

UNITED STATES MARINE CORPS  
Marine Corps University  
*User's Guide to Marine Corps Values*

**FRATERNIZATION**

1. Introduction

a. Fraternization is the term used to describe improper personal and business relationships among Marines of different ranks or positions.

b. Fraternization was not mentioned in the Uniform Code of Military Justice when it was first enacted; improper relationships between seniors and subordinates were prosecuted as conduct unbecoming an officer. In 1984, however, fraternization was explicitly recognized as an offense under military law.

c. When contact and relationships exceed these standards and become those of "buddies" or peers, then fraternization exists. Look at the facts and circumstances of each case:

(1) Is there a compromise of the chain of command?

(2) Is there an appearance of partiality? (REMEMBER: when dealing with the subject of fraternization, perceptions are as deadly as reality.)

(3) Is there the potential for good order, discipline, morale, or authority to be undermined?

2. Overview. The Marine Corps policy regarding fraternization is the product of naval service customs. The Marine Corps specifically, and military society in general, has historically imposed social constraints on personal relationships between individuals of different rank, grade, or position. It is important to keep in mind that because customs vary between branches of the armed forces, the Marine Corps' view of fraternization can be different (stricter) than that of the Air Force or the Army.

3. References. The following provide guidelines and information on fraternization:

Uniform Code of Military Justice  
JAG Manual

4. Discussion Leader Notes. Included in this guide are two scenarios to generate discussion within your unit. You are highly encouraged to develop or use scenarios that draw from

personal experience. These will increase the quality of your discussion.

## 5. Discussion

### a. Rules concerning fraternization

(1) Fraternization rules date back to the time of the Roman army. The purpose of such constraints is to:

(a) Maintain good order and discipline.

(b) Promote relationships of mutual respect and confidence between juniors and seniors.

(c) Prevent adverse impact upon a junior's response to orders, the senior's exercise of command, or the perception of others regarding the senior's impartiality.

(d) Preserve the integrity of the chain of command.

(2) Definition. Fraternization is a social or business relationship between Marines of different grades in violation of a custom of the naval service which, in the eyes of one experienced in military leadership, impacts adversely on good order and discipline, or degrades or at least threatens to degrade the character or status of the position that a Marine holds. Let us examine the parts of this definition in detail.

(a) "...a social or business relationship between Marines of different grades...."

[1] Some possible examples of activities encompassed by the term "fraternization" are:

[a] Playing cards or gambling together.

[b] Going to private homes or clubs together.

[c] Dating or engaging in sexual activities.

[d] Engaging in commercial transactions, except for one time sales or leases.

[e] Showing favoritism or partiality.

[f] Using one's authority for personal gain.

[2] Military court decisions and the Manual for Courts-Martial make clear that fraternization can occur between

enlisted Marines. The classic case involves an officer-enlisted relationship, but it is not the only case.

[3] The key issue is whether a relationship has developed in which mutual respect of grade is ignored.

[4] The relationship need not be male-female.

[5] Though not a rigid test, normal social or business relationships between Marines within the following six divisions do not constitute fraternization. (However, under some instructor-student relationship, even relationships within a particular group, would be considered fraternization.)

[a] General officers.

[b] Field grade officers.

[c] Company grade officers (to include warrant officers).

[d] Staff noncommissioned officers.

[e] Noncommissioned officers.

[f] Junior enlisted Marines.

[6] While improper relationships within the same chain of command are the most obvious, there is no blanket requirement under the UCMJ that the relationship be within the same chain of command to be improper.

(b) "...in violation of a custom of the naval service...."

[1] "Custom" is a long-established practice which, by common consent, has attained the force of law within the military.

[2] The relevant custom within the Marine Corps is that "duty, social, and business contacts among Marines of different grades will be consistent with traditional standards of good order and discipline and the mutual respect that has always existed between Marines of senior grade and those of lesser grade."

(c) "...which in the eyes of one experienced in military leadership, impacts adversely on good order and discipline or degrades or at least threatens to degrade the character or status of the position a Marine holds."

[1] Improper personal relationships between Marines occupying different positions may influence the senior's judgment as to mission accomplishment.

[2] The threat to discipline and order need not be perceived by the parties involved in the fraternization. It is enough that the ill effects could be perceived by a reasonably prudent Marine experienced in military leadership. Thus, each case must be scrutinized by applying this "hypothetical leader" test.

[3] This final section of the definition not only defines, but also explains, the policy behind the rules prohibiting fraternization. The policy is further described in the Court of Military Appeals case of U. S. v Free.

b. The military services demand a regard for authority by juniors towards their seniors which experience has shown is enhanced by the observance of decorum, tradition, custom, usage, and conventions which are peculiar to the services alone. The unquestioned obedience mandated in time of battle rests on regard and respect for authority. This respect is lessened by the failure to observe niceties of military courtesy and other traditions and customs.

