

§ 3639. Enlisted members: officers not to use as servants.

No officer of the Army may use an enlisted member of the Army as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 208.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3639.....	10: 608.	R. S. 1232.

The words "in any case whatever" are omitted as surplusage.

Chapter 351.—UNITED STATES DISCIPLINARY BARRACKS

Sec.

3661. Organization and administration.

3662. Training of prisoners.

3663. Parole; remission of sentence; restoration to duty.

§ 3661. Organization and administration.

(a) Under regulations prescribed by the Secretary of the Army, the officer of the Army designated by him shall govern and control the United States Disciplinary Barracks at Fort Leavenworth, Kansas, and all offenders confined therein. There shall be at the United States Disciplinary Barracks a commandant and such other officers as may be necessary.

(b) The commandant of the United States Disciplinary Barracks—

(1) shall command the Barracks, and has custody of all offenders sent there for confinement;

(2) shall control and employ offenders as he considers best for their health and reformation and with a view to their honorable restoration to duty or reenlistment;

(3) shall make a record of the conduct of offenders; and

(4) may reduce the daily time of hard labor of offenders who by their industry and general good conduct earn the reduction.

(c) The enlisted members of the Army on duty at the United States Disciplinary Barracks shall be organized as infantry, with grades and organizational structure similar to infantry units of comparable size.

(d) The Secretary may designate all or part of any building under the control of the Department of the Army as a branch of the United States Disciplinary Barracks for the confinement of offenders whom it is impracticable to send to the United States Disciplinary Barracks. Branch disciplinary barracks are subject to the laws relating to the United States Disciplinary Barracks.

(e) The Secretary shall have made at the United States Disciplinary Barracks any supplies for the Army and the Air Force that can be economically and properly made there. (Aug. 10, 1956, ch. 1041, 70A Stat. 208.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3661 (a)...	10: 1451; 10: 1453; 10: 1454 (1st sentence).	R. S., Title XIV, ch. 6 (less pars. 2, 6, 7); restated Mar. 4, 1915, ch. 143, § 2 (less (2), (6), (7)), 38 Stat. 1084—1086; May 29,
3661 (b)...	10: 1455.	
3661 (c)...	10: 1454 (less 1st sentence).	
1366 (d)...	10: 1458.	

HISTORICAL AND REVISION NOTES—Continued

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3661 (e)...	10: 1459.	1928, ch. 901 (par. 33), 45 Stat. 988; June 28, 1950, ch. 383, § 401 (cc), 402 (l), 64 Stat. 272, 273. Mar. 3, 1879, ch. 182 (2d proviso under "Miscellaneous Objects"), 20 Stat. 389. Mar. 4, 1915, ch. 143 (1st proviso under "Incidental Expenses, Quartermaster Corps"), 38 Stat. 1074.

In subsection (a), the words "and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year", in section 2 (3) of the act of March 4, 1915, ch. 143, 38 Stat. 1086, are not contained in 10: 1453. They are also omitted from the revised section as repealed by section 1 (83) of the act of May 29, 1928, 45 Stat. 988.

In subsection (b), the words "charge and", "and detention", "and cause them to be", "at such labor and in such trades and to perform such duties", "as hereinafter authorized", "cause note to be taken and", and "obedience, honesty" are omitted as surplusage.

Subsection (c) is substituted for 10: 1454 (less 1st sentence) to conform to the present organizational structure of the Army and the Disciplinary Barracks.

In subsection (d), the provisions of the first proviso under "Incidental Expenses, Quartermaster Corps" of the Act of March 4, 1915, ch. 143, 38 Stat. 1074, which provide that branch disciplinary barracks are branches of the United States Disciplinary Barracks, are not contained in 10: 1458, but are reflected in the revised section. The words "from time to time", "or structure", "and detention", "and all offenders sent thereto for confinement and detention", and 10: 1458 (last 10 words) are omitted as surplusage.

In subsection (e), the words "and the Air Force" are inserted, since persons under the jurisdiction of either the Army or the Air Force may be confined in the Disciplinary Barracks.

§ 3662. Training of prisoners.

The Secretary of the Army—

(1) shall provide for the military training of offenders (A) who have been sent to the United States Disciplinary Barracks for confinement, (B) who were at the time of their offenses members of the Army, and (C) whose record and conduct indicate that, upon completing a course of military training, they may be worthy of honorable restoration to duty or of being permitted to reenlist;

(2) may provide for the organization of offenders selected for military training under clause (1) into disciplinary infantry units; and

(3) may provide for equipping those disciplinary units.

(Aug. 10, 1956, ch. 1041, 70A Stat. 209.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3662.....	10: 1456.	R. S., Title XIV, ch. 6 (par. 6); restated Mar. 4, 1915, ch. 143, § 2 (6), 38 Stat. 1085.

The word "indicate" is substituted for the words "are such as to warrant the belief". The words "except color sergeants" are omitted as obsolete. The reference to 10: 1454 is omitted since, under section 3012 (e) of this title, the Secretary of the Army may assign any member to any duties. Clause (B) is inserted, since persons

under the jurisdiction of either the Army or the Air Force may be confined in the Disciplinary Barracks. The words "and detention", "companies and", and "organized as" are omitted as surplusage.

§ 3663. Parole; remission of sentence; restoration to duty.

