

1. Boats shall be regarded in all matters concerning the rights, privileges and comity of nations as part of the ship or aircraft to which they belong.

2. In ports where war, insurrection or armed conflict exists or threatens, the commanding officer shall:

a. require that boats away from the ship or aircraft have some appropriate and competent person in charge; and

b. see that steps are taken to make their nationality evident at all times.

0856. Pilotage.

1. The commanding officer shall:

a. pilot the ship under all ordinary circumstances, but may employ pilots whenever, in his or her judgment, such employment is prudent;

b. not call a pilot on board until the ship is ready to proceed;

c. not retain a pilot on board after the ship has reached her destination or a point where the pilot is no longer required;

d. give preference to a licensed pilot; and

e. pay pilots no more than the local rates.

2. A pilot is merely an advisor to the commanding officer. The presence of a pilot on board shall not relieve the commanding officer or any subordinate from his or her responsibility for the proper performance of the duties with which he or she may be charged concerning the navigation and handling of the ship. For an exception to the provisions of this paragraph, see "Rules and Regulations Covering Navigation of the Panama Canal and Adjacent Waters," which directs that the pilot assigned to a vessel in those waters shall have control of the navigation and movement of the vessel. Also see the provisions of these regulations concerning the navigation of ships at a naval shipyard or station, or in entering or leaving drydock.

0857. Safe Navigation and Regulations Governing Operation of Ships and Aircraft.

1. The commanding officer is responsible for the safe navigation of his or her ship or aircraft,

except as prescribed otherwise in these regulations for ships at a naval shipyard or station, in drydock, or in the Panama Canal. During an armed conflict, an exercise simulating armed conflict, or an authorized law enforcement activity, competent authority may modify the use of lights or other safeguards against collision. Except in time of actual armed conflict, such modifications will be authorized only when ships or aircraft clearly will not be hazarded.

2. Professional standards and regulations governing shiphandling, safe navigation, safe anchoring and related operational matters shall be promulgated by the Chief of Naval Operations.

3. Professional standards and regulations governing the operation of naval aircraft and related matters shall be promulgated by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

4. The commanding officer is responsible for ensuring that weather and oceanic effects are considered in the effective and safe operation of his or her ship or aircraft.

0858. Entering a Port or Landing at a Place Not Designated.

When a ship or aircraft enters a port or lands at a place not designated or permitted by instructions, the commanding officer shall promptly report to his or her immediate superior the cause for doing so, and an estimate of the delay which will be incurred. When such port or place is within foreign jurisdiction, the nearest United States diplomatic or consular representative, accredited to the government concerned, shall also be informed.

0859. Quarantine.

1. The commanding officer or aircraft commander of a ship or aircraft shall comply with all quarantine regulations and restrictions, United States or foreign, for the port or area within which the ship or aircraft is located.

2. The commanding officer shall give all information required by authorized foreign officials, insofar as permitted by military security, and will meet the quarantine requirements promulgated by proper authority for United States or foreign ports. However,

THE COMMANDING OFFICER

nothing in this article shall be interpreted as authorizing commanding officers to permit onboard inspections by foreign officials, or to modify in any manner the provisions of Article 0828 of these regulations.

3. The commanding officer shall allow no intercourse with a port or area or with other ships or aircraft until after consultation with local health authorities when:

a. doubt exists as to the sanitary regulations or health conditions of the port or area;

b. a quarantine condition exists aboard the ship or aircraft; or

c. coming from a suspected port or area, or one actually under quarantine.

4. No concealment shall be made of any circumstance that may subject a ship or aircraft of the Navy to quarantine.

5. Should there appear at any time on board a ship or aircraft conditions which present a hazard of introduction of a communicable disease outside the ship or aircraft, the commanding officer or aircraft commander shall at once report the fact to the senior officer present, to other appropriate higher authorities and, if in port, to the health authorities having quarantine jurisdiction. The commanding officer or aircraft commander shall prevent all contacts likely to spread disease until pratique is received. The commanding officer of a ship in port shall hoist the appropriate signal.

0860. Customs and Immigration Inspections.

1. The commanding officer or aircraft commander shall facilitate any proper examination which it may be the duty of a customs officer or immigration officer of the United States to make on board the ship or aircraft. The commanding officer or aircraft commander shall not permit a foreign customs officer or immigration officer to make any examination whatsoever, except as hereinafter provided, on board the ship, aircraft or boats under his or her command.

