

CHAPTER 3

RANK, COMMAND, AND DUTY

Sec. 1.—Art. 148-160. Officers in general.

Sec. 2.—Art. 161-178. Detail of command and duty.

Sec. 3.—Art. 180-186. Law and decisions on rank and command.

SECTION 1.—OFFICERS IN GENERAL

148

(1) Officers of the United States Navy shall be known as officers of the Line and officers of the Staff. Uniforms and titles of officers.

(2) Applicable alike to regulars and reservists, the uniform of any given rank or rating in the Navy shall be identical in every respect throughout except for the necessary distinguishing corps devices; and every officer in the Navy shall be designated and addressed by the title of his rank without any discrimination whatever.

(3) In oral official communications officers below the rank of commander may be addressed as "Mr." and in the case of the officers of the Medical Corps as "Dr." In written communications the name of the corps to which any staff officer belongs will be stated immediately after his name; for example: Lieutenant John Doe, Medical Corps, United States Navy; Lieutenant John Doe, Supply Corps, United States Navy; Lieutenant John Doe, Construction Corps, United States Navy; and Lieutenant John Doe, Civil Engineer Corps, United States Navy.

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(1) On the active list the officers of the line are, by law, as follows: admiral, vice admiral, rear admiral, commodore (only in time of war or national emergency), captain, commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign; and they have respectively, these titles. Rank and titles of line officers.
C. N. R. 25.

(2) Line officers have rank in the order given in paragraph 1 of this article and shall exercise military command accordingly, subject to the restrictions of article 150 (6) (7).

(3) Midshipmen are, by law, officers in a qualified sense. They are classed as being of the line. C. N. R. 19, 24.

(4) On the retired list the grades of the officers of the line are the same as on the active list, except that the grade of commodore is not restricted to time of war or national emergency. C. N. R. 25.

C. N. R. 25.

Rank in grade.

(5) All the above officers shall take rank in each grade according to the dates of their commissions; in the absence of commissions they shall take rank according to the order in which their names appear upon the Official Navy Register as kept in the Navy Department.

150

Authority of line officers.

(1) Officers of the line exercise military command.

(2) Only officers on duty can exercise, or are subject to, command except as provided for in article 87.

**Command of ships' expeditions.
C. N. R. 25.**

(3) On all occasions where two or more ships' expeditions or detachments of officers and men meet, the command of the whole devolves upon the senior line officer, including Naval Reserve officers qualified for general line duties, subject to the limitations of paragraphs (6), (7), (8), (9), and (10) of this article.

(4) At all times and places not specifically provided for in these regulations, where the exercise of military authority for the purpose of cooperation or otherwise is necessary, of which the responsible officer must be the judge, the senior line officer on the spot shall assume command and direct the movements and efforts of all persons in the Navy present, subject to the limitations of paragraphs (6), (9), and (10) of this article or specific orders.

(5) The senior line officer shall be held accountable for the exercise of his authority, and must not divert any officer from a duty confided to him by a common superior, or deprive him of his command or duty without good and sufficient reason.

**Officers of the line restricted to certain duties.
C. N. R. 9, 25.**

(6) Officers of the line restricted to the performance of engineering duties only shall have all necessary authority for the exercise of command within their particular departments or services for the performance of their respective duties, but shall not exercise military command outside of their respective departments or services. Nothing herein shall be taken to restrict the rights of officers of the line of the Navy, assigned to engineering duties only, to succeed to command on shore within the meaning of the law.

(7) The commanding officer of a squadron, division, flotilla, or higher naval authority may, when he deems it desirable and where not restricted by law, specially authorize any line officer to exercise command on board the ship to which he is attached without regard to the above restrictions and may specifically designate the senior line officer to whom the restrictions of paragraph (6) apply, to exercise the functions of senior officer present in the absence of a line officer not so restricted.

**Forces acting in conjunction.
C. N. R. 25.**

(8) For the purpose of determining who shall exercise command over forces acting in conjunction, composed of vessels commanded by officers of the Naval Reserve and vessels commanded by

officers of the regular Navy, or over military units composed of forces acting in conjunction, commanded by officers of the Naval Reserve and officers of the regular Navy, Naval Reserve officers qualified for general line duties shall be eligible for command in accordance with rank, unless a specific officer shall have been ordered by higher authority to command the forces.

