5590 of this title, who holds a permanent appointment in the grade of commander and is not on a promotion list for a higher permanent grade and each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of lieutenant colonel and is not on a promotion list for a higher permanent grade shall be retired by the President on the first day of the month following the month in which she completes twenty-six years of active commissioned service in the Navy or the Marine Corps.

“(c) Each officer retired under this section—

“(1) unless otherwise entitled to a higher grade shall be retired in the permanent grade held by her at the time of retirement; and

“(2) is entitled to retired pay at the rate of 2½ per centum of

70A Stat. 409.

72 Stat. 130.

70A Stat. 413.

70A Stat. 327.

the basic pay of the grade in which retired multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 per centum or less than 50 per centum of the basic pay upon which the computation of retired pay is based.”;

414. (G) repealing section 6399 and striking out the corresponding item in the analysis; and
(H) amending the items in the analysis relating to sections 6396 and 6398 to read as follows:
- “6396. Regular Navy; officers in Nurse Corps in grades below commander: retirement or discharge.
- “6398. Regular Navy; women captains and commanders; Regular Marine Corps; women colonels and lieutenant colonels: retirement for length of service; retired grade and pay.”
495. (25) Chapter 807 is amended by repealing section 8071 and striking out the corresponding item in the analysis.
36. (26) Chapter 831 is amended by—
499. (A) striking out subsection (b) in section 8206;
(B) striking out subsection (b) in section 8207;
(C) striking out all of section 8208 after the first sentence;
(D) striking out “Except for Air Force nurses and medical specialists, the” in section 8209 and inserting in place thereof “The”;
(E) striking out all of section 8215 after the first sentence; and
(F) amending the catchline for section 8215 and the corresponding item in the analysis by striking out in each case “; female enlisted members on active duty”.
- 511; 5. (27) Chapter 835 is amended by—
88. (A) amending section 8299 by striking out “, except as provided in subsection (f) or (g),” wherever those words appear in subsection (a) and striking out the last sentence of subsection (c), subsections (f) and (g), and the last sentence of subsection (h);
(B) striking out subsection (d) in section 8300;
(C) striking out subsection (b) in section 8301;
(D) striking out subsection (f) in section 8303; and
(E) striking out subsections (g) and (h) in section 8305.
76. (28) Chapter 837 is amended by—
(A) striking out subsection (f) in section 8366;
(B) inserting a period after “major” in clause (2) of section 8368 (a) and striking out the remainder of that clause; and
(C) repealing section 8370 and striking out the corresponding item in the analysis.
526. (29) Chapter 841 is amended by—
526. (A) striking out subsection (b) in section 8504;
(B) amending the catchline of section 8504 and the corresponding item in the analysis by striking out in each case “: limitations; grade”.
531. (30) Chapter 845 is amended by repealing section 8580 and striking out the corresponding item in the analysis.
79. (31) Chapter 863 is amended by—
(A) repealing section 8847 and striking out the corresponding item in the analysis; and
(B) striking out “, except an officer covered by section 8847 of this title,” in section 8845 (a).
- 550; (32) Chapter 867 is amended by—
(A) amending section 8915 to read as follows:

“§ 8915. Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major

“The Secretary of the Air Force may defer the retirement of any Air Force nurse or medical specialist in the regular grade of major until the thirtieth day after the officer completes twenty-eight years of service computed under section 8927 (a) of this title.”;

(B) amending section 8916 (b) to read as follows:

“(b) The Secretary of the Air Force may defer the retirement under this section of any promotion list officer in the regular grade of lieutenant colonel who is a medical, dental, veterinary, or medical service officer, a medical specialist, or a chaplain, but not later than the date on which he becomes sixty years of age.”; and

(C) amending the item in the analysis relating to section 8915 to read as follows:

“8915. Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major.”

Sec. 2. Title 32, United States Code, is amended as follows:

(1) Section 305 is amended by—

(A) striking out “Except as provided in subsection (b), only male persons selected from the” and inserting in place thereof “The” in subsection (a);

(B) striking out the first sentence of subsection (b); and
(C) striking out “However, to” and “woman” in the second sentence of subsection (b) and inserting in place thereof “To” and “person”, respectively.

(2) Section 313 (b) is amended by inserting “and” after the semicolon in clause (1), striking out “; and” at the end of clause (2) and inserting a period in place thereof, and striking out clause (3).

Sec. 3. Title 37, United States Code, is amended as follows:

(1) Section 202 is amended by adding the following new subsection at the end thereof:

“(k) While serving under an appointment under section 5767 (c) of title 10, a woman officer of the Navy is entitled to the pay of a rear admiral of the lower half.”

(2) Section 904 is amended—

(A) by striking out “5774” in subsections (a), (b), and (d) and inserting “5773” in place thereof;

(B) by amending clauses (5) and (10) of subsection (a) to read as follows:

“(5) women line officers of the Navy;

“(10) women officers of the Marine Corps;”;

(C) by striking out subsections (c) and (e); and

(D) by striking out “Except as provided by subsection (e) of this section, a” in subsection (d) and inserting in place thereof “A”.

Sec. 4. (a) For five years following the effective date of this Act, the Secretary of the Army may suspend the operation of any provision of law pertaining to the mandatory retirement, discharge, separation, or transfer from an active status of an officer of the Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps.

(b) The amendments made by this Act to section 6396 of title 10, United States Code, do not become effective with respect to officers of the Regular Navy in the Nurse Corps serving in the grade of lieutenant commander until June 30 of the second fiscal year following the fiscal year in which this Act is approved.

(c) Notwithstanding section 6396 of title 10, United States Code, as amended by this Act, an officer of the Regular Navy in the Nurse

72 Stat. 1540.
70A Stat. 550.

70A Stat. 602;
72 Stat. 1543.

72 Stat. 1544.

76 Stat. 454.

Ante, p. 378.

76 Stat. 487.

Suspension of
certain provisions.

Ante, p. 380.

Corps who is serving in the grade of lieutenant (junior grade) on the effective date of this Act may not be discharged under that section until June 30 of the second fiscal year following the fiscal year in which this Act is approved.

(d) Notwithstanding any other provision of law, an officer of the Regular Navy in the Nurse Corps who is serving in the grade of lieutenant on the effective date of this Act and who on that date has completed more than thirteen years of active commissioned service may not be involuntarily discharged under section 6396 of title 10, United States Code, as amended by this Act but shall, unless sooner selected for promotion to the grade of lieutenant commander, be retired on June 30 of the fiscal year in which she completes at least twenty years of active commissioned service. Each officer retired under this subsection shall be retired with the retired grade and pay prescribed in section 6396(c) of title 10, United States Code, as it existed before the enactment of this Act.

(e) For five years following the effective date of this Act, the Secretary of the Air Force may suspend the operation of any provision of law pertaining to the mandatory retirement, discharge, separation, or transfer from an active status of an Air Force female officer, except an officer designated under section 8067, title 10, United States Code, to perform professional functions other than as an Air Force nurse or as an Air Force medical specialist.

(f) Until July 1, 1972, when the needs of the service require, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force may convene annually boards of officers to consider officers of the Army Nurse Corps, officers of the Navy Nurse Corps, or Air Force nurses, respectively, who otherwise would be required to be retired or separated under this Act within the calendar or fiscal year in which the board is convened. Upon the recommendation of such a board, the Secretary concerned may defer the separation or retirement of such an officer for a term of not more than five years, unless recommended for further deferment by a subsequent board of officers, and in any case not beyond the month following her attaining age sixty or July 1, 1976, whichever may be earlier. Officers whose separation or retirement is so deferred shall be additional to the numbers of officers authorized by sections 3202, 3211, 8202, and 8211, title 10, United States Code.

Approved November 8, 1967.

Public Law 90-131

AN ACT

Making appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, and for other purposes, namely:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, supplies, materials, equipment; maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$3,925,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$35,900,000, to remain available until expended.

ADMINISTRATIVE OPERATIONS

For necessary expenses of operation of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 299); minor construction; supplies, materials, services, and equipment; awards; purchase of not to exceed three and hire, maintenance and operation of administrative aircraft; purchase and hire of motor vehicles (including purchase of not to exceed twenty-three passenger motor vehicles, for replacement only); and maintenance, repair, and alteration of real and personal property; \$628,000,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

GENERAL PROVISIONS

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Not to exceed \$35,000 of the appropriation "Administrative Operations" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

Appropriations contained in this Act shall be subject to the general provisions contained in titles I and III of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968.

This Act may be cited as the "National Aeronautics and Space Administration Appropriation Act, 1968".

Approved November 8, 1967.

80 Stat. 508;
Ante, p. 206.

Transfer of ap-
propriations.

Scientific con-
sultations, ex-
traordinary ex-
penses.

Ante, pp. 341,
360.
Short title.

p. 380.

Stat. 413;
t. 385.

Stat. 494.

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Stat. 172.

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R. 12474]

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APPENDIX E



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301

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DISTRIBUTION"

12 JUL 1991

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
COMPTROLLER
GENERAL COUNSEL
INSPECTOR GENERAL
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
PRESIDENT, UNIFORMED SERVICES UNIVERSITY OF
THE HEALTH SCIENCES
DIRECTOR, OFFICE OF CIVILIAN HEALTH AND MEDICAL
PROGRAM OF THE UNIFORMED SERVICES
COMMANDER, ARMY AND AIR FORCE EXCHANGE SERVICE

SUBJECT: Department of Defense Strategies to Eradicate Sexual
Harassment in the Military and Civilian Environment

Survey research on sexual harassment of civilian and military personnel within the Department of Defense (DoD) confirms a need to take stronger action against this form of discrimination. The cost of sexual harassment is high, in reduced mission effectiveness, in the suffering of victims, and in wasted resources. We must redouble our efforts to provide an environment free of sexual harassment across the Department.

To that end, I direct each DoD Component to implement a program to underscore that sexual harassment will not be tolerated. At a minimum, your program must incorporate the following actions:

- o Continue to issue clear policy statements annually that explain sexual harassment and reaffirm that sexual harassment will not be tolerated.
- o Require training programs at all levels of leadership, and for all civilian and military personnel, with special emphasis on co-workers, to teach our people how to identify and prevent sexual harassment. (The current definition of sexual harassment, as contained in the Secretary of Defense memorandum of July 20, 1988, is attached.)

- o Establish quality control mechanisms (e.g., unit climate assessments) to ensure that sexual harassment training is working for military and civilian personnel.
- o Make prompt, thorough investigation and resolution a priority in every sexual harassment complaint.
- o Establish procedures to hold every commander, supervisor, and manager accountable for providing guidance to their subordinates on what constitutes sexual harassment and how DoD personnel may seek redress if they believe they are victims.
- o Make sexual harassment prevention and education a special interest item for review in appropriate IG inspections/visits of DoD facilities/agencies.
- o Inform DoD personnel, military and civilian, that failure to comply with these guidelines will be reflected in annual performance rating and fitness reports and may lead to the loss of benefits and the imposition of penalties.

Please provide a report on your plans to implement this memorandum to the Assistant Secretary of Defense for Force Management and Personnel within 30 days. This report should include a record of accomplishments as well as plans for the future. Provide update reports on your progress and the effectiveness of your programs every year until further notice.

I depend on your personal involvement to make this program work.

Attachment:
As stated



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA



20 JUL 1988

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL
INSPECTOR GENERAL
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
PRESIDENT, UNIFORMED SERVICES UNIVERSITY OF
THE HEALTH SCIENCES
DIRECTOR, OFFICE OF CIVILIAN HEALTH AND MEDICAL
PROGRAM OF THE UNIFORMED SERVICES
COMMANDER, ARMY AND AIR FORCE EXCHANGE SERVICE

SUBJECT: DoD Definition of Sexual Harassment

Please amend your current policies and regulations as necessary to include the following definition of sexual harassment, applicable both to military and civilian personnel of the Department of Defense:

"Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

*Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment.

Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment."

It remains this Department's firm policy that sexual harassment is unacceptable conduct and will not be condoned or tolerated in any way.

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

OPNAVINST 5300.9
OP-151
6 November 1989

OPNAV INSTRUCTION 5300.9

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

Subj: NAVY POLICY ON SEXUAL
HARASSMENT

Ref: (a) SECNAVINST 5300.26A
(b) OPNAVINST 5354.1C

Encl: (1) Department of the Navy Policy
Statement on Sexual Harassment

1. Purpose. To publish revised policy of the
Chief of Naval Operations on sexual harassment
in the Navy and to renumber the instruction
using current Standard Subject Identification
Codes.

2. Cancellation. OPNAVINST 5350.5.

3. Discussion

a. Reference (a) is the Secretary of the
Navy's revised policy on sexual harassment based
on the new DOD standardized definition of
sexual harassment. Reference (b) assigned areas
of responsibility for the Navy to ensure a work
environment free from sexual harassment. A
command climate free of all forms of discrimi-
nation, including sexual harassment, is essential
in maintaining high morale, discipline and
mission effectiveness within the Navy.

b. It is the responsibility of the commander
to ensure that all instances of sexual harassment
are resolved at the lowest possible level within
the chain of command. Every person in a lead-
ership position, officer and enlisted, is respon-
sible to ensure that any instance of sexual
harassment is dealt with swiftly, fairly, and
effectively. Substantiated complaints will result
in swift and appropriate administrative and/or
disciplinary action. Reference (b) puts sexual
harassment in the overall perspective of equal

opportunity in the Navy and details the Navy
grievance procedures for submitting sexual
harassment complaints.

4. Policy. Command policy should clearly state
that sexual harassment will not be condoned or
tolerated in the Navy. It is a form of discrimi-
nation which is demeaning, unprofessional,
unmilitary, and is clearly prejudicial to good
order and discipline.

5. Action. Commanders, commanding officers,
officers in charge, and supervisors will as a
minimum:

a. Ensure the widest distribution of
enclosure (1), The Secretary of the Navy's Policy
Statement on Sexual Harassment.

(1) Ensure Navy members receive
training on the Sexual Harassment policy and its
practical application during initial command
orientation programs and periodic military and
advancement training. In addition, sexual
harassment training will be conducted during the
annual Navy Rights and Responsibilities
Workshop. Individuals must be made aware of
the manner in which to report incidents of
harassment, as well as the administrative and
disciplinary measures that will accrue to cases of
noncompliance with Navy policy.

(2) Enforce the Navy's policy against
sexual harassment at all levels within the
command, taking prompt corrective action when
warranted.

(3) Ensure incident reporting
mechanisms are well publicized and that
follow-up actions are timely, sure and well
known.

b. Establish and maintain a command
climate that does not tolerate deviations from
Navy policy on Sexual Harassment at any level
of the chain of command. Pronouncements
from command leadership must be accompanied
by continuous training, prompt discipline, when

0579-LD-054-7480

OPNAVINST 5300.9
6 November 1989

appropriate, and effective addressal of reported
incidents.

L. A. EDNEY
Vice Chief of Naval Operations

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OPNAVINST 5300.9

06 NOV 1989

DEPARTMENT OF THE NAVY POLICY ON SEXUAL HARASSMENT

All military and civilian personnel in the Department of the Navy have a responsibility for maintaining high standards of honesty, integrity, impartiality, and conduct to assure proper performance of business and maintenance of public trust. Sexual harassment violates those standards, especially with regard to principles of equal opportunity.

Sexual harassment is unacceptable conduct; it undermines the integrity of the employment relationship, debilitates morale, and interferes with the work productivity of an organization. Sexual harassment will not be tolerated at any level. Substantiated acts of or conduct which results in sexual harassment shall result in corrective administrative or disciplinary action.

Sexual harassment is defined as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Any military member or civilian employee in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Individuals who are sexually harassed by supervisors, co-workers, or peers should make it clear to the individual harassing him/her that such behavior is offensive and report the incident to the appropriate supervisory level. The appropriate official will examine the matter and take actions necessary to ensure a work environment free from sexual harassment.

Enclosure (1)

OPNAVINST 5300.9

06 NOV 1989

All Navy and Marine Corps personnel, military and civilian, shall be made aware of the prohibitions against sexual harassment. All Department of the Navy personnel shall receive initial orientation and periodic training on the prevention of sexual harassment. This training must be of such quality so as to ensure a thorough understanding of the definition of sexual harassment, sex discrimination, responsibilities of management and the employee when sexual harassment occurs and avenues of redress available to victims.

Prevention of sexual harassment is the responsibility of all personnel. Managers and supervisors, however, are in an especially important position to prevent sexual harassment. They must take an active role in educating their employees on the seriousness of such behavior, and the employees rights in the event that they are sexually harassed.

The chain of command shall be fully utilized, and instances of sexual harassment will be resolved at the lowest possible level within the organization. It is the responsibility of every supervisor - military and civilian - to ensure that any instance of sexual harassment is dealt with swiftly, fairly, and effectively.

Military members will use the Navy Grievance Procedures, the Uniform Code of Military Justice, or Request Mast. Civilian employees will use the Equal Employment Opportunity Discrimination Complaint Process, the administrative grievance procedures, or the appropriate negotiated grievance procedures. In addition any (military or civilian) sexual harassment complaint may be brought to the attention of the Inspector General. Substantiated complaints shall result in corrective action, including administrative and/or disciplinary action as appropriate.

All members of the Department of the Navy must be concerned about sexual harassment and actively work to eliminate it from their workplaces.

