1. Purpose. This regulation implements DOD Directive 5120.36, dated 26 July 1963. It prescribes Army policies regarding equal opportunity and treatment of military personnel and contains guidance to commanders in implementing these policies both on- and off-post.

2. Applicability. a. This regulation is applicable worldwide.

b. This regulation applies to U.S. Army Reserve organizations and units and to U.S. Army reservists when in uniform attending drill or other periods of inactive duty training or active duty for training.

c. This regulation applies to units and members of the Army National Guard of the United States only when on duty in a Federal status.

3. Policy. a. It is the policy of the Army to conduct all of its activities in a manner which is free from racial discrimination, and which provides equal opportunity and treatment of all uniformed members irrespective of their race, color, religion, or national origin.

b. All actions taken to implement the above policy will be based on the following fundamental principles:

(1) Equal and just treatment of all personnel exerts direct and favorable influence on morale, discipline, and command authority. Since these are key factors contributing to combat efficiency, such treatment is related to the primary mission of command.

(2) In opposing discriminatory practices and in providing equal opportunity to Army personnel and their dependents, the unity of purpose and spirit essential to the creation of effective military organizations is more readily developed.

(3) Commanders at all levels being responsible for the well being of their personnel, can best discharge their responsibility by the early detection of, and continuing efforts to remove, those influences which adversely affect their personnel.

4. Responsibility. Every opportunity will be afforded the local commander to resolve problems peculiar to the local environment. Problems that require assistance at departmental level will be brought to the attention of appropriate authorities without delay. Specifically, commanders at all echelons are responsible for—

a. Insuring that this policy is implemented in all on-post activities.

b. Orienting all Army personnel periodically on Army policies regarding equal opportunity and treatment of military personnel.
c. Fostering equal treatment of military personnel and their dependents in off-post civilian communities.

d. Processing all matters related to equality of treatment and opportunity through normal channels.

e. Assuring that unsegregated accommodations are available for conferees attending official meetings and conferences sponsored by the command.

f. Promoting racial harmony within units and installations as an essential part of total unit combat readiness. Prompt impartial command attention will be given to evidence of unequal treatment, development of undesirable cliques, or interracial difficulties within units.

g. Reviewing this regulation and local equal treatment programs promptly upon assumption of command.

5. On-post implementation. To insure uniform implementation, the following will apply to all activities under Army control:

a. There will continue to be no racial or religious strength quotas in the Army troop basis.

b. All persons, regardless of race, color, religion, or national origin will continue to be accorded equal opportunity for enlistment, appointment, assignment, advancement, professional improvement, promotion, and retention in all components of the Army.

c. All enlisted personnel will continue to be accorded identical processing through Armed Forces Examining and Induction Stations.

d. Directives pertaining to the release of personnel from the service will continue to apply equally to all persons, without reference to race, color, religion, or national origin.

e. All on-post facilities and official activities will continue to be operated without racial discrimination.

f. Installation commanders will take affirmative action in accordance with the principles of paragraph 32(3) to assure that discriminatory practices do not exist in their commands.

6. Off-post implementation. Complete uniformity of procedures to follow in eliminating off-post discriminatory practices in local communities is not feasible since each community presents a different situation for which local solutions must be developed and commanders have no direct control over civilian community activities. The final and effective resolution of off-post discriminatory problems affecting personnel of an installation must be accomplished by the local community. Installation commanders will encourage and assist community officials to eliminate any discriminatory treatment of military personnel and their dependents. The following recommended actions are provided to assist commanders in attaining this objective:

a. Use civil-minded councils, civic committees, or subcommittees of previously established command-community relations committees (see AR 360-55) to effect improvement.

b. Discuss with appropriate individuals and groups the elimination of considerations of race, creed, color, or national origin as applied to service personnel seeking off-post quarters in existing multi-unit housing developments. Detailed guidance applicable to family housing is contained in paragraph 7.

c. Establish liaison with other military services and Federal agencies in the area with a view toward adopting common policies, and coordinate with State and local governmental antidiscrimination bodies in the solution of off-post problems.

d. Solicit the cooperation of local officials and leading citizens to the end that—

(1) Military personnel and their dependents are admitted on a nonsegregated basis to public accommodation facilities such as hotels, motels, restaurants, bowling alleys, theaters, etc.

(2) Service in all facilities is assured to all military personnel and their dependents at local business establishments.

(3) Military personnel and their dependents are admitted to all local sporting events on a nonsegregated basis.

(4) Military personnel and their dependents are admitted to all community controlled public facilities such as parks, swimming pools, golf courses, etc., on a nonsegregated basis.

e. Utilize existing opportunities or create opportunities to demonstrate on-post equal treatment policies to the local community.

f. Govern Military Police relationships with local authorities to ensure that no actual or tacit support is given to community discriminatory practices. The maintenance of peace and order,
except in areas under military control, is primarily the responsibility of civil authority (see AR 190-8). Consequently, commanders must provide for close cooperation and coordination with civil law enforcement agencies. Such relationships should insure that incidents involving military personnel are handled expeditiously and that uniform treatment is accorded.