2. When a ship or aircraft of the Navy or a public vessel manned by naval personnel and operating under the direction of the Department of the Navy is carrying cargo for private commercial account, such cargo shall be subject

to the local customs regulations of the port, domestic or foreign, in which the ship or aircraft may be, and in all matters relating to such cargo, the procedure prescribed for private merchant vessels and aircraft shall be followed. Government-owned stores or cargo in such ship or aircraft not landed nor intended to be landed nor in any manner trafficked in, are, by the established precedent of international courtesy, exempt from customs duties, but a declaration of such stores or cargo, when required by local customs regulations, shall be made. Commanding officers shall prevent, as far as possible, disputes with the local authorities in such cases, but shall protect the ship or aircraft and the Government-owned stores and cargo from any search or seizure.

3. Upon arrival from a foreign country, at the first port of entry in United States territory, the commanding officer, or the senior officer or ships or aircraft in company, shall notify the collector of the port. Each individual aboard shall, in accordance with customs regulations, submit a list of articles purchased or otherwise acquired abroad. Dutiable articles shall not be landed until the customs officer has completed his or her inspection.

4. Commanding officers of naval vessels and commanders of aircraft transporting United States civilian and foreign military and civilian passengers shall satisfy themselves that the passenger clearance requirements of the Immigration and Naturalization Service are complied with upon arrival at points within the jurisdiction of the United States. Clearance for such passengers by an immigration officer is necessary upon arrival from foreign ports and at the completion of movements between any of the following: Continental United States (including Alaska and Hawaii), the Canal Zone, Puerto Rico, Virgin Islands, Guam, American Samoa, or other outlying places subject to United States jurisdiction. Commanding officers, prior to arriving, shall advise the cognizant naval or civilian port authority of the aforementioned passengers aboard and shall detain them for clearance as required by the Immigration and Naturalization Service.

5. The provisions of this article shall not be construed to require delaying the movements of any ship or aircraft of the Navy in the performance of her assigned duty.

EXHIBIT 61
PAGE 17 OF 31

Chapter 9

THE SENIOR OFFICER PRESENT

EXHIBIT

EXHIBIT 61
PAGE 18 OF 3

Chapter 9

THE SENIOR OFFICER PRESENT

Contents

	Article		Article
The Senior Officer Present	0901	Leave and Liberty	0921
Eligibility for Command at Sea	0902	Shore Patrol	0922
Authority and Responsibility	0903	Precautions for Health	0923
Authority of Senior Officer of the Marine Corps Present	0904	Medical or Dental Aid to Persons Not in the Naval Service	0924
To Make Known Identity as Senior Officer Present	0905	Assistance to Persons, Ships and Aircraft in Distress	0925
Reports and Calls by Juniors	0906	Repairs to Merchant Vessels	0926
Commands Diverted by the Senior Officer Present	0907	Detail of Subordinate to Perform Administrative Duties	0927
Authority Within Commands	0908	The Senior Officer Present Afloat	0928
Distinctions Ashore	0909	Relations Between the Senior Officer Present and the Senior Officer Present Afloat	0929
Concert of Action With Other Armed Forces	0910	Authority and Responsibility of the Senior Officer Present Afloat	0930
Relations With Diplomatic and Consular Representatives	0911	Relations With Commanders Ashore	0931
Communication With Foreign Officials	0912	Juniors to Obtain Permission From the Senior Officer Present	0932
Coordination Procedures Established by a Unified or Specified Commander	0913	Authority to Alter Organization	0933
Violations of International Law and Treaties	0914	Exercise of Power of Consul	0934
Use of Force Against Another State	0915	File of the Senior Officer Present Afloat	0935
Territorial Integrity of Foreign Nations	0916	Medical, Dental, Communications and Other Guard	0936
Dealings With Foreigners	0917	Responsibilities of Subordinates	0937
Readiness and Safety of Forces	0918	Boarding Calls	0938
Information Furnished to Subordinates	0919	Granting of Asylum and Temporary Refuge	0939
Protection of Commerce of the United States	0920		

0901. The Senior Officer Present.

Unless some other officer has been so designated by competent authority, the "senior officer present" is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the locality or within an area prescribed by competent authority, except where personnel of both the Navy and the Marine Corps are present on shore and the officer of the Marine Corps who is in command is senior to the senior line officer of the Navy. In such cases, the officer of the Marine Corps shall be the senior officer present on shore.

0902. Eligibility for Command at Sea.

All officers of the line of the Navy, including Naval Reserve, on active duty, except those

designated for the performance of engineering, aeronautical engineering or special duties, and except those limited duty officers who are not authorized to perform all deck duties afloat, are eligible for command at sea.

