

Appendix C

Developmental Counseling

C-1. Subordinate leadership development is one of the most important responsibilities of every Army leader. Developing the leaders who will come after you should be one of your highest priorities. Your legacy and the Army's future rests on the shoulders of those you prepare for greater responsibility.

C-2. Leadership development reviews are a means to focus the growing of tomorrow's leaders. Think of them as AARs with a focus of making leaders more effective every day. These important reviews are not necessarily limited to internal counseling sessions; leadership feedback mechanisms also apply in operational settings such as the CTCs.

C-3. Just as training includes AARs and training strategies to fix shortcomings, leadership development includes performance reviews. These reviews result in agreements between leader and subordinate on a development strategy or plan of action that builds on the subordinate's strengths and establishes goals to improve on weaknesses. Leaders conduct performance reviews and create plans of action during developmental counseling.

C-4. Leadership development reviews are a component of the broader concept of developmental counseling. Developmental counseling is subordinate-centered communication that produces a plan outlining actions that subordinates must take to achieve individual and organizational goals. During developmental counseling, subordinates are not merely passive listeners; they're actively involved in the process. The Developmental Counseling Form (DA Form 4856-E, which is discussed at the end of this appendix) provides a useful framework to prepare for almost any type of counseling. Use it to help you mentally organize issues and isolate important, relevant items to cover during counseling sessions.

C-5. Developmental counseling is a shared effort. As a leader, you assist your subordinates in identifying strengths and weaknesses and creating plans of action. Then you support them throughout the plan implementation and assessment. However, to achieve success, your subordinates must be forthright in their commitment to improve and candid in their own assessment and goal setting.

THE LEADER'S RESPONSIBILITIES

C-6. Organizational readiness and mission accomplishment depend on every member's ability to perform to established standards. Supervisors must mentor their subordinates through teaching, coaching, and counseling. Leaders coach subordinates the same way sports coaches improve their teams: by identifying weaknesses, setting goals, developing and implementing plans of action, and providing oversight and motivation throughout the process. To be effective coaches, leaders must thoroughly understand the strengths, weaknesses, and professional goals of their subordinates. (Chapter 5 discusses coaching.)

C-7. Army leaders evaluate DA civilians using procedures prescribed under the Total Army Performance Evaluation System (TAPES). Although TAPES doesn't address developmental counseling, you can use DA Form 4856-E to counsel DA civilians concerning professional growth and career goals. DA Form 4856-E is not appropriate for documenting counseling concerning DA civilian misconduct or poor performance. The servicing civilian personnel office can provide guidance for such situations.

C-8. Soldiers and DA civilians often perceive counseling as an adverse action. Effective leaders

who counsel properly can change that perception. Army leaders conduct counseling to help subordinates become better members of the team, maintain or improve performance, and prepare for the future. Just as no easy answers exist for exactly

what to do in all leadership situations, no easy answers exist for exactly what to do in all counseling situations. However, to conduct effective counseling, you should develop a counseling style with the characteristics listed in Figure C-1.

- **Purpose:** Clearly define the purpose of the counseling.
- **Flexibility:** Fit the counseling style to the character of each subordinate and to the relationship desired.
- **Respect:** View subordinates as unique, complex individuals, each with a distinct set of values, beliefs, and attitudes.
- **Communication:** Establish open, two-way communication with subordinates using spoken language, nonverbal actions, gestures, and body language. Effective counselors listen more than they speak.
- **Support:** Encourage subordinates through actions while guiding them through their problems.

Figure C-1. Characteristics of Effective Counseling

THE LEADER AS A COUNSELOR

C-9. Army leaders must demonstrate certain qualities to be effective counselors. These qualities include respect for subordinates, self-awareness and cultural awareness, empathy, and credibility.

RESPECT FOR SUBORDINATES

C-10. As an Army leader, you show respect for subordinates when you allow them to take responsibility for their own ideas and actions. Respecting subordinates helps create mutual respect in the leader-subordinate relationship. Mutual respect improves the chances of changing (or maintaining) behavior and achieving goals.

SELF AWARENESS AND CULTURAL AWARENESS

C-11. As an Army leader, you must be fully aware of your own values, needs, and biases

prior to counseling subordinates. Self-aware leaders are less likely to project their biases onto subordinates. Also, aware leaders are more likely to act consistently with their own values and actions.

C-12. Cultural awareness, as discussed in Chapter 2, is a mental attribute. As an Army leader, you need to be aware of the similarities and differences between individuals of different cultural backgrounds and how these factors may influence values, perspectives, and actions. Don't let unfamiliarity with cultural backgrounds hinder you in addressing cultural issues, especially if they generate concerns within the organization or hinder team-building. Cultural awareness enhances your ability to display empathy.

EMPATHY

C-13. Empathy is the action of being understanding of and sensitive to the feelings, thoughts, and experiences of another person to the point that you can almost feel or experience them yourself. Leaders with empathy can put themselves in their subordinate's shoes; they can see a situation from the other person's perspective. By understanding the subordinate's position, you can help a subordinate develop a plan of action that fits the subordinate's personality and needs, one that works for the subordinate. If you don't fully comprehend a situation from your subordinate's point of view, you have less credibility and influence and your

subordinate is less likely to commit to the agreed upon plan of action.

CREDIBILITY

C-14. Leaders achieve credibility by being honest and consistent in their statements and actions. To be credible, use a straightforward style with your subordinates. Behave in a manner that your subordinates respect and trust. You can earn credibility by repeatedly demonstrating your willingness to assist a subordinate and being consistent in what you say and do. If you lack credibility with your subordinates you'll find it difficult to influence them.

LEADER COUNSELING SKILLS

C-15. One challenging aspect of counseling is selecting the proper approach to a specific situation. To counsel effectively, the technique you use must fit the situation, your capabilities, and your subordinate's expectations. In some cases, you may only need to give information or listen. A subordinate's improvement may call for just a brief word of praise. Other situations may require structured counseling followed by definite actions.

C-16. All leaders should seek to develop and improve their own counseling abilities. You can improve your counseling techniques by studying human behavior, learning the kinds of problems that affect your subordinates, and developing your interpersonal skills. The techniques needed to provide effective counseling will vary from person to person and session to session. However, general skills that you'll need in almost every situation include active listening, responding, and questioning.

ACTIVE LISTENING

C-17. During counseling, you must actively listen to your subordinate. When you're actively listening, you communicate verbally and non-verbally that you've received the subordinate's message. To fully understand a subordinate's message, you must listen to the words and observe the subordinate's manners. Elements of active listening you should consider include—

- **Eye contact.** Maintaining eye contact without staring helps show sincere interest. Occasional breaks of contact are normal and acceptable. Subordinates may perceive excessive breaks of eye contact, paper shuffling, and clock-watching as a lack of interest or concern. These are guidelines only. Based on cultural background, participants in a particular counseling session may have different ideas about what proper eye contact is.
- **Body posture.** Being relaxed and comfortable will help put the subordinate at ease. However, a too-relaxed position or slouching may be interpreted as a lack of interest.
- **Head nods.** Occasionally nodding your head shows you're paying attention and encourages the subordinate to continue.
- **Facial expressions.** Keep your facial expressions natural and relaxed. A blank look or fixed expression may disturb the subordinate. Smiling too much or frowning may discourage the subordinate from continuing.
- **Verbal expressions.** Refrain from talking too much and avoid interrupting. Let the subordinate do the talking while keeping the discussion on the counseling subject. Speaking only when necessary reinforces the importance of what the subordinate is saying and encourages the subordinate to

continue. Silence can also do this, but be careful. Occasional silence may indicate to the subordinate that it's okay to continue talking, but a long silence can sometimes be distracting and make the subordinate feel uncomfortable.

C-18. Active listening also means listening thoughtfully and deliberately to the way a subordinate says things. Stay alert for common themes. A subordinate's opening and closing statements as well as recurring references may indicate the subordinate's priorities. Inconsistencies and gaps may indicate a subordinate's avoidance of the real issue. This confusion and uncertainty may suggest additional questions.

C-19. While listening, pay attention to the subordinate's gestures. These actions complete the total message. By watching the subordinate's actions, you can "see" the feelings behind the words. Not all actions are proof of a subordinate's feelings, but they should be taken into consideration. Note differences between what the subordinate says and does. Nonverbal indicators of a subordinate's attitude include—

- **Boredom.** Drumming on the table, doodling, clicking a ball-point pen, or resting the head in the palm of the hand.
- **Self-confidence.** Standing tall, leaning back with hands behind the head, and maintaining steady eye contact.
- **Defensiveness.** Pushing deeply into a chair, glaring at the leader, and making sarcastic comments as well as crossing or folding arms in front of the chest.
- **Frustration.** Rubbing eyes, pulling on an ear, taking short breaths, wringing the hands, or frequently changing total body position.
- **Interest, friendliness, and openness.** Moving toward the leader while sitting.
- **Openness or anxiety.** Sitting on the edge of the chair with arms uncrossed and hands open.

C-20. Consider these indicators carefully. Although each indicator may show something about the subordinate, don't assume a particular behavior absolutely means something. Ask the subordinate about the indicator so you can

better understand the behavior and allow the subordinate to take responsibility for it.

RESPONDING

C-21. Responding skills follow-up on active listening skills. A leader responds to communicate that the leader understands the subordinate. From time to time, check your understanding: clarify and confirm what has been said. Respond to subordinates both verbally and nonverbally. Verbal responses consist of summarizing, interpreting, and clarifying the subordinate's message. Nonverbal responses include eye contact and occasional gestures such as a head nod.