(9) In time of peace officers of the Naval Reserve on active duty shall be restricted in succession to command ashore in naval administration to the duties of organizing, administering, and recruiting the Naval Reserve and Naval Militia. **C. N. R. 9.**

(10) When serving on shore with a mixed detachment, composed of seamen and marines, the marines shall always be placed on the right in battalion or other infantry formation, and the senior officer of the line of the Navy, or of the Marine Corps, according to rank, shall command the detachment. **Mixed detachments.**

(11) A naval aviation school, a naval air station, or a naval air unit organized for flight tactical purposes shall be commanded only by an officer of the line of the Navy who is a naval aviator. (See act of June 24, 1926.) (Art. 552 (7).)

(12) Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified. (Act of June 24, 1926.)

(13) If any aircraft organization comprises one or more naval vessels or commissioned airships, the command of such organization, in the absence, death, or disability of the officer regularly assigned to command, shall devolve upon the senior line officer of the Navy or Naval Reserve attached to such organization, subject to the provisions of paragraphs (6) to (9), inclusive, of this article. **C. N. R. 15.**

(14) Officers of the Navy shall not be regularly ordered to command aviation units of the Marine Corps nor shall officers of the Marine Corps be regularly ordered to command aviation units of the Navy. Aircraft units of the Marine Corps may, however, be assigned to naval vessels or to naval air stations in the same manner as aircraft units of the Navy. Aircraft of the Navy and aircraft of the Marine Corps may be, by proper authority, assigned together in a task group, and in such case, subject to the provisions of paragraph (13) of this article, the command of such task groups shall be vested in the senior aviator attached thereto, whether of the Navy or of the Marine Corps.

(15) When, by proper authority, an aircraft squadron composed of aircraft regularly attached to vessels is temporarily based on shore, the senior naval aviator, of the line of the Navy or of the Marine Corps, as the case may be, who is attached to and present with such squadron shall have the same authority and responsibility over that unit as is vested in the commanding officer of a regularly commissioned vessel, including authority to order sum- **C. N. R. 15.**

mary and deck courts-martial and to impose the punishments authorized by article 24 of the articles for the government of the Navy. The same shall apply whenever an aircraft squadron, whether based on board ship or on shore, is, while on detached duty, absent for a period of more than forty-eight hours from the vessel or vessels or from the station to which it is regularly assigned.

151

Staff officers.

The officers of the staff are as follows: Medical officers, dental officers, supply officers, chaplains, professors of mathematics, naval constructors, civil engineers.

152

Rank and titles of line officers, chiefs of bureaus.

(1) When the office of chief of bureau is filled by an officer below the rank of rear admiral, said officer shall, while holding said office, have the rank and, except as otherwise provided for by law or regulation, title of rear admiral.

**Titles of other chiefs of bureaus.
C. N. R. 22.**

(2) The chiefs of the Bureaus of Medicine and Surgery, Supplies and Accounts, and Yards and Docks, while holding these offices, shall have, respectively, the title of Surgeon General of the Navy, Paymaster General of the Navy, and Chief of Civil Engineers of the Navy. Each such chief of bureau, however, shall be addressed and designated by the title of his rank, in written communications the title of his office to be stated next after his name.

(3) Correspondence from a chief of bureau shall show the name of his office.

Judge Advocate General.

(4) The Judge Advocate General shall be an officer of the Navy or Marine Corps, and shall have, while holding said office, the rank and title of rear admiral in the Navy or major general in the Marine Corps, as the case may be.

Acting appointments.

(5) An officer holding an acting appointment shall affix the title of his acting rank to his official signature, and when such appointment is revoked he shall resume the title of his actual rank.

153

Authority of staff officers.

(1) Officers of the staff shall, under the commanding officer, have all necessary authority within their particular departments for the due performance of their respective duties, and they shall be obeyed accordingly by their subordinates.

(2) They shall not, by virtue of rank and precedence, have any additional right to quarters, nor shall they have authority to exercise command, except in their own corps, and except as provided in articles 170 and 171; nor shall they take precedence of

their commanding officer; nor shall they take precedence of the aide or executive of the commanding officer while executing the orders of such commanding officer on board of the vessel or at the station to which he is attached; nor shall they be exempted from obeying the lawful commands of officers of the line who may be charged by proper authority with the details of military duty incident to the naval service.