0903. Authority and Responsibility.

At all times and places not excluded in these regulations, or in orders from competent authority, the senior officer present shall assume command and direct the movements and efforts of all persons in the Department of the Navy present when, in his or her judgment, the exercise of authority for the purpose of cooperation or otherwise is necessary. The senior officer present shall exercise this authority in a manner consistent with the operational

command responsibility vested in the commanders of unified or specified commands.

0904. Authority of Senior Officer of the Marine Corps Present.

The authority and responsibility of the senior officer present are also conferred upon the senior commanding officer of the Marine Corps present with respect to those units of the Marine Corps, including Navy personnel attached, which are in the locality and not under the authority of the senior officer present.

0905. To Make Known Identity as Senior Officer Present.

When doubt may exist or when circumstances require, the senior officer present shall inform all commanding officers concerned in the locality or prescribed geographical area that he or she is the senior officer present.

0906. Reports and Calls by Juniors.

All commanding officers shall keep themselves informed of the identity of the senior officer present. The senior commander of each unit present shall inform the senior officer present of the orders under which he or she is acting to the extent permitted therein and of the condition of his or her command. When circumstances permit, he or she shall call upon the senior officer present.

0907. Commands Diverted by the Senior Officer Present.

The senior officer present shall not divert a command from an operation or duty assigned by another authority unless the public interest demands. When orders issued by the senior officer present conflict with an operation or duty assigned to a command, the commanding officer of such command shall disclose his or her orders to the senior officer present, to the extent permitted by the instructions contained therein, in order that the senior officer present may give them due consideration. The senior officer present shall inform a command promptly upon diverting any command from a previously assigned operation or duty, and shall release such command when its assistance is no longer required.

0908. Authority Within Commands.

In the exercise of authority, the senior officer present normally shall not be concerned with administrative matters within other commands, except to the extent necessary to secure such uniformity and coordination of effort as may be required.

0909. Distinctions Ashore.

The responsibilities, authorities and distinctions of commanders, officers in command and others of the shore establishment are as stated by superiors or other competent authorities, and are not necessarily dependent upon relative seniority among the individuals concerned.

0910. Concert of Action With Other Armed Forces.

When in the vicinity of other armed forces of the United States or of an ally of the United States, the senior officer present shall maintain, to the extent possible, a complete concert of action with the commander of those forces. The senior officer present shall cooperate with the commander of such forces in the preparation and execution of plans for such joint action as may be necessary.

0911. Relations With Diplomatic and Consular Representatives.

The senior officer present shall preserve, insofar as possible, close relations with diplomatic and consular representatives of the United States. He or she shall consider recommendations, requests or other communications from such representatives. While due weight should be given to the opinions and advice of such representatives, the senior officer present is solely and entirely responsible for his or her official acts.

0912. Communication With Foreign Officials.

1. As a general rule, when in foreign countries, the senior officer present shall communicate with foreign civil, diplomatic or consular officials through the local United States diplomatic or consular representatives.

2. In the absence of a diplomatic or consular representative of the United States, the senior officer present in a foreign country has the authority to:

a. communicate or remonstrate with foreign civil authorities as may be necessary; and

b. urge upon citizens of the United States the necessity of abstaining from participation in political controversies or violations of the laws of neutrality.

0913. Coordination Procedures Established by a Unified or Specified Commander.

In areas where the commander of a unified or specified command has established procedures for coordination of military matters affecting United States and host country relationships, the senior officer present shall adhere to such procedures.

0914. Violations of International Law and Treaties.

On occasions when injury to the United States or to citizens thereof is committed or threatened in violation of the principles of international law or in violation of rights existing under a treaty or other international agreement, the senior officer present shall consult with the diplomatic or consular representatives of the United States, if possible, and shall take such action as is demanded by the gravity of the situation. In time of peace, action involving the use of force may be taken only in consonance with the provisions of the succeeding article of these regulations. The responsibility for any application of force rests wholly upon the senior officer present. The senior officer present shall report immediately all the facts to the National Command Authority, keeping the operational chain of command and the Secretary of the Navy informed.

0915. Use of Force Against Another State.

1. The use of force in time of peace by United States naval personnel against another nation or against anyone within the territories thereof is illegal except as an act of self-defense. Naval personnel have a right of self-defense against hostile acts or hostile intent (imminent threat to

use force). This right includes defending themselves, their subunits and, when appropriate, defending U.S. citizens, their property and U.S. commercial assets in the vicinity.

