DEPARTMENT OF THE ARMY
HEADQUARTERS III CORPS AND FORT HOOD
FORT HOOD, TEXAS 76544-5000

PHANTOM SIX COMMAND POLICY

NUMBER
SJA-04

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Use of Indecent and Offensive Language

1. REFERENCES.

a. Army Regulation 600-20, Army Command Policy, 13 May 02.

b. Army Regulation 690-700, Chapter 751, Discipline.

c. Fort Hood Regulation 190-5, Fort Hood Traffic Code, 1 Feb 93.

d. Texas Penal Code, Section 42.01(a)(1).

e. Uniform Code of Military Justice, Article 92, Failure to Obey Order or Regulation.

f. Uniform Code of Military Justice, Article 134, Indecent Language.

2. APPLICABILITY. This policy applies to all persons on Fort Hood.

3. ENFORCIBILITY. This policy is punitive. Violators may be subject to action under the UCMJ, administrative action, or the state laws of Texas.

4. POLICY.

a. General Guidelines Regarding Offensive Language in Public Places. Public use of indecent and offensive language by soldiers and civilians on Fort Hood is not only in bad taste but disrespectful to all members of the community and its visitors. While private conversations remain the personal business of those involved, conduct in public places has a direct impact on the quality of life, good order and discipline, and the community. These standards apply to all soldiers and civilians on Fort Hood. Everyone should assist in policing the use of indecent language on the installation.

(1) **Actions Against Soldiers**. Profanity and other types of offensive language may often be considered indecent, prejudicial to good order and discipline, discrediting to the Army, and, therefore, punishable under Article 134 of the UCMJ, Indecent Language. Article 134 defines "indecent" language as that which "is grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought." Normally, on-the-spot counseling and education is appropriate. Leaders may also order soldiers to stop using offensive or inappropriate language in public. Failure to abide by such an order is punishable under Article 92 of the UCMJ, Failure to Obey Order or Regulation.

(2) **Actions Against Civilians**. Civilians on Fort Hood who use indecent language risk prosecution under Texas Penal Code, Section 42.01(a)(1). This statute prohibits language in public that is abusive, indecent, profane, or vulgar and which by its very utterance tends to incite an immediate breach of the peace. Violators punished in Magistrate Court may be removed or barred from the installation. In addition, civilian employees who use indecent language in the workplace are subject to the disciplinary provisions contained in AR 690-700, Chapter 751, Table 1-1. Administrative action may be taken against civilian employees who engage in non-discriminatory "discourtesy." Discourtesy includes "rude, unmannerly, impolite acts or remarks" and the "use of abusive or offensive language, gestures, or similar conduct." First-time violators of this provision are subject to punishment ranging from a written reprimand to a 10-day suspension.

b. Sexually Harassing Speech. Sexually harassing speech is of special concern. Pursuant to AR 600-20, paragraph 7-5, sexual harassment includes, among other things, sexually explicit profanity, sexual jokes, and sexual comments. Soldiers and civilian employees who violate this policy are subject to administrative or punitive action.

c. T-Shirts, Signs, and Gestures - Non-Verbal Communication. The standards discussed above apply not only to spoken language but also non-verbal "speech," such as t-shirts, hats, bumper stickers, and gestures. Fort Hood Regulation 190-5, paragraph 14, specifically prohibits display of bumper or window stickers that violate the standard of decency found in Article 134 and quoted above. Violators of the policy on non-verbal communication are subject to the same sanctions that apply to spoken language. Any person who violates the provision regarding bumper or window stickers may also have his or her vehicle banned from post until the offensive sticker is removed.

5. EXPIRATION. This Phantom Six Command Policy memorandum remains in effect until superseded or rescinded.

THOMAS F. METZ
Lieutenant General, USA
Commanding

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1 Each III Corps MSC