QUESTIONING

C-22. Although questioning is a necessary skill, you must use it with caution. Too many questions can aggravate the power differential between a leader and a subordinate and place the subordinate in a passive mode. The subordinate may also react to excessive questioning as an intrusion of privacy and become defensive. During a leadership development review, ask questions to obtain information or to get the subordinate to think about a particular situation. Generally, the questions should be open-ended so as to evoke more than a yes or no answer. Well-posed questions may help to verify understanding, encourage further explanation, or help the subordinate move through the stages of the counseling session.

COUNSELING ERRORS

C-23. Effective leaders avoid common counseling mistakes. Dominating the counseling by talking too much, giving unnecessary or inappropriate "advice," not truly listening, and projecting personal likes, dislikes, biases, and prejudices all interfere with effective counseling. You should also avoid other common mistakes such as rash judgments, stereotypes, loss of emotional control, inflexible methods of counseling and improper follow-up. To improve your counseling skills, follow the guidelines in Figure C-2.

- Determine the subordinate's role in the situation and what the subordinate has done to resolve the problem or improve performance.
- Draw conclusions based on more than the subordinate's statement.
- Try to understand what the subordinate says and feels; listen to what the subordinate says and how the subordinate says it.
- Show empathy when discussing the problem.
- When asking questions, be sure that you need the information.
- Keep the conversation open-ended; avoid interrupting.
- Give the subordinate your full attention.
- Be receptive to the subordinate's feelings without feeling responsible to save the subordinate from hurting.
- Encourage the subordinate to take the initiative and to say what the subordinate wants to say.
- Avoid interrogating.
- Keep your personal experiences out of the counseling session unless you believe your experiences will really help.
- Listen more; talk less.
- Remain objective.
- Avoid confirming a subordinate's prejudices.
- Help the subordinate help himself.
- Know what information to keep confidential and what to present to the chain of command.

Figure C-2. Guidelines to Improve Counseling

THE LEADER'S LIMITATIONS

C-24. Army leaders can't help everyone in every situation. Even professional counselors can't provide all the help that a person might need. You must recognize your limitations and, when the situation calls for it, refer a subordinate to a person or agency more qualified to help.

C-25. These agencies Figure C-3 lists can help you and your people resolve problems. Although it's generally in an individual's best interest to seek help first from their first-line leaders, leaders must always respect an individual's right to contact most of these agencies on their own.

Appendix C

Activity	Description
Adjutant General	Provides personnel and administrative services support such as orders, ID cards, retirement assistance, deferments, and in- and out-processing.
American Red Cross	Provides communications support between soldiers and families and assistance during or after emergency or compassionate situations.
Army Community Service	Assists military families through their information and referral services, budget and indebtedness counseling, household item loan closet, information on other military posts, and welcome packets for new arrivals.
Army Substance Abuse Program	Provides alcohol and drug abuse prevention and control programs for DA civilians.
Better Opportunities for Single Soldiers (BOSS)	Serves as a liaison between upper levels of command on the installation and single soldiers.
Army Education Center	Provides services for continuing education and individual learning services support.
Army Emergency Relief	Provides financial assistance and personal budget counseling; coordinates student loans through Army Emergency Relief education loan programs.
Career Counselor	Explains reenlistment options and provides current information on prerequisites for reenlistment and selective reenlistment bonuses.
Chaplain	Provides spiritual and humanitarian counseling to soldiers and DA civilians.
Claims Section, SJA	Handles claims for and against the government, most often those for the loss and damage of household goods.
Legal Assistance Office	Provides legal information or assistance on matters of contracts, citizenship, adoption, marital problems, taxes, wills, and powers of attorney.
Community Counseling Center	Provides alcohol and drug abuse prevention and control programs for soldiers.
Community Health Nurse	Provides preventive health care services.
Community Mental Health Service	Provides assistance and counseling for mental health problems.
Employee Assistance Program	Provides health nurse, mental health service, and social work services for DA civilians.
Equal Opportunity Staff Office and Equal Employment Opportunity Office	Provides assistance for matters involving discrimination in race, color, national origin, gender, and religion. Provides information on procedures for initiating complaints and resolving complaints informally.
Family Advocacy Officer	Coordinates programs supporting children and families including abuse and neglect investigation, counseling, and educational programs.
Finance and Accounting Office	Handles inquiries for pay, allowances, and allotments.
Housing Referral Office	Provides assistance with housing on and off post.
Inspector General	Renders assistance to soldiers and DA civilians. Corrects injustices affecting individuals and eliminates conditions determined to be detrimental to the efficiency, economy, morale, and reputation of the Army. Investigates matters involving fraud, waste, and abuse.
Social Work Office	Provides services dealing with social problems to include crisis intervention, family therapy, marital counseling, and parent or child management assistance.
Transition Office	Provides assistance and information on separation from the Army.

Figure C-3. Support Activities

TYPES OF DEVELOPMENTAL COUNSELING

C-26. You can often categorize developmental counseling based on the topic of the session. The two major categories of counseling are event-oriented and performance/professional growth.

EVENT-ORIENTED COUNSELING

C-27. Event-oriented counseling involves a specific event or situation. It may precede events, such as going to a promotion board or attending a school; or it may follow events, such as a noteworthy duty performance, a problem with performance or mission accomplishment, or a personal problem. Examples of event-oriented counseling include, but are not limited to—

- Specific instances of superior or substandard performance.
- Reception and integration counseling.
- Crisis counseling.
- Referral counseling.
- Promotion counseling.
- Separation counseling.

Counseling for Specific Instances

C-28. Sometimes counseling is tied to specific instances of superior or substandard duty performance. You tell your subordinate whether or not the performance met the standard and what the subordinate did right or wrong. The key to successful counseling for specific performance is to conduct it as close to the event as possible.

C-29. Many leaders focus counseling for specific instances on poor performance and miss, or at least fail to acknowledge, excellent performance. You should counsel subordinates for specific examples of superior as well as substandard duty performance. To measure your own performance and counseling emphasis, you can note how often you document counseling for superior versus substandard performance.

C-30. You should counsel subordinates who don't meet the standard. If the subordinate's performance is unsatisfactory because of a lack of knowledge or ability, you and the subordinate should develop a plan to improve the subordinate's skills. Corrective training may be required at times to ensure the subordinate

knows and achieves the standard. Once the subordinate can achieve the standard, you should end the corrective training.

C-31. When counseling a subordinate for a specific performance, take the following actions:

- Tell the subordinate the purpose of the counseling, what was expected, and how the subordinate failed to meet the standard.
- Address the specific unacceptable behavior or action, not the person's character.
- Tell the subordinate the effect of the behavior, action, or performance on the rest of the organization.
- Actively listen to the subordinate's response.
- Remain unemotional.
- Teach the subordinate how to meet the standard.
- Be prepared to do some personal counseling, since a failure to meet the standard may be related to or the result of an unresolved personal problem.
- Explain to the subordinate what will be done to improve performance (plan of action). Identify your responsibilities in implementing the plan of action; continue to assess and follow up on the subordinate's progress. Adjust plan of action as necessary.

Reception and Integration Counseling

C-32. As the leader, you must counsel new team members when they arrive at your organization. This reception and integration counseling serves two purposes. First, it identifies and helps fix any problems or concerns that new members may have, especially any issues resulting from the new duty assignment. Second, it lets them know the organizational standards and how they fit into the team. It clarifies job titles and sends the message that the chain of command cares. Reception and integration counseling should begin immediately upon arrival so new team members can quickly become integrated into the organization. (Figure C-4 gives some possible discussion points.)

- Organizational standards.
- Chain of command.
- NCO support channel (who and how used).
- On-and-off duty conduct.
- Personnel/personal affairs/initial clothing issue.
- Organizational history, organization, and mission.
- Soldier programs within the organization, such as soldier of the month/quarter/year and Audie Murphy.
- Off limits and danger areas.
- Functions and locations of support activities (see Figure C-3).
- On- and off-post recreational, educational, cultural, and historical opportunities.
- Foreign nation or host nation orientation.
- Other areas the individual should be aware of, as determined by the leader.

Figure C-4. Reception and Integration Counseling Points

Crisis Counseling

C-33. You may conduct crisis counseling to get a subordinate through the initial shock after receiving negative news, such as notification of the death of a loved one. You may assist the subordinate by listening and, as appropriate, providing assistance. Assistance may include referring the subordinate to a support activity or coordinating external agency support. Crisis counseling focuses on the subordinate's immediate, short-term needs.

Referral Counseling

C-34. Referral counseling helps subordinates work through a personal situation and may or may not follow crisis counseling. Referral counseling may also act as preventative counseling before the situation becomes a problem. Usually, the leader assists the subordinate in identifying the problem and refers the subordinate to the appropriate resource, such as Army Community Services, a chaplain, or an alcohol and drug counselor. (Figure C-3 lists support activities.)

Promotion Counseling

C-35. Leaders must conduct promotion counseling for all specialists and sergeants who are eligible for advancement without waivers but not recommended for promotion to the next higher grade. Army regulations require that

soldiers within this category receive initial (event-oriented) counseling when they attain full eligibility and then periodic (performance/personal growth) counseling thereafter.

Adverse Separation Counseling

C-36. Adverse separation counseling may involve informing the soldier of the administrative actions available to the commander in the event substandard performance continues and of the consequences associated with those administrative actions (see AR 635-200).