2. The conditions calling for application of the right of self-defense cannot be precisely defined beforehand, but must be left to the sound judgment of responsible naval personnel who are to perform their duties in this respect with all possible care and forbearance. The use of force must be exercised only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required.

3. Force must never be used with a view to inflicting unlawful punishment for acts already committed.

0916. Territorial Integrity of Foreign Nations.

The senior officer present shall respect the territorial integrity of foreign nations. Unless permission has been obtained from foreign authorities:

a. No armed force for exercise, target practice, funeral escort or other purpose shall be landed.

b. No persons shall be allowed to visit the shore, except as necessary to conduct official business.

c. No persons shall be landed to capture deserters.

d. No target practice with guns, torpedoes, rockets, guided missiles or other weapons shall be conducted within foreign territorial waters or at any point from which projectiles, torpedoes or missiles may enter therein.

0917. Dealings With Foreigners.

The senior officer present shall uphold the prestige of the United States. He or she shall impress upon officers and enlisted personnel that, when in foreign ports, it is their duty to avoid all possible cause for offense to the authorities and inhabitants; that due deference must be shown by them to local laws, customs, ceremonies and regulations; that moderation and courtesy should be displayed in all dealings

with foreigners; and that a feeling of good will and mutual respect should be cultivated.

0918. Readiness and Safety of Forces.

1. The senior officer present shall prescribe the conditions of readiness of all the forces present and under his or her authority.

2. To the extent which the situation demands, the senior officer present shall be prepared for action and shall guard against surprise attack. With the means at his or her disposal, he or she shall put into effect such measures as are necessary to minimize the possibility of the undetected approach of hostile air, surface or submarine forces.

3. The senior officer present is responsible for the safety and security of the units in company and, at sea, shall direct the course to be steered and the disposition to be employed. Nothing in this article will be construed as abrogating the authority of the commander of a task force or task command.

0919. Information Furnished to Subordinates.

Before engaging in any operation in time of war, if practicable, the senior officer present shall supply the commanding officers present with the operation plan and battle plan, and shall communicate to his or her principal subordinates present such information as will assist them if called upon to assume command.

0920. Protection of Commerce of the United States.

Acting in conformity with international law and treaty obligations, the senior officer present shall protect, insofar as lies within his or her power, all commercial craft of the United States in their lawful occupations.

0921. Leave and Liberty.

Subject to such orders as may have been received from competent authority, the senior officer present shall regulate leave and liberty.

0922. Shore Patrol

1. When liberty is granted to any considerable number of persons, except in an area that can absorb them without danger of disturbance or

disorder, the senior officer present shall cause to be established, temporarily or permanently, in charge of an officer, a sufficient patrol of officers, petty officers and noncommissioned officers to maintain order and suppress any unseemly conduct on the part of any person on liberty. The senior patrol officer shall communicate with the chief of police or other local officials and make such arrangements as may be practicable to aid the patrol in carrying out its duties properly. Such duties may include providing assistance to military personnel in relations with civil courts and police, arranging for release of service personnel from civil authorities to the parent command, and providing other services that favorably influence discipline and morale.

2. A patrol shall not be landed in any foreign port without first obtaining the consent of the proper local officials. Tact must be used in requesting permission; and, unless it is given willingly, the patrol shall not be landed. If consent cannot be obtained, the size of liberty parties shall be held to such limits as may be necessary to render disturbances unlikely.

3. Officers and enlisted personnel on patrol duty in a foreign country normally should not be armed. In the United States, shore patrol may be armed as prescribed by the senior officer present.

4. No officer or enlisted person who is a member of the shore patrol or beach guard, or is assigned in support thereof, shall partake of or indulge in any form of intoxicating beverage or other form of intoxicant while on duty, on post or at other times prescribed by the senior patrol officer. The senior patrol officer shall ensure that the provisions of this paragraph are strictly observed and shall report promptly in writing to the senior officer present all violations of these provisions that may come to his or her notice. All officers and enlisted personnel of the patrol shall report to the senior patrol officer all violations of the provisions of this paragraph on the part of those under them.

0923. Precautions for Health.

The senior officer present shall take precautions to preserve the health of the persons under his or her authority. He or she shall obtain information regarding the healthfulness of the area and medical facilities available therein and

EXHIBIT 61
PAGE 22 OF 31

shall adopt such measures as are required by the situation.