7. Family housing. a. Family housing and associated facilities should be available without discrimination because of race, creed, color, or national origin. Commanders will use their "good offices" in contacts with all appropriate agencies to improve the availability of housing consistent with this policy.

b. All listings maintained by Family Housing Offices at Army installations or activities of private housing available for sale or rent will include only those units which are available without regard to race, creed, or color, of prospective tenants referred through installation or activity information media.

c. All leases for family housing executed on behalf of the United States pursuant to the authority of Section 515, Public Law 161-84, as amended, shall contain the following clause:

``It is understood and agreed that the government will assign the demised premises to military personnel in accordance with Executive Order No. 11063, dated November 20, 1962, which provides that housing and related facilities shall be available without discrimination among tenants because of race, color, creed, or national origin.
``

d. The Executive Order No. 11063 applies to housing—

(1) Owned and operated by the Federal Government. Complaints submitted on this type of housing will be processed as described in paragraph 11.

(2) Provided in whole or in part with the aid of Federal loans, grants, advances, or contributions agreed to be made after 20 November 1962.

(3) Provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, subsequent to 20 November 1962.

(4) Provided by the development or the redevelopment of real property obtained from a State or local public agency receiving Federal financial assistance for slum clearance and urban renewal under a loan or contract made after 20 November 1962.

e. Commanders will make known that it is Department of the Army policy to give assistance to military personnel who, because of race, creed, color, or national origin, have been discriminated against in their efforts to purchase or rent off-post housing. In all such cases, informal efforts will precede command assistance in the filing of a formal complaint with any other governmental agency.

(1) If the discrimination occurs in connection with housing subject to Executive Order No. 11063, commanders will assist individuals in the preparation of complaints to the appropriate regional F3IA office. Inquiry should be made to that office to determine complaint procedures and deadlines, and whether the Executive order is applicable in specific cases.

(2) If the discrimination occurs in connection with housing subject to a State law or local ordinance banning discrimination, commanders will assist individuals in filing complaints under such law or ordinance.

(3) If the discrimination occurs in housing which is not covered as in (1) or (2) above, commanders will nevertheless use their "good offices" in accordance with c above.

8. Dependent schooling. Department of Army policy supports the right of dependent children of military personnel to be assigned to and attend public schools without regard to race, color, creed, or national origin. In implementation of this policy, commanders of all CONUS Army installations to include those in Alaska and Hawaii will—

a. Ascertain from local school authorities procedures, for assignment and transfer of children to public schools on a nonracial basis.

b. Advise sponsors of Department of the Army policy stated above and of local procedures for gaining assignment and transfer of children to schools on a nonracial basis.

c. Counsel sponsors to include advice on pupil placement procedures for initial school assignments, deadlines for transfer, applications or ap-
peals and of the availability of legal assistance. See AR 608–50.

9. Participation by military personnel in civil rights demonstrations. It is inappropriate for military personnel to participate in civil rights demonstrations. The requirement for commanders to maintain order and discipline within their commands so as to achieve maximum readiness for military operations is necessarily paramount over the right of the individual to participate in non-military activities. Pursuant to this obligation, as determined by the local commanders, military personnel may not under any circumstances participate in civil rights demonstrations—
   a. During the hours when they are required to be present for duty;
   b. When they are in uniform;
   c. When they are on a military reservation;
   d. When they are in a foreign country;
   e. When their activities constitute a breach of law and order; or
   f. When violence is reasonably likely to result.

10. Racial incidents. Racial incidents will be reported in accordance with applicable provisions of AR 1–55. Commanders will insure that their higher headquarters are notified concurrently with notification to Headquarters, Department of the Army.

11. Complaints. a. Complaints of discrimination will be submitted through normal command channels or to an inspector general (sec. III, AR 20–1). Military personnel will also be advised that they have free access to the staff judge advocate, the staff chaplain, and the staff provost marshal if appropriate. Individuals will be encouraged to make maximum use of the command channel as the commander is ultimately responsible for all of his military personnel (para. 34e, AR 600–20).

b. Installation commanders should be aware of and maintain such records as are necessary to reflect the number, type, validity, and disposition of racial complaints submitted by military personnel of their commands. These records may serve as a basis for summarization of complaints upon request by higher echelons.

12. Legal assistance. Within the framework of the legal assistance program (see AR 608–50), legal assistance officers may be provided to assure that members of the Armed Forces who are denied federally protected rights are accorded due process of law. If it appears that the civil rights of members of the Armed Forces may be endangered, and that an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General, Department of the Army, Washington, D.C. 20310 for possible reference to the Department of Justice.

13. Off-limit sanctions. Commanders will not use the off-limit sanctions in discrimination cases without the prior approval of the Secretary of the Army and then only after all reasonable alternatives have failed to achieve the desired effect.

14. Other regulations and directives. The following regulations and directives contain additional guidance in the many subjective areas applicable to equal opportunity and treatment of military personnel:
   e. Nonappropriated Funds and Related Activities, AR 230–5, C4 and C5.
   g. Inspections and Investigations—Inspector General Activities and Procedures, AR 20–1.
   h. Army Procurement Procedure (APP, part 8, sec. XII).

[DCSPER]

By Order of the Secretary of the Army:

Official:
J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

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q. DA Message, 963594, Use of Civilian Educational Facilities by Military Personnel, 10 April 1964.

EARLE G. WHEELER,
General, United States Army,
Chief of Staff.