Enclosure (1)

2



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20330-1000

5 February 1992

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS
COMMANDANT OF THE MARINE CORPS

Subj: ZERO TOLERANCE OF SEXUAL HARASSMENT

On several occasions Department of the Navy policy on sexual harassment has been announced as one of zero tolerance. In support of this policy, as of 1 March 1992, officers and enlisted personnel of the Navy and Marine Corps shall be processed for administrative separation on the first substantiated incident of sexual harassment involving any of the following circumstances:

- a. threats or attempts to influence another's career or job for sexual favors;
- b. rewards in exchange for sexual favors;
- c. physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in punitive discharge.

An incident is substantiated if there has been a court-martial conviction or the commanding officer determines that sexual harassment has occurred. All forms of sexual harassment not mentioned above should still be handled in conformance with the current Department of the Navy directive.

Please take appropriate action to implement this policy within the Navy and Marine Corps.


H. Lawrence Garrett, III
Secretary of the Navy



CHIEF OF NAVAL OPERATIONS

30 October 1991

Dear Mr. Chairman:

In view of the reports I have received concerning the allegations of sexual harassment and misconduct at the recent "Tailhook Association Symposium," and further to discussions I have had with the Secretary of the Navy, I want to make you aware of my personal commitment to ensure that we completely eliminate this type of behavior from our naval force.

Both the Secretary of the Navy and I absolutely abhor any type of behavior or conduct which serves to harass, intimidate or discriminate against any individual or group of individuals within or outside the Navy. The types of actions that contribute to this reprehensible behavior will simply not be tolerated.

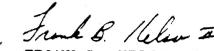
I have enclosed a copy of a message I sent yesterday to the Navy's leadership directing our policy be reiterated to every member of the naval service. I firmly believe the vast majority of our sailors already clearly understand and support our policy. However, as recent events indicate, we must be ever vigilant in our leadership efforts to ensure this can never occur again.

As you know, the Navy has a Naval Investigative Service (NIS) investigation in progress, and an Inspector General investigation has also been ordered.

Please be assured of my personal commitment to the eradication of any Navy cultural environment or atmosphere in which any action that demeans human dignity is allowed to exist.

I appreciate your support of our efforts. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,


FRANK B. KELSO, II
Admiral, U.S. Navy

The Honorable Les Aspin
Chairman
Committee on Armed Services
House of Representatives
Washington, D.C. 20515

Enclosure

UNCLASSIFIED

NAVAL MESSAGE
DEPT OF NAVY

PRIORITY
P 300216Z OCT 91 ZEX ZYB
FM CNO WASHINGTON DC//DD//
TO NAVOP

ZYUW RUENAAA3707 3030550

UNCLAS FOR COMMANDERS, COMMANDING OFFICERS AND OFFICERS IN CHARGE
//NO1610//
NAVOP 020/91

SUBJ: PROPER CONDUCT IN OUR NAVY
MSGID/GENADMIN/CNO//
REF: A NMJ/SECNAV/251451Z OCT 90//
REF: B RMG/CNO/252249Z OCT 90//
REF: C ALTR/SECNAV LTR OF 29 OCT 91//
NARR: REF A IS ALNAV 161/90. REF B IS NAVOP 092/90.//
EMKS:

1. ONE YEAR AGO IN AN ALNAV (REF A), THE SECRETARY OF THE NAVY MADE IT CLEAR TO ALL OF US THAT SEXUAL HARASSMENT AND SEXUAL OFFENSES WOULD NOT BE TOLERATED. IN REF B, I MADE IT CLEAR THAT I NOT ONLY SUPPORTED SECNAV'S STRONG COMMITMENT TO A NAVY FREE OF SEXUAL HARASSMENT BUT THAT I SHARED HIS FEELINGS AND ABHORRED CONDUCT OF THE NATURE THAT MADE IT NECESSARY FOR HIM TO REMIND US ALL OF WHAT SHOULD HAVE BEEN A BASIC VALUE OF OUR SERVICE.

2. NOW WE ARE FACED WITH AN INCIDENT AT TAILHOOK 91 THAT DEMANDS THAT YOU MAKE IT VERY CLEAR TO ALL IN YOUR CHAIN OF COMMAND THAT OUR NAVY, SPECIFICALLY ME AND YOU AND EVERYONE IN AUTHORITY IN THE NAVY, WILL NOT TOLERATE THIS TYPE BEHAVIOR. AT THE RECENT TAILHOOK CONVENTION AT LAS VEGAS IT IS REPORTED THAT INSTANCES OF SEXUAL MISCONDUCT WERE REPORTED THAT, IF TRUE, WERE MORE THAN UNPROFESSIONAL AND OUTSIDE ANY ACCEPTABLE STANDARDS OF CONDUCT. WOMEN, SOME MEMBERS OF OUR NAVY AND OTHERS WHO WERE CIVILIANS, REPORTED BEING TREATED IN A MANNER THAT CONSTITUTES NOT ONLY SEXUAL HARASSMENT BUT MAY INVOLVE SERIOUS SEXUAL CRIMINAL OFFENSES. BOTH AS HIS INVESTIGATION AND A NAVY IG INVESTIGATION ARE UNDERWAY, I AM CONFIDENT THAT THE INVESTIGATORS WILL GET TO THE TRUTH AND WE WILL HAVE A CONCRETE SET OF FACTS UPON WHICH TO ACT IN THE MEANTIME. THE SECRETARY OF THE NAVY HAS WRITTEN TO THE PRESIDENT OF THE TAILHOOK ASSOCIATION EXPRESSING HIS DISAPPOINTMENT AND HIS IMMEDIATE WITHDRAWAL OF ALL NAVY SUPPORT FOR THE ASSOCIATION. I FULLY SUPPORT THE SECRETARY IN THIS ACTION.

3. LADIES AND GENTLEMEN, IT IS NOT PART OF MY LEADERSHIP STYLE TO SEND HARSH MESSAGES TO THE NAVY AS A WHOLE OR EVEN TO INDIVIDUALS IF IT CAN BE AVOIDED. THE VAST MAJORITY OF PEOPLE IN OUR NAVY HAVE THE WORD THAT WE WILL NOT ACCEPT SUCH BEHAVIOR. YOU MUST HELP ME TO SEE THAT ONE HUNDRED PERCENT OF OUR PEOPLE GET THIS MESSAGE AND THAT THEY GET IT LOUD AND CLEAR AND QUICKLY. WE WILL NOT TOLERATE UNPROFESSIONAL BEHAVIOR. WE WILL NOT TOLERATE SEXUAL HARASSMENT, AND WE WILL NOT TOLERATE ANY ACTION THAT DEMANDS THE DIGNITY OF ANOTHER. GET THE WORD TO YOUR PEOPLE AND ENFORCE THIS POLICY WITH ALL YOUR ABILITY. OUR PEOPLE AND OUR NAVY DESERVE NOTHING LESS.

ADMIRAL FRANK B. KELSO, II, CHIEF OF NAVAL OPERATIONS.// BT

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PAGE 1 OF 1
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UNCLASSIFIED



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
Ser 00/10500328
14 November 1991

MEMORANDUM FOR THE CHIEF OF NAVAL PERSONNEL

Via: Vice Chief of Naval Operations *F. B. Kelso, II*

Subj: ZERO TOLERANCE OF SEXUAL HARASSMENT

Ref: (a) SECNAV Washington DC 251451Z Oct 90 (ALNAV 161/90)
(b) CNO Washington DC 252249Z Oct 90 (NAVOP 092/90)
(c) Update Report on the Progress of Women in the Navy
(Prepared by the 1990 Navy Woman's Study Group)

1. Reference (a) is an explicit statement by the Secretary of the Navy that sexual harassment will not be tolerated. In reference (b), I made it perfectly clear that I strongly support the commitment to a Navy free of sexual harassment. It is equally clear, however, that official pronouncements from the Navy's highest leadership, no matter how stern, are not enough. Surveys reported in reference (c) continue to identify the same problems of attitude, perception, and behavior.

2. The challenge we face is not unique. There are always some who do not get the word, some who do not believe we mean it, and some who cannot conform without the threat of sanction. In the past, we have taken the lead in race relations and in our policy of zero tolerance of drugs. We can do no less in the area of sexual harassment.

3. Therefore, you are hereby directed, in coordination with the Judge Advocate General, to formulate a plan to articulate and accomplish a zero tolerance policy on sexual harassment. Your plan should include procedures for separating from military service those who do not conform their behavior to that which is expected.

F. B. Kelso, II
F. B. KELSO, II



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-8000

(COPY FOR INFO)

IN REPLY REFER TO
PERS-05
14 November 1991

MEMORANDUM FOR CHIEF OF NAVAL OPERATIONS

Via: Vice Chief of Naval Operations

Subj: SEXUAL HARASSMENT

1. Admiral, as you requested, the enclosed plan and supporting materials are designed to bring increased attention to solving problems of sexual harassment in the Navy. Many of the action items outlined in the POA&M (Tab B) are underway or completed already. An example is the 1992 Navy Leader Planning Guide, which went to the printer last week. Other examples are coverage of sexual harassment policy and training in CHINFO's "Navy News This Week" program and Navy News Service message this week.

2. Enclosed material includes:

- A -- Plan for internal communications and training support
- B -- Plan of action and milestones (POA&M)
- C -- Recommended CNO message for Flag officers
- D -- Recommended talking points for CNO videotape
- E -- Excerpts from 1992 Navy Leader Planning Guide

3. Once the plan is approved, BUPERS is ready to accelerate implementation in cooperation with OPNAV, CHINFO, CNET, CINCS and others who will be involved.

Very respectfully,

Ronald J. Zlatoper
Vice Admiral, U.S. Navy
Chief of Naval Personnel

Copy to:
CNET
CHINFO

+ Pers-6 + 61
Pers-DCM
Pers-06
Pers-11

COMBATTING SEXUAL HARASSMENT

PLAN FOR INTERNAL COMMUNICATIONS AND TRAINING SUPPORT

1. Mission. Plan internal communications that will support other initiatives to combat sexual harassment in the Navy.

2. Problems

a. Sexual harassment is widespread in the Navy, with teasing and jokes the most pervasive forms (Sources: 1989 Navy EO Survey, 1989 DOD survey, 1990 Navy Personnel Survey, and 1990 Navy Women's Study Group).

b. Reluctance to recognize and/or report sexual harassment.

(1) Victims fear repercussions or lack confidence in chain of command to enforce policy ('90 NPS, '90 NWSG).

(2) Many leaders and supervisors fail to recognize sexual harassment or they avoid enforcement. Complexities include issues of fairness, unit cohesion and potential negative reaction from superiors in chain of command ('90 NWSG, NOV '91 CNO MCPO Advisory Council).

c. Remaining weaknesses in training on sexual harassment.

(1) Although training is in place at many levels, there is considerable variance in quantity and quality of training, and its perceived effectiveness in educating people and influencing behavior ('90 NWSG; '91 MCPO Panel).

(2) Fact or perception that training is for junior personnel, and rarely officers or senior enlisted personnel. ('90 NWSG, '91 MCPO Panel).

(3) Definition is "fuzzy" and forms of sexual harassment and various grievance procedures are not well understood ('90 NPS, '90 NWSG).

(4) Need for more effective training and reference materials ('90 NWSG; '91 MCPO Panel).

d. Disparities in level of attention at different commands.

(1) Commanding officers are frequently surprised to learn of significant sexual harassment problems in their own commands ('90 NWSG).

(2) Where leadership visibly supports and enforces policy, there is a climate in which sexual harassment is not acceptable ('90 NWSG).

(3) The Command Managed Equal Opportunity (CMEQ) Program only recently added sexual harassment lesson plan to resource material, and implementation at command level varies ('90 NWSG, '91 MCPO Panel).

3. Objectives

a. Education -- Use internal media to make Navy policy on sexual harassment crystal-clear, complementing and reinforcing formal training and leadership efforts to educate personnel on sexual harassment.

b. Enforcement -- Remind Navy leaders (from senior officers to junior petty officers) that they are accountable for enforcing Navy policy on sexual harassment.

4. Audiences

a. All Navy people -- men and women, military and civilian, officer and enlisted.

b. Navy leaders -- from senior officers to junior petty officers.

c. Peripheral audiences -- interested Members of Congress, retired Navy personnel, general public.

5. Recommended Themes For Communication

a. Acknowledge that sexual harassment is pervasive in the Navy, as in society, despite nearly ten years of increasing attention and training on the issue in the Navy. Since it is a widespread problem, there should be no reluctance to discuss it, recognize it, confront it and report it when necessary in your own command.

b. Sexual harassment is a form of discrimination which violates our standards of professionalism, hurts morale and good discipline, impairs mission readiness, and fails to treat our shipmates with the decency and respect they deserve (and the way each of us wants to be treated).

c. Sexual harassment will not be condoned or tolerated in the Navy -- because we are an organization with high standards, equal opportunity, and caring attitudes about our people. Simply put, we're better than that.

d. The Navy can be in the forefront of American institutions tackling this problem, just as we led many others in controlling racial discrimination and drug abuse.

e. Steps are being taken to refine policy, expand training, improve reporting procedures, and increase the attention Navy leaders give to the problem of sexual harassment.

f. For Navy leaders -- Combatting sexual harassment is a responsibility of Navy leadership, from the top down. The issue must be brought out into the open and discussed in every work center, division, office and command. Although cases of sexual harassment are not always clear-cut, every case must be investigated and resolved properly, every true victim supported and protected, and every proven offender dealt with as appropriate.

g. To ALL Navy people -- No one should tolerate sexual harassment. "Don't put up with it yourself, and don't ignore it when you see happen. Tell the harasser to knock it off. If that doesn't work, or if the harassment is serious in nature, report the incident to your chain of command and have confidence in the professionalism of your LPOs, chiefs, division officers and chain of command to respond appropriately. If they don't, use another avenue."

6. Recommended Communications Actions (outlined in POA&M)

a. CNO communicate directly with Navy Flag officers to explain concerns and support needed to control sexual harassment.

b. Produce special videotaped message from CNO to Navy men and women concerning sexual harassment and sexual misconduct, based on proposed talking points. This would be required viewing for all hands (enlisted and officer), to be used as a catalyst for discussion at captain's call, GMT and other sessions. The tape would be distributed as a trailer with "Navy News This Week" and independently to area coordinators and training libraries.

c. Prepare NAVOP to introduce videotape, explain requirement for viewing and discussion, and outline recommended talking points to facilitate local discussion.

d. Develop communications slogans to help unify and energize this CNO campaign against sexual harassment.

e. Include sexual harassment as topic of leadership concern in speeches by CNO, MCPON, CMC and other Navy leaders -- based on talking points developed by BUPERS and distributed by CHINFO Speech Bureau.

f. Use stories in Navy internal media (including Navy News Service, "Navy News This Week," Captain's Call Kit, Navy Editor Service and All Hands) to complement the videotapes and official communications from Navy leadership. For example:

(1) Report developments and any disciplinary actions in the case of Tailhook '91 (demonstrating accountability).

(2) Show sexual harassment training at Senior Enlisted Academy and other locations to illustrate attention to problem and approaches to training.

(3) Occasionally publicize results of cases that help define sexual harassment, demonstrate proper command response, and build confidence in chain of command's commitment.

(4) Publicize primary (chain of command) and alternative routes of reporting sexual harassment, including Navy IG telephone hotline.

(5) Publicize initiatives on sexual harassment based on 1990 Navy Women's Study Group recommendations and sources.

g. Work with Navy Broadcasting Service to produce series of 30-second video spot vignettes on sexual harassment that can be used by "Navy News This Week" and Armed Forces Radio and Television Service to show what sexual harassment is and what action should be taken.

h. Produce series of short case examples, multiple choice "quizzes" or actual case anecdotes (without names) that can be used as fillers in Navy newspapers, plans of the day/week, discussion at quarters or GMT, and other channels.

i. Develop improved training videotape that includes more acted-out examples encompassing various situations and ranks of personnel, and better quality production.

j. Develop posters to support communications points and publicize hotline number, for distribution through SNDL and Captain's Call Kits.

k. Produce trifold brochure on sexual harassment for distribution at accession points, command indoctrinations, GMT, quarters, Navy Rights and Responsibilities workshops and counseling sessions. Brochure would highlight Navy policy on sexual harassment, reasons for policy, what sexual harassment is and is not, and measures that should be taken to control it.

l. Ensure Command Training Teams and CMO representatives have the training, materials and support necessary to make sexual harassment training effective. Enhance support for other training efforts as well.

m. Include sexual harassment as a separate emphasis item in the annual Navy Leader Planning Guide.

n. Explain the Navy's policy and supporting actions on sexual harassment to Navy Times, news media serving Navy populations, and other civilian media as opportunities arise.

BUPERS PAO (Pers-05)
14 November 1991

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TOTAL COPIES REQUIRED 0

R 181715Z FEB 92 ZEX ZYB
FM CNO WASHINGTON DC//DC//
TO NAVOP

UNCLAS //MOSZ54//

NAVOP 004/92

MSSID/GENADMIN/CNO DC//

SUBJ/ZERO TOLERANCE OF SEXUAL HARASSMENT//

RMKS/1. THIS MESSAGE IS A FOLLOW ON TO NAVOP 020/91, AND SHALL BE READ BY ALL HANDS. YEARS AGO, THE NAVY LAUNCHED AN AGGRESSIVE CAMPAIGN TO RID ITSELF OF RACIAL DISCRIMINATION. TODAY, EQUAL OPPORTUNITY FOR PEOPLE OF ALL RACES IS A CORNERSTONE OF OUR NAVY. YEARS AGO WE CONFRONTED THE PROBLEM OF DRUG ABUSE, AND ARE NOW THE LEADERS OF SOCIETY IN PROVIDING DRUG FREE LIVING AND WORKING ENVIRONMENTS. TODAY, WE MUST CONFRONT ANOTHER ISSUE AFFECTING OUR PEOPLE, OUR OFFICERS, AND HOW WE ARE SEEN BY THE AMERICAN PUBLIC. THAT ISSUE IS SEXUAL HARASSMENT.