C-37. Developmental counseling may not apply when an individual has engaged in more serious acts of misconduct. In those situations, you should refer the matter to the commander and the servicing staff judge advocate. When the leader's rehabilitative efforts fail, counseling with a view towards separation fills an administrative prerequisite to many administrative discharges and serves as a final warning to the soldier to improve performance or face discharge. In many situations, it may be beneficial to involve the chain of command as soon as you determine that adverse separation counseling might be required. A unit first sergeant or commander should be the person who informs the soldier of the notification requirements outlined in AR 635-200.

PERFORMANCE AND PROFESSIONAL GROWTH COUNSELING

Performance Counseling

C-38. During performance counseling, you conduct a review of a subordinate's duty performance during a certain period. You and the subordinate jointly establish performance objectives and standards for the next period. Rather than dwelling on the past, you should focus the session on the subordinate's strengths, areas needing improvement, and potential.

C-39. Performance counseling is required under the officer, NCO, and DA civilian evaluation reporting systems. The OER process requires periodic performance counseling as part of the OER Support Form requirements. Mandatory, face-to-face performance counseling between the rater and the rated NCO is required under the NCOERS. TAPES includes a combination of both of these requirements.

C-40. Counseling at the beginning of and during the evaluation period facilitates a subordinate's involvement in the evaluation process. Performance counseling communicates standards and is an opportunity for leaders to establish and clarify the expected values, attributes, skills, and actions. Part IVb (Leader Attributes/Skills/Actions) of the OER Support Form (DA Form 67-9-1) serves as an excellent tool for leaders doing performance counseling. For lieutenants and warrant officers one, the major performance objectives on the OER Support Form are used as the basis for determining the developmental tasks on the Junior Officer Developmental Support Form (DA Form 67-9-1a). Quarterly face-to-face performance and developmental counseling is required for these junior officers as outlined in AR 623-105.

C-41. As an Army leader, you must ensure you've tied your expectations to performance objectives and appropriate standards. You must establish standards that your subordinates can work towards and must teach them how to achieve the standards if they are to develop.

Professional Growth Counseling

C-42. Professional growth counseling includes planning for the accomplishment of individual

and professional goals. You conduct this counseling to assist subordinates in achieving organizational and individual goals. During the counseling, you and your subordinate conduct a review to identify and discuss the subordinate's strengths and weaknesses and create a plan of action to build upon strengths and overcome weaknesses. This counseling isn't normally event-driven.

C-43. As part of professional growth counseling, you may choose to discuss and develop a "pathway to success" with the subordinate. This future-oriented counseling establishes short- and long-term goals and objectives. The discussion may include opportunities for civilian or military schooling, future duty assignments, special programs, and reenlistment options. Every person's needs are different, and leaders must apply specific courses of action tailored to each individual.

C-44. Career field counseling is required for lieutenants and captains before they're considered for promotion to major. Raters and senior raters, in conjunction with the rated officer, need to determine where the officer's skills best fit the needs of the Army. During career field counseling, consideration must be given to the rated officer's preference and his abilities (both performance and academic). The rater and senior rater should discuss career field designation with the officer prior to making a recommendation on the rated officer's OER.

C-45. While these categories can help you organize and focus counseling sessions, they should not be viewed as separate, distinct, or exhaustive. For example, a counseling session that focuses on resolving a problem may also address improving duty performance. A session focused on performance may also include a discussion on opportunities for professional growth. Regardless of the topic of the counseling session, leaders should follow the same basic format to prepare for and conduct it.

APPROACHES TO COUNSELING

C-46. An effective leader approaches each subordinate as an individual. Different people and different situations require different counseling approaches. Three approaches to counseling include nondirective, directive, and combined. These approaches differ in the techniques used, but they all fit the definition of counseling and contribute to its overall purpose. The major difference between the approaches is the degree to which the subordinate participates and interacts during a counseling session. Figure C-5 summarizes the advantages and disadvantages of each approach.

NONDIRECTIVE

C-47. The nondirective approach is preferred for most counseling sessions. Leaders use their experienced insight and judgment to assist subordinates in developing solutions. You should partially structure this type of counseling by telling the subordinate about the counseling process and explaining what you expect.

C-48. During the counseling session, listen rather than make decisions or give advice. Clarify what's said. Cause the subordinate to bring out important points, so as to better understand the situation. When appropriate, summarize the discussion. Avoid providing solutions or rendering opinions; instead, maintain a focus on individual and organizational goals and objectives. Ensure the subordinate's plan of action supports those goals and objectives.

DIRECTIVE

C-49. The directive approach works best to correct simple problems, make on-the-spot corrections, and correct aspects of duty performance. The leader using the directive style does most of the talking and tells the subordinate what to do and when to do it. In contrast to the nondirective approach, the leader directs a course of action for the subordinate.

C-50. Choose this approach when time is short, when you alone know what to do, or if a subordinate has limited problem-solving skills. It's also appropriate when a subordinate needs guidance, is immature, or is insecure.

COMBINED

C-51. In the combined approach, the leader uses techniques from both the directive and nondirective approaches, adjusting them to articulate what's best for the subordinate. The combined approach emphasizes the subordinate's planning and decision-making responsibilities.

C-52. With your assistance, the subordinate develops the subordinate's own plan of action. You should listen, suggest possible courses, and help analyze each possible solution to determine its good and bad points. You should then help the subordinate fully understand all aspects of the situation and encourage the subordinate to decide which solution is best.

	Advantages	Disadvantages
Nondirective	<ul style="list-style-type: none"> • Encourages maturity. • Encourages open communication. • Develops personal responsibility. 	<ul style="list-style-type: none"> • More time-consuming. • Requires greatest counselor skill.
Directive	<ul style="list-style-type: none"> • Quickest method. • Good for people who need clear, concise direction. • Allows counselors to actively use their experience. 	<ul style="list-style-type: none"> • Doesn't encourage subordinates to be part of the solution. • Tends to treat symptoms, not problems. • Tends to discourage subordinates from talking freely. • Solution is the counselor's, not the subordinate's.
Combined	<ul style="list-style-type: none"> • Moderately quick. • Encourages maturity. • Encourages open communication. • Allows counselors to actively use their experience. 	<ul style="list-style-type: none"> • May take too much time for some situations.

Figure C-5. Counseling Approach Summary Chart

COUNSELING TECHNIQUES

C-53. As an Army leader, you may select from a variety of techniques when counseling subordinates. These counseling techniques, when appropriately used, cause subordinates to do things or improve upon their performance. You can use these methods during scheduled counseling sessions or while simply coaching a subordinate. Counseling techniques you can use during the nondirective or combined approaches include—

- **Suggesting alternatives.** Discuss alternative actions that the subordinate may take, but both you and the subordinate decide which course of action is most appropriate.
- **Recommending.** Recommend one course of action, but leave the decision to accept the recommended action to the subordinate.
- **Persuading.** Persuade the subordinate that a given course of action is best, but

leave the decision to the subordinate. Successful persuasion depends on the leader's credibility, the subordinate's willingness to listen, and their mutual trust.

- **Advising.** Advise the subordinate that a given course of action is best. This is the strongest form of influence not involving a command.

C-54. Some techniques you can use during the directive approach to counseling include—

- **Corrective training.** Teach and assist the subordinate in attaining and maintaining the standards. The subordinate completes corrective training when the subordinate attains the standard.
- **Commanding.** Order the subordinate to take a given course of action in clear, exact words. The subordinate understands that he has been given a command and will face the consequences for failing to carry it out.

THE COUNSELING PROCESS

C-55. Effective leaders use the counseling process. It consists of four stages:

- Identify the need for counseling.
- Prepare for counseling.
- Conduct counseling.
- Follow up.

IDENTIFY THE NEED FOR COUNSELING

C-56. Quite often organizational policies, such as counseling associated with an evaluation or counseling required by the command, focus a counseling session. However, you may conduct developmental counseling whenever the need arises for focused, two-way communication aimed at subordinate development. Developing subordinates consists of observing the subordinate's performance, comparing it to the standard, and then providing feedback to the subordinate in the form of counseling.

PREPARE FOR COUNSELING

C-57. Successful counseling requires preparation. To prepare for counseling, do the following:

- Select a suitable place.
- Schedule the time.
- Notify the subordinate well in advance.
- Organize information.
- Outline the counseling session components.
- Plan your counseling strategy.
- Establish the right atmosphere.

Select a Suitable Place

C-58. Schedule counseling in an environment that minimizes interruptions and is free from distracting sights and sounds.

Schedule the Time

C-59. When possible, counsel a subordinate during the duty day. Counseling after duty hours may be rushed or perceived as unfavorable. The length of time required for counseling depends on the complexity of the issue. Generally a counseling session should last less than an hour. If you need more time,

schedule a second session. Additionally, select a time free from competition with other activities and consider what has been planned after the counseling session. Important events can distract a subordinate from concentrating on the counseling.

Notify the Subordinate Well in Advance

C-60. For a counseling session to be a subordinate-centered, two-person effort, the subordinate must have time to prepare for it. The subordinate should know why, where, and when the counseling will take place. Counseling following a specific event should happen as close to the event as possible. However, for performance or professional development counseling, subordinates may need a week or more to prepare or review specific products, such as support forms or counseling records.

Organize Information

C-61. Solid preparation is essential to effective counseling. Review all pertinent information. This includes the purpose of the counseling, facts and observations about the subordinate, identification of possible problems, main points of discussion, and the development of a plan of action. Focus on specific and objective behaviors that the subordinate must maintain or improve as well as a plan of action with clear, obtainable goals.