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(1) All line officers of the same rank take precedence with each other according to their respective dates of commission in such rank. All staff officers of the same rank take precedence with each other according to their respective dates of commission in such rank. All line and staff officers of the same rank, originally commissioned as officers of the Navy since March 4, 1913, take precedence with each other according to their respective dates of commission in such rank. All line and staff officers of the same rank, originally commissioned as officers of the Navy on or before March 4, 1913, take precedence with each other according to length of service in the Navy. (For purpose of estimating length of service such staff officers are credited with constructive service under sec. 1486, R. S., as amended.) The precedence of officers of the Navy is shown in the precedence list published in the Navy Register. Where commissioned officers of the different corps, who are not graduates of the Naval Academy, take precedence from the same date, they shall be arranged in the precedence table to take rank in the following order: (a) Line officers; (b) medical officers; (c) officers of the Supply Corps; (d) chaplains; (e) professors of mathematics; (f) naval constructors; (g) civil engineers; (h) dental officers.

Precedence of officers.

(2) All processions on shore where officers appear in an official capacity and where formation is necessary, shall be regarded as military formation. (Sec. 1489, R. S.)

C. N. R. 9, 21.

NOTE.—See Part H, Bureau of Naval Personnel Manual.

155

(1) The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army and of the Marine Corps, shall be as follows, lineal rank only being considered:

Officers of the Navy, Army and the Marine Corps.

- (a) Admiral shall rank with general.
- (b) Vice admiral with lieutenant general.
- (c) Rear admiral with major general.
- (d) Commodore with brigadier general.
- (e) Captain with colonel.

- (f) Commander with lieutenant colonel.
- (g) Lieutenant commander with major.
- (h) Lieutenant with captain.
- (i) Lieutenant (junior grade) with first lieutenant.
- (j) Ensign with second lieutenant. (Sec. 1466, R. S.)

(2) In fixing the relative rank of officers of the Army, officers of the Navy, and officers of the Marine Corps, of the same grade and date of appointment and commission, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. (Sec. 1219, R. S.)

(3) Officers in the same grade in the Army, Navy, and Marine Corps have relative rank and precedence among themselves according to the dates, respectively, of their commissions, the senior in commission ranking the junior. (Op. Att. Gen., Oct. 7, 1905.)

(4) Graduates of the Naval Academy who, upon graduation, are assigned to the Marine Corps and appointed second lieutenants therein, take rank with their classmates who are appointed ensigns in the Navy, in accordance with their final standing upon graduation. This applies only while holding the same relative rank and date of commission.

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Officers of the
Marine Corps
and Army.

The officers of the Marine Corps shall be, in relation to rank on the same footing as officers of similar grades in the Army. (Sec. 1603, R. S.)

157

Officers of the
Coast Guard.
C. N. R. 23.

(1) The relative rank between officers of the Navy and Marine Corps, whether on the active or on the retired list, and officers of the Coast Guard shall be as follows:

- (a) Commandant with rear admiral (lower half).
- (b) Assistant Commandant with rear admiral.
- (c) Engineer in Chief with rear admiral.
- (d) Captain and captain (engineering) with captain.
- (e) Commander and commander (engineering) with commander.
- (f) Lieutenant commander and lieutenant commander (engineering) with lieutenant commander.
- (g) Lieutenant and lieutenant (engineering) with lieutenant.
- (h) Lieutenant (junior grade) and lieutenant (junior grade) (engineering) with lieutenant (junior grade).
- (i) Ensign and ensign (engineering) with ensign. "Provided, That all laws applicable to the titles hereby abolished in the Coast Guard shall apply to the titles hereby established;" (Act approved 5 June 1920).

Whenever the personnel of the Coast Guard, or any part thereof, is operating with the personnel of the Navy in accordance with law, precedence between commissioned officers of corresponding grades in the two services shall be determined by the date of commissions in those grades. (Act 29 Aug. 1916.)

(2) The Coast Guard constitutes a part of the military forces of the United States operating under the Treasury Department in time of peace, and as a part of the Navy, subject to the orders of the Secretary of the Navy in time of war, or when the President shall so direct. (Act 28 Jan. 1915.) Whenever the whole or any part of the personnel of the Coast Guard is operating with the personnel of the Navy, officers and men of each service shall have the same authority and control over officers and men of the other service as that to which their rank or rating entitles them in their respective services. (Executive order of 2 May 1916.)