2. REGRETTABLY SEXUAL HARASSMENT OCCURS IN MANY INSTITUTIONS AND SOCIETIES, BUT WE--YOU AND I--MUST BE CONCERNED ABOUT WHAT HAPPENS INSIDE OUR NAVY. SEXUAL HARASSMENT AFFECTS OUR PERFORMANCE, IT DENIES SOME OF OUR PEOPLE THE CHANCE TO DO THEIR BEST. IT DEWEANS VICTIMS, AND TARNISHES OUR REPUTATION AS FAIR, HARDWORKING PROFESSIONALS. WE KNOW FROM RECENT STUDIES, IN SPITE OF OUR LONGSTANDING POLICY OF ZERO TOLERANCE OF SEXUAL HARASSMENT, THERE ARE SOME WHO HAVE FAILED TO UPHOLD THIS STANDARD. FOR THAT REASON, I HAVE DIRECTED THAT COMMENCING 1 MARCH 1992, PROCESSING FOR ADMINISTRATIVE SEPARATION WILL BE MANDATORY FOR THOSE FOUND TO HAVE COMMITTED CERTAIN AGGRAVATED ACTS OF SEXUAL HARASSMENT. JOSEF WILL ALSO BE CONSIDERED FOR PERSONNEL WHO REPEATEDLY COMMIT LESS AGGRAVATED ACTS OF SEXUAL HARASSMENT.

3. I HAVE ALSO DIRECTED THE CHIEF OF NAVAL PERSONNEL AND THE CHIEF OF NAVAL EDUCATION AND TRAINING TO IMPROVE THE QUALITY AND AVAILABILITY OF SEXUAL HARASSMENT TRAINING AT ALL LEVELS. YOUR COMMANDING OFFICER WILL REVIEW LOCAL TRAINING TO ENSURE IT IS OF THE HIGHEST QUALITY, AND ALL PERSONNEL, OFFICER AND ENLISTED, WILL RECEIVE SEXUAL HARASSMENT TRAINING AVAILABLE THROUGH NAVY RIGHTS AND RESPONSIBILITIES WORKSHOPS. YOUR COMMAND WILL ALSO ENSURE NAVY GRIEVANCE PROCEDURES ARE WELL PUBLICIZED, AND THOSE IN LEADERSHIP POSITIONS RESPOND QUICKLY AND APPROPRIATELY TO SEXUAL HARASSMENT

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..... PAGE 02
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COMPLAINTS. EVERY SAILOR IN EVERY COMMAND HAS THE RIGHT, AND THE RESPONSIBILITY, TO REPORT ALL INCIDENTS OF SEXUAL HARASSMENT TO THE CHAIN OF COMMAND, WITHOUT FEAR OF REPRISAL.

4. WE SERVE IN THE FINEST NAVY THE WORLD HAS EVER KNOWN, AND IT IS NOT RIGHT --OR SMART-- TO LET THE ACTIONS OF SOME DO HARM TO US ALL. WE WILL FIX THIS PROBLEM WHEN WE ALL GET ONBOARD WITH OUR ZERO TOLERANCE POLICY. I KNOW I CAN COUNT ON YOUR SUPPORT AS WE TAKE THIS STEP TO MAKE OUR ALREADY GREAT NAVY EVEN BETTER.

5. RELEASED BY ADM F. B. KELSO, USN// BT

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***** PAGE 03 OF 03
* UNCLASSIFIED * 161715Z FEB 92

APLINGTON ANNE
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ROUTINE
R 141917Z FEB 92 ZEX ZYB
FM CNO WASHINGTON DC//OO//
TO ALL NAVY FLAG OFFICERS

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NAVOP

UNCLAS PERSONAL FOR FLAG OFFICERS, UNIT COMMANDERS, COMMANDING OFFICERS AND OFFICERS IN CHARGE //NO5354//
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SUBJ/ZERO TOLERANCE FOR SEXUAL HARASSMENT//
REF/A/DOC/SECNAV/2AUG89//
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RMKS/1. THIS MESSAGE IS A FOLLOW-ON TO NAVOP 020/91. IN A FEW DAYS, I WILL ISSUE A NAVOP FOR ALL HANDS ON THE SUBJECT OF SEXUAL HARASSMENT. I WANTED YOU TO KNOW THE CONTENTS OF THAT MESSAGE AND SOME OF THE THINKING THAT WENT INTO IT BEFORE YOUR PERSONNEL RECEIVE IT.

2. IN SPITE OF OUR LONGSTANDING POLICY OF ZERO TOLERANCE OF SEXUAL HARASSMENT, THERE ARE SOME IN OUR NAVY WHO STILL FAIL TO UPHOLD THAT STANDARD. THE DETRIMENTAL EFFECTS OF SEXUAL HARASSMENT ON OUR NAVY ARE SERIOUS. IT DESTROYS CONFIDENCE AND UNDERMINES UNIT COHESION, GOOD ORDER AND PERFORMANCE. IN ADDITION, IT TARNISHES OUR REPUTATION AS A HARD-WORKING, FAIR, PROFESSIONAL ORGANIZATION. IT IS TIME WE ADDRESS THIS ISSUE IN A WAY THAT LETS ALL OUR PEOPLE KNOW HOW SERIOUS IT IS. TO THAT END, AND IN CONJUNCTION WITH THE SECRETARY OF THE NAVY AND THE COMMANDANT OF THE MARINE CORPS, I HAVE DIRECTED THAT EFFECTIVE 1 MARCH 1992, PROCESSING FOR ADMINISTRATIVE SEPARATION WILL BE MANDATORY FOR INDIVIDUALS FOUND TO HAVE COMMITTED CERTAIN AGGRAVATED ACTS OF SEXUAL HARASSMENT. ADSEP PROCESSING SHOULD ALSO BE CONSIDERED FOR THOSE PERSONNEL WHO PERPETRATE LESS AGGRAVATED ACTS OF SEXUAL HARASSMENT. A NAVADMN SPELLING OUT THE DETAILED PROCEDURES FOR THIS ADSEP PROCESS WILL BE ISSUED IN THE NEAR FUTURE.

3. IF WE ARE TO SOLVE THIS PROBLEM, WE MUST IMPROVE OUR UNDERSTANDING OF WHAT SEXUAL HARASSMENT IS AND WHY IT IS HARMFUL. REFS A AND B CLEARLY STATE NAVY POLICY AND THE ACTIONS THAT CONSTITUTE SEXUAL HARASSMENT. I HAVE DIRECTED CDP AND CNET TO IMPROVE THE QUALITY AND AVAILABILITY OF SEXUAL HARASSMENT TRAINING AT ALL LEVELS. I AM PREPARING A VIDEOTAPED MESSAGE, WHICH WILL BE DISTRIBUTED ALONG WITH SUPPLEMENTAL TRAINING MATERIALS TO ALL COMMANDS. EXISTING TRAINING IAW REF C, COMMAND MANAGED EQUAL OPPORTUNITY (CMEQ), IS AVAILABLE NOW. COMMANDING OFFICERS ARE DIRECTED TO REVIEW THEIR CMEQ TRAINING AND ENSURE THAT ALL HANDS, OFFICER AND ENLISTED, RECEIVE NAVY RIGHTS AND RESPONSIBILITIES TRAINING. MONITOR THE CONTENT AND EFFECTIVENESS OF LOCAL COMMAND PRESENTATIONS PERSONALLY, AND MAKE SURE THEY ARE OF HIGH QUALITY.

4. I EXPECT YOU TO TAKE THE FOLLOWING ACTIONS IN RESPONSE TO THIS MESSAGE:

A. ENSURE THAT YOUR COMMANDS GRIEVANCE PROCEDURES ARE WELL PUBLICIZED AND UNDERSTOOD. MANY INCIDENTS OF SEXUAL HARASSMENT GO UNREPORTED BECAUSE VICTIMS FEAR REPRISAL AND DO NOT BELIEVE THE SYSTEM WILL BE SUPPORTIVE.

B. ENSURE THAT EVERYONE IN A LEADERSHIP POSITION, FROM LPO TO CO, IS RESPONSIVE TO REPORTS OF SEXUAL HARASSMENT AND TAKES

BUPERS WASH DC

ACTION PERSONAL FOR VADM ZLATOPER. * * * CNP (1) (N)

PERSONAL FOR RADM GALLO * * * PERS00B (1)

PERSONAL FOR RADM JOHNSON * PERS4 (1)

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AFR 30-2(C1) 19 August 1988

DEPARTMENT OF THE AIR FORCE
Headquarters US Air Force
Washington DC 20330-5000

AF REGULATION 30-2

18 April 1986

Personnel

SOCIAL ACTIONS PROGRAM

★ This regulation establishes and explains the Air Force Social Actions Program. It outlines Air Force policy for the Social Actions, Equal Opportunity and Treatment (EOT), Human Relations Education (HRE), and Substance Abuse Control programs. It identifies Air Staff, major command (MAJCOM) and base-level program managers and assigns responsibilities. It requires both base and MAJCOMs to provide written reports. It implements DOD Directives 1010.1, 28 December 1984; 1010.3, 23 September 1985; 1010.4, 25 August 1980; 1010.7, August 1983; 1325.6, 12 September 1969; and 1350.2, 29 April 1987; DOD Instructions 1010.5, 5 December 1980; 1010.6, 13 March 1985; and 1010.10, 11 March 1986. This regulation applies to all Air Force military personnel, Reserve Officer Training Corps and to Air Force Reserve and Air National Guard personnel on extended active duty. The policies contained in this regulation will be implemented to the greatest extent possible for Air Force Reserve and Air National Guard personnel not on extended active duty (including Active Guard/Reserve (AGR) personnel) through appropriate Air Force Reserve and Air National Guard directives. Substance Abuse Control and Equal Opportunity programs for civilian personnel are in AFRs 40-792 and 40-713. When mandatory or voluntary Social Actions services or activities apply to civilian personnel, specific reference is made in the portions of this regulation that apply. This regulation provides prohibitions concerning discrimination and drugs and further provides for disciplinary actions under the Uniform Code of Military Justice (UCMJ) for violations of these prohibitions.

This regulation is affected by the Privacy Act of 1974. Each form that is subject to the provisions of AFR 12-35, and required by this regulation contains a Privacy Act Statement, either incorporated in the body of the form or in a separate statement accompanying it. The authorities to collect personal information and maintain systems of records listed in this regulation are 10 U.S.C. 8012, 42 U.S.C. 290 ee-3, et seq., and EO 9397, and 11478. Records which reveal the identity, diagnosis, prognosis, or treatment of any individual for substance abuse may only be disclosed according to paragraphs 3-32 and 3-33 of this regulation and 42 U.S.C. 290 ee-3 for records relating to drug abuse, or 42 U.S.C. 290 dd-3 for those relating to alcohol abuse.

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Supersedes AFR 30-2, 22 June 1981. (See signature page for summary of changes.)

No. of Printed Pages: 75

OPR: DPPH (Col Donald S. Palmer)

Approved by: Col John A. Jackson

Writer-Editor: D. Britford

Distribution: F

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PART ONE

GENERAL INFORMATION, BASE SOCIAL ACTIONS OFFICE

Chapter 1

GENERAL INFORMATION

★1-1. **Social Actions Program Objective.** The primary objective of Social Actions is to improve mission effectiveness. The mandate of Social Actions is to help commanders at all levels conduct programs for substance abuse control, equal opportunity and treatment, and human relations education.

1-2. **Scope and Limitations of Social Actions Services.** Social Actions personnel must inform commanders when they become aware of problems that may adversely affect behavior, health, duty performance, or the mission. Social Actions may neither advertise nor provide confidentiality; however, with respect to civilian employees, confidentiality requirements are outlined in AFR 40-792.

★a. Social Actions personnel may provide nonmedical counseling and referral services to the families of substance abusers as a complement to the rehabilitation process.

★b. **Social Actions Functions During Contingencies, Hostilities, and War.** EOT staff functions and HRE will shift their focus to the prevention of incidents and resolution of complaints at the discretion of base commanders at bases directly involved in combat operations. EOT/HRE functions will continue as prescribed by Air Force directives at all other locations. At all US locations, EOT/HRE personnel will focus particular attention on identifying racist or sexist related events which may undermine unit cohesiveness and mission capability, and advise commanders of these events without delay. At bases directly involved in combat operations, Substance Abuse Control personnel will continue to perform drug threat assessment activities in order to rapidly determine changes in abuse patterns. Substance abuse personnel will also continue to perform emergency short-term substance abuse evaluations and counseling which are directly mission related and any other counseling directed by the base commander. Substance Abuse education and Substance Abuse Control staff functions will continue as prescribed by Air Force directives at all other locations.

c. Programs differing from or beyond the scope of this regulation must be approved by MAJCOM and HQ USAF.

1-3. **Responsibilities Assigned.** The Deputy Chief of Staff, Personnel, HQ USAF/DP, is responsible for the Social Actions Program.

a. **HQ USAF/DPP.** The Director of Personnel Programs is the OPR for Social Actions Programs for military personnel. HQ USAF/DPPH:

(1) Formulates, revises and disseminates policy and plans.

(2) Keeps abreast of sociological changes that affect program operations.

(3) Provides policy guidance and clarification to MAJCOMs and separate operating agencies (SOA).

(4) Reviews Social Actions programs which implement Air Force policy and plans.

b. **HQ USAF/DPC.** The Directorate of Civilian Personnel is the OPR for civilian drug and alcohol abuse control and equal employment opportunity programs (see AFRs 40-792 and 40-713).

c. **AFMPC/DPMY.** Implements Social Actions programs in support of Air Force policy. AFMPC/DPMY:

★(1) Prepares reports, status summaries and studies on substance abuse and equal opportunity and treatment.

(2) Conducts special projects in all Social Actions areas to aid in managing field operations.

(3) Staffs Social Actions-related complaints, Air Force suggestions, and congressional and high level inquiries unless they concern Air Force policy, in which case HQ USAF/DPPH staffs.

(4) Provides operational guidance to MAJCOMs and installations.

(5) Develops management and documentation procedures for Social Actions activities.

(6) Serves as focal point for crossfeed of Social Actions information.

★(7) Develops and updates standardized education packages for USAF Substance Abuse and Human Relations Education programs to include evaluating audiovisual material for possible Air Force application.

(8) Develops Social Actions productivity enhancement initiatives.

★(9) Manages the Air Force Drug and Alcohol Counselor Certification Program.

★d. **Major Commands (MAJCOM) and Separate Operating Agencies (SOA).** Each MAJCOM and SOA must:

(1) Establish an "Assistant for" or "Director of" Social Actions (MAJCOM) position under the DCS/Personnel (DP). SOAs without full-time manpower authorizations for the Social Actions Program

may request that the Social Actions activity be placed under one of the DCS/Personnel directorates. (see AF 35-33)

(2) Identify problem areas through trend analysis and take the proper corrective and preventive actions for problems that cannot be solved at installation level.

(3) Ensure installation Social Actions personnel receive ongoing, formal training and guidance in the appropriate specialties.

(4) Determine the necessity for special assistance and training. MAJCOM requirements for training are requested according to AFR 50-9 and, when applicable, sent to HQ USAF/DPPH, Wash DC 20330-5060.

(5) Establish a staff assistance program which includes regular visits to base-level offices.

★(6) Provide HQ USAF/DPPH copies of the Social Actions portion of MAJCOM inspection/evaluation reports.

★(7) Provide guidance to Social Actions offices and geographically separated units (GSUs) on programs and policy.

★e. **Senior Installation Commander Responsibilities.** The senior installation commander is responsible for local Social Actions programs and will:

(1) Ensure Social Actions programs are developed and implemented.

★(2) Ensure direct program responsibility and organizational alignment is no lower than the base commander level.

(3) Give Social Actions program assistance to tenant and geographically separated units (GSUs).

★(4) Keep abreast of the installation's human relations climate and substance abuse trends.

★f. **Air Training Command (ATC) Responsibilities.** The 3270th TTG/TTZS must provide basic skill level training that leads to awarding Air Force Specialty Codes (AFSC) 73430B and 7361B; conduct the Social Actions Staff Officer Course; conduct the Advanced Drug and Alcohol Abuse Control and Advanced EOT/HRE Courses; and provide other Social Actions training as directed by higher authority.

g. **Air Force Reserve Responsibilities.** The Chief, Personnel Division, Office of Air Force Reserve (HQ USAF/REP), is responsible for developing and monitoring Social Actions plans, policy, and programs that apply to the Air Force Reserve. To support the total force policy, the Air Force Reserve will implement the requirements of this regulation to the greatest extent possible and issue necessary supplementing directives as required. The Director of Social Actions (HQ AFRES/DPZ) is responsible for:

(1) Implementing and revising Air Force Reserve directives.

(2) Helping the MAJCOMs evaluate local Air Force Reserve unit Social Actions programs.

h. **Air National Guard (ANG) Responsibilities.** The focal point for Social Actions in the Air National Guard is NGB-HR which must:

(1) Develop, revise, monitor, and disseminate policy, plans, and programs that apply to the ANG.

(2) Implement to the greatest extent possible the requirements of this regulation through appropriate directives.

(3) Evaluate and assist Social Actions programs at state and installation levels.

★1-4. **MAJCOM Supplements.** Supplements to this regulation must be sent to HQ USAF/DPPH for approval with an information copy to AFMPC/DPMY. Upon approval, the MAJCOM sends copies of the approved supplement to both offices and other MAJCOMs. Supplements must be staffed and processed according to AFR 5-8.