#### 6. Marriage: a special problem

a. The Marine Corps cannot legally act to prevent marriages between service members. A marriage between Marines of differing grades will constitute fraternization when the impact of the marriage detracts or tends to detract from the respect due a senior, or is perceived by others to do so.

b. A marriage stemming from a previously existing improper relationship does not excuse those involved from responsibility for their activities prior to the marriage.

#### 7. Avenues for prosecution

##### a. Article 134, UCMJ.

(1) Fraternization has been a listed offense under the UCMJ since 1984.

(2) Maximum punishment is dismissal, forfeiture of all pay and allowances, and confinement for two years.

##### b. Article 133, UCMJ.

(1) Whenever a commissioned officer, cadet, or midshipman engages in behavior which dishonors or disgraces the officer, such as dishonesty, unfair dealing, indecency, lawlessness, injustice, or cruelty, that officer may be prosecuted under Article 133.

(2) Maximum punishment is dismissal, forfeiture of all pay and allowances, and confinement for a period usually not longer than one year.

c. Article 92, UCMJ.

(1) Whenever a local command has established regulations or orders as to the conduct of relationships or fraternization, a Marine may be subject to prosecution for fraternization as a violation of an order.

(2) Published orders are often used by commands to define acceptable conduct in the context of officer-officer and enlisted-enlisted relationships.

(3) If the order is a general order or regulation, actual knowledge is not required (knowledge of the order is implied).

(4) If the order does not constitute a general order or regulation, specific knowledge must be shown for a violation to occur.

(5) Maximum punishment is a dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years.

8. Remedies

a. Non-punitive administrative remedies.

(1) Formal or informal counseling.

(2) Transfer of one or both parties.

(3) Fitness report comments.

b. Non-judicial punishment (often followed, in the case of officers, by processing for administrative separation).

c. Court-martial.

9. Solution

a. The responsibility for maintaining the customary and traditional standards of conduct lies with the senior. The line between acceptable conduct and fraternization will not be crossed unless the senior allows it to happen.

b. The leader must be careful to avoid even the perception of fraternization without destroying the traditional fraternal bond between Marines of all grades.

c. Educate your Marines about both the Marine Corps policy on fraternization and the reasons behind it. Talk examples.

## 10. Scenarios

### Scenario 1

a. 1stLt Blank, a legal officer with Legal Team E, Marine Corps Base Camp Pendleton, conducted a PFT for the Marines in his section and several of them did not perform up to standards. He organized a remedial program for his Marines, having all five of them run with him every day from 1100-1200. Are there any perceived problems with improper relations between senior and subordinates?

b. As the month continues, the PT group dwindles to the female LCpl running with the lieutenant. The runs have increased to two hours and now are through wooded running trails.

(1) Is there a compromise of the chain of command?

(2) Is there an appearance of partiality?

(3) Is there the potential for good order, discipline, morale, or authority to be undermined?

### Scenario 2

a. GySgt Wrench, the squadron maintenance chief, has been with the section for three years. He is a gruff and impersonal Marine. Over the past few weeks, you (the section OIC) have noticed a slight change in his behavior. Whenever the new avionics tech, PFC Jones, is in the office he seems much more pleasant to be around. In addition, he has been frequenting the E-Club after hours, saying "the troops keep inviting me." However, the talk in the shop is that he has been seen with the PFC frequently at the Club and has been leaving with her.

b. Her work performance as of late has been slipping. However, this week she was recommended for a squadron commander's meritorious mast for continued outstanding performance of duty by

the maintenance chief. This morning, you saw the gunny and PFC Jones arrive to work together.

(1) Is there a compromise of the chain of command?

(2) Is there an appearance of partiality?

(3) Is there an the potential for good order, discipline, morale, or authority to be undermined?

(4) What should you, as the section OIC, do?

#### 11. SUMMARY

a. The regulations and customs that we have against fraternization are not meant to prevent us from associating with our Marines. In fact, just the opposite is true. The regulations against fraternization are meant to ensure that the relationships we maintain with our Marines are of the most professional and productive nature.

b. If we expect our Marines to respect us, there can't be even the hint of favoritism. Fraternization gives the appearance of favoritism whether or not any instance of favoritism has taken place. The negative effect on morale and unit cohesion is obvious.

c. Additionally, we must demand an obedience to lawful orders that is unhesitating. If the chain of command is allowed to be weakened by a lax attitude toward fraternization, we will not be able to depend on our traditional levels of discipline when it counts the most.