(3) Whenever in time of war the Coast Guard operates as part of the Navy, the personnel of that service shall be subject to the laws prescribed for the government of the Navy (Act 29 Aug. 1916), but they shall continue to be subject to the laws, regulations, and orders for the government of the Coast Guard, except insofar as may be necessary for discipline, command, and effective military administration.

Coast Guard
operating under
Navy during
war.

158

(1) Boatswains, gunners, torpedomen, electricians, radio electricians, machinists, carpenters, ship's clerks, aerographers, photographers, pharmacists, pay clerks, acting pay clerks of the Navy, marine gunners, quartermaster clerks and pay clerks of the Marine Corps are warrant officers. They take precedence with each other on the active list of the Navy or Marine Corps, according to the date of their warrants, and in case the warrants of two or more of them are of the same date, then according to the order in which their names are borne upon the Official Navy Register as kept in the Navy Department. They take precedence next after midshipmen.

Warrant
officers.
C. N. R. 24.

(2) After six years from date of warrant, boatswains, gunners, torpedomen, electricians, radio electricians, machinists, carpenters, ship's clerks, aerographers, photographers, pharmacists, and pay clerks upon completion of a total service of six years as pay clerk and acting pay clerk, if duly qualified, shall be commissioned chief boatswains, chief gunners, chief torpedomen, chief electricians, chief radio electricians, chief machinists, chief carpenters, chief ship's clerks, chief aerographers, chief photographers, chief pharmacists, and chief pay clerks, respectively, to rank with but after ensigns, and shall be designated commissioned warrant officers. On the active list of the Navy, these commissioned warrant officers take precedence after ensigns, and of each other

Commissioned
warrant
officers.
C. N. R. 9, 24.

according to the dates of their commissions, and in case the commissions of two or more of them are of the same date, then according to the order in which their names are borne upon the Official Navy Register as kept in the Navy Department. Their commissions give no additional right to quarters on board ship or to command.

How classed.
C. N. R. 24.

(3) Chief boatswains, chief gunners, chief torpedomen, chief electricians, chief radio electricians, chief machinists, chief carpenters, chief ship's clerks, chief aerographers, chief photographers boatswains, gunners, torpedomen, electricians, radio electricians, machinists, carpenters, ship's clerks, aerographers, and photographers are classed as line officers of the Navy; chief pharmacists, chief pay clerks, pharmacists, and pay clerks as staff officers. So far as succession to command or succession to duties aboard ship outside their respective departments are concerned, chief electricians, chief radio electricians, chief machinists, chief carpenters, chief ship's clerks, chief aerographers, chief photographers, electricians, radio electricians, machinists, carpenters, ship's clerks, aerographers, and photographers are restricted to the performance of duties in their departments.

Rank of, and
precedence.
C. N. R. 24.

(4) Such commissioned warrant officers as are or may be retired with the rank of lieutenant (junior grade) take precedence next after officers having the rank of lieutenant (junior grade).

Article 159 deleted by C. N. R. 24.

160

Authority of
subordinate offi-
cers and petty
officers.
C. N. R. 24.

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

SECTION 2.—DETAIL OF COMMAND AND DUTY

161

Officers of the Navy shall perform such duty at sea or on shore as may be assigned them by the department. **Duty performed.**

162

Any staff officer who has performed duty as Chief of Bureau for a full term shall thereafter be exempt from sea duty. (Sec. 1436, R. S.) **Staff officer, Chief of Bureau.**

163

Officers of the line who have been assigned to engineering duty only shall not, after they reach the grade of commander, be assigned to sea duty except upon their own request, and then only as fleet or squadron engineers or as engineer officers of ships, but they shall be eligible for any shore duty assignable to other line officers of their rank. (See Acts of August 29, 1916, and May 11, 1928.) **Officers restricted to engineering duties. C. N. R. 15.**

164

The President is authorized to establish, and from time to time to modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons. (Act Mar. 3, 1901.) **Classification of vessels.**

165

Vessels under the jurisdiction of the Navy in foreign ports having merchant crews are amenable to navigation laws. Crews must be shipped and discharged before consuls and papers deposited with consuls, except in those cases where anticipated orders for prompt movement makes this course undesirable, in which case the consul is to be notified. **Merchant crews.**

166

A fleet may be commanded by a flag officer; a force, a squadron, or division by a flag officer, captain, or commander; a destroyer or submarine flotilla by a captain, commander, or lieutenant com- **Assignments to command.**

mander; a destroyer or submarine division by a lieutenant commander or lieutenant. (See sec. 1434, R. S.)