★1-5. **Privacy Act of 1974 and Freedom of Information Act.** Guidance for implementing the Privacy Act of 1974 and Freedom of Information Act as they apply to Social Actions documentation is found in AFRs 12-30 and 12-35.

★1-6. **Disposition of Records.** Records established or maintained according to this regulation must be disposed of according to AFR 12-50, volume 11.

BASE SOCIAL ACTIONS OFFICE

★2-1. **Chief, Social Actions.** The Chief of Social Actions serves as the commander's staff officer for substance abuse control, equal opportunity and treatment, and human relations education programs. The chief is also the reviewing authority for releasing any Social Actions-related information requested under the Privacy Act or the Freedom of Information Act. This includes releasing or correcting information in Social Actions case files. The chief is additionally responsible for directing the Social Actions unit level staff assistance visit program and ensuring full participation by the entire Social Actions staff in those efforts.

★2-2. **Base Social Actions Staff Role.** The Social Actions staff gives guidance to and assists unit commanders, staff agency chiefs, and assigned personnel and their families. The Social Actions staff:

a. Helps identify and monitor problems, practices, and procedures that may adversely affect the mission and assigned personnel, and recommends corrective or preventive actions.

b. Promotes community programs and resources that support Social Actions' goals.

c. Conducts ongoing evaluations of Social Actions' activities to improve services by developing new programs and upgrading existing ones.

d. Trains adjunct resource people to help conduct Social Actions programs.

e. Advises the commander and staff agencies on management of the Affirmative Action Plan (see AFR 35-29).

★f. Provides unit staff assistance visits.

g. Interfaces with Family Support Centers (FSC) to serve military members and their families. (Reference AFR 30-7).

h. Serves as a member of the Family Action Information Board (FAIB). The FAIB acts as an advisory body to the commander and provides recommendations on and assists in the enhancement and development of programs and services for Air Force members and families.

i. Conducts education courses as prescribed in table 2-1.

★2-3. **Supplementary Personnel.** The commander is encouraged to use additional personnel to assist in the Social Actions program on a temporary duty (TDY) basis. Volunteers may be accepted from active duty military, civilian, retired, or dependent personnel, provided they receive proper, effective training endorsed by the Chief of Social Actions. Their use and supervision must be approved by the Chief of Social Actions and concurred with by the responsible commander.

★2-4. **Selecting Social Actions Personnel.** Standards for entering the Social Actions career field are in AFRs 36-1 and 39-1. Personnel must be interviewed by the Social Actions Chief and acceptable to the local commander. TDY or part-time work arrangements for retraining applicants are encouraged before commander acceptance. Request for waiver of minimum grade and other requirements must be fully justified and sent through the appropriate personnel channels to AFMPC/DPMYS, Randolph AFB TX 78150-6001. The Social Actions AFSC is awarded upon completion of required formal training courses. Individuals performing 736XB/734X0B duties will be required to become certified and periodically recertified according to criteria and procedures established by HQ AFMPC/DPMYS. Those not certified after completing the required work experience and those not remaining either certified or recertified will not perform substance abuse counseling duties.

★2-5. **Retraining Social Actions Personnel.** Social Actions is a career broadening assignment for most officers and a career field for enlisted personnel. Requests for retraining from Social Actions are processed according to AFRs 35-16 and 39-4.

2-6. **Social Actions Office Facilities.** Facilities for Social Actions should include areas for private consultations, classroom for education and training, and space for normal office operations. The Social Actions office should be centrally located in one building and accessible to base personnel. Guidance for developing an office environment conducive to Social Actions activities is in AFM 86-2.

TABLE 2-1				
SOCIAL ACTIONS EDUCATION REQUIREMENTS				
*R U L E	A	B	C	D
	If the individual is (see note 1)	then the curriculum package used is (see notes 2, 3 and 4).	and the training required is	and the required length of training for HR and SA is
1	a military member entering the Air Force	AFOOC Lesson Plan	during initial military training/attendance	(see notes 4 and 5).
2		AFROTC Lesson Plan (ATC)		
3		BMTS Education Lesson Plan		
4		HPOIC Lesson Plan		
5		OTS Lesson Plan		
6		USAFA Education Lesson Plan		
*7	a military member or DOD civilian employee at first Air Force duty station	First Duty Station Orientation (see note 6)	within 30 days of arrival (see note 7)	HR: 5 hours and SA: 2 hours.
8	a military member or DOD civilian employee upon permanent change of station (except those covered by rule 9)	Unit Orientation Briefing (see note 8)	within 30 days of arrival	determined by the unit commander
9	a military member or DOD civilian employee at an overseas duty station as a second or subsequent duty assignment (see note 9)	Overseas Orientation Briefing	within 30 days of arrival	1 1/2 hours (see note 10).
10	a commander/senior enlisted advisor/first sergeant/key senior personnel	Key Personnel Briefing (see note 11)	within 30 days of arrival or appointment to position	1 hour.
*11	an NCO Preparatory Course student	Lesson Plan elements from NCO PME curriculum (AFR 50-39)	during course attendance	HR: 2 hours SA: 2 hours (see note 12).
*12	an NCO Leadership School student	Lesson Plan elements from NCO PME curriculum (AFR 50-39)	during course attendance	HR: 2 hours SA: 2 hours (see note 12).
*13	a Major Command NCO Academy student	Lesson Plan elements from NCO PME curriculum AFR 50-39)	during course attendance	HR: 2 hours SA: 2 hours (see note 12)
14	an Air University student attending PME courses: —Senior NCO Academy (SNCOA) —Squadron Officers School (SOS) —Air Command and Staff College (ACSC) —Air War College (AWC)	Lesson plan elements in basic course curricula	during PME attendance	(see note 4).
*15	a military member involved in a substance abuse related incident and DOD personnel whose installation driving privileges have been suspended for one year or more (see note 13).	Track-2 Awareness Education	ideally within 30 days of being entered into SART	6 hours (see note 10).

NOTES:

- *1. DOD spouses and dependents are encouraged to attend Social Actions education courses. Civilian employees are defined as permanent employees who are U.S. citizens being paid from appropriated or nonappropriated funds.
- *2. The Chief, Social Actions will evaluate in writing base level Social Actions education programs at least annually.
- *3. Lesson plans used by Social Actions instructors will be approved by the Chief, Social Actions.
- *4. Lesson plans, objectives, and length of training must comply with the guidelines established by DOD directives and instructions and the Air Force Social Actions standardized curricula.
- *5. ROTC education is conducted during summer encampment by the base Social Action office. Three and two hours devoted to HR and SA respectively.
- *6. Classes should be conducted in groups of approximately

twenty-five individuals.

- *7. Members should receive education, if possible, prior to arriving at GSUs.
- *8. Resource material and suggested outlines will be provided by Social Actions, if requested.
- *9. As directed by Major Command policy. If required, incorporates HR, SA, and intercultural relations education as part of the installation's local orientation program. If not directed, Rule 8 applies.
- *10. Course length varies with local requirements and emphasis.
- *11. Squadron section commanders may receive informal briefings by request.
- *12. Course is taught by Social Actions personnel or qualified members of the PME staff.
- *13. Other interested individuals may attend on a space available basis.

PART THREE
EQUAL OPPORTUNITY AND TREATMENT (EOT)/HUMAN RELATIONS
EDUCATION (HRE) PROGRAM

Chapter 6

GENERAL INFORMATION AND RESPONSIBILITIES

Section A—General Information

6-1. Basic Concept. The Air Force EOT/HRE program is designed to ensure equal opportunity in support of mission readiness for all Air Force military personnel.

6-2. Background Information. Two elements essential to maintaining the highest degree of mission readiness are the development and use of our people in the most effective manner possible and the presence of harmonious relations among them. When there are shortcomings in either of these areas, our ability to complete the mission efficiently is diminished. The purpose of the EOT/HRE program is to support mission readiness by ensuring individuals are provided an equal opportunity to fully use their abilities and talents toward mission accomplishment and enhance morale through the fair and just treatment of personnel. Among the mission-degrading factors the EOT/HRE program strives to eliminate is arbitrary discrimination based on age, color, national origin, race, ethnic group, religion, or sex. The EOT/HRE program endeavors to ensure harmonious relations among Air Force people by promoting open communication, cross-cultural awareness, understanding, and respect. To reach this goal, the EOT/HRE program works to identify human relations factors within the organizational and social climate that detract from harmonious relations, and helps commanders prevent, eliminate, or neutralize those factors.

6-3. Air Force Policy:

a. It is Air Force policy to conduct its affairs free from arbitrary discrimination, according to United States laws, and to provide equal opportunity and treatment for all members irrespective of their age, color, national origin, race, ethnic group, religion, or sex. Arbitrary discrimination by act or by inference against military personnel or their family members, on or off base, will not be tolerated. Commanders must take the appropriate administrative or judicial action to eliminate or neutralize discrimination and its effects. If discrimination is suspected but cannot be prov-

en, commanders must correct any management deficiencies surfaced through examination of the circumstances. Rating and reviewing officials must rate and comment on how individuals support or fail to support this policy.

b. Military personnel and their family members must not be arbitrarily denied access to on or off base facilities in the United States or overseas. Organizations that arbitrarily deny personnel access may not use military facilities or resources. This policy applies to organizations that discriminate through their bylaws, rules, regulations, and constitutions. This also applies to those organizations which, in the judgment of the commander, are engaging in de facto discrimination.

c. The Department of Defense (DOD) Education and Training in Human/Race Relations is conducted on a continuing basis for all personnel, including members of the National Guard and Reserve components. Human Relations Education promotes an understanding that human relations has a direct impact on mission accomplishment. All active duty military personnel and civilian employees, including full-time civilians paid from nonappropriated funds, receive HRE training at the proper career points. Instructions implementing Air Force HRE programs are in figure 6-6.

6-4. Terms Explained:

a. **Appointing Authority.** The commander (normally the base commander) who assigns a person to conduct an inquiry or investigation.

b. **Arbitrary Discrimination.** Any action that unlawfully or unjustly results in unequal treatment of persons or groups based on age, color, national origin, race, ethnic group, religion, or sex and for which distinctions are not supported by legal or rational considerations:

(1) **Disparaging Terms.** Terms used to degrade or infer negative statements pertaining to age, color, national origin, race, ethnic group, religion, or sex. Such terms include insults, printed material, visual material, signs, symbols, posters, or insignia. The use of such terms constitutes arbitrary discrimination.

(2) **Personal Discrimination.** The action tak-

en by an individual to deprive a person or group of a right because of age, color, national origin, race, ethnic group, religion or sex. Such discrimination can occur overtly, covertly, intentionally, or unintentionally.

(3) **Sexual Harassment.** A subcategory of sex discrimination. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person.

(c) Such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

(4) **Institutional (Systemic) Discrimination.** The action by an institution (or system), through its policies and procedures, that deprives a person or group of a right because of age, color, national origin, race, ethnic group, religion, or sex. Such discrimination can occur overtly, covertly, intentionally, or unintentionally.

c. **Climate Assessment.** Actions taken to evaluate the human relations climate semiannually on an installation according to procedures in AFP 30-13, AF Form 280, Human Relations Climate Assessment, will be used in conjunction with the guide. The form must be used to assess an installation's human relation climate by using quantitative and qualitative factors.

d. **Complaint Evaluation.** A commander's evaluation as to whether or not an inquiry investigation is required based on the complaint clarification (see figure 6-2).

e. **Complaint or Incident Clarification.** A process that includes those actions performed by the EOT staff for the appropriate commander to assess whether or not a reasonable probability exists that discrimination has occurred (see figure 6-2). For anonymous complaints (allegations made through unofficial channels), there should be enough details to make an initial assessment and classify the allegation as having potential impact on the human relations climate at any level. The complaint or incident clarification:

(1) Determines whether or not a reasonable probability exists that Air Force EOT policy has been violated.

(2) Gathers enough information for a commander to determine whether or not an inquiry or

investigation is appropriate. During the clarification process, the EOT staff will speak to the known witnesses to include the alleged discriminator.

(3) Involves interviewing participants or contacting other agencies. The complaint or incident clarification should be documented according to figure 6-2; the incident details must be documented on the Social Actions Complaint/Assistance Summary (see figure 6-4).

f. **Discrimination Complaint.** An allegation made through official channels (documented on an EOT Complaint Summary (see figure 6-1), or IG or High Level Inquiry Action) that an act or circumstance of arbitrary discrimination has occurred or exists.

g. **Equal Opportunity and Treatment.** The conditions under which the participation, treatment, and potential for success of Air Force members in all facets of Air Force life are governed only by individual merit, achievement, and ability.

h. **Human Relations Climate.** The prevailing perceptions of individuals concerning interpersonal relationships within their working, living, and social environment.

i. **Human Relations Incidents.** An overt, damaging act, directed toward an individual, a group, or an institution which is motivated by or has overtones based on age, color, national origin, race, ethnic group, religion or sex. When reporting this type of incident, the subject line of the message will indicate which one of these areas is the primary cause (list only one primary cause):

(1) Incidents motivated by age, color, national origin, race, ethnic group, religion or sex. An incident in which the age, color, national origin, race, ethnic group, religion or sex of those involved is perceived to have been a primary factor in its occurrence.

(2) Incident with overtones based on age, color, national origin, race, ethnic group, religion or sex. An incident in which the age, color, national origin, race, ethnic group, religion or sex of those involved is perceived to have been a contributing factor in the occurrence or severity of the incident.

(3) Categories of Incidents:

(a) A **MINOR** incident involves any one of the following: less than 10 active participants, simple assault, minor physical injury requiring no hospitalization or less than 2 complete days medical confinement, or property damage of less than \$300.

(b) A **SERIOUS** incident involves any one of the following: 10 to 20 active participants, ag-

gravated assault, physical injury requiring medical confinement of 2 to 5 complete days, or property damage of \$300 to \$1,000.

(c) A MAJOR incident involves any one of the following: more than 20 active participants, death, arson, physical injury requiring extended medical confinement, property damage in excess of \$1,000, or large group presentation of demands or defiance of authority.

NOTE: Incidents that do not meet the specific criteria listed, but could affect the local human relations climate or could result in adverse media coverage, should also be reported.

j. **Inquiry.** The process of determining the facts of a matter by checking records, reviewing applicable directives, examining material evidence, and interviewing persons who may have direct knowledge of the facts. This process is generally adequate when the subject is not complex or of a serious consequence, and the matter can be properly resolved through normal staff action. EOT-related inquiries are conducted under the authority of this regulation and are carried out according to the procedures in AFR 120-4.

k. **Investigation.** The process of determining the facts of a serious or complex matter. EOT-related investigations are conducted under the authority of this regulation and carried out according to the procedures in AFR 120-4.

l. **Legal Coordination.** Preliminary coordination of the complaint/incident clarification report conducted by the base legal office is aimed at assisting the commander in deciding if further investigation is needed and if so, what type investigation is appropriate. Since the clarification report is not a completed investigation, and specific conclusions and findings have not been developed, a formal legal review is not appropriate. If on rare occasions findings during a complaint clarification confirm discrimination has occurred and the need for inquiry/investigation is nullified, then formal legal review is required.

m. **Other Complaint/Assistance.** Procedure used to capture data of personnel assisted by Social Actions. It also ensures accountability of time spent by Social Actions personnel for complaints and assistance.

n. **Unit Staff Assistance Visit.** Actions taken to review conditions within a unit or organization according to procedures in AFR 30-41. Visits should be conducted on a regularly scheduled basis (at least every 24 months). MAJCOM DPZ and MPZ may grant exceptions to this requirement on a case-by-case basis.

(1) Disposition of the information compiled

as a result of unit staff assistance visits and climate assessments is determined by the commander, director, or agency chief of the unit or organization. Information requested by an individual pertaining to staff assistance programs is usually not released (see AFR 12-30). This process is designed to reinforce the helpful orientation of the unit staff assistance program.

(2) Central Civilian Personnel Offices are responsible for surveying civilian members, having procedures to evaluate programs, and providing information to commanders. Civilian members will not be included in Social Actions surveys and interviews. In situations that may require assessment of civilian members, procedures in AFR 40-5 should be followed. Access to survey results may be obtained by consulting with the base civilian personnel officer.

Section B—Responsibilities Assigned

6-5. **Department of the Air Force.** The Air Force is responsible for developing EOT/HRE policies and programs.

a. The Deputy Chief of Staff, Personnel (HQ USAF/DP) is the overall manager for the EOT/HRE Program.

b. Directorate, Personnel Programs (HQ USAF/DPP) is the OPR for Air Force support to the Defense Equal Opportunity Management Institute (DEOMI) which is a DOD field activity at Patrick AFB, Florida.

(1) The Air Force programs and funds all operational expenses of DEOMI, except for the pay, allowances, and travel costs of military and civilian members of other DOD components.

(2) Air Force Systems Command provides administrative, logistical, and other appropriate support for Air Force military and civilian DEOMI staff members.

(3) Air Training Command (ATC) budgets and finances the travel and per diem costs of Air Force students who attend DEOMI.

c. The Human Resources Development Division (HQ USAF/DPPH) is the OPR for the EOT/HRE program. HQ USAF/DPPH is the principal Air Staff agency for EOT/HRE matters and coordinates and monitors the actions of other Air Staff agencies involved in the program. Specifically, the EOT/HRE Branch (HQ USAF/DPPHE):

(1) Formulates EOT/HRE policies and programs to promote mission readiness by maximizing personnel development and utilization, eliminating discrimination, and fostering harmonious

relations.