Outline the Components of the Counseling Session

C-62. Using the information obtained, determine what to discuss during the counseling session. Note what prompted the counseling, what you aim to achieve, and what your role as a counselor is. Identify possible comments or questions to help you keep the counseling session subordinate-centered and help the subordinate progress through its stages. Although you never know what a subordinate will say or do during counseling, a written outline helps organize the session and enhances the chance of positive results. (Figure C-6 is one example of a counseling outline prepared by a platoon leader about to conduct an initial NCOER counseling session with a platoon sergeant.)

Type of counseling: Initial NCOER counseling for SFC Taylor, a recently promoted new arrival to the unit.

Place and time: The platoon office, 1500 hours, 9 October.

Time to notify the subordinate: Notify SFC Taylor one week in advance of the scheduled counseling session.

Subordinate preparation: Have SFC Taylor put together a list of goals and objectives he would like to complete over the next 90 to 180 days. Review the values, attributes, skills, and actions from FM 22-100.

Counselor preparation:

- Review the NCO Counseling Checklist/Record (DA Form 2166-8-1).
- Update or review SFC Taylor's duty description and fill out the rating chain and duty description on the working copy of the NCOER (DA Form 2166-8, Parts II and III).
- Review each of the values and responsibilities in Part IV of the NCOER and the values, attributes, skills and actions in FM 22-100. Think of how each applies to SFC Taylor and the platoon sergeant position.
- Review the actions you consider necessary for a success or excellence in each value and responsibility.
- Make notes in blank spaces in Part IV of the NCOER to assist when counseling.

Role as counselor: Help SFC Taylor to understand the expectations and standards associated with the platoon sergeant position. Assist SFC Taylor in developing the values, attributes, skills, and actions that will enable him to achieve his performance objectives, consistent with those of the platoon and company. Resolve any aspects of the job that aren't clearly understood.

Session outline: Complete an outline following the counseling session components in Figure C-7 and based on the draft duty description on the NCOER, ideally at least two to three days prior to the actual counseling session.

Figure C-6. Example of a Counseling Outline

Plan Counseling Strategy

C-63. As many approaches to counseling exist as there are leaders. The directive, nondirective, and combined approaches to counseling were addressed earlier. Use a strategy that suits your subordinates and the situation.

Establish the Right Atmosphere

C-64. The right atmosphere promotes two-way communication between a leader and subordinate. To establish a relaxed atmosphere, you may offer the subordinate a seat or a cup of coffee. You may want to sit in a chair facing the subordinate since a desk can act as a barrier.

C-65. Some situations make an informal atmosphere inappropriate. For example, during counseling to correct substandard performance, you may direct the subordinate to remain standing while you remain seated behind a desk. This formal atmosphere,

normally used to give specific guidance, reinforces the leader's rank, position in the chain of command, and authority.

CONDUCT THE COUNSELING SESSION

C-66. Be flexible when conducting a counseling session. Often counseling for a specific incident occurs spontaneously as leaders encounter subordinates in their daily activities. Such counseling can occur in the field, motor pool, barracks—wherever subordinates perform their duties. Good leaders take advantage of naturally occurring events to provide subordinates with feedback.

C-67. Even when you haven't prepared for formal counseling, you should address the four basic components of a counseling session. Their purpose is to guide effective counseling rather

than mandate a series of rigid steps. Counseling sessions consist of—

- Opening the session.
- Discussing the issues.
- Developing the plan of action.
- Recording and closing the session.

Ideally, a counseling session results in a subordinate's commitment to a plan of action. Assessment of the plan of action (discussed below) becomes the starting point for follow-up counseling. (Figure C-7 is an example of a counseling session.)

Open the Session

C-68. In the session opening, state the purpose of the session and establish a subordinate-centered setting. Establish the preferred setting early in the session by inviting the subordinate to speak. The best way to open a counseling session is to clearly state its purpose. For example, an appropriate purpose statement might be: "The purpose of this counseling is to discuss your duty performance over the past month and to create a plan to enhance performance and attain performance goals." If applicable, start the counseling session by reviewing the status of the previous plan of action.

C-69. You and the subordinate should attempt to develop a mutual understanding of the issues. You can best develop this by letting the subordinate do most of the talking. Use active listening; respond, and question without dominating the conversation. Aim to help the subordinate better understand the subject of the counseling, for example, duty performance, a problem situation and its impact, or potential areas for growth.

C-70. Both you and the subordinate should provide examples or cite specific observations to reduce the perception that either is unnecessarily biased or judgmental. However, when the issue is substandard performance, you should make clear how the performance didn't meet the standard. The conversation, which should be two-way, then addresses what the subordinate needs to do to meet the standard. It's important that you define the issue as substandard performance and don't allow the

subordinate to define the issue as an unreasonable standard—unless you consider the standard negotiable or are willing to alter the conditions under which the subordinate must meet the standard.

Develop a Plan of Action

C-71. A plan of action identifies a method for achieving a desired result. It specifies what the subordinate must do to reach the goals set during the counseling session. The plan of action must be specific: it should show the subordinate how to modify or maintain his behavior. It should avoid vague intentions such as "Next month I want you to improve your land navigation skills." The plan must use concrete and direct terms. For example, you might say: "Next week you'll attend the map reading class with 1st Platoon. After the class, SGT Dixon will coach you through the land navigation course. He will help you develop your skill with the compass. I will observe you going through the course with SGT Dixon, and then I will talk to you again and determine where and if you still need additional training." A specific and achievable plan of action sets the stage for successful development.

Record and Close the Session

C-72. Although requirements to record counseling sessions vary, a leader always benefits by documenting the main points of a counseling session. Documentation serves as a reference to the agreed upon plan of action and the subordinate's accomplishments, improvements, personal preferences, or problems. A complete record of counseling aids in making recommendations for professional development, schools, promotions, and evaluation reports.

C-73. Additionally, Army regulations require written records of counseling for certain personnel actions, such as a barring a soldier from reenlisting, processing a soldier for administrative separation, or placing a soldier in the overweight program. When a soldier faces involuntary separation, the leader must take special care to maintain accurate counseling records. Documentation of substandard actions conveys a strong corrective message to subordinates.

C-74. To close the session, summarize its key points and ask if the subordinate understands the plan of action. Invite the subordinate to review the plan of action and what's expected of you, the leader. With the subordinate, establish any follow-up measures necessary to support the successful implementation of the plan of action. These may include providing the subordinate with resources and time, periodically assessing the plan, and following through on referrals. Schedule any future meetings, at least tentatively, before dismissing the subordinate.

FOLLOW UP

Leader's Responsibilities

C-75. The counseling process doesn't end with the counseling session. It continues through implementation of the plan of action and evaluation of results. After counseling, you must support subordinates as they implement their plans of action. Support may include

teaching, coaching, or providing time and resources. You must observe and assess this process and possibly modify the plan to meet its goals. Appropriate measures after counseling include follow-up counseling, making referrals, informing the chain of command, and taking corrective measures.

Assess the Plan of Action

C-76. The purpose of counseling is to develop subordinates who are better able to achieve personal, professional, and organizational goals. During the assessment, review the plan of action with the subordinate to determine if the desired results were achieved. You and the subordinate should determine the date for this assessment during the initial counseling session. The assessment of the plan of action provides useful information for future follow-up counseling sessions.

Open the Session

- Establish a relaxed environment. Explain to SFC Taylor that the more one discusses and understands Army values and leader attributes, skills, and actions, the easier it is to develop and incorporate them into an individual leadership style.
- State the purpose of the counseling session. Explain that the initial counseling is based on leader actions (what SFC Taylor needs to do to be a successful platoon sergeant) and not on professional developmental needs (what SFC Taylor needs to do to develop further as an NCO).
- Come to an agreement on the duty description, the meaning of each value and responsibility, and the standards for success and excellence for each value and responsibility. Explain that subsequent counseling will focus on SFC Taylor's developmental needs as well as how well SFC Taylor is meeting the jointly agreed upon performance objectives. Instruct SFC Taylor to perform a self-assessment during the next quarter to identify his developmental needs.
- Ensure SFC Taylor knows the rating chain. Resolve any questions that SFC Taylor has about the job. Discuss the team relationship that exists between a platoon leader and a platoon sergeant and the importance of two-way communication between them.

Discuss the Issue

- Jointly review the duty description on the NCOER, including the maintenance, training, and taking care of soldiers responsibilities. Mention that the duty description can be revised as necessary. Highlight areas of special emphasis and appointed duties.
- Discuss the meaning of each value and responsibility on the NCOER. Discuss the values, attributes, skills, and actions outlined in FM 22-100. Ask open-ended questions to see if SFC Taylor can relate these items to his role as a platoon sergeant.

Figure C-7. Example of a Counseling Session

- Explain that even though the developmental tasks focus on developing leader actions, character development forms the basis for leadership development. Character and actions can't be viewed as separate; they're closely linked. In formulating the plan of action to accomplish major performance objectives, the proper values, attributes, and skills form the basis for the plan. As such, character development must be incorporated into the plan of action.