167.

A naval station may be commanded by a rear admiral, captain, or commander. Naval stations.

168.

The executive officer of a ship shall be of lower grade than the captain. Executive officer.

169.

An ensign shall perform such duties afloat as may be assigned him, and as may be prescribed elsewhere in the Navy Regulations, including junior officer of the watch, deck or engine room; but shall not be detailed for duty on the staff of a flag officer, nor as aid to the commanding officer of a ship. Ensigns.

170.

(1) Officers of the medical corps shall command naval hospitals, naval medical schools, hospital corps schools, medical supply depots, and separate naval dispensaries or sick quarters. Command by officers of medical corps.

171.

Line officers may be detailed for duty under staff officers in the manufacturing and repair departments of navy yards and naval stations. (Act approved June 24, 1910.) Duty under staff officers.

172.

(1) Should the flag officer commanding die, become incapacitated, or leave his station permanently before being relieved by a successor appointed by the Secretary of the Navy, the line officer next in rank in the fleet or squadron shall succeed to the command and discharge its duties until regularly relieved, in addition to his regular duties; and he shall have all the authority and responsibility of a flag officer in command as if assigned to that duty in terms by the Navy Department. Flag officer in chief command disabled; succession.

(2) An officer who succeeds to command as provided in this article acquires no increase of rank nor change in personal title.

Absence less than seventy-two hours.
C. N. R. 21.

(3) During the temporary absence of a flag officer from his command afloat, not exceeding seventy-two hours, he shall be represented by the chief of staff or, in his absence, by the captain of the flagship, who is authorized to carry out the established routine and make the necessary signals therefor.

Absence exceeding seventy-two hours in U. S. port.

(4) In a port of the United States, on the occasion of the absence of a flag officer from his command afloat, for a period exceeding seventy-two hours, his flag shall be hauled down, and the command, subject to any directions from the flag officer, shall devolve upon the senior line officer present in the fleet, squadron, or division, with the title of senior officer present.

Absence exceeding seventy-two hours in foreign port

(5) In a foreign port, upon the occasion of the absence of a flag officer from his command afloat, for a period exceeding 72 hours, the command, subject to any directions from the flag officer, shall devolve upon the senior officer present in the fleet, squadron, or division, with the title of senior officer present, and the flag officer's flag shall be hoisted over the ship in which the temporary commander is embarked, but without a salute.

173.

Flag officer in chief command killed in battle.

(1) If the flag officer commanding be killed in battle, the officer next in rank on board the ship bearing his flag shall succeed provisionally and until the senior officer in the fleet announces that he has taken command. It shall be the duty of the officer thus succeeding provisionally to report to such senior officer as soon as practicable, and by private signal, the death of the flag officer. The flag of the deceased shall be kept hoisted until the battle is decided.

(2) A commander in chief, a commandant of a naval station, or other officer on detached or independent service shall, in the event of his protracted illness or disability for a period of two weeks, report the fact to the department, by telegraph if beyond the continental limits of the United States, otherwise by letter.

174.

Authority of a flag officer when a passenger.
C. N. R. 17.

1. The commanding officer of a ship or aircraft not a flagship with a flag officer embarked as passenger by due authority shall be subject to the orders of such flag officer. The latter, when so embarked, shall display his flag.

Passengers assigned to duty.

2. Other officers embarked as passengers, senior to the commanding officer, shall have no authority, but those junior to him, if not on a flag officer's staff, may be assigned to duty when the exigencies of the service render it necessary, of which necessity the commanding officer shall be the sole judge. Passengers thus assigned shall have the same authority as though regularly attached to the ship, but shall not displace any officer belonging to the regular complement of the ship in his quarters.

175.

No officer can place himself on duty by virtue of his commission or warrant alone. Authority to perform duty.

176.

An officer duly appointed to act in any grade shall, while serving under such appointment, be entitled to the same command, and honors as if he held a commission in that grade of the same date as his appointment. See art. 239. Authority of acting appointments.
C. N. R. 21.

177.