(2) Develops and maintains Air Force equal opportunity directives.

(3) Approves the Air Force Equal Opportunity Affirmative Actions Plan (AAP).

(4) Ensures the EOT/HRE program is evaluated. Reviews inspection reports and other evaluations and takes the proper action.

(5) Maintains contact with other Air Force, DOD, and civilian agencies that have collateral human relations and equal opportunity responsibilities and interests.

(6) Reviews HQ USAF/IG inspection reports when policy questions are concerned, along with corrective actions taken by MAJCOM and base EOT/HRE activities.

(7) Convenes and attends conferences and other professional forums that address EOT/HRE issues and determines Air Force representation at events of this nature which are convened by other military or civilian organizations.

(8) Plans future program development and initiates appropriate research and evaluation.

(9) Reviews and approves all nomination packages for Air Force members assigned to DEOMI.

(10) Approves grade waivers (below the grade of E-5) for retraining applicants.

(11) Approves films and commercially produced printed material for use in HRE after AFMPC/DPMYS has screened and recommended this material.

(12) Coordinates and serves as the focal point of all requests of Air Force members for participation at DEOMI.

(13) Approves Air Force guides, pamphlets, brochures on EOT/HRE and all MAJCOM supplements to chapter 6.

(14) Serves as focal point for manpower and personnel issues.

d. AFMPC/DPMYS is responsible for EOT and HRE program operations and analysis. AFMPC/DPMYS also monitors HQ USAF personnel programs for equal opportunity compliance. Specifically, AFMPC:

(1) Manages and develops the Annual Assessment Report.

(2) Manages, develops and maintains the USAF Affirmative Actions Plan (AFR 35-29).

(3) Prepares EOT and personnel equity trend studies and statistical analyses.

(4) Maintains liaison with the Army and Air Force Exchange Service (AAFES).

(5) Reviews inspection reports and other evaluations, along with the corrective actions, and

assists as necessary.

(6) Attends conferences and other professional forums.

(7) Serves as focal point in the following areas as they relate to EOT/HRE program operations:

(a) Unit staff assistance visits and climate assessment program.

(b) Career field management and professional development.

(c) HQ USAF exhibits at professional conferences and forums.

(8) Prepares books for General Officer education on blacks, women, Hispanics and other subjects annually.

(9) Develops, reviews, and updates all HRE materials for approval by HQ USAF/DPPHE. The update process will include (Step 1) an analysis of the responsibilities of the graduates of each school or course. An evaluation is conducted (Step 2) of the current course materials using inputs from students, instructors, commanders and other key personnel. Based on those and other appropriate data, a new course design is developed (Step 3) when needed. When possible, the new materials are tested (Step 4) to validate their effectiveness. Finally the new materials are implemented (Step 5), to include instructor training if required. This five-step process is ongoing, and runs approximately 2 years (may vary slightly depending on school or course). This review includes the screening of visual aids, video tapes and films, and locally purchased printed material for use in the HRE courses.

6-6. **Major Commands (MAJCOM).** MAJCOM commanders manage the Command EOT/HRE program. The MAJCOM Assistant for Social Actions Directorate or Division is the focal point for EOT/HRE matters. Specifically, it:

a. Provides staff assistance and guidance to bases.

b. Manages the AAP and reports status to the commander at least annually. Supplements the plan to meet unique needs.

c. Develops Command EOT/HRE policies and procedures, determines program evaluation methods, and provides feedback.

d. Crossfeeds EOT/HRE information.

e. Monitors and evaluates base-level programs to ensure curricula guidelines are followed and instruction is of high quality.

f. Provides assistance to geographically separated units (GSU) as outlined in chapter 7.

g. Convenes and takes part in conferences and

other professional forums.

6-7. Base Commanders. The base commander is responsible for ensuring Air Force EOT policy is carried out and enforced, and for fostering a healthy human relations climate. The commander also:

a. Acts to repeal any regulation or change any practice that does not support the policy outlined in paragraph 6-3.

b. Ensures assigned personnel are advised of Air Force, MAJCOM, and local EOT policies (including EOT complaint processing procedures and policy regarding sexual harassment) during their newcomers' orientation briefing.

c. Helps community officials and other leaders eliminate discriminatory treatment of military personnel and their families in the local community. When efforts to counter arbitrary discrimination are not successful, commanders must impose off-limits sanctions, using the procedures in AFR 125-11, or in the case of housing discrimination, impose restrictive sanctions according to AFR 90-10. Efforts to combat discrimination must continue despite pending results of suits initiated under the Civil Rights Act of 1964, Title II, III, and IV, as amended (Title 42, U.S.C. Chapters 20 and 21 et. seq.). Commanders may also:

(1) Use the Armed Forces Disciplinary Control Board procedures found in AFR 125-11 to discuss discrimination issues and to recommend solutions.

(2) Meet with representatives of local organizations to seek cooperation in preventing discrimination.

(3) Establish liaison with other local military units and federal agencies to address discriminatory practices in the local community.

(4) Coordinate with and encourage local law enforcement agencies to handle incidents uniformly and effectively.

d. Ensures military personnel and their family members who are illegally discriminated against off base are provided legal assistance as authorized by AFR 110-22. If an appearance in court or other legal action beyond the authority of the legal assistance program is required, the commander must report the matter to The Judge Advocate General, HQ USAF, for possible referral to the Department of Justice. Military personnel in the United States who request the Attorney General to initiate suit on their behalf according to applicable Civil Rights Laws may send their request through either military or civilian channels. Requests for suit through military channels must be processed

according to figure 6-8.

e. Directs the assessment of the human relations climate of the base and its assigned units through a variety of methods including social actions staff assistance visits and climate assessment procedures at least twice a year.

f. Ensures staff coordination on equal opportunity and treatment matters. This includes coordinating with the EOT staff on EOT matters received through Inspector General (IG) and Congressional channels. EOT-related IG reports, or their summaries or actions taken should be made available to the EOT Staff.

g. Appoints officers, as necessary, to inquire into or investigate discrimination complaints or incidents. Directs inquiry and investigation officers to use EOT staff members to act as consultants or technical advisors to appointees before, during, and after the inquiry or investigation process. Concurs or nonconcurs with the report of inquiry or investigation.

h. Directs all commanders and supervisors to ensure the purpose and intent of this regulation and DOD policy on EOT and HRE are carried out.

i. Ensures HRE instruction follows Air Force-approved curricula guidelines.

j. Ensures personnel attend HRE as required.

k. Implements the USAF Affirmative Actions Plan and supplements, as necessary, to meet local needs.

6-8. Unit Commanders:

a. Ensure members of their organization:

(1) Are able to present complaints without fear of retaliation.

(2) Are encouraged to discuss problems and complaints with their immediate supervisors and others in the chain of command, including the unit commander, before seeking alternative channels.

(3) Know the various channels and procedures for filing complaints or otherwise seeking outside assistance.

(4) Know that arbitrary discrimination is illegal, will not be tolerated, and will be met with administrative or judicial action.

b. When a complaint is filed against an individual, advise the individual on the nature and details of the complaint.

c. Act at once to determine if an allegation of discrimination is valid (calling on the EOT/HRE staff for assistance). Though EOT/HRE staff assistance may not be required, the staff must be notified of all allegations of discrimination addressed by the commander.

d. When discrimination is confirmed:

(1) End the discrimination.

(2) Take appropriate administrative or judicial action against the offender. Provide EOT/HRE personnel with a summary of actions taken no later than 30 days after discrimination is confirmed.

(3) Assist, as much as possible, in providing a remedy for the effects of discrimination (for example, securing a denied position, or one comparable; removing or correcting a performance report, etc).

e. When discrimination is alleged but is not confirmed, address any management deficiencies uncovered through examination of the circumstances and take the appropriate corrective action.

f. Ensure cooperation with unit staff assistance visits according to paragraph 6-4n.

6-9. Equal Opportunity and Treatment (EOT)/Human Relations Education (HRE) Staff:

a. The EOT/HRE staff, through the Chief of Social Actions, manages the EOT/HRE program for the commander. The staff also advises unit commanders on equal opportunity matters, and helps them anticipate, prevent, and eliminate or neutralize those equal opportunity factors that detract from mission readiness. Among the methods the staff uses to perform these functions are unit staff assistance visits, interviews, observations, surveys, and climate assessments.

b. The EOT/HRE staff must also:

(1) Process complaints according to the instructions in figures 6-1 through 6-5 and table 6-1. Perform complaint clarification.

(2) Apprise commanders of discriminatory circumstances when no complaint has been submitted.

(3) Serve as focal point for the Air Force AAP.

(4) Maintain close liaison with the Base Advisory Council and special interest groups (for example, racial, ethnic, women, religious, cultural, etc).

(5) Maintain close liaison with on and off-base agencies involved in equal opportunity issues. Included among these agencies are the Equal Employment Opportunity Office and Housing Referral Office. At installations not serviced by a Housing Referral Office, the EOT/HRE staff may be tasked to process off base housing complaints.

(a) In continental United States (CONUS) areas serve as a special advisor to the Commissary Advisory Council at the request of the Commis-

sary Council chairperson.

(b) Non-CONUS areas serves as an advisor to the Commissary Advisory Council.

(6) Be familiar with on and off-base business and entertainment establishments frequented by military personnel and their family members. The staff must also establish contacts to help assess the on and off-base human relations climates.

(7) Use the Air Force Commanders and Key Personnel Curricula Guide and assist the Chief of Social Actions in briefing incoming unit commanders and first sergeants on local EOT policies and procedures and the base and unit equal opportunity climates.

(8) Gather and evaluate data from the SP, IG, JA, CBPO and other agencies to assist in trend analysis.

(9) Maintain procedures for responding to EOT incidents.

(10) Complete required reports (see paragraph 6-10).

(11) Support GSUs according to chapter 7.

(12) Conduct human relations education courses as specified in table 2-1 using personalized and localized Air Force-approved curricula. Instructors must have personalized lesson plans approved by the Chief of Social Actions who briefs the base commander on curricula before implementing them.

(13) Conduct complaint and incident clarifications and report results in the format in figure 6-2.

(14) Act as technical advisor to an Investigation or Inquiry Officer, which includes coordinating EOT inquiries/investigations reports.

(15) Provide the base commander a written assessment of the on and off base human relations climate according to the Air Force Human Relations Climate Assessment Guide twice a year.

(16) Conduct unit staff assistance visits according to paragraph 6-4n.

(17) Followup on all allegations of discrimination recorded on AF Form 1271 (see figure 6-5).

6-10. Reporting Requirements:

a. Incidents based on age, color, national origin, race, ethnic group, religion or sex must be reported when they occur on an Air Force installation or when any of the people involved are Air Force military personnel. Incidents are categorized as either minor, serious or major as defined in paragraph 6-4i. Major incidents must be reported by OPREP-3 (Operation Event/Incident, HAF XOO(AR)7118(DD) Reports Procedures

(JCS Pub 6, volume 5, part II, chapter 3)). Minor or serious incidents must be reported to the office of the MAJCOM Assistant for Social Actions through message channels. Incidents not covered in paragraph 6-4i should be reported directly to the office of the MAJCOM Assistant for Social Actions if, in the judgment of the commander, they affect the EOT climate of the installation, or if they have EOT ramifications and adverse media coverage is anticipated. Follow-up messages will be sent every 30 days until final action is taken. Each message will list one primary cause (age, color, national origin, race, ethnic group, religion or sex) in the subject line.

NOTE: When an exact determination cannot be made immediately, report those instances as possible incidents. Except for instances that involve physical injury, arson or death, some latitude is allowed in the classification of the level of an incident. The commander's judgment regarding the overall significance of the incident influences the classification and reporting. Each incident that occurs during a reporting period must be recorded on AF Form 3018, Equal Opportunity/Human Relations Education Summary.

b. Equal Opportunity/Human Relations Education Summary (RCS: HAF-DPP(SA)7204). Each base must complete an AF Form 3018 as specified in figure 6-7. The report must close out 31 March and 30 September and be sent to the MAJCOM Assistant for Social Actions. The MAJCOM must send a consolidated AF Form 3018 and a copy of each installation's report to AFMPC/DPMYS. These reports must arrive at AFMPC/DPMYS before the end of the month following the reporting period. MAJCOMs must provide the following additional information:

(1) An assessment of the command human relations climate.

(2) A summary or critique of the Command EOT/HRE program. Include a description of innovations, achievements, and a discussion of problems, solutions, and lessons learned. Indicate if Air Staff assistance is needed.

(3) A synopsis of MAJCOM policy guidance issued during the previous 6 months.

(4) Recommendations for improving the overall Air Force EOT/HRE program.

c. AF Form 1542, Equal Opportunity Affirmative Action Plan (AAP) Report. AF Form 1542 must be prepared and submitted according to in-

structions in AFR 35-29.

6-11. Human Relations Instruction:

a. Human relations instruction commensurate with the responsibility, rank, and experience of students must be presented in the following schools: NCO Preparatory Course, NCO Leadership Schools, NCO Academies, Senior NCO Academy; Squadron Officer School; Air Command and Staff College; Air War College; Basic Military Training School; Officer Training School; Reserve Officer Training Corps; United States Air Force Academy; Chaplain Basic Course; Judge Advocate Basic Course; and all medical officer accession programs.

(1) HRE portions of above courses must include HRE objectives supplied by HQ USAF/DPPHE. HRE should be an underlying element of other course areas to the greatest extent possible.

(2) HRE portions of Professional Military Education (NCO Preparatory Course and NCO Leadership Schools) are conducted by EOT/HRE qualified personnel or DEOMI-trained personnel whether assigned to the school staff or local Social Actions office. Only when unresolvable scheduling or staffing problems exist will Leadership and Management Instructors (LMI) who are not DEOMI-trained or other instructors conduct HRE portions. Once schedules are established between Social Actions and PME schools they take precedence over other activities and must be followed. Instructors who teach in those courses become a part of the staff and should conduct themselves according to the guidelines of that school.

(3) Completion of these schools does not meet the requirement to attend required base-level courses outlined in table 2-1.

b. At the invitation of commanders, directors, or agency chiefs, EOT/HRE personnel are encouraged to provide special seminars or workshops tailored to meet unit human relations needs. Seminars or workshops must be conducted within the scope and limitations outlined in chapter 1.

c. All EOT/HRE staff members should teach all HRE courses. NCOs who have completed the next higher level of PME have priority for teaching in NCO PME courses. Students must critique the instruction. Office lesson plans are not appropriate; each instructor should have a personalized lesson plan for each course.

PURPOSE: AF Form 1587 is used to document all complaints of discrimination lodged with the Equal Opportunity and Treatment Office, including those referred to other agencies. It is designed to capture data essential for sound program management and to facilitate measuring program efficiency. All other concerns and issues should be documented on an AF Form 1271, Social Actions Complaints/Assistance.

INSTRUCTIONS: Those blocks not discussed are considered self-explanatory.

a. **Case/Referral Number.** Assign numbers as follows:

(1) EOT Case (E) or Referral (R)—

(a) Code cases "E" when they involve alleged discrimination based on race, color, ethnic group, religion, national origin, age, sex, or sexual harassment and the complaint is referred only by Social Actions.

(b) Code cases "R" when they involve alleged discrimination based on race, color, ethnic group, religion, national origin, age, sex, or sexual harassment and the complaint is referred to another agency.

(2) Last digit of calendar year; for example, 1983 = 3.

(3) Numerical case numbers are assigned consecutively, such as, E-001, R-002, E-003, R-004.

(4) Month of complaint or referral; for example, Jan-01, Dec-12.

(5) Examples: E4-001-01 means:

E	4	001	01
Type of	year	numerical	month
Complaint	case	number	

b. **Blocks 1-6, 9, 10, 16, 18, 26, 28.** Self-explanatory.

c. **Blocks 7 and 8—Race and Ethnic Group.** Indicate complainants race and ethnic group as:

(1) Race/Color:

White
Black
Other (Specify)

(2) Ethnic Group/National Origin:

Chinese	Mexican American
Japanese	Spanish Descent
Korean	Puerto Rican
Filipino	Cuban Descent
Asian American	None
Eskimo	Other (Specify)
Aleut	Unknown

d. **Block 11—Nature of Complaint.** Indicate the nature of the alleged discrimination complaint using the following (choose one primary area only):

race/ethnic/sexist/religious slur
job performance rating
Air Force policy
personal discrimination
sexual harassment
other (specify in remarks section)

e. **Block 12—Complaint Area.** Indicate the complaint area using the following:

commander
supervisor
Air Force policy
facility on base
facility off base
individual/coworker
other (specify in remarks section)

f. **Block 13—Type of Discrimination Alleged.** This must be completed by the interviewer. All EOT complaints must have at least one section in this block marked. If complaint consists of color or national origin place in race or ethnic groupings.

g. **Block 14—Alleged Offender's Demographics.** This must be completed by the interviewer. In some instances the information will not be available such as anonymous complaints, complaints about policy, etc. In those cases, mark the block N/A.

(1) Grade: E (Enlisted Grade), O (Officer Grade), Civ, Dep, etc.

(2) Race: white W
black B
other O (Specify)

(3) Ethnic Group: see Item C (instructions for Block 8)

(4) Duty AFSC: First two digits only

h. **Block 15—Nature of Complaint.** This block should be completed by the complainant or EOT/HRE personnel (if an anonymous complaint all information must state the specifics, for example who, how, when, where, why, etc. of the complaint). For all EOT complaints there must be specific mention that the complaint is based on alleged discrimination. For anonymous complaints include how (letter or telephone call) Social Actions was notified of the situation.