0924. Medical or Dental Aid to Persons Not in the Naval Service.

The senior officer present may require the officers of the Medical Corps and Dental Corps under his or her authority to render emergency professional aid to persons not in the naval service when such aid is necessary and demanded by the laws of humanity or the principles of international courtesy.

0925. Assistance to Persons, Ships and Aircraft in Distress.

1. Insofar as can be done without serious danger to the ship or crew, the commanding officer or the senior officer present as appropriate shall:

a. proceed with all possible speed to the rescue of persons in distress if informed of their need for assistance, insofar as such action may reasonably be expected of him or her;

b. render assistance to any person found at sea in danger of being lost;

c. afford all reasonable assistance to distressed ships and aircraft; and

d. render assistance to the other ship, after a collision, to her crew and passengers and, where possible, inform the other ship of his or her identity.

2. Assistance may be rendered inside the territorial sea of a foreign country without the permission of the coastal state in accordance with customary international law as reflected in applicable directives and operational orders. Such assistance entry into the territorial sea is limited to situations in which the location of persons or property in distress is reasonably well known.

3. Reporting requirements.

a. Assistance rendered by ships or aircraft inside foreign territorial seas will be immediately reported to the cognizant unified commander, the Joint Chiefs of Staff, the

cognizant American embassy, U.S. Defense Attache Office and other appropriate commanders.

b. If the distress is not life-threatening, U.S. aircraft will remain outside foreign territorial seas pending coordination with the operational chain of command, including the cognizant unified commander and the Department of State.

c. Assistance which does not involve entry into foreign territorial seas shall be promptly reported to the Chief of Naval Operations and other appropriate commanders.

4. The accounting for rendering assistance and repairs pursuant to this article shall be as prescribed by the Comptroller of the Navy.

0926. Repairs to Merchant Vessels.

1. There is no authority to effect repairs to a merchant vessel in collision with a Navy ship or craft except:

a. when specifically approved by Congress;

b. when, in the opinion of the senior officer present, the exigencies of war or of national interest so require; or

c. when, in the opinion of the senior officer present, repairs are necessary to save life or to prevent the merchant vessel from sinking.

2. A report of repairs effected under authority of this article, including labor and material costs and a certification by the senior officer present as to why such repairs were undertaken, will be included in the report of the senior officer present or in his or her forwarding endorsement to the Chief of Naval Operations and other appropriate superiors.

0927. Detail of Subordinate to Perform Administrative Duties.

When no officer has been detailed by other competent authority to perform administrative duties, the senior officer present may detail a subordinate officer to carry out his or her routine administrative duties, but in no way shall such detail relieve the senior officer present of his or her responsibilities.

EXHIBIT 61
PAGE 23 OF 31

THE SENIOR OFFICER PRESENT

0928. The Senior Officer Present Afloat.

Unless some other officer has been so designated by competent authority, the "senior officer present afloat" is the senior officer of the Navy, eligible for command at sea, who is present and with primary duty as commander of any unit or force of the operating forces of the Navy in the locality or within an area prescribed by competent authority, whether afloat or based ashore, except such units as may be assigned to shore commands by competent authority.

0929. Relations Between the Senior Officer Present and the Senior Officer Present Afloat.

1. When the senior officer present afloat is not the senior officer present, all matters affecting the units under his or her authority shall normally be referred to the senior officer present for appropriate action.

2. When an officer of the Marine Corps is the senior officer present on shore, and senior to the senior officer present afloat, the latter shall refer all matters, except those directly connected with units under his or her authority, to the former for appropriate action.

0930. Authority and Responsibility of the Senior Officer Present Afloat.

As the common superior of commanders of all Navy units of the operating forces of the Navy in a locality, except such units as may be assigned to shore commands by competent authority, the senior officer present afloat is responsible for matters which affect these naval commands collectively. In the exercise of his or her authority, the senior officer present afloat normally shall not be concerned with administrative matters within other commands, except to the extent necessary to secure such uniformity and coordination of effort as may be required. In case of emergency or enemy attack, subject to the orders of the senior officer present, the senior officer present afloat shall assume command of all Navy units of the operating forces of the Navy present.

0931. Relations With Commanders Ashore.

When within the prescribed limits of authority of the commander of a naval shore activity, the senior officer present afloat and all other

commanders of Navy units of the operating forces of the Navy present shall conform to the standing orders of such authority in all matters of common interest. Even though senior to the commander, the senior officer present afloat shall make no changes in local orders, plans and arrangements, except as necessary to carry out his or her duties or for other causes which unquestionably demand a change, and then only after consultation with the commander, if practicable.