Retired officers of the Navy and Marine Corps may be employed on active duty, with their consent, in time of peace. (Act Aug. 22, 1912.) In time of war, or a national emergency declared by the President to exist, such retired officers may, in the discretion of the Secretary of the Navy, be ordered to perform active duty. (Act July 1, 1918.) Retired officers.

178.

An officer of the Navy can not assume command of Army forces on shore, nor can an officer of the Army assume command over any ship of the Navy, or over its officers or men afloat, except in either case by special authority for a particular service; but when officers of the Navy are on duty on shore with the Army they shall be entitled to the precedence of the rank in the Army to which their own corresponds, except command as aforesaid, and this precedence will regulate their right to quarters. Authority of Navy and of Army officers serving together.

Article 179 deleted by C. N. R. 13.

SECTION 3.—LAW AND DECISIONS ON RANK AND COMMAND.

180.

- Sec. 1468, R. S.** Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.
- Sec. 1469, R. S. mand.** The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel, or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer; and the aid or executive shall have no independent authority in consequence of such detail.
- Sec. 1470, R. S.** Staff officers, senior to the officer so detailed, shall have the right to communicate directly with the commanding officer. In proceedings on shore, on courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

181.

Decision.

The foregoing are provisions of the statute laws of the country. In view of the fact that their meaning and force have been sometimes misunderstood, they are here given for the information of the service, with the following declaration and regulations, promulgated as the views of the Secretary of the Navy, upon the subject matter, and his official construction of the law as it exists in relation thereto. By the force of naval law, and regulations made in conformity therewith, the following principles are established and exist as essentials of all military service, without which there can be neither command, discipline, nor responsibility:

Authority of officers in command.

(a) Officers intrusted with the command of vessels of war or naval stations, or with the command or direction of any military expedition or duty, whatever their rank, must, while properly in such command or direction, have full command, authority, and precedence over all officers and persons, of whatever rank, serving in such vessel, station, or expedition, or in the execution of such duty. This authority and precedence will descend to the officer or person on whom such command or direction may devolve by reason of the death, disability, or absence of the person otherwise in command or direction.

Death, disability or absence of commanding officer.

(b) In case of death, disability, or absence of an officer in military command or direction, this command and direction, with all its authority and precedence, devolves and rests upon the line officer eligible to command next in rank who may be present and

on duty with such command. In processions on shore all officers take precedence according to their rank; but when such procession forms a military command, the command devolves upon the senior line officer present eligible to command, subject to the limitation of article 150, paragraph (9), and authority and precedence attach accordingly. On all courts-martial, courts of inquiry, boards of survey, and other boards, line and staff officers take precedence according to rank. The senior officer of such courts or boards presides by virtue of his rank.

(c) Officers of the staff corps of the Navy shall on all occasions be treated with the same respect as officers of corresponding rank in the line not in command, under like circumstances. Their legal rank carries with it the same personal dignity and is to receive, in all respects, the same consideration. If they are at any time subordinated, for any purpose of organization or duty, to the exercise of authority delegated by law to their juniors in actual rank, it is for reasons growing out of the necessities of military service, operating alike on all officers of both line and staff under like circumstances, and subject to the same conditions applicable to all. The right of military command and to additional quarters is restricted by law.

Staff officers.

(d) No officer of any grade of the Navy is authorized by virtue of his own mere rank and authority to give any order or grant any privilege, permission, or liberty to his senior in rank of any corps; nor is any senior officer required to receive such order, privilege, permission, or liberty from his junior, unless such junior is at the time in command of the vessel of war or naval station to which the senior is attached, or in command or direction of the military expedition or duty on which such senior is serving, or is, as aid or executive, executing such order of the commanding officer; and no commanding officer is authorized to delegate to any junior the authority to grant any permission, privilege, or liberty to his senior, but must himself receive and hear, under proper regulations, any request therefor from such senior, satisfying himself as to its propriety, and deciding the matter in the exercise of his own authority. Any officer on shipboard, however, who is intrusted by general provision or special order of proper authority with any duty, the present performance of which may involve the movements of the ship itself, or the attitude of the ship's company as a whole, represents the commanding officer for that purpose, and is intrusted, for the time, with all the authority necessary for the proper performance of such duty; and all officers, of whatever rank, are required to assist in carrying out such duty, and to receive and execute his orders for that purpose; nor will he be interfered with therein, unless by the commanding officer, or the aid or executive, who are entitled to relieve him in the performance of such duty.