NOTE: Confidential sources are not acceptable.

i. **Block 17—Signature of Complainant.** For anonymous complaints, enter "none." Social Ac-

Figure 6-1. Instructions for Completing AF Form 1587, EOT Complaint Summary.

tions personnel should not enter their own names unless they are the complainant.

j. Block 19—EOT Personnel Summary of Interview. Include whether the individual was briefed on complaint processing procedures; any additional information pertaining to the nature of the complaint; and whether the commander or supervisor was aware of this concern. For anonymous complaints provide a detailed statement of the rationale for accepting the complaint. Why did the EOT staff think the complaint was important enough to officially accept it? What are the implications of the allegations? If true, how would the human relations climate be affected? Remember, an EOT complaint clarification should undergo legal coordination and could serve as the basis for a subsequent inquiry or investigation. The rationale of the EOT staff should be explicitly stated.

k. Block 20—Actions Taken. This section should be used to document the chronology of all events involved in processing the complaint. Each entry should be preceded by the appropriate date of entry.

l. Block 21—Legal Coordination. Short summation of legal finding, for example, recommend investigation and inquiry, etc.

m. Block 22—Date. Place in this block the date the legal coordination is completed.

n. Block 23—Reviewed by. This section should be signed by the base legal office.

o. Block 24—Review or Comments of Chief, Social Actions. The Chief of Social Actions (or acting Chief in the Chief's absence) should review

Figure 6-1. Continued.

all aspects of each EOT or Referral complaint, and document the review.

p. Block 25—Discrimination Confirmed. For all "E" cases the appropriate commander or individual directing the inquiry or investigation makes this determination. For all "R" cases the head of agency that the complaint was forwarded to will make the determination.

q. Block 27—Satisfaction With Action Taken. Annotate whether or not the complainant was satisfied that the allegations were adequately addressed. This block should not be annotated to reflect whether the complainant was satisfied with the complaint process (or how well Social Actions handled the complaint).

r. Block 28—Date. The date the chief of Social Actions makes the final review. The date should come after the date in block 26.

s. Block 29—Signatures. Both the complainant and the Social Actions Chief (or acting Social Actions Chief in the Chief's absence) should sign here after the case has been finalized. If the complainant cannot or will not sign this block make appropriate comments in Block 20.

t. Block 30—Action Taken When Discrimination Confirmed. When discrimination is confirmed, at least one action should be checked.

u. Block 31—Follow-up Action. Document any follow-up action by Social Actions.

NOTE: All blocks must be filled in. If some blocks do not pertain to certain complaints annotate them with an N/A (not applicable).

EOT COMPLAINT SUMMARY								CASE NO. E4-003-08			
THIS FORM IS AFFECTED BY THE PRIVACY ACT OF 1974											
<small>AUTHORITY: 16 USC 803; EO 11478 and 11917. PRINCIPAL PURPOSE: 1. Collect data essential for making a determination regarding alleged acts of discrimination. 2. Track referrals for resolution purposes. 3. Establish and maintain a program to identify areas of deficiencies and provide a means of correcting them. ROUTINES USES: 1. Provide uniform reporting system to measure effectiveness of EOT program. 2. Demographic data will be used for statistical purposes only. 3. SSN, if furnished, will be used to facilitate search for records applicable to complaints. 4. All or a portion of the information contained on this form or obtained in subsequent investigations may be disclosed, upon request, to alleged discriminator and will be disclosed to DOD officials when necessary in the performance of their duties. DISCLOSURE IS VOLUNTARY: Refusal to divulge information could affect efforts to substantiate allegations of discrimination, identify specific deficiencies or effectively program specific actions in support of equal opportunity policies and directives. Disclosure of SSN is voluntary.</small>											
1. NAME (Last, First, MI) BROWN, KAREN M.	2. SSN 456706754	3. DUTY AFSC 4024	4. DUTY PHONE 698-4683	5. ORGANIZATION 1927th CMS	6. GRADE Lt	7. RACE White	8. ETHNIC GROUP None	9. SEX Female	10. SUPERVISOR'S NAME John Hall	11. GRADE Lt Col	12. PHONE NO. 698-6587
13. NATURE OF COMPLAINT Personal discrimination						14. COMPLAINT AREA supervisor					
15. TYPE OF DISCRIMINATION						16. ALLEGED OFFENDER'S DEMOGRAPHICS					
RACE		ETHNIC		SEX		RACE		SEX		ETHNIC	
RELIGION		AGE		X SEXUAL ORIENTATION		W		M		Spanish	
GRADE		AFSC		GRADE		AFSC		GRADE		AFSC	
				Lt Col		4016					
17. NATURE OF COMPLAINT (Be specific. Use additional sheets, if necessary.)											
<p>I feel I have been discriminated against by Lt Col Hall because of my sex for the following reasons: (1) On 15 May 1985 myself and Capt Collins weighed at the same time as part of the annual requirement. He was 15 pounds over the Air Force standard and I was 12 pounds over the standard. On 18 May 1985 Lt Col Hall placed me on the weight management program and required me to go to the dietician. Nothing was said to Capt Collins; (2) On 20 July 1985 Lt Col Hall asked all the males in the office to participate in the annual base golf tournament. He asked me to stay in the office along with the secretary to "hold down the fort"; (3) I am the only military person to whom Lt Col Hall refers to on a first name basis. All the men are addressed by rank; and (4) On 25 July 1985 Lt Col Hall discovered I was recently divorced and called me in for a conference. He told me I would have to be discrete now that I would probably be dating around. Jordan is also divorced and Lt Col Hall has never talked to him about his divorce. Coming to Social Actions is my last resort. I have talked to Lt Col Hall on three occasions about his double standards. I have also talked with Lt Col Smith, squadron commander, and he turned it back over to Lt Col Hall. I am tired of the harassment. These allegations include just a few of the things that happen in our unit. All I want is to be treated the same as my male counterparts. I don't feel this complaint will change Lt Col Hall's attitude toward women, but I would be satisfied with a change in behavior.</p>											
18. DATE 1 Aug 85		19. SIGNATURE OF COMPLAINANT <i>Karen Brown</i>				20. NAME OF INTERVIEWER Capt Marvin Short					
21. EOT PERSONNEL SUMMARY OF INTERVIEW											
<p>Lt Brown states she feels she is being discriminated against because of her sex. She also indicated sexual harassment is part of the problem. I explained to Lt Brown AF EOT Complaint processing procedures before she filed the complaint. She understood once she filed the complaint, it could not be withdrawn without the concurrence of the base commander. Lt Brown also indicated that others are aware of the situation and will support her allegations. She did not want to go back to see the squadron commander. She stated she had already complained to him but he didn't take the complaint seriously. At this point the commander is not aware that Lt Brown has filed this complaint.</p>											

Figure 6-1. Continued.

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20. ACTIONS TAKEN (Date and brief statement of action, if relevant, reference necessary.)			
2 August - 1927th OMS Squadron Commander was briefed concerning the complaint and advised he would conduct a complaint clarification. The Squadron Commander was aware of the problem.			
2 August - Began complaint clarification.			
4 August - Completed review of data and other relevant information.			
8 August - Completed interview of witnesses.			
12 August - Forwarded complaint clarification package to legal for coordination.			
15 August - Legal coordination completed. JA concurs with recommendation to initiate AFR 30-2 inquiry.			
16 August - Briefed complaint clarification results to Squadron Commander.			
17 August - The base commander initiated AFR 30-2 inquiry.			
17 August - Lt Brown advised on the status of her complaint.			
21. LEGAL COORDINATION			
Legal office reviewed information for legal sufficiency and concurred with recommendation to initiate inquiry.			
22. DATE	23. REVIEWED BY		
15 Aug 85	Capt Garcia		
24. REVIEW COMMENTS OF CHIEF, SL			
An AFR 30-2 inquiry was conducted by Major T.D. May from 18 August 1985 to 26 August 1985. Inquiry report and recommendations were provided to the base commander who concurred with the report findings and recommendations. The base commander directed the report be sent to the OMS Squadron Commander for action.			
25. DISCRIMINATION CONFIRMED		26. DATE COMPLAINANT ADVISED OF FINAL RESULTS	
X YES	NO	28 August 1985	
		27. SATISFACTION WITH ACTION TAKEN	
		X COMPLAINT SATISFIED	COMPLAINT NOT SATISFIED
28. DATE		29. SIGNATURES	
31 August 1985		COMPLAINANT	CHIEF, SL
		<i>Karen Brown</i>	<i>Joe Smith</i>
30. ACTION TAKEN WHEN DISCRIMINATION CONFIRMED			
VERBAL REPRISAND	WRITTEN REPRISAND	X ARTICLE 15	X REMOVAL FROM COMBATUS
			OTHER (Specify)
31. FOLLOWUP COMPLETION ACTION			
The base commander asked Lt Col Smith (OMS Commander) to make comments in Lt Col Hall's next CER.			
Letter sent to Lt Col Smith per the base commander's request.			
Lt Col Smith took action outlined in the report of inquiry (ref Lt Col Smith's letter 28 Aug 85).			

(Reverse of AF Form 1587, Jan 85)

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Figure 6-1. Continued.

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SL

Complaint or Incident Clarification Concerning _____

CC

1. A complaint or incident clarification was concluded on (Date) by (Name of person that conducted clarification), EOT/HRE (Officer or NCO), according to AFR 30-2.

2. The basis of this complaint or incident clarification was _____

3. The following individuals were interviewed:

-
-
-

4. The following information was gathered:

-
-

5. Discussion:

6. Recommendation: (State whether or not an AFR 30-2 inquiry or investigation conducted according to the procedures outlined in AFR 120-4 appears warranted, based on whether or not there is a reasonable probability of a violation of Air Force EOT policy.) Coordination with the Base Legal Office is required (see paragraph 6-41).

Signature Block of Individual Conducting
Complaint or Incident Clarification

Figure 6-2. Complaint or Incident Clarification Report Format.

1. The Equal Opportunity Officer/NCO at _____ AFB is assisting the commander in complying with Civil Rights laws and Department of Defense directives that apply by verifying that individual local facilities are, in fact, available to all military personnel and their dependents without regard to race, color, religion, national origin, ethnic group, sex, or age. Facilities that directly, indirectly, or arbitrarily refuse service to military personnel or their family members on such grounds may be declared "off-limits" to all military personnel.

2. We request your assistance in resolving a complaint against your facility. A copy of the complaint is attached. Your cooperation will ensure that our complaint resolution is based on full and complete information. Attached for your convenience is a voluntary agreement of fair treatment of military personnel and their family members and a self-addressed envelope. We request that you sign this agreement, indicate whether you will abide by the equal opportunity and treatment policy, and return it to this office. Space is also provided for your response to the complaint, or for you to list the reasons that prevent your compliance with the agreement. If you fail to return this statement, or if we do not receive written assurance that your facilities are available on a nondiscriminatory basis, "off-limits" action may be taken against your facility.

3. If you have any questions regarding the above please call _____ at _____. Thank you for your cooperation.

(Base Commander)

3 Attachments
1. Complaint, Extract
2. Fair Treatment Agreement
3. Self-Addressed Envelope

Figure 6-3. Sample Compliance Letter.

PURPOSE: AF Form 1271 is used primarily to document assistance rendered in situations where discrimination is not involved. However, if after coming to the Social Actions office individuals agree to talk to the commander or supervisor before filing a discrimination complaint, the form is used to document actions. Additionally, if the unit commander informs Social Actions of allegations of discrimination that are worked within the unit (by the commander), actions should be documented on AF Form 1271. The form is designed to capture data and ensure accountability.

NOTE: EOT/HRE personnel must fully document and follow up allegations of discrimination worked by the squadron commander. Follow up must be documented in block 11 of the AF Form 1271 and in block VI of AF Form 3018 (see figure 6-7). Both the complaints of alleged discrimination worked by Social Actions (AF Form 1587) and the allegations of discrimination worked by the squadron commander (AF Form 1271) are equally important and must be accounted for.

INSTRUCTIONS: Those blocks not discussed are considered self-explanatory:

a. **Blocks 1 and 2—Name.** Identify if appropriate. If unable to determine the name of the individual, indicate N/A or NAME WITHHELD.

Grade coding is E-1, O-2, CIV, Dep, etc..

b. **Block 3—Date.** Use the date of contact, not the date the forms is completed.

c. **Block 4—Time Spent.** This includes the initial contact time, plus any follow-up action time.

d. **Block 7—Race:**

- (1) White
- (2) Black
- (3) Other
- (4) not applicable

e. **Block 8—**Indicate by checkmark appropriate services rendered.

f. **Block 9—**Indicate by checkmark agency or person referring individual or concern to Social Actions.

g. **Block 10—Summary of Problem.** Document all events involved in the complaint/assistance. Each entry should be preceded by the appropriate date of entry.

h. **Block 11—Follow-up/Services Rendered.** Notation of all actions taken to include date of action. Allegations of discrimination worked by the squadron commander must be followed up and reported on AF Form 3018.

i. **Block 12—Type of Contact.** Check initial place or means of contact.

j. **Block 13—Referred To.** If referred to another individual or agency check appropriate block.

Figure 6-4. Instructions for Completing AF Form 1271, Social Actions Complaints/Assistance.

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SOCIAL ACTIONS COMPLAINTS/ASSISTANCE							
THIS FORM IS AFFECTED BY THE PRIVACY ACT OF 1974							
<small> 1. PURPOSES: (U.S.C. 3012, 3011(a) and 3017) PRINCIPAL PURPOSES: 1. Collect data necessary for the processing of personnel concerns. 2. Track assistance actions for statistical purposes. POLICY: 1. Provide a uniform tracking system to identify non-EOT related assistance. 2. Demographic data will be used for statistical purposes only. 3. All or a portion of the information contained on this form may be included in subsequent and related EOT, medical procedures. Information will be disclosed to DOD officials when necessary in the performance of their duties. DISCLOSURE IS FOR UNIT USE: Refusal to divulge information could affect efforts to effectively address concerns/complaints. </small>							
1. NAME	2. GRADE	3. DATE	4. TIME SPENT				
Jones, Jack	E-4	20 Nov 85	1hr15m				
5. UNIT	6. SEX	7. RACE					
2745th OWS	Male	White					
8. SERVICES RENDERED				9. REFERRED BY			
<input checked="" type="checkbox"/> INTERVIEWED	<input type="checkbox"/> REFERRED	<input checked="" type="checkbox"/> SELF	<input type="checkbox"/> SUPERVISOR				
<input type="checkbox"/> PHONE INQUIRY	<input type="checkbox"/> OTHER (Specify)	<input type="checkbox"/> UNIT COMMANDER	<input type="checkbox"/> OTHER (Specify)				
10. SUMMARY OF PROBLEM							
Sgt Jones wanted to contest an APR. Sgt Jones' complaint was not based on discrimination. I made an appointment for Sgt Jones to speak with APR section chief (CBPO), TSgt Hernandez.							
SAMPLE							
11. FOLLOW-UP/SERVICES RENDERED							
22 November -- Checked with Sgt Jones. He stated TSgt Hernandez had briefed him on filing a rebuttal to his APR. Sgt Jones is in the process of writing the rebuttal and no longer needed my assistance.							
12. TYPE OF CONTACT							
<input checked="" type="checkbox"/> OFFICE	<input type="checkbox"/> PHONE	<input type="checkbox"/> OFF BASE	<input type="checkbox"/> ON BASE	<input type="checkbox"/> OTHER (Specify)			
13. REFERRED TO							
10	UNIT/CC	DC	SP	OWS	SUPERVISOR	HC	
JA	ACF		1ST SERGEANT	SO	DC	OTHER (Specify)	
14a. INTERVIEWER				14b. INTEROFFICE COORDINATION			
John Jones							

AF FORM 1271
JAN 86

FOR OFFICIAL USE ONLY (When filled in)

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Figure 6-4. Continued.

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SL

Follow up on Social Actions Assistance

CC

1. On 5 April 1986, SSgt Smith of your squadron visited the EOT/HRE office concerning a problem that included allegations of discrimination. After discussing the situation and apprising SSgt Smith of his options for seeking resolution, SSgt Smith elected to pursue his concern through squadron channels in lieu of filing a formal complaint with our office. We have attached a copy of our interview with SSgt Smith (AF Form 1271).

2. Because allegations of discrimination are involved, AFR 30-2 requires that we follow up on the outcome of SSgt Smith's situation. The intent is to have a more complete accountability of alleged EOT violations not worked by Social Actions personnel. This also assists in our EOT climate assessments. Please provide a brief written response stating whether or not discrimination was confirmed, as well as any actions taken if discrimination was confirmed.

3. Please advise if you cannot provide your response by 2 May 1986. Thank you for your cooperation.

Chief of Social Actions Signature

1 Atch
AF Form 1271

Figure 6-4. Continued.

A. General Information:

1. Information in this guide is directive in nature and provides instructions for processing complaints. Complaints can be more effectively resolved with the complete knowledge and participation of unit commanders. Processing EOT complaints is a service performed for the commander; therefore, information gathered during the clarification process is for the commander's use. Good documentation throughout the complaint process, including the actions taken, increases the probability that all involved will carry out their responsibilities and be accountable for their actions.

2. This guide involves unit commanders early in the complaint process. The procedures give unit commanders a chance to review a complaint and take corrective action before the base commander becomes involved. Also, it permits the unit commander to respond to a problem whether or not discrimination is confirmed. Finally, it ensures that when and if a complaint is necessarily surfaced to the base commander, the unit commander has had a chance to make input. Consequently, the base commander can make a more accurate evaluation based on more complete information regarding the need for further action.