0932. Juniors to Obtain Permission From the Senior Officer Present.

A junior in command shall, when meeting a senior at sea or in port, obtain permission, by signal or otherwise, to continue on duty assigned, to anchor or get underway, or to perform any evolution or other act of importance.

0933. Authority to Alter Organization.

The senior officer present afloat may organize the forces present under his or her command into such task organizations as he or she may deem desirable, but in so doing, he or she shall preserve their existing tactical organization insofar as practicable.

0934. Exercise of Power of Consul.

When upon the high seas or in any foreign port where there is no resident consul of the United States, the senior officer present afloat has the authority to exercise all powers of a consul in relation to mariners of the United States.

0935. File of the Senior Officer Present Afloat.

1. While in port, the senior officer present afloat shall require that a file of all orders issued by any competent authority which are applicable to the naval forces present be maintained. This file shall be transferred to the succeeding senior officer present afloat.

2. Whenever circumstances warrant and for continuity purposes, the senior officer present afloat may detail a subordinate officer to carry out routine administrative duties and maintain a Senior Officer Present Afloat (Administration) file. If a subordinate officer is not available, or such a detail is not appropriate, the senior officer

THE SENIOR OFFICER PRESENT

present afloat may arrange for the detail of an officer for the task.

0936. Medical, Dental, Communications and Other Guard.

When two or more ships are in the vicinity of each other while liberty is being granted, the senior officer present afloat shall designate the daily order in which each ship having a medical officer shall take the medical guard unless facilities or services are available ashore or other adequate provision has been made. Similar provisions shall be made with respect to the establishment of a dental guard, communications guard, shore patrol or any other guard as may be necessary in support of his or her responsibility.

0937. Responsibilities of Subordinates.

The regulations contained in this chapter shall not be construed to relieve commanders junior to the senior officer present, or to the senior officer present afloat, from their individual responsibilities in relation to their commands.

0938. Boarding Calls.

1. When he or she considers it appropriate, the senior officer present shall send an officer to board and report on ships and craft displaying United States colors found in or arriving at foreign ports.

2. The following information normally shall be obtained by boarding officers:

- a. name, nationality, owner and type of craft;
- b. number and names of persons in crew;
- c. tonnage and cargo;
- d. place from and time out of port;
- e. probable date of departure and destination; and
- f. unusual events during passage, general route taken and weather conditions encountered.

3. Under ordinary circumstances, the boarding officer can offer assistance in United States

postal matters and provide medical and technical advice.

0939. Granting of Asylum and Temporary Refuge.

1. If an official of the Department of the Navy is requested to provide asylum or temporary refuge, the following procedures shall apply:

a. On the high seas or in territories under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under United States administration and possessions):

(1) At his or her request, an applicant for asylum will be received on board any naval aircraft or waterborne craft, Navy or Marine Corps activity or station.

(2) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the personal direction of the Secretary of the Navy or higher authority. Persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

b. In territories under foreign jurisdiction (including foreign territorial seas, territories and possessions):

(1) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or waterborne craft, Navy or Marine Corps activity or station only in extreme or exceptional circumstances wherein life or safety of a person is put in imminent danger, such as pursuit by a mob. When temporary refuge is granted, such protection will be terminated only when directed by the Secretary of the Navy or higher authority.

(2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Chief of Naval Operations or the Commandant of the Marine Corps. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions.

(3) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

(4) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(5) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will not be received on board, but will be advised to apply in person at the nearest American Embassy or Consulate. If a foreign national is already on board, however, such person will not be surrendered to foreign jurisdiction or control unless at the personal direction of the Secretary of the Navy or higher authority.

c The Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, will be informed by the most expeditious means of all action taken pursuant

to subparagraphs 1.a. and 1.b. above, as well as the attendant circumstances. Telephone or voice communications will be used where possible, but must be confirmed as soon as possible with an immediate precedence message, information to the Secretary of State (for actions taken pursuant to subparagraphs 1.b.(1) and 1.b.(5) of this article, also make the appropriate American Embassy or Consular Office an information addressee). If communication by telephone or voice is not possible, notification will be effected by an immediate precedence message, as described above. The Chief of Naval Operations or the Commandant of the Marine Corps will cause the Secretary of the Navy and the Deputy Director for Operations of the National Military Command Center to be notified without delay.

2. Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

SEARCHED INDEXED 61
SERIALIZED FILED 26 OF 31

Chapter 10

PRECEDENCE, AUTHORITY AND COMMAND

Section 1. Precedence

Section 2. Authority

Section 3. Detail to Duty

Section 4. Succession to Command

EXHIBIT 61
PAGE 27 OF 31

Chapter 10
PRECEDENCE, AUTHORITY AND COMMAND
 Section 2. Authority

Contents

	Article		Article
Exercise of Authority	1020	Authority to Place Self on Duty	1032
Authority Over Subordinates	1021	Authority in a Boat	1033
Delegation of Authority	1022	Authority and Responsibility of a Senior Officer Under	
Abuse of Authority	1023	Certain Circumstances	1034
Contradictory and Conflicting Orders	1024	Authority and Status of Persons in the Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service	1035
Authority of an Officer in Command	1025	Authority of Officers With Acting Appointments	1036
Authority of an Officer Who Succeeds to Command	1026	Authority of Warrant Officers, Non-Commissioned Officers and Petty Officers	1037
Authority of a Vice Commander or Deputy	1027	Authority of Sentries	1038
Authority of the Commander or Commanding Officer of a Base or Station Over Visiting Commands	1028	Authority of Juniors to Issue Orders to Seniors	1039
Authority of the Commanding Officer of a Hospital Ship	1029		
Authority of an Officer of the Marine Corps Over Naval Forces	1030		
Authority of Officers Embarked as Passengers	1031		

1020. Exercise of Authority.

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

2. A person in the naval service, although on leave, may exercise authority:

a. When in a naval ship or aircraft and placed on duty by the commanding officer or aircraft commander.

b. When in a ship or aircraft of the armed services of the United States, other than a naval ship or aircraft, as the commanding officer of

naval personnel embarked, or when placed on duty by such officer.

c. When senior officer at the scene of a riot or other emergency, or when placed on duty by such officer.

1021. Authority Over Subordinates.

All officers of the naval service, of whatever designation or corps, shall have all the necessary authority for the performance of their duties and shall be obeyed by all persons, of whatever designation or corps, who are, in accordance with these regulations and orders from competent authority, subordinate to them.

1022. Delegation of Authority.

The delegation of authority and the issuance of orders and instructions by a person in the naval service shall not relieve such person from any responsibility imposed upon him or her. He or she shall ensure that the delegated authority is

properly exercised and that his or her orders and instructions are properly executed.

1023. Abuse of Authority.

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

1024. Contradictory and Conflicting Orders.

1. An officer who diverts another from any service upon which he or she has been ordered by a common superior, or who requires a person to act contrary to the orders of such superior, or interferes with those under such superior's command, must immediately report this action to the officer whose orders have been contravened, and show that the public interest required such action. All orders under such circumstances shall be given in writing when possible.

2. If an officer receives an order which annuls, suspends or modifies one received from another superior, or one contrary to instructions or orders from the Secretary of the Navy, he or she shall exhibit the original order, unless under instructions not to do so, and represent the facts in writing to the superior from whom the last order was received. If, after such representation, the officer from whom the last order was received should insist upon the execution of that order, it shall be obeyed. The officer receiving and executing such order shall report the circumstances to the superior from whom the original order was received.

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

1025. Authority of an Officer in Command.

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

1026. Authority of an Officer Who Succeeds to Command.

1. An officer who succeeds to command due to incapacity, death, departure on leave, detachment without relief or absence due to orders from competent authority of the officer detailed to command, has the same authority and responsibility as the officer whom he or she succeeds.

2. An officer who succeeds to command during the temporary absence of the commanding officer shall make no changes in the existing organization, and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

3. When an officer temporarily succeeding to command signs official correspondence, the word "Acting" shall appear below his or her signature

1027. Authority of a Vice Commander or Deputy.

A vice commander or deputy shall exercise command or control only over activities and matters specified in his or her orders, or as directed by his or her superior.

1028. Authority of the Commander or Commanding Officer of a Base or Station Over Visiting Commands.

While at a naval base or naval station and not under the command of the naval base commander or naval station commanding officer, the officer in command or in charge of a ship, craft, unit of aircraft or troops shall conform to the orders of the naval base commander or naval station commanding officer related to common or specific services which he or she may provide. Such common or specific services may include field operations, security, fire protection, safety, defense, sanitation, recreation and welfare.

1029. Authority of the Commanding Officer of a Hospital Ship.

1. The naval hospital in a hospital ship embraces all persons attached to the hospital either for duty or for treatment, all activities within the ship which are devoted to the cure or treatment of the sick or injured, and all parts of the ship which are used for the care and treatment of the sick or injured, as living quarters by persons attached to the hospital, or for the stowage of the supplies and equipment belonging to the hospital.