Authority to issue orders, etc.

182.

The executive officer; his duties and authority.

(1) The efficiency of every military organization requires of the commanding authority, besides the general duties of command and direction, the additional duties of organization, police, and inspection; all these appertain to and go with the command. For the relief of the commanding officer they are usually intrusted, in their details, to subordinates, but they are performed by his authority and under his direction. On shipboard and at navy yards the Secretary of the Navy, by authority of law, designates the senior line officer to perform these duties in addition to the ordinary duties assigned to him as such line officer attached to the ship or yard. The officer so designated is called, for the time being, "the aid or executive of the commanding officer." This is not a new rank; nor has the officer by virtue of the title, or in consequence of the detail, any new independent authority. It is merely a designation of the officer who, for the relief of the commanding officer or commandant, and by his authority alone, carries out, on board the ship or at a navy yard, the details of organization, inspection, and police.

In charge of police of ship.

(2) As the officer in charge of the police of the ship and the execution of all provisions made for her general good condition, appearance, and safety, the duties of the executive officer of a ship are constant and call him everywhere, and give him, as representative of the commanding officer for that purpose, charge of and authority over the details necessary to the proper performance of all police duties. To this authority all officers and persons are required to yield full and prompt acquiescence.

As inspecting officer of ship.

(3) As the inspecting officer of the ship, required at stated periods to examine and report her general condition and efficiency in all her departments, the aid or executive is entitled to make personal examination of and report upon all these, and for that purpose every facility is to be afforded him by every officer attached to the vessel; and all officers in charge of storerooms or other parts of the ship are required to have such storerooms or parts of the ship in proper condition for his inspection, at such times as may be designated by the commanding officer.

As intrusted with organization.

(4) As the officer to whom the details of the organization of the ship's company are intrusted, the aid or executive is the proper person to station the officers and crew, and to prepare, form, parade, and present them in proper attitude for review and inspection by the commanding officer or other proper officer, and for this purpose he has authority to take preliminary charge of all formations and parades, to see that the whole is properly organized and paraded, and to receive the reports customary on such occasions from the officers in charge of departments and divisions, and transmit them as a whole to the commanding officer. While carrying

out the details of organization and those of police and inspection, in execution of the orders of the commanding officer, the aid or executive takes precedence over all officers attached to the ship, and shall be obeyed and respected accordingly. Reports of heads of departments and of officers senior in rank to the aid or executive, other than those above mentioned, will be made direct to the commanding officer. The commanding officer is authorized to grant temporary leave of absence to the officers and others attached to the vessel. Under his orders and special directions such leave of absence may be granted by the aid or executive to officers who are junior to him in rank; these officers will report their return from leave to the aid or executive. Officers senior in rank to the aid or executive desiring to leave the ship will obtain the required permission directly from the commanding officer, and upon their return from leave will report the same to him. All officers will report their permission to leave the ship, and their return, to the officer of the deck. The departure and return of officers senior to the aid or executive will be reported to the latter by the officer of the deck.

(5) These duties of organization, inspection, and police devolve upon "the aid or executive of the commanding officer of a vessel of war" by virtue of his detail as such "aid or executive," and they, and the exercise of the authority necessary to execute them, are recognized by all military law and usage, and by the statute which authorizes his designation. But they are duties pertaining to the command, delegated, under sanction of law, by the commanding officer to his "aid or executive," who, in carrying them out, is "executing the orders of the commanding officer," and the authority exercised as necessary to their execution is the authority of "the commanding officer," exercised by his "aid or executive," and not the authority of the "aid or executive" himself. By the express provision of the statute, this officer has "no independent authority" as such "aid or executive," but exercises only the authority necessarily delegated for the execution "of the orders of the commanding officer." This delegated authority, however, is recognized by the statute which confers on the "aid or executive," while exercising it, "precedence over all officers attached to the ship," of whatever rank or corps. But this special precedence is given to him only "while executing the orders of the commanding officer on board ship," and is not his under other circumstances.

Exercise of authority by executive officer.