B. Complaint Procedures. The following actions are taken during complaint processing:

1. Step 1. Complainant Explains Problem:

a. Walk-ins are referred to a member of the EOT/HRE staff.

b. Interviews are conducted in a private place.

c. Every effort must be made to get a full explanation of the problem or complaint.

2. Step 2. Explain Complaint Processing Procedures:

a. Apprise the complainant of the option of using the chain of command before filing a formal complaint. If the individual chooses to use this option, document on AF Form 1271 and follow up in accordance with figure 6-4. If an individual elects to file a formal complaint, use AF Form 1587 to document all actions.

b. Explain the complaint processing procedures to the complainant in relation to their complaint. Once a complainant signs the AF Form 1587, the complaint and documents become a concern of the Air Force and can not be withdrawn without the approval of the base commander. The

Figure 6-5. Guide for Processing Complaints.

EOT staff must perform the complaint clarification.

c. If the unit commander does not concur with the EOT staff conducting the complaint clarification, consider one of the following:

(1) Recommend the unit commander meet with the EOT staff in an effort to resolve the issue of who should conduct the complaint clarification.

(2) Arrange a meeting with the Chief of Social Actions in an effort to resolve the issue of complaint clarification.

(3) Present both unit commander and EOT staff's positions to the base commander for resolution.

d. If the allegations do not pertain to discrimination, document on AF Form 1271.

Step 3. Explain How Complaint Processing Information Is Safeguarded. Explain that this information is gathered for the commander and therefore is for official use only. Official use encompasses those instances in which officials and employees of the Air Force have a demonstrated need for access to any record or information in the performance of their duties. However, no witnesses, including the complainant, may be offered any promise of confidentiality during a complaint clarification, formal inquiry, or investigation.

NOTE: Requests for disclosure of EOT complaint case files that do not cite or clearly imply the Freedom of Information Act (FOIA) are processed as a functional request as defined in AFR 12-30. Coordinate with the base JA on all functional requests. Requests made under the FOIA are processed according to AFR 12-30.

Step 4. Instructions for Completing EOT Complaint Form to Determine if Complaint Is Coded E or R (see figure 6-1).

Step 5. Code Complaint E or R. If coded R go to step 6. If coded E go to step 7.

Step 6. Referral Discrimination Complaint Explained. If the complaint is coded R (allegations of discrimination worked by another agency—EEO, BX):

a. Assign "R" case number to EOT Complaint Form, completing blocks 1 through 14 (see sample figure 6-1).

b. Review block 15 with the complainant to make sure that the complaint is accurately recorded and contains all necessary information.

c. Fully explain why the complainant must be referred to the agency with the capability to address the problem.

d. Confirm an appointment with the responsible individual and give the complainant the name, phone number, location, and time of appointment. Document actions in block 19.

e. The complainant is required to date (block 16) and sign (block 17).

f. Close the interview by advising the complainant to return the EOT/HRE office following final action by the referral agency to complete the form.

g. Complete blocks 20 and 24.

NOTE: Remarks should be included in block 20 if any information is provided.

h. Notify the complainant's commander of referral service provided and document in block 20. If complainant is civilian you should not notify the commander, but refer to EEO.

i. Send a cover letter along with a copy of the EOT Complaint Summary to the appropriate referral agency. The cover letter should include a statement asking the referral agency for a summary of action taken once the complaint is complete. When the summary of actions is received from the agency concerned, attach the response to the EOT Complaint Summary.

j. Notify complainant and commander (if appropriate) of final action and ask the complainant to return to Social Actions for final outbrief. Document in block 20 (see h above).

k. If the complainant is not satisfied with the referral agency's actions, advise of alternative grievance channels and close the case. If the complainant is satisfied, close the case. In both instances, the Chief of Social Actions should review the case and sign AF Form 1587, block 29.

7. Step 7. EOT Discrimination Complaint Explained:

a. **Complaint Clarification**—Consists of those actions required of the base EOT/HRE staff for the commander to clarify and document the details of a complaint of discrimination. It includes interviewing persons (accused, accuser, and witnesses) who may possess information relevant to the complaint. Complaint clarification procedures will not overlap inquiry or investigation procedures. The purpose of complaint clarification is to:

(1) Determine if a reasonable probability exists that Air Force EOT policy has been violated. Once the reasonable probability of a violation of Air Force EOT policy has been determined clarification actions should end.

(2) Gather enough information for a commander to determine if an inquiry or investigation

Figure 6-5. Continued.

is appropriate. Complaint clarification should not be a lengthy process, especially if reasonable probability of a violation is apparent.

b. Initial Procedures:

(1) Assign a case number to the complaint form, complete blocks 1 through 14 (see sample, figure 6-1).

(2) Review block 15 with the complainant to ensure that the complaint is accurately recorded and contains all necessary information. If possible, reduce the complaint to specific allegations to ensure each allegation is considered during the complaint clarification. It may be necessary to help by asking specific questions. This is particularly important if the complaint clarification results in a recommendation for formal investigation or inquiry.

(3) The complainant is required to date and sign the AF Form 1587 blocks 16 and 17.

(4) Determine specifically how to process the EOT complaint (see table 6-1).

(5) Advise the complainant that the unit commander must be kept fully apprised of the complaint.

(6) At this point, close the initial interview.

(7) Complete blocks 18 and 19 of the EOT Complaint Form.

(8) If a complaint clarification is required, advise the unit commander.

(9) When a complaint has been filed against an individual, advise the squadron commander to notify the individual that a complaint has been filed.

c. Accomplishing Complaint Clarification:

(1) Arrange for interviews through commanders or appropriate staff directors. Avoid interfering with duty as much as possible.

(2) Introduce yourself and explain the complaint clarification procedure before initiating each interview.

NOTE: When interviewing the alleged offender, advisement of Article 31 is proper. Consultation with the base SJA is required.

(3) Explain that information is being gathered for the commander and may be given to officials or employees of the Air Force who demonstrate a need for access to information in the performance of their duties.

(4) Cover all allegations during the interviews.

NOTE: Interviews should be recorded in summary form and signed by the EOT/HRE individual conducting the interview. If needed, obtain signed statements from witnesses.

X. HUMAN RELATIONS EDUCATION DATA				
A. MILITARY TRAINED	TOTAL	OFFICER		ENLISTED
1. NEWCOMER'S ORIENTATION	300	25		275
2. FIRST DUTY STATION	150	20		130
3. COMDR/1ST SGT/SR ENL ADVISOR	6	4		2
4. NCO PREPARATORY COURSE	100			
5. NCO LEADERSHIP SCHOOL	50			
6. AFROTC ENCAMPMENT	0			
7. SPECIAL EDUCATION PROGRAM	0			
8. OTHER (Specify)	0			
Cultural Awareness	25			
TOTAL MILITARY TRAINED (Sum of A1-A8)	631			
B. CIVILIANS TRAINED	TOTAL	DAF EMPLOYEES	AAFES EMPLOYEES	OTHERS (Specify)
1. NEWCOMER'S ORIENTATION	20	15	5	0
2. 1ST DUTY STATION (Officer Equivalent)	0			
3. 1ST DUTY STATION (Enlisted Equivalent)	0			
4. DEPENDENT HRE	15			
5. SPECIAL EDUCATION PROGRAM	0			
6. OTHER (Specify)	0			
TOTAL CIVILIANS TRAINED (Sum of B1-B6)	35			
REMARKS				
DATE	SIGNATURE OF CERTIFYING OFFICIAL			
8 July 1985	John Smith			

Figure 6-7. Continued.

INSTRUCTIONS

The following information should be used to complete AF Form 3018. The sections/areas not discussed are considered self-explanatory.

a. Section I. Racial Incident Data. Report all "reportable" (IAW AFR 30-2) racial incidents by category, occurring during the reporting period. Also report the characteristics, location, and participant grades of each (due to multiple entries, these figures need not total the number of incidents).

b. Section II. Unit Staff Assistance Visits.
(1) Base: Report each unit and assigned military strength for each visit performed.
(2) MAJCOM: Report cumulative number of all reported Unit Staff Assistance Visits.

c. Section III. EOT Assistance.
(1) Complaint/Assistance: Bases/MAJCOMs report the total number of actions to assist a person or group.
(2) Briefings: Bases/MAJCOMs report the total number of briefings conducted (e.g., AAP, BAC, Cmdr Calls, etc.).
(3) Incident Clarification: Bases/MAJCOMs report the total number of incident clarifications performed (whether or not incidents were listed in Section I, AF Form 3018).

d. Section IV. Total complaints of discrimination referred to another agency.

e. Section V. Discrimination Complaints ("E" or "R"): Total EOT Complaints worked by Social Actions. Confirmed blocks should include sexual harassment data.

f. Section VII. EOT Complaint Data (Section for MAJCOM Use Only). NOTE: Data compiled from Section IX inputs from base level reports. Because of multiple complaints (more than one type of alleged discrimination or more than one complaint area) this section does not necessarily have to reflect the same totals as Section V.

g. Section VIII. Complainant AFSC: Bases/MAJCOMs enter the 2-digit AF specialty Code and number of complaints for each of the EOT complainants in the blocks provided (e.g., 30-3, 64-2, 70-3, 81-1, etc.).

h. Section IX. EOT Complaint Data (Section for Base Use Only). NOTE: Data for each EOT case reported in Section V should be inserted in the appropriate columns (see example in Section IX). Column entries for multiple complaints should be separated with a "/" (e.g., a complaint alleging both race and sex discrimination would be annotated "race/sex" in the "Type of Discrimination" column).

(1) TYPE OF DISCRIMINATION

(2) NATURE

(3) COMPLAINT AREA

(4) CONF: Yes or No

(5) ACTION TAKEN

(6) COMPLAINANT'S/ALLEGED OFFENDER'S

(a) Race:

(b) SEX:

(c) Ethnic Group

(d) Grade: E1, O1, Civ, Dep, etc.

(e) AFSC: First two digits only.

air job perf assign pers dis sex har policy hous other

CC supv fac policy ind act other

verb rep writ rep Art 15 removal(s) removal(c) other

W B O n/a

M F n/a

CH Ja Ko FI As Amer Es Aleut Mex Amer Sp P Rican Cu None Oth Unk n/a

Figure 6-7. Continued.

I. Sending Requests to the Attorney General. To promote the Air Force policy of fostering equal treatment for military personnel and their family members, each commander must set procedures for processing requests for civil rights suits by military personnel who elect to use command assistance in sending such request to the Attorney General—Public Law 88-352, 78 Stat. 241, "The Civil Rights Act of 1964."

II. Terms Explained. In implementing this policy the following terms are used:

a. Attorney General. The Attorney General of the United States.

b. Commander. The commanding officer of an installation in the United States under the control of a military department.

c. Complainant. A member of an Armed Service who requests that the Attorney General institute suit because of discrimination or segregation for which Title II, III, or IV of the Civil Rights Act provides a remedy. The act of discrimination may be against either the complainant or family member.

d. Discrimination or Segregation. Practices that violate rights for which Title II, III, or IV provides a remedy.

e. Facility. A place or public accommodation, a public facility, a public school, or a public college, as defined by the Civil Rights Act of 1964.

f. Notice. Written Notice.

g. Notice to the Complainant. In the case of a complaint signed by more than one person, notice to any one of them.

h. Request for Suit. A written request by an individual or a group of individuals instructing the Attorney General to institute a suit, as provided in Titles II, III, IV, which is submitted for processing according to this regulation.

i. Title. A title of the Civil Rights Act of 1964.

III. Conducting an Information Program. Every commander must:

a. Develop an information program to inform military personnel of the requirements of Titles II, III, and IV of the Civil Rights Act; the remedies provided by these Titles, and the office on the installation at which complaints of discrimination originated, may be registered and advice obtained.

b. Make sure that legal assistance offices that serve the command advise eligible personnel concerning:

(1) Applying the Civil Rights Act of 1964 in specific instances.

Figure 6-8. Processing Requests by Military Personnel for Action by the Attorney General Under the Civil Rights Act.

(2) The procedures in this figure.

(3) The right of individuals to pursue their remedies through civilian channels, without recourse to the remedies in this figure.

IV. How To File a Request for Suit:

a. A request for suit need not be in any special format, but it must:

(1) Be typewritten in at least five copies (the legal office should provide required typing assistance).

(2) Include a statement of facts alleging discrimination or segregation in a facility.

(3) Include a request for suit by the Attorney General.

(4) State that the requirements of this figure and the military member's right to send an application for suit directly to the Attorney General have been explained.

(5) Be signed by the complainant.

(6) Be dated.

b. File the original and at least four copies of a request for suit with the office designated by the commander. Except for a request to which paragraph V applies, the receiving office promptly sends a copy of each request for suit directly to the Attorney General, Attn: Civil Rights Division, Wash DC 20530 with a covering memorandum stating "The original of the attached request for suit under the Civil Rights Act of 1964 is being processed and will be sent to you in due course."

V. Requests Not To Be Processed:

a. A commander may direct that a request not be processed if it is based on acts of discrimination or segregation that took place more than 60 days before the date of the request.

b. Commanders do not process requests for suit if:

(1) The complainant is not stationed at the base concerned, or has orders to depart the base.

(2) The request for suit alleges discrimination or segregation occurring beyond normal commuting distance for base personnel.

c. If a request for suit is not to be processed because of a or b above, the complainant is so notified, and advised that it is possible to apply for suit directly to the Attorney General.

VI. Preliminary Inquiries. When a request for suit is filed, officials designated by the commander of the installation concerned (except as provided in paragraph V) must make a preliminary inquiry. The inquiry may be informal, but must be

sufficiently detailed to indicate whether discrimination or segregation exists.

VII. Voluntary Assurance. If the preliminary inquiry supports the complainant's charge of unlawful discrimination or segregation, the commander (or a designated representative) seeks an assurance that future practices at the facility involved will be nondiscriminatory.

VIII. Action Following Assurance. If assurance is obtained, the commander notifies the complainant at once and sends a report directly to the Attorney General, with an information copy through the proper channels to HQ USAF/DPPHE to send to the Military Manpower and Personnel Policy, DASD (MM&PP). The report briefly summarizes the reasons for the complaint, the commander's efforts to get assurance concerning future practices, and terms of the assurance.

IX. Action if Assurance Is Refused. If the commander is unable to obtain a satisfactory assurance, the inquiry procedures below must be completed:

a. Gathering Evidence. Obtain a statement from every person who signed the request for suit. Additional statements may be:

(1) Solicited from other military personnel and their family members who have actual knowledge of the practices of the facility concerned.

(2) Received, but not solicited, from any other person who volunteers to provide information. (The complainant may solicit statements from any source.) In no instance is the authority, implicit or explicit, to require such additional statements asserted or suggested.

b. When Additional Evidence May Be Sought. If the complainant seeks suit under:

(1) Title II, the inquiry must include evidence according to a pattern or practice, in section 206(a) of the Civil Rights Act of 1964.

(2) Title III of IV, the inquiry must include evidence of the complainant's ability to begin and maintain legal proceedings. The evidence should be sufficient to allow the Attorney General to make an informal determination, according to sections 301(b) and 407(b) of the Civil Rights Act of 1964.

c. How To Obtain Legal Guidance. A judge advocate may advise the inquiry officer if the latter is not an attorney. All available evidence that relates to every proposition must be established in order to obtain relief under the title that apparently

Figure 6-8. Continued.

applies. The inquiry must include consideration of evidence on whether the facility involved is subject to the title that apparently applies.

d. How To Prepare a Report of Inquiry. A report of inquiry must include a summary of evidence, indicating the source of factual statements. Attach copies of each statement received during the inquiry to the factual summary. The summary of evidence must include known factors about the witness' credibilities and any other information that helps in reviewing the evidence.

e. Judge Advocate Statement. A judge advocate informally reviews the completed report for content and completeness. A statement that such a review was conducted, signed by the reviewing officer, is a part of record that goes with the request for suit. The statement includes any necessary explanatory remarks, including the unavailability of the source of certain evidence; and on pending suits, if any, brought by private parties concerning the same or closely related facilities.

f. Commander's Memorandum. After the legal review is completed (and efforts to secure voluntary assurances), the commander adds a memorandum analyzing the following factors:

(1) Impact of discrimination of segregation in the facility involved on service members and their family members, including the availability of comparable integrated facilities or establishments.

(2) Efforts to obtain voluntary assurances, and their results.

(3) The favorable or adverse effect of suit by the Attorney General on the commander's other efforts to secure equal treatment for service members and their family members in nearby communities.

(4) Any other consideration the commander considers relevant.

X. Forwarding Requests. Attach the request, the report of inquiry, the judge advocate's statement, and the commander's memorandum to a chronology sheet (see attached sample.) Send the original and one copy directly to HQ USAF/JACL, which sends the original directly to the Attorney General. In all cases, send a copy through the proper channels to HQ USAF/DPPHE to send to Military Manpower and Personnel Policy, DASD (MM&PP).

XI. Time To Complete Procedures:

a. The preliminary inquiry, efforts to obtain voluntary assurances, and any further processing required must be completed and the request for

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suit sent within 30 calendar days following the filing date of the request of suit. This time may be extended for up to 60 additional days by a commander if it is determined that further efforts to get voluntary assurances are likely to succeed during such additional period. Notify the complainant of any such extension.

b. If an installation receives so many requests for suit within such a short period of time it cannot process them within the times prescribed above, the installation may request a specific extension of time. Send requests for extension to the MAJCOM/JA for approval. Send a copy of all approved requests to HQ USAF/DPPHE.