(a) The Secretary of the Army may provide a system of parole for offenders who are confined in the United States Disciplinary Barracks, and who were at the time of their offenses—

- (1) members of the Army; or
- (2) persons subject to chapter 47 of this title because (A) in the custody of, serving with, accompanying, or employed by the Army under section 802 (7)—(11) of this title (article 2 (7)—(11)), or (B) within an area under the control of the Secretary of the Army under section 802 (12) of this title (article 2 (12)).

(b) Whenever the Secretary considers that an offender sent to the Disciplinary Barracks merits that action, the Secretary may remit the unexecuted part of his sentence if he was at the time of his offense—

- (1) a member of the Army; or
- (2) a person subject to chapter 47 of this title because (A) in the custody of, serving with, accompanying, or employed by the Army under section 802 (7)—(11) of this title (article 2 (7)—(11)), or (B) within an area under the control of the Secretary of the Army under section 802 (12) of this title (article 2 (12)).

If the Secretary remits the unexecuted part of the sentence of an offender in the Disciplinary Barracks who at the time of his offense was an enlisted member of the Army, the Secretary may order his honorable restoration to active duty if he has not been discharged. If he has been discharged, the Secretary may authorize his reenlistment or, upon written application, order his restoration to the Army. Such an order revives the enlistment contract for a period equal to that not previously served under it. So far as it relates to honorable restoration to active duty, this subsection applies to general prisoners confined elsewhere who were at the time of their offenses enlisted members of the Army. (Aug. 10, 1956, ch. 1041, 70A Stat. 209.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3663 (a)....	10: 1457b.	R. S., Title XIV, ch. 6 (par. 7); restated Mar. 4, 1915, ch. 143, § 2 (7), 38 Stat. 1085. Mar. 4, 1915, ch. 143 (2d proviso under "Incidental Expenses, Quartermaster Corps"), 38 Stat. 1074.
3663 (b)....	10: 1457; 10: 1457a.	

In subsection (a), the words "may provide" are substituted for the words "is authorized to establish", since the system is already in existence. The words "the terms and conditions of such parole to be such as the Secretary of the Army may prescribe" are omitted as surplusage.

In subsections (a) and (b), clauses (1) and (2) are inserted for clarity, since persons under the jurisdiction of either the Army or the Air Force may be confined in the Disciplinary Barracks.

In subsection (b), the words "the Secretary considers that * * * merits that action" are substituted for the words "he shall deem such action merited", in 10: 1457. The second and third sentences are substituted for

10: 1457 (41st through 81st words). The last sentence is substituted for 10: 1457a. The words "in addition to such remission" and "to complete their respective terms of enlistment", in 10: 1457, are omitted as surplusage.

CROSS REFERENCES

Places of confinement, see section 858 of this title.

Chapter 353.—MISCELLANEOUS RIGHTS AND BENEFITS

Sec.

3682. Service credit: officers; service as cadet not counted.
3688. Service credit: certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department to be counted.
3684. Service credit: regular enlisted members; service as an officer to be counted as enlisted service.
3685. Regular Army; Army Reserve: female members; definition of "dependents".
3686. Members of Army National Guard of United States: credit for service as members of Army National Guard.
3687. Compensation: members of Army other than of Regular Army; when same as that provided for members of Regular Army.
- 3689.¹ Assignments and allotments of pay.
3690. Exemption from arrest for debt: enlisted members.
3691. Flying officer rating: qualifications.
3692. Pilot rating in time of peace: qualifications.
3693. Replacement of certificate of discharge.

AMENDMENTS

1958—Pub. L. 85-861, § 1 (91), Sept. 2, 1958, 72 Stat. 1482, struck out items 3681 and 3688.

CROSS REFERENCES

General military law provisions, see section 1031 et seq. of this title.

Leave allowances for officers and enlisted personnel of the Army, see sections 501-504 of Title 37, Pay and Allowances of the Uniformed Services.

§ 3681. Repealed. Pub. L. 85-861, § 36B (9), Sept. 2, 1958, 72 Stat. 1570.

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 210, related to service listed in the official Army Register.

§ 3682. Service credit: officers; service as cadet not counted.

In computing length of service for any purpose, no commissioned officer of the Army may be credited with service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy, if he was appointed as a cadet or midshipman after August 24, 1912. (Aug. 10, 1956, ch. 1041, 70A Stat. 210.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
3682.....	37: 4c.	Aug. 24, 1912, ch. 391, § 6, 37 Stat. 591.

The acts of June 7, 1924, ch. 291, title I (proviso of 7th par. under "Finance Department"), 43 Stat. 481; February 13, 1925, ch. 225, Title I (proviso of 6th par. under "Finance Department"), 43 Stat. 896; April 15, 1926, ch. 146, Title I (proviso of 5th par. under "Finance Department"), 44 Stat. 257; contain the same language, substantively, as the source statute, but are appropriation act provisions and contain no language of futurity. The source statute, however, was intended to be permanent as evidenced by the use of the word "Hereafter". The word "commissioned" is inserted, since historically the source statute has been construed to cover only those officers. The words "Hereafter" and "who may hereafter be appointed to" are omitted as surplusage.

¹ Section 3689 repealed and analysis was not amended to reflect such repeal.