Assist in Developing a Plan of Action (During the Counseling Session)

- Ask SFC Taylor to identify actions that will facilitate the accomplishment of the major performance objectives. Categorize each action into one of the values or responsibilities listed on the NCOER.
- Discuss how each value and responsibility applies to the platoon sergeant position. Discuss specific examples of success and excellence in each value and responsibility block. Ask SFC Taylor for suggestions to make the goals more objective, specific, and measurable.
- Ensure that SFC Taylor has at least one example of a success or excellence bullet listed under each value and responsibility.
- Discuss SFC Taylor's promotion goals and ask him what he considers to be his strengths and weakness. Obtain copies of the last two master sergeant selection board results and match his goals and objectives to these.

Close the Session

- Check SFC Taylor's understanding of the duty description and performance objectives.
- Stress the importance of teamwork and two-way communication.
- Ensure SFC Taylor understands that you expect him to assist in your development as a platoon leader. This means that both of you have the role of teacher and coach.
- Remind SFC Taylor to perform a self-assessment during the next quarter.
- Set a tentative date during the next quarter for the routinely scheduled follow-up counseling.

Notes on Strategy

- Facilitate answering any questions SFC Taylor may have.
- Expect SFC Taylor to be uncomfortable with the terms and the developmental process; respond in a way that encourages participation throughout the session.

Figure C-7. Example of a Counseling Session (continued)

SUMMARY

C-77. This appendix has discussed developmental counseling. Developmental counseling is subordinate-centered communication that outlines actions necessary for subordinates to achieve individual and organizational goals and

objectives. It can be either event-oriented or focused on personal and professional development. Figure C-8 summarizes the major aspects of developmental counseling and the counseling process.

<p>Leaders must demonstrate these qualities to counsel effectively:</p> <ul style="list-style-type: none"> • Respect for subordinates. • Self and cultural awareness. • Credibility. • Empathy. <p>Leaders must possess these counseling skills:</p> <ul style="list-style-type: none"> • Active listening. • Responding. • Questioning. <p>Effective leaders avoid common counseling mistakes. Leaders should avoid the influence of—</p> <ul style="list-style-type: none"> • Personal bias. • Rash judgments. • Stereotyping. • Losing emotional control. • Inflexible counseling methods. • Improper follow up. 	<p>The Counseling Process</p> <ol style="list-style-type: none"> 1. Identify the need for counseling. 2. Prepare for counseling. <ul style="list-style-type: none"> • Select a suitable place. • Schedule the time. • Notify the subordinate well in advance. • Organize information. • Outline the components of the counseling session. • Plan counseling strategy. • Establish the right atmosphere. 3. Conduct the counseling session. <ul style="list-style-type: none"> • Open the session. • Discuss the issue. • Develop a plan of action (to include the leader's responsibilities). • Record and close the session. 4. Follow up. <ul style="list-style-type: none"> • Support plan of action implementation • Assess the plan of action.
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Figure C-8. A Summary of Developmental Counseling

THE DEVELOPMENTAL COUNSELING FORM

C-78. The Developmental Counseling Form (DA Form 4856-E) is designed to help Army leaders conduct and record counseling sessions. Figure C-9 shows a completed DA Form 4856-E documenting the counseling of a young soldier with financial problems. While this is an example of a derogatory counseling, you can see that it is still developmental. Leaders must decide when counseling, additional training,

rehabilitation, reassignment, or other developmental options have been exhausted. If the purpose of a counseling session is not developmental, refer to paragraphs C-36 and C-37. Figure C-10 shows a routine performance/professional growth counseling for a unit first sergeant. Figure C-11 shows a blank form with instructions on how to complete each block.

DEVELOPMENTAL COUNSELING FORM			
For use of this form see FM 22-100			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN) PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates. ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary. DISCLOSURE: Disclosure is voluntary.			
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI) <i>Lloyd, Andrew</i>	Rank / Grade <i>PFC</i>	Social Security No. <i>123-45-6789</i>	Date of Counseling <i>28 March 1997</i>
Organization <i>2nd Platoon, B Battery, 1 - 1 ADA Bn</i>		Name and Title of Counselor <i>SGT Mark Levy, Squad Leader</i>	
PART II - BACKGROUND INFORMATION			
<p>Purpose of Counseling: (Leader states the reason for the counseling, e.g. performance/professional or event-oriented counseling and includes the leader's facts and observations prior to the counseling):</p> <p><i>The purpose of this counseling is to inform PFC Lloyd of his responsibility to manage his financial affairs and the potential consequences of poorly managing finances and to help PFC Lloyd develop a plan of action to resolve his financial problems.</i></p> <p><i>Facts: The battery commander received notice of delinquent payment on PFC Lloyd's Deferred Payment Plan (DPP). A payment of \$86.00 is 45 days delinquent</i></p>			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
<p>Key Points of Discussion:</p> <p><i>PFC Lloyd, late payments on a DPP account reflect a lack of responsibility and poor managing of finances. You should know that the letter of lateness has been brought to the attention of the battery commander, the first sergeant, and the platoon sergeant. They're all questioning your ability to manage your personal affairs. I also remind you that promotions and awards are based more than on just performing MOS-related duties; soldiers must act professionally and responsibly in all areas. Per conversation with PFC Lloyd, the following information was obtained:</i></p> <p><i>He didn't make the DPP payment due to a lack of funds in his checking account. His most recent long distance phone bill was over \$220 due to calling his house concerning his grandmother's failing health. PFC Lloyd stated that he wanted to pay for the phone calls himself in order not to burden his parents with the expense of collect calls. He also stated that his calling had tapered down considerably and he expects this month's phone bill to be approximately \$50. We made an appointment at ACS and ACS came up with the following information:</i></p> <p><i>PFC Lloyd's monthly obligations: Car payment: \$330</i> <i>Car insurance: \$138</i> <i>Rent including utilities: \$400</i> <i>Other credit cards: \$0</i> <i>Total monthly obligations: \$868.00</i> <i>Monthly take-home pay: \$1232.63</i></p> <p><i>We discussed that with approximately \$364 available for monthly living expenses, a phone bill in excess of \$200 will severely affect PFC Lloyd's financial stability and can't continue. We discussed the need for PFC Lloyd to establish a savings account to help cover emergency expenses. PFC Lloyd agreed that his expensive phone bill and his inability to make the DPP payment is not responsible behavior. He confirmed that he wants to get his finances back on track and begin building a savings account.</i></p>			
OTHER INSTRUCTIONS			
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or retirement. For separation requirements and notification of loss of benefits/consequences, see local directives and AR 635-200.			

DA FORM 4856-E, JUN 99

EDITION OF JUN 85 IS OBSOLETE

Figure C-9. Example of a Developmental Counseling Form—Event Counseling

DEVELOPMENTAL COUNSELING FORM			
<small>For use of this form see FM 22-100</small>			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
<small>AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN) PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates. ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary. DISCLOSURE: Disclosure is voluntary.</small>			
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI) <i>McDonald, Stephen</i>	Rank / Grade <i>ISG</i>	Social Security No. <i>333-33-3333</i>	Date of Counseling <i>13 March 1998</i>
Organization <i>D Company, 3-95th IN</i>		Name and Title of Counselor <i>CPT Peterson, Company Commander</i>	
PART II - BACKGROUND INFORMATION			
<p>Purpose of Counseling: (Leader states the reason for the counseling, e.g. performance/professional or event-oriented counseling and includes the leader's facts and observations prior to the counseling):</p> <ul style="list-style-type: none"> • <i>To discuss duty performance for the period 19 Dec 97 to 11 March 1998.</i> • <i>To discuss short-range professional growth goals/plan for next year.</i> • <i>Talk about long-range professional growth (2-5 years) goals.</i> 			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
<p>Key Points of Discussion:</p> <ul style="list-style-type: none"> • <i><u>Performance (sustain):</u></i> • <i>Emphasized safety and knowledge of demolition, tactical proficiency on the Platoon Live Fire Exercises.</i> • <i>Took charge of company defense during the last major field training exercise; outstanding integration and use of engineer, heavy weapons, and air defense artillery assets. Superb execution of defense preparations and execution.</i> • <i>No dropped white cycle taskings.</i> • <i>Good job coordinating with battalion adjutant on legal and personnel issues.</i> • <i>Continue to take care of soldiers, keep the commander abreast of problems.</i> • <i>Focused on subordinate NCO development; right man for the right job.</i> <p><u>Improve:</u></p> <ul style="list-style-type: none"> • <i>Get NCODPs on the calendar.</i> • <i>Hold NCOs to standard on sergeants time training.</i> 			
OTHER INSTRUCTIONS			
<small>This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.</small>			