XII. Completion of Action. Action on a request for suit may be considered complete at the installation level only on one of the following conditions:

a. Notice has been sent to a complainant (under paragraph V) that the request will not be processed.

b. Obtaining satisfactory assurances that the discrimination alleged in the complaint or revealed in the inquiry has ended and the complainant notified.

c. The completed request for suit and all attachments have been sent.

d. All military personnel who signed the original request for suit have sent a written request to withdraw it.

XIII. Related Complaints:

a. When officials of an installation receive more than one request for suit that alleges discrimination or segregation in the same facility, the requests may be consolidated for the inquiry, the legal review, and the commander's memorandum. Send the single consolidation record as prescribed in paragraph X.

b. When officials of an installation receive a complaint alleging discrimination or segregation in a facility on which a completed request for suit has already been sent send a summary of the facts that relate to the second complaint as prescribed in paragraph X, with brief comments indicating how much the new complaint, and information developed from it, affect the first request for suit.

XIV. Discrimination Not Covered by Civil Rights Act of 1964. The fact that the Civil Rights Act of 1964 does not provide a judicial remedy in a given case of discrimination affecting military personnel or their family members does not relieve a commander of the responsibility to seek equal oppor-

tunity and treatment for them both onbase and offbase.

XV. Air Force Personnel Stationed at an Installation Commanded by Another Service. Air Force personnel who are stationed at a military installation commanded by another service, and who elect to submit requests for suit to the Attorney General through military channels, must use the procedures established by the service that commands the installation.

XVI. US Air Force Personnel Stationed at DOD Non-Military Installations. Defense Supply Agency field offices and non-DOD government agencies obtain assistance in filing suits from their servicing installation.

Sample Chronology Sheet

Request for Initiation of Suit by the Attorney General must include:

1. Name of installation.
2. Name and grade of complainant.
3. Type of facility involved. (Indicate either public accommodation, facility, school, or college; and show the subtype as well.) For example:
 - a. Public accommodation—drive-in restaurant.
 - b. Public facility—municipal library.
 - c. Public school—elementary, grades 1 through 7.
 - d. Public college—extension center.
4. Efforts to obtain voluntary compliance were (successful) (partially successful) (unsuccessful).
5. Legal review indicates that a remedy may exist under (Title II) (Title III) (Title IV).
6. Chronology of Processing:
 - a. Complaint filed.
 - b. Preliminary inquiry completed (see samples this figure).
 - c. Voluntary compliance efforts initiated.
 - d. Voluntary compliance efforts completed.
 - e. Statement by legal officer completed.
 - f. Commander's memorandum completed.
 - g. Forwarded.

(Signature Block)

Figure 6-8. Continued.

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R U L E	A	B
	If the complaint	then
1	(a) alleges discrimination against someone in the same squadron and is worked by Social Actions (b) alleges discrimination against someone in another squadron and is worked by Social Actions	inform appropriate unit commander(s) and accomplish complaint clarification actions. Alleged offenders should be informed of existing complaints by unit commander at the earliest possible time. Document all actions on AF Form 1587.
2	alleges discrimination and is worked by the squadron commander	inform unit commander and document action on an AF Form 1271, and follow-up.
3	alleges discrimination and is referred to another agency (BX, EEO, or HRO)	document actions on an AF Form 1587 and refer to the appropriate agency. If no HRO exists, the EOT office will process as indicated in rule 5.
4	(a) alleges discrimination against the complainant's unit commander (b) alleges discrimination against a base-level staff agency or Air Force directive above squadron level	recommend complaint clarification, inquiry or investigation (if circumstances warrant) to the base commander.
5	alleges discrimination against an off-base establishment other than a landlord or realtor	process through EOT office. Request review by JA and the base commander. Consider impact on Status of Forces Agreement in foreign countries. Work through base community council or Armed Forces Disciplinary Control Board if appropriate.
6	is an anonymous complaint	place on AF Form 1587 according to figure 6-1, paragraphs h, i, and j.
7	is not supported through complaint clarification	accomplish terminal interview, advise complainant and appropriate commander, document on AF Form 1587.
8	is processed through complaint clarification and indicates a reasonable probability of a violation of Air Force EOT policy	inform the appropriate commander that a reasonable probability exists that a violation of Air Force EOT policy may have occurred and make proper recommendations. In most instances, recommendations will include the initiation of an AFR 30-2 inquiry or investigation conducted following procedures in AFR 120-4.
9	surfaces management problems but no EOT violation is indicated through complaint clarification	when possible, recommend positive management action by appropriate commander(s) be taken to correct identified situations and problems.
10	is processed properly and confirms discrimination	inform squadron commander of procedures established in AFR 36-10 or AFR 39-62.



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310-0200

July 14, 1988

ARMY POLICY ON EQUAL OPPORTUNITY AND SEXUAL HARASSMENT

Throughout its modern history, the United States Army has served as the vanguard for insuring that human relations form the cornerstone for building and maintaining sound and positive institutional values. Because effective human relations and equal opportunity are moral and operational imperatives for the Army, we have often served as the bellwether for the Nation.

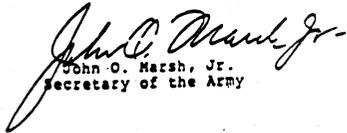
As we transition into the 21st Century, we must once again reaffirm our sacred commitment to people by insuring that we remain on course in the area of equal opportunity and human relations. This means that all our personnel must feel that the Army is committed to the preservation of their dignity, their upward mobility, and their fair and impartial treatment. In short, we must remain the role model for America.

While we can be proud of our past efforts in these critical areas, it is imperative that we maintain our momentum and remain vigilant and sensitive to the human needs of our personnel. Members of the Total Army will not be discriminated against nor sexually harassed. While we are educating those who fail to share these institutional values, and disciplining those who violate applicable laws, each of us must make a personal as well as organizational commitment to eliminate any process, procedure, or system that directly or indirectly abrogates fair treatment, basic human dignity, and equal opportunity.

Army readiness begins with people and is basically a human condition. Without a sincere and dynamic commitment to the total well being of people, all our equipment modernization efforts will fail. Our ultimate high technology weapon is the soldier. That soldier, and the civilian who supports the soldier, must know, in every possible way, that he or she will be evaluated fairly, treated with dignity and compassion, and given every opportunity to realize their full capacity and potential. This is our standard and we will accept nothing less.

We expect all leaders to join us in continuing to nurture a just environment conducive to equal opportunity, and where sexual harassment is not condoned in any form from anyone. We ask that the entire Army family work with us in maintaining the Army's leadership in equal opportunity and in creating an environment that protects and preserves human dignity.


Carl E. Vuono
General, United States Army
Chief of Staff


John O. Marsh, Jr.
Secretary of the Army



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310-0102

November 15, 1990



MEMORANDUM FOR THE DEPUTY CHIEF OF STAFF FOR PERSONNEL
SUBJECT: Eradicating Sexual Harassment

As you know, the press has contained numerous articles regarding sexual harassment in the services, most focused on the other services. However, the recent survey conducted by the Office of the Secretary of Defense portrays the Army in a very unfavorable light--absolutely and in comparison with the other services. A similar survey found substantial indications of sexual harassment in the DOD civilian community, as well. Finally, Mrs. Byron has indicated the desire to hold hearings on the subject of sexual harassment as early as January of next year.

Although many would suggest that the Army has been in the forefront of efforts to reduce sexual harassment (and rightly so), the survey results suggest that many soldiers and civilians do not think that it is enough.

I believe that the Army can eradicate sexual harassment and simultaneously enhance its image as a world class equal opportunity employer. Our goal should be zero tolerance regarding sexual harassment. We should launch a campaign, stating this as our goal, and setting a timetable for its realization.

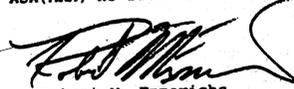
Some initial thoughts on how we might approach this are provided in the enclosure.

I believe that we need a strategy, a grand strategy for carrying this out. We need to start now, and we need to go into the hearings in January with a solid, proactive program. We need not only a goal, but a mechanism for measuring our progress. I believe we also need to visit locations (public and private sector) that have recognized, effective programs; I believe that Aberdeen Proving Grounds and Fort Carson were mentioned in this regard at the recent DACOWITS meeting. The total Army should have, and be recognized as having, the preeminent program.

The new Directorate of Human Resources would seem to be an excellent focal point for this effort. In my view, this organization should be the "champion" of the individual. All organizations have leanings: for example, some lean toward fiscal control; others toward readiness. The Directorate of Human Resources should lean heavily toward what is best for the individual, the "union rep", so to speak. A hardline stand and proactive program to eradicate sexual harassment would let the Army and the individual know there is a "champion" for what is best for the individual. In the end, the Army family will be the real winner.

Some will not want to admit that a problem exists; but the evidence does not support the claim. Definition and acceptance of the problem may be the most difficult step, but it is a step that must be taken. The "friction" of sexual harassment erodes the performance of the entire organization--especially in an environment in which the size of the Army is declining and the importance of the contribution of all soldiers and civilians becomes magnified.

If you agree, I would like to have an IPR with the appropriate members of your staff by November 28, laying out how we might go about using the approach suggested, the components of a plan for implementing this approach, and milestones. Also, please ensure that the Equal Employment Opportunity Agency has the opportunity to become fully involved in this effort. The objective should be a plan fully in place by the end of December. I would like to have the completed plan briefed to the ASA(MRA) no later than December 18.


Robert M. Emmerichs
Deputy Assistant Secretary
(Military Personnel Management
and Equal Opportunity Policy)

Enclosure

ENCLOSURE
INITIAL THOUGHTS

Some initial thoughts on how to proceed follow:

Policy Emphasis

In the past, policies have been designed to meet specifications (statements that sexual harassment will not be tolerated), and the focus has been on after-the-fact reporting (investigation and reaction to reported incidents). In the future, we must design policies fit for soldier and civilian use and focus on building constant monitoring of the climate into the procedures for implementing these policies.

Customer Perspective

In the past, we have had an ambiguous understanding of sexual harassment from the perspective of the individual soldier and civilian and the "system." In the future, we must implement a systematic approach to determine, understand, and satisfy internal (soldier, civilian, family and defense contractor) and external (Congress, OSD, DACOWITS) customer requirements. Attention needs to be focused on the definition of sexual harassment--from the individual's perspective. We need to confront and eliminate sexual harassment "static" (e.g., references to "girls" or actions based on stereotyping), not just egregious manifestations.

Zero Tolerance

In the past, we have tolerated a certain margin of error and "rework." In the future, we must manifest no tolerance for sexual harassment; emphasis must be on doing it right the first time. We are imposing stricter standards on our soldiers as we draw down the force. Just as we separate soldiers and civilians who test positive for drugs (perhaps after a suitable acculturation period), we should separate soldiers and civilians who engage in sexual harassment. We tolerate no drugs, and we should tolerate no sexual harassment. Both are a cancer to readiness.

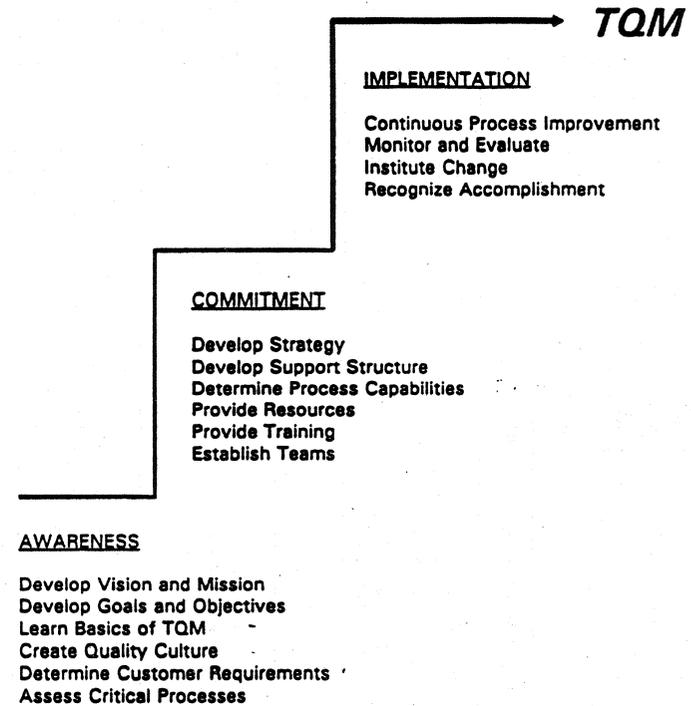
Improvement Emphasis

In the past, we have taken dramatic actions in discontinuous steps (e.g., restructuring the reporting mechanism through the IG), waiting for opportunities for "break-throughs." In the future, we must adopt gradual but continuous improvement of every function affecting the eradication of sexual harassment.

Problem Solving

In the past, we have engaged in unstructured problem solving and decision making by individual managers and specialists (training films have been developed and course materials proliferated). In the future, we must use participative and disciplined problem solving and decision making based on accurate information. Emphasis must be on "output" (measures of changing behavior), not on "input" (numbers of course hours or video tapes disbursed). And "output" can only be measured if individuals are willing and able to report; emphasis must be on designing accurate measuring instruments.

STEPS IN THE TQM PROCESS



PROFESSIONAL MILITARY TRAINING

"TITLE"/ TYPE OF TRAINING	TARGET AUDIENCE	REGULATORY GUIDANCE	OBJECTIVE	HOURS	FREQUENCY
EO/SH EO EO/SH EO/SH	Officer Precommission Courses-- "COJETS" USMA Prep School/JROTC/WOCC-- ROTC-- OCS-- WDCS--	AR 350-1 AR 350-41 AR 600-20	"Basic Familiarization/ Awareness of Policy and Procedures"	0 1 1 1	W/A once once once
EO (*)	Officer Basic Course-- (Proponent Branch Service Schools) "LT"	(SAB)	"Be Able to Describe EO/ Combat Discrimination"	1	once
EO (*)	Officer Advanced Course--(Proponent Branch Svc Schools) "CPT"	(SAB)	"Implement CO Lvl EO Program"	1	once
EO (*) EO (*) EO/SH	Command and General Staff College-- "FIELD GRADE OFFICERS" Combined Arms and Services Staff School-- "CPT" Command and General Staff Officer Course-- "Maj" Pre-command Course-- (S1 & S0E Cors) "Maj(P)/LT & COL"	(SAB)	"Assess the Environment/ Use Affirmative Action Plan"	1 1 1	once once once
EO/SH	Senior Service College-- "SENIORS"	(SAB)	"Oversee Affirmative Actions"	1	once
EO/SH	Army War College-- "LT & COL"	(SAB)	"EO Program Management"	1	once
EO/SH	Executive Development Course-- "BIC"	(SAB)	"EO Program Management"	1	once
(*) Integrated into Leadership Instruction (Contemporary Leadership Challenges)					
EO/SH (*)	Warrant Officer Candidate School-- "CANDIDATES/CADETS"	(SAB)	"Awareness"	1	once
EO	Senior Warrant Officer Training Course-- "CW U/ 7-11 YRS"	(SAB)	"Familiarize"	1	once
EO/SH (*)	Master Warrant Officer Training Course-- "CW = S1, W1R, MGR"	(SAB)	"Program Management Skills"	1	once
(*) Integrated into Leadership Instruction (Contemporary Leadership Challenges)					

"TITLE"/ TYPE OF TRAINING	TARGET AUDIENCE	REGULATORY GUIDANCE	OBJECTIVE	HOURS	FREQUENCY
EO/SH	Enlisted Initial Entry Training-- "PVT"	(SAB) & TC 22-6	"Awareness of Policy"	1	once
EO/SH	Primary Leadership Development Course-- "SP4(P)/CPL(P)/SGT"	(SAB)	"Handle EO/SH Situations"	1	once
EO/SH EO/SH	Basic Noncommissioned Officer Course-- "SGT/SGT(P)/SSG" SMOC/OA-- (By Career Management Field) SMOC/CS-CSS-- (By Career Management Field)	(SAB)	"Role of Supervisor in EO & Performance Counseling"	1 1	once once
EO/SH	Advanced Noncommissioned Officer Course-- "SSG/SSG(P)/SFC" At Proponent Branch Service Schools-- NCOM-- by CMI/WOS	(SAB)	"Assessment of Environment/ Leader Skills for EO"	2 2	once once
EO/SH	First Sergeant Course-- "SFC/SFC(P)/MSG"	(SAB)	"Unit EO Program Implementation"	2	once
EO/SH (*)	Sergeants Major Course-- "MSG/MSG(P)/SGM"	(SAB)	"Analyze Climate/Program Mgmt"	2	once
(*) Integrated into Leadership Instruction (Contemporary Leadership Challenges)					

COMMON MILITARY TRAINING IN UNITS

Equal Opportunity and Sexual Harassment training in units is an integral part of each commander's leader proficiency training plan. EO/SH is trained on a refresher basis. Refresher training frequency is left to the commander's discretion. A commander does an assessment of need within his/her command along with a determination of the local situation. There are established standards for training in Chapter 6, AR 600-20 that the commander uses to determine the proficiency and expertise of each member in the command. Refresher training may be targeted towards individuals or the entire unit to support unit cohesion, discipline, and morale.

TRAINING IN PREVENTION OF SEXUAL HARASSMENT

The Army has a program of instruction, conducted by the Civilian Personnel Office in conjunction with the Equal Employment Opportunity Office, to train civilian employees and their supervisors. Training in the Prevention of Sexual Harassment (TIPOSH) is a 4-hour course. All civilian employees and their supervisors and supervisors-- be they military or civilian-- attend a supervisor's 4-hour course. Each of these TIPOSH courses are course manager led and conducted with self-paced texts.