2. The commanding officer of the naval hospital is under the command of the commanding officer of the hospital ship. The commanding officer of the ship shall normally limit the exercise of command over the naval hospital to such military matters as discipline, security, intelligence, communications, fire protection, watertight integrity, stability, preservation and maintenance, and overall cleanliness, with regard for the responsibility of the commanding officer of the hospital for the sanitary conditions of the naval hospital. Except as above stated, the commanding officer of the hospital ship shall not exercise control, within the hospital, over its administration or organization, including the expenditure or accountability of funds allotted the hospital, the assignment of personnel and work, and the establishment of technical methods and procedures, unless such control has been specifically delegated to him or her by competent authority. Nothing in this article shall be construed to prevent the appropriate assignment of a proportionate share of work of a general nature to personnel attached to the naval hospital.

1030. Authority of an Officer of the Marine Corps Over Naval Forces.

Officers of the Marine Corps may not command ships or Navy shore facilities. This article shall not be construed to prevent an officer of the Marine Corps, when so detailed by the Secretary of the Navy or a commander in chief, from having and exercising such authority as may be necessary to direct the operations of all forces assigned to him or her.

1031. Authority of Officers Embarked as Passengers.

1. The commanding officer of a ship or aircraft, not a flagship, with a flag officer eligible for command at sea embarked as a passenger, shall be subject to the orders of such flag officer. Other officers embarked as passengers, senior to the commanding officer, shall have no authority over the commanding officer.

2. Officers embarked as passengers who are junior to the commanding officer, or officer in charge of the military detachment of a ship of the Military Sealift Command, if not on the staff of an officer also embarked, may be assigned to duty when the exigencies of the service render it necessary. The commanding officer or officer in charge of the military detachment shall be the judge of such necessity. Passengers thus assigned shall have the same authority as though regularly attached to the ship.

1032. Authority to Place Self on Duty.

No officer may place him- or her self on duty by virtue of his or her commission or warrant alone.

1033. Authority in a Boat.

Except when embarked in a boat authorized by the Chief of Naval Operations to have an officer or petty officer in charge, the senior line officer (including commissioned warrant and warrant officer) eligible for command at sea, has authority over all persons embarked therein, and is responsible for the safety and management of the boat.

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

1. In the event of a riot or quarrel between persons in the naval service or in other circumstances not provided for in these regulations in which persons in the naval service are involved and the exercise of naval authority is necessary, the senior officer in the naval service at the scene shall assume command and take the action necessary, until relieved of this responsibility by competent authority. All persons in the naval service in the vicinity shall render prompt assistance and obedience to the officer thus engaged in the restoration of order.

2. Should there be no commissioned officer or warrant-officer at the scene, the senior petty officer or noncommissioned officer present shall assume command.

3. The person who assumed command under the circumstances described in this Article shall have the authority to apprehend any person in the naval service.

1035. Authority and Status of Persons in the Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service.

Whenever, by order of the President, personnel of the Coast Guard and the National Oceanic and Atmospheric Administration, and officers of the Public Health Service, are serving as part of the naval service, they shall be subject to the laws, regulations and orders which pertain to the Navy insofar as maybe necessary for command discipline and effective naval administration. Otherwise, they shall continue to be subject to laws, regulations and orders of their respective services. They shall have the same authority and control over officers and enlisted persons of the other services as that to which their grade, rank or rate entitles them in their respective services.

1036. Authority of Officers With Acting Appointments.

An officer duly appointed to act in any grade shall, while serving under such an appointment, have the same authority as if he or she held a commission in the acting grade.

1037. Authority of Warrant Officers, Non-Commissioned Officers and Petty Officers.

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

1038. Authority of a Sentry.

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

1039. Authority of Juniors to Issue Orders to Seniors.

No member of the armed forces is authorized, by virtue of his or her rank alone, to give any order or grant any privilege, permission or liberty to any officer senior to him or her. A member is not required to receive such order, privilege, permission or liberty from a junior, unless such junior is at the time:

- a. in command of the ship or other command to which the senior is attached;
- b. in command or direction of the military expedition or duty on which such senior is serving
- c. an executive officer executing an order of the commanding officer
- d. a sentinel or member of the armed forces police issuing an order in connection with such duties or
- e. a military judge issuing an order in connection with court-martial proceedings.