DA FORM 4856-E, JUN 99

EDITION OF JUN 85 IS OBSOLETE

**Figure C-10. Example of a Developmental Counseling Form—
Performance/Professional Growth Counseling**

<p>Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goals(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below)).</p> <ul style="list-style-type: none"> • <u>Developmental Plan (next year):</u> • <i>Develop a yearlong plan for NCODPs; coordinate to place on the calendar and training schedules.</i> • <i>Resume civilian education; correspondence courses.</i> • <i>Develop a company soldier of the month competition.</i> • <i>Assist the company XO in modularizing the supply room for quick, efficient load-outs.</i> • <i>Put in place a program to develop Ranger School candidates.</i> <p><u>Long-range goals (2 to 5 years):</u></p> <ul style="list-style-type: none"> • <i>Earn bachelor's degree.</i> • <i>Attend and graduate the Sergeant Majors Academy.</i> 	
<p>Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate).</p> <p>Individual counseled: I agree/ disagree with the information above</p> <p>Individual counseled remarks:</p> <p>Signature of Individual Counseled: <u>1SG McDonald</u> Date: <u>13 March 1998</u></p>	
<p>Leader Responsibilities: (Leader's responsibilities in implementing the plan of action).</p> <ul style="list-style-type: none"> • <i>Coordinate with the 1SG on scheduling of NCODPs and soldier of the month boards.</i> • <i>Have the XO meet with the 1SG on developing a plan for modularizing and improving the supply room.</i> • <i>Provide time for Ranger candidate program.</i> <p>Signature of Counselor: <u>Mark Levy</u> Date: <u>28 March 1997</u></p>	
<p>PART IV - ASSESSMENT OF THE PLAN OF ACTION</p>	
<p>Assessment (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):</p> <p><i>1SG McDonald has enrolled in an associates degree program at the University of Kentucky. The supply room received all green evaluations during the last command inspection. Five of seven Ranger applicants successfully completed Ranger School, exceeding the overall course completion rate of 39%. Monthly soldier of the month boards proved to be impractical because of the OPTEMPO; however, the company does now hold quarterly boards during the white cycle. Brigade command sergeant major commented favorably on the last company NCODP he attended and gave the instructor a brigade coin.</i></p> <p>Counselor: <u>CPT Peterson</u> Individual Counseled: <u>1SG McDonald</u> Date of Assessment: <u>1 Aug 98</u></p> <p style="text-align: center;">Note: Both the counselor and the individual counseled should retain a record of the counseling.</p>	

DA FORM 4856-E (Reverse)

**Figure C-10 (continued). Example of a Developmental Counseling Form—
Performance/Professional Growth Counseling**

DEVELOPMENTAL COUNSELING FORM			
For use of this form see FM 22-100			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN) PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates. ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary. DISCLOSURE: Disclosure is voluntary.			
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI)	Rank / Grade	Social Security No.	Date of Counseling
Organization		Name and Title of Counselor	
PART II - BACKGROUND INFORMATION			
<p>Purpose of Counseling: (Leader states the reason for the counseling, e.g. performance/professional or event-oriented counseling and includes the leader's facts and observations prior to the counseling):</p> <p style="text-align: center;"><i>See paragraph C-68, Open the Session</i></p> <p><i>The leader should annotate pertinent, specific, and objective facts and observations made. If applicable, the leader and subordinate start the counseling session by reviewing the status of the previous plan of action.</i></p>			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
<p>Key Points of Discussion:</p> <p style="text-align: center;"><i>See paragraphs C-69 and C-70, Discuss the Issues.</i></p> <p><i>The leader and subordinate should attempt to develop a mutual understanding of the issues. Both the leader and the subordinate should provide examples or cite specific observations to reduce the perception that either is unnecessarily biased or judgmental.</i></p>			
OTHER INSTRUCTIONS			
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.			

DA FORM 4856-E, JUN 99

EDITION OF JUN 85 IS OBSOLETE

Figure C-11. Guidelines on Completing a Developmental Counseling Form

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goals(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below)).

See paragraph C-71, Develop a Plan of Action

The plan of action specifies what the subordinate must do to reach the goals set during the counseling session. The plan of action must be specific and should contain the outline, guideline(s), and time line that the subordinate follows. A specific and achievable plan of action sets the stage for successful subordinate development.

Remember, event-oriented counseling with corrective training as part of the plan of action can't be tied to a specified time frame. Corrective training is complete once the subordinate attains the standard.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate).

Individual counseled: I agree/ disagree with the information above

Individual counseled remarks:

See paragraph C-72 through C-74, Close the Session

Signature of Individual Counseled: _____ Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action).

See paragraph C76, Leader's Responsibilities

To accomplish the plan of action, the leader must list the resources necessary and commit to providing them to the soldier.

Signature of Counselor: _____ Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):

The assessment of the plan of action provides useful information for future follow-up counseling. This block should be completed prior to the start of a follow-up counseling session. During an event-oriented counseling session, the counseling session is not complete until this block is completed.

During performance/professional growth counseling, this block serves as the starting point for future counseling sessions. Leaders must remember to conduct this assessment based on resolution of the situation or the established time line discussed in the plan of action block above.

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

Figure C-11 (continued). Guidelines on Completing a Developmental Counseling Form

Appendix D

A Leader Plan of Action and the ECAS

D-1. By completing a set of tasks (shown in Figure D-1), leaders can improve, sustain, or reinforce a standard of performance within their organizations. Leaders may complete some or all of the sub-tasks shown in Figure D-1, depending on the situation.

D-2. A leader plan of action (developed in step 3) identifies specific leader actions necessary to achieve improvement. It is similar to the individual plan of action that Appendix C discusses.

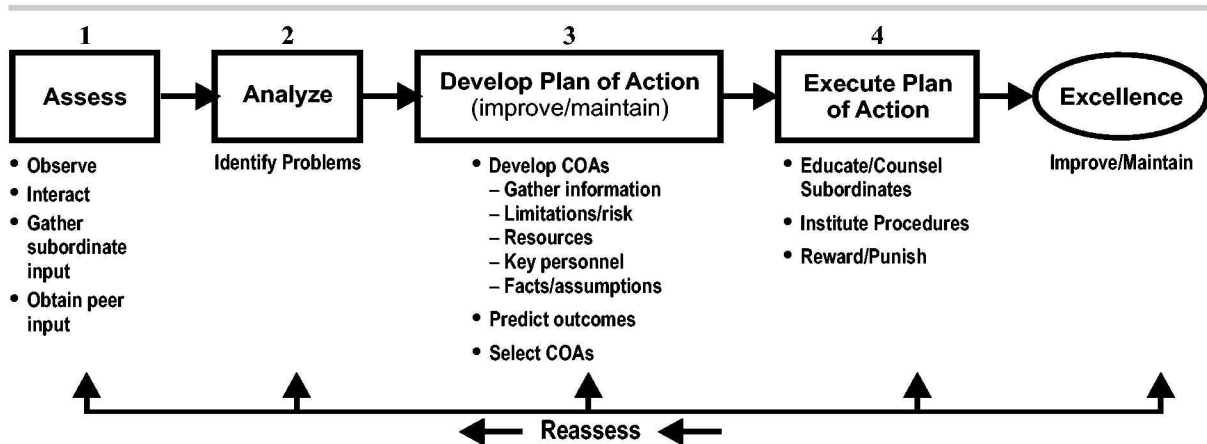


Figure D-1. The Leader Plan of Action Development Process

D-3. Begin your plan of action by assessing your unit (Step 1). Observe, interact, and gather feedback from others; or conduct formal assessments of the workplace. Then analyze the information you gathered to identify what needs improvement (Step 2). Once you have identified what needs improvement, begin to develop courses of action to make the improvements.

D-4. In Step 3, you develop your plan of action. First, develop and consider several possible courses of action to correct the weaknesses you identified. Gather important information, assess the limitations and risks associated with the various courses, identify available key personnel and resources, and verify facts and assumptions. Attempt to predict the outcome for each possible course of action. Based on your predictions, select several leader actions to deal with the problems.

D-5. Execute your plan of action (Step 4) by educating, training, or counseling your subordinates; instituting new policies or procedures; and revising or enforcing proper systems of rewards and punishment. Your organization moves towards excellence by improving substandard or weak areas and maintaining conditions that meet or exceed the standard. Finally, periodically reassesses your unit to identify new matters of concern or to evaluate the effectiveness of the leader actions.

D-6. You can use this process for many areas of interest within your organization. A case study demonstrating how to use an ECAS to prepare a leader plan of action follows. It includes a description of how one leader gathered information to complete the survey. (You can obtain the form used to conduct an ECAS through Training Support Centers by ordering GTA 22-6-1.)

PREPARATION OF AN ECAS

D-7. 2LT Christina Ortega has been a military police platoon leader for almost eight months. When she first came to the platoon, it was a well-trained, cohesive group. Within two months of her taking charge, she and her platoon deployed on a six-month rotation to support operations in Bosnia. The unit performed well, and she quickly earned a reputation as a leader with high standards for herself and her unit. Now redeployed, she must have her platoon ready in two months for a rotation at the Combat Maneuver Training Center (CMTC). She realizes that within that time she must get the unit's equipment ready for deployment, train her soldiers on different missions they will encounter at the CMTC, and provide them some much needed and deserved time off.

D-8. As 2LT Ortega reflects on her first eight months of leadership, she remembers how she took charge of the platoon. She spoke individually with the leaders in the platoon about her expectations and gathered information about her subordinates. She stayed up all night completing the leadership philosophy memorandum that she gave to every member of her platoon. After getting her feet on the ground and getting to know her soldiers, she assessed the platoon's ethical climate using the ECAS. Her unit's overall ECAS score was very good. She committed herself to maintaining that positive ethical climate by continuing the established policies and by monitoring the climate periodically.

D-9. Having completed a major deployment and received a recent influx of some new soldiers, 2LT Ortega decides to complete another ECAS. She heads to the unit motor pool to observe her soldiers preparing for the next day's training exercise. The platoon is deploying to the local training area for the "best squad" competition prior to the ARTEP evaluation at the CMTC. "The best squad competition has really become a big deal in the company," she thinks. "Squad rivalry is fierce, and the squad leaders seem to be looking for an edge so they can come out on top and win the weekend pass that goes to the winning squad."

D-10. She talks to as many of her soldiers as she can, paying particular attention to the newest members of the unit. One new soldier, a vehicle driver for SSG Smith, the 2nd Squad Leader, appears very nervous and anxious. During her conversation with the soldier, 2LT Ortega discovers some disturbing information.