(6) The officer in command of a ship of war is not authorized to delegate his power except for the carrying out of the details of the general duties to be performed by his authority. The command is his, and he can neither delegate the duties of it to another, nor avoid its burdens, nor escape its responsibilities; and his "aid or executive," in the exercise of the power given to him

Delegation of authority.

for "executing the orders of the commanding officer," must keep himself constantly informed of the opinions and wishes of the commanding officer; and whenever and as soon as he may be informed or is in doubt as to such opinion or wishes he must remedy such defect by prompt and personal application, to the end that the authority of the commanding officer may be used only to carry out his own views; and that he may not be, by its unwarranted exercise, in any measure, relieved from his official responsibilities, which can neither be assumed by nor fall upon any other officer.

Authority other than as executive.

(7) The details of these duties may be more fully defined by general or special orders and regulations, but the "aid or executive of the commanding officer of a vessel of war" has, as such "aid or executive," no other duties or authority except those which come within the scope of the above descriptions; and any other authority at any time to be exercised by the officer designated as such "aid or executive" must be such authority only as belongs to him by virtue of his rank in the line. This is his in his own right, with all the power and precedence which belong to it, but it is to be exercised only according to the general rules governing alike all officers of all corps and every grade.

Not required to announce authority for orders.

(8) It is not necessary, nor consistent with military usage and efficiency, that the "aid or executive" should be required to announce with every order given or authority exercised by him as such, that he is "executing the orders of the commanding officer." The delegated character of this authority is fully understood and is defined by the statute, which contemplates obedience to it as such by "all officers attached to the vessel," and the statute, while it provides that the officer detailed to act as "aid or executive" shall, "when not impracticable, be next in rank to the commanding officer," still contemplates the same obedience when this is impracticable.

Complaints and appeals.

(9) Any complaint or appeal growing out of the exercise of these duties should be made to the commanding officer, and the right to make any such complaint or appeal shall not be denied to any person.

Right of officers to communicate with commanding officer.

(10) The right of all officers, whether of the line or staff, to communicate with the commanding officer at all proper times and places is not to be denied or restricted; but this does not interfere with the duty of all such officers to recognize and acquiesce in the authority delegated to the "aid or executive" for the purpose of police, organization, and inspection as aforesaid, nor confer upon any such officer the right to interrupt the ordinary course of military organization or duty, while in actual execution, for the purpose of making such communication.

(11) The general principles involved in the relations of the aid or executive to the commanding officer of a ship as laid down in this article shall also govern, as far as they may be applicable, in the case of the aid or executive to the commandant of a navy yard.

183.

Every officer in charge of a department has the general right, at all proper times, to communicate and confer directly with the responsible commanding officer concerning any matter relating to his department; and his duty to do so is absolute whenever he thinks it necessary for the good of his department or of the service.

Officers in charge of departments.

184.

It is conceivable that most unusual and extraordinary circumstances may arise in which the relief from duty of a commanding officer by a subordinate becomes necessary, either by placing him under arrest or on the sick list; but such action shall never be taken without the approval of the Navy Department or other appropriate higher authority, except when reference to such higher authority is undoubtedly impracticable because of the delay involved or for other clearly obvious reason. Such reference must set forth all facts in the case, and the reasons for the recommendation, with particular regard to the degree of urgency involved.

Unusual circumstances.

185.

In order that a subordinate officer, acting upon his own initiative, may be vindicated for relieving a commanding officer from duty, the situation must be obvious and clear, and must admit of the single conclusion that the retention of command by such commanding officer will seriously and irretrievably prejudice the public interests. The subordinate officer so acting must be next in lawful succession to command; must be unable to refer the matter to a common superior for one of the reasons set down in article 184; must be certain that the prejudicial actions of his commanding officer are not caused by secret instructions unknown to the subordinate; must have given the matter such careful consideration, and must have made such exhaustive investigation of all the circumstances, as may be practicable; and finally must be thoroughly convinced that the conclusion to relieve his commanding officer is one which a reasonable, prudent, and experienced officer would regard as a necessary consequence from the facts thus determined to exist.

Conditions to fulfill.

186.

Intelligently fearless initiative is an important trait of military character, and it is not the purpose to discourage its employment in cases of this nature. However, as the action of relieving a superior from command involves most serious possibilities, a decision so to do or so to recommend should be based upon facts established by substantial evidence, and upon the official views of others in a position to form valuable opinions, particularly of a technical character. An officer relieving his commanding officer or recommending such action, together with all others who so counsel, must bear the legitimate responsibility for, and must be prepared to justify, such action.

NOTE.—There are no articles 187-195.