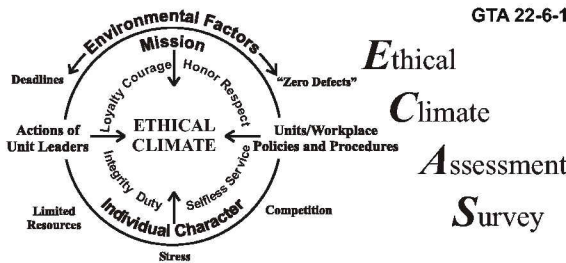
D-11. The new soldier, PFC O'Brien, worries about his vehicle's maintenance and readiness for the next day. His squad leader has told him to "get the parts no matter what." PFC O'Brien says that he admires SSG Smith because he realizes that SSG Smith just wants to perform well and keep up the high standards of his previous driver. He recounts that SSG Smith has vowed to win the next day's land navigation competition. "SSG Smith even went so far as to say that he knows we'll win because he already knows the location of the points for the course. He saw them on the XO's desk last night and wrote them on his map."

D-12. 2LT Ortega thanks the soldier for talking honestly with her and immediately sets him straight on the proper and improper way to get repair parts. By the time she leaves, PFC O'Brien knows that 2LT Ortega has high standards and will not tolerate improper means of meeting them. Meanwhile, 2LT Ortega heads back toward the company headquarters to find the XO.

D-13. She finds the XO busily scribbling numbers and dates on pieces of paper. He is obviously involved and frantic. He looks up at her and manages a quick "Hi, Christina," before returning to his task. The battalion XO apparently did not like the way the unit status report (USR) portrayed the status of the maintenance in the battalion and refused to send that report forward. Not completely familiar with the USR, 2LT Ortega goes to the battalion motor officer to get some more information. After talking to a few more people in her platoon, 2LT Ortega completes the ECAS shown in Figure D-2.

GTA 22-6-1

INSTRUCTIONS



Answer the questions in this survey according to how you currently perceive your unit and your own leader actions, NOT according to how you would prefer them to be or how you think they should be. This information is for your use, (not your chain of command's) to determine if you need to take action to improve the Ethical Climate in your organization. Use the following scale for all questions in Sections I and II.

Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
1	2	3	4	5

An ethical climate is one in which our stated Army values are routinely articulated, supported, practiced and respected. The Ethical Climate of an organization is determined by a variety of factors, including the *individual character* of unit members, the *policies and practices* within the organization, the *actions of unit leaders*, and *environmental and mission factors*. Leaders should periodically assess their unit's ethical climate and take appropriate actions to maintain the high ethical standards expected of all Army organizations. This survey will assist you in making these assessments and in identifying the actions necessary to accomplish this vital leader function. FM 22-100, *Army Leadership*, provides specific leader actions necessary to sustain or improve your ethical climate, as necessary.

I. Individual Character - "Who are we?" This section focuses on your organization's members' commitment to Army values. Please answer the following questions based on your observations of the ethical commitment in your unit. (This means your *immediate* unit. If you are a squad leader, it means you and your squad. If you are a civilian supervisor, it means you and your section.)

- A. In general, the members of my unit demonstrate a commitment to Army values (honor, selfless service, integrity, loyalty, courage, duty and respect). 4
- B. The members of my unit typically accomplish a mission by "doing the right thing" rather than compromising Army values. 2
- C. I understand, and I am committed to, the Army's values as outlined in FM 22-100, *Army Leadership*. 5

Section I Total 11

II. Unit/Workplace Policies & Practices - "What do we do?" This section focuses on what you, and the leaders who report to you, do to maintain an ethical climate in your workplace. (This does not mean your superiors. Their actions will be addressed in Section IV).

- A. We provide clear instructions which help prevent unethical behavior. 2
- B. We promote an environment in which subordinates can learn from their mistakes. 5
- C. We maintain appropriate, not dysfunctional, levels of stress and competition in our unit. 1
- D. We discuss ethical behavior and issues during regular counseling sessions. 3

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- E. We maintain an organizational creed, motto, and/or philosophy that is consistent with Army values. 4
- F. We submit unit reports that reflect accurate information. 3
- G. We ensure unit members are aware of, and are comfortable using, the various channels available to report unethical behavior. 4
- H. We treat fairly those individuals in our unit who report unethical behavior. 5
- I. We hold accountable (i.e., report and/or punish) members of our organization who behave unethically. 4

Section II Total 31

*Use the following scale for questions in Section III.

Never	Hardly Ever	Sometimes	Almost Always	Always
1	2	3	4	5

III. Unit Leader Actions - "What do I do?" This section focuses on what you do as the leader of your organization to encourage an ethical climate.

- A. I discuss Army values in orientation programs when I welcome new members to my organization. 5
- B. I routinely assess the ethical climate of my unit (i.e., sensing sessions, climate surveys, etc.). 5
- C. I communicate my expectations regarding ethical behavior in my unit, and require subordinates to perform tasks in an ethical manner. 5
- D. I encourage discussions of ethical issues in After Action Reviews, training meetings, seminars, and workshops. 3
- E. I encourage unit members to raise ethical questions and concerns to the chain of command or other individuals, if needed (i.e., chaplain, IG, etc.). 5
- F. I consider ethical behavior in performance evaluations, award and promotion recommendations, and adverse personnel actions. 4
- G. I include maintaining a strong ethical climate as one of my unit's goals and objectives. 5

Section III Total 32

IV. Environmental/Mission Factors - "What surrounds us?" This section focuses on the external environment surrounding your organization. Answer the following questions to assess the impact of these factors on the ethical behavior in your organization.

Use the following scale for all questions in Section IV. ***Note: the scale is reversed for this section (Strongly Agree is scored as a "1", not a "5") ***

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
1	2	3	4	5

- A. My unit is currently under an excessive amount of stress (i.e., inspections, limited resources, frequent deployments, training events, deadlines, etc.). 1
- B. My higher unit leaders foster a 'zero defects' outlook on performance, such that they do not tolerate mistakes. 1
- C. My higher unit leaders over-emphasize competition between units. 1
- D. My higher unit leaders appear to be unconcerned with unethical behavior as long as the mission is accomplished. 2
- E. I do not feel comfortable bringing up ethical issues with my supervisors. 5
- F. My peers in my unit do not seem to take ethical behavior very seriously. 1

Section IV Total 11

Place the Total Score from each section in the spaces below:
(A score of 1 or 2 on any question requires some immediate leader action.)

Section I - Individual Character Total Score	11
Section II - Leader Action Total Score	31
Section III - Unit Policies and Procedures Total Score	32
Section IV - Environmental/Mission Factors Total Score	11
ECAS Total Score (I + II + III + IV)	85

25 - 75	76 - 100	101 - 125
Take <i>Immediate</i> Action to Improve Ethical Climate	Take Actions to Improve Ethical Climate	Maintain a Healthy Ethical Climate

Figure D-2. Example of an Ethical Climate Assessment Survey

PREPARATION OF A LEADER PLAN OF ACTION

D-14. 2LT Ortega looks at her ECAS score and determines that she needs to take action to improve the ethical climate in her platoon. To help determine where she should begin, 2LT Ortega looks at the scores for each question. She knows that any question receiving a “1” or “2” must be addressed immediately in her plan of action. As 2LT Ortega reviews the rest of the scores for her unit, she identifies additional problems to correct. Furthermore, she decides to look at a few actions in which her unit excels and to describe ways to sustain the performance. As she continues to develop the leader plan of action, she looks at each subject she has identified. She

next develops the plan shown in Figure D-3 to correct the deficiencies. At the bottom of the form, she lists at least two actions she plans to take to maintain the positive aspects of her platoon’s ethical climate.

D-15. 2LT Ortega has already completed the first three steps (assess, analyze, and develop a plan of action) specified in Figure D-1. When she takes action to implement the plan she will have completed the process. She must then follow up to ensure her actions have the effects she intended.

Actions to *correct* negative aspects of the ethical climate in the organization

Problem: Dysfunctional competition/stress in the unit (the competition is causing some members of the unit to seek ways to gain an unfair advantage over others) [ECAS question # II.C., IV.A. & IV.C.]

Action:

- Postpone the platoon competition; focus on the readiness of equipment and soldier preparation rather than competition.
- Build some time in the long-range calendar to allow soldiers time to get away from work and relax.
- Focus on the group's accomplishment of the mission (unit excellence). Reward the platoon, not squads, for excellent performance. Reward teamwork.

Problem: Battalion XO "ordering" the changing of reports [IV B., D. & F.]

Action:

- Go see the company XO first and discuss what he should do.
- If the XO won't deal with it, see the commander myself to raise the issue.

Problem: Squad leader's unethical behavior [I.B. & II.A.]

Action:

- Reprimand the squad leader for getting the land navigation points unfairly.
- Counsel the squad leader on appropriate ways to give instructions and accomplish the mission without compromising values.

Problem: Unclear instructions given by the squad leader ("get the parts no matter what") [II.A.]

Action:

- Have the platoon sergeant give a class (NCO DP) on proper guidelines for giving instructions and appropriate ethical considerations when asking subordinates to complete a task.
- Have the platoon sergeant counsel the squad leader(s) on the importance of using proper supply procedures.

Problem: Company XO "changing report" to meet battalion XO's needs [IV.B. & F.]

Action:

- Have an informal discussion with the company XO about correct reporting or see the company commander to raise the issue about the battalion XO.

Actions to *maintain* positive aspects of the ethical climate in the organization

Maintain: Continue to hold feedback (sensing) sessions and conduct ECAS assessments to maintain a feel for how the platoon is accomplishing its mission. [II.D. & G.; III.A. & B.]

Maintain: Continue to reward people who perform to high standards without compromising values. Punish those caught compromising them. [III.E. & F.]

Figure D-3. Example of a Leader Plan of Action

Appendix E

Character Development

E-1. Everyone who becomes part of America's Army, soldier or DA civilian, has character. On the day a person joins the Army, leaders begin building on that character. Army values emphasize the relationship between character and competence. Although competence is a fundamental attribute of Army leaders, character is even more critical. This appendix discusses the actions Army leaders take to develop their subordinates' character.

E-2. Army leaders are responsible for refining the character of soldiers and DA civilians. How does the Army as an institution ensure proper character development? What should leaders do to inculcate Army values in their subordinates?

E-3. Leaders teach Army values to every new member of the Army. Together with the leader attributes described in Chapter 2, Army values

establish the foundation of leaders of character. Once members learn these values, their leaders ensure adherence. Adhering to the principles Army values embody is essential, for the Army cannot tolerate unethical behavior. Unethical behavior destroys morale and cohesion; it undermines the trust and confidence essential to teamwork and mission accomplishment.

E-4. Ethical conduct must reflect beliefs and convictions, not just fear of punishment. Over time, soldiers and DA civilians adhere to Army values because they want to live ethically and profess the values because they know it's right to do so. Once people believe and demonstrate Army values, they are persons of character. Ultimately, Army leaders are charged with the essential role of developing character in others. Figure E-1 shows the leader actions that support character development.

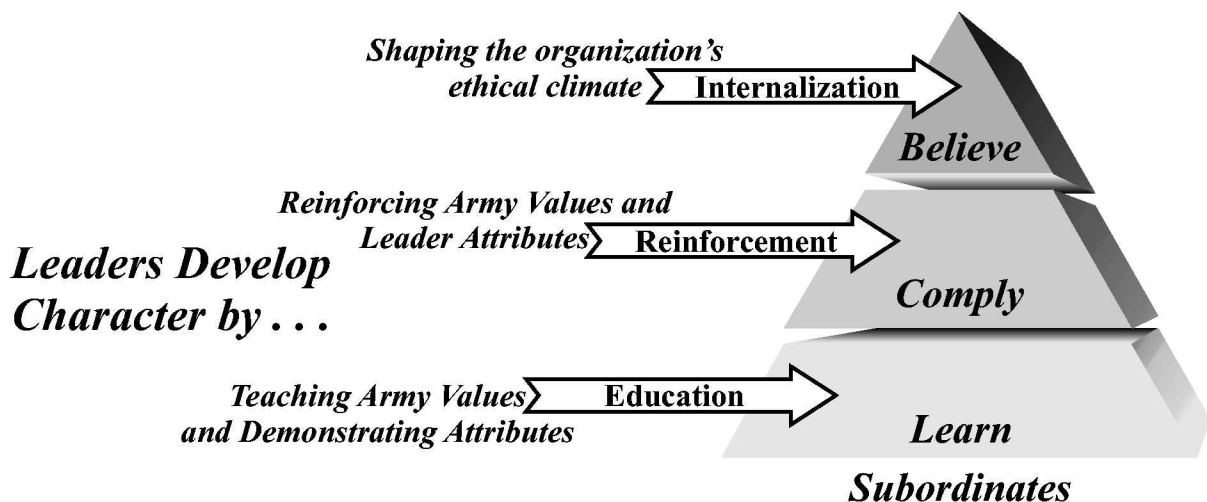


Figure E-1. Character Development

**LEADERS TEACH VALUES;
SUBORDINATES LEARN THE
CULTURE**

E-5. Army leaders must teach their subordinates moral principles, ethical theory, Army values, and leadership attributes. Through their leaders' programs, soldiers and DA civilians develop character through education, experience, and reflection. By educating their subordinates and setting the example, Army leaders enable their subordinates to make ethical decisions that in turn contribute to excellence. Subordinates gain deeper understanding from experiencing, observing, and reflecting on the aspects of Army leadership under the guidance of their leaders.

E-6. Inculcating Army values doesn't end with basic training. All Army leaders should seek to deepen subordinates' understanding of the ethical aspects of character through classes, informal discussions, one-on-one coaching, and formal developmental counseling. Army leaders can also improve their own understanding through study, reflection, and discussions with peers and superiors.

**LEADERS REINFORCE VALUES;
SUBORDINATES COMPLY**

E-7. Leaders reinforce and discipline behavior to guide subordinates' development. To help subordinates live according to Army values, leaders enforce rules, policies, and regulations. Still, soldiers and DA civilians of character do more than merely comply with established institutional rules. Acting correctly but without complete understanding or sound motivation is not good enough in America's values-based Army. People of character behave correctly through correct understanding and personal desire. Understanding comes from training and self-development. Personal desire comes from a person's realization that Army values are worth adopting and living by and from that person's decision to do just that.

E-8. Character stems from a thorough understanding of Army values; however, this understanding must go beyond knowing the one-line definitions. Individuals must also

know why Army values are important and how to apply them to everyday Army life. Leaders can promote Army values by setting the example themselves and pointing out other examples of Army values in both normal and exceptional activities. Army leaders can use unit histories and traditions, prominent individuals, and recent events to bring Army values to life and explain why adhering to them is important.

**LEADERS SHAPE THE ETHICAL
CLIMATE; SUBORDINATES
INTERNALIZE ARMY VALUES**

E-9. Doing the right thing is good. Doing the right thing for the right reason and with the right intention is better. People of character must possess the desire to act ethically in all situations. One of the Army leader's primary responsibilities is to maintain an ethical climate that supports development of such a character. When an organization's ethical climate nurtures ethical behavior, over time, people think, feel, and act ethically—they internalize the aspects of sound character.

E-10. Leaders should influence others' character development and foster correct actions through role modeling, teaching, and coaching. Army leaders seek to build a climate in which subordinates and organizations can reach their full potential. Together, these actions promote organizational excellence.

E-11. Army leaders can use the ECAS to assess ethical aspects of their own character and actions, the workplace, and the external environment. Once they have done their assessment, leaders prepare and carry out a plan of action. The plan of action focuses on solving ethical problems within the leaders' span of influence; leaders pass ethical problems they cannot change to higher headquarters. E-12. Becoming a person of character and a leader of character is a career-long process involving both self-development and developmental counseling. While individuals are responsible for their own character development, leaders are responsible for encouraging, supporting, and assessing the efforts of their subordinates. Leaders of character can develop only through continual study, reflection, experience, and feedback.

Appendix F

The Constitution of the United States

As a member of the Army, you have taken an oath to “support and defend the Constitution of the United States against all enemies, foreign and domestic [and to] bear true faith and allegiance to the same.” But what is this document that you have sworn to protect? In essence, the Constitution is a blueprint establishing the powers and responsibilities of the three branches of the United States government as well as the rights of American citizens. Especially important for the Army are those provisions in the Constitution that place fundamental military authority in Congress and the president. As part of that authority, Congress has the power to “provide for the common Defense,” which includes the power to “raise and support Armies,” and the president is the commander in chief of the armed forces. So the Constitution establishes the critical principle that America’s military leaders are subordinate to the nation’s civilian authorities. Given the importance of that concept to our system of government, this appendix contains a copy of the US Constitution. As you read it, you will see that, although the Constitution was written over 200 years ago, it remains relevant today for Army leaders and all Americans.

THE PREAMBLE

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general

Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

THE CONSTITUTION

ARTICLE I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected,

be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be

entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall

be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited

by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and

the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House

of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public

Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States, —between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on

Claim of the Party to whom such Service or Labour may be due.

Section 3

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial

Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In witness whereof We have hereunto subscribed our Names,

G. WASHINGTON—President. And deputy from Virginia

Delaware

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

South Carolina

J. Rutledge
Charles Cotesworth

Pinckney

Charles Pinckney
Pierce Butler

Georgia

William Few
Abr Baldwin

New Hampshire

John Langdon
Nicholas

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm: Saml. Johnson
Roger Sherman

Maryland

James McHenry
Dan of St Thos. Jenifer
Danl Carroll.

Virginia

John Blair---
James Madison Jr.

New York

Alexander Hamilton

New Jersey

Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania

B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

Attest William Jackson
Secretary

THE PREAMBLE TO THE BILL OF RIGHTS

Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine.

The Conventions of a number of the States, having at the time of their adopting the Constitution expressed a desire in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution.

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, two thirds of both Houses concurring that the following Articles be proposed to the Legislatures of the several states as Amendments to the Constitution of the United States, all or any of which articles, when ratified by three fourths of the said Legislatures to be valid to all intents and purposes as part of the said Constitution. viz.

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress and Ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

THE BILL OF RIGHTS

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENTS 11 THROUGH 27

AMENDMENT XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

AMENDMENT XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

* Superseded by section 3 of the 20th amendment.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial

officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

* Changed by section 1 of the 26th amendment.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

AMENDMENT XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

AMENDMENT XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator

chosen before it becomes valid as part of the Constitution.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

AMENDMENT XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Section 1

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

AMENDMENT XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and

shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied

or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Section 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no in-

ability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

AMENDMENT XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

AMENDMENT XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.