

**APPENDIX 11.
RULES FOR THE USE OF FORCE
FOR FEDERAL FORCES**

Appendix 11-1: Fourth Amendment, US Constitution.

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.

Source: <http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmentiv>

Appendix 11-2: Fifth Amendment, US Constitution.

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 offense 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.

Source: <http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmentiv>

Appendix 11-3: Eighth Amendment, US Constitution.

Amendment VIII

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

Source: <http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmentiv>

Appendix 11-4: Article II, Section 1 (Executive Powers Clause), Section 2 (Commander in Chief Clause), and Section 3 (Execution of Laws Clause).

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:

APPENDIX 11: RUF FEDERAL FORCES

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 choose 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 choose 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. 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 choose from them by ballot the Vice President.

The Congress may determine the time of choosing 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 offenses 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.

APPENDIX 11: RUF FEDERAL FORCES

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.

Source: <http://www.law.cornell.edu/constitution/constitution.articleiii.html#section1>

Appendix 11-5: 10 USC § 12301, Reserve Components Generally.

Sec. 12301. - Reserve components generally

(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty (other than for training) for the duration of the war or emergency and for six months thereafter. However a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available.

(b) At any time, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, in an active status in a reserve component under the jurisdiction of that Secretary to active duty for not more than 15 days a year. However, units and members of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor of the State (or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).

(c) So far as practicable, during any expansion of the active armed forces that requires that units and members of the reserve components be ordered to active duty (other than for training), members of units organized and trained to serve as units who are ordered to that duty without their consent shall be so ordered with their units. However, members of those units may be reassigned after being ordered to active duty (other than for training).

(d) At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.

(e) The period of time allowed between the date when a Reserve ordered to active duty (other than for training) is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.

(f) The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty.

APPENDIX 11: RUF FEDERAL FORCES

(g) (1) A member of a reserve component may be ordered to active duty without his consent if the Secretary concerned determines that the member is in a captive status. A member ordered to active duty under this section may not be retained on active duty, without his consent, for more than 30 days after his captive status is terminated.

(2) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly among the armed forces under the jurisdiction of the Secretary. A determination for the purposes of this subsection that a member is in a captive status shall be made pursuant to such regulations.

(3) In this section, the term "captive status" means the status of a member of the armed forces who is in a missing status (as defined in section 551(2) of title 37) which occurs as the result of a hostile action and is related to the member's military status.

(h) (1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty -

(A) to receive authorized medical care;

(B) to be medically evaluated for disability or other purposes; or

(C) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

(2) A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.

Source: <http://www4.law.cornell.edu/uscode/10/12301.html>

Notes on Sec. 12301.

SOURCE

Aug. 10, 1956, ch. 1041, 70A Stat. 27, Sec. 672

Pub. L. 85-861, Sec. 1(13), 33(a)(5), Sept. 2, 1958, 72 Stat. 1440, 1564

Pub. L. 96-357, Sec. 6, Sept. 24, 1980, 94 Stat. 1182

Pub. L. 96-584, Sec. 1, Dec. 23, 1980, 94 Stat. 3377

Pub. L. 99-500, Sec. 101(c) (title IX, Sec. 9122), Oct. 18, 1986, 100 Stat. 1783-82, 1783-127, and Pub. L. 99-591, Sec. 101(c) (title IX, Sec. 9122), Oct. 30, 1986, 100 Stat. 3341-82, 3341-127

Pub. L. 99-661, div. A, title V, Sec. 522, 524(a), Nov. 14, 1986, 100 Stat. 3871

Pub. L. 100-456, div. A, title XII, Sec. 1234(a)(1), (2), Sept. 29, 1988, 102 Stat. 2059

renumbered Sec. 12301 and amended Pub. L. 103-337, div. A, title XVI, Sec. 1662(e)(2), 1675(c)(1), Oct. 5, 1994, 108 Stat. 2992, 3017

Pub. L. 106-65, div. A, title V, Sec. 512, Oct. 5, 1999, 113 Stat. 592.

Historical and Revision Notes 1956 Act

Revised section	Source (U.S. Code)	Source (Statutes at Large)
672(a) 672(b)	50:961(a). 50:961(c). 50:961(g).	July 9, 1952, ch. 608, Sec. 233 (less (b) and (f)), 234
672(c) 672(d)	50:961(d). 50:962 (1st sentence).	(1st sentence), 66 Stat. 489, 490.

APPENDIX 11: RUF FEDERAL FORCES

672(e)

50:961(e).

In subsection (a), the word "hereafter" is omitted as surplusage. The words "there are not enough * * * who are" are substituted for the words "adequate numbers of * * * are not". The words "without the consent of the persons affected" and "under the jurisdiction of that Secretary" are inserted for clarity. The words "and the members thereof" are omitted as surplusage.

In subsection (b), the words "without the consent of the persons affected" are substituted for the words "without his consent", since units as well as individuals are covered by the revised subsection. The words "and the members thereof", "and required to perform", "or required to serve on", and "in the service of the United States" are omitted as surplusage.

In subsections (b) and (d), the words "active duty for training" are omitted as covered by the words "active duty".

In subsection (c), the words "to active duty" are substituted for the words "into the active military service of the United States", in 50:961(g) (1st and last sentences). The words "to serve" are substituted for the words "for the purpose of serving". The words "without their consent" are substituted for the word "involuntarily". The words "to that duty" are substituted for the words "into active duty". The last sentence of the revised subsection is substituted for 50:961(g) (last sentence).

In subsection (d), the words "the consent of that member" are substituted for the words "his consent". The words "under his jurisdiction" are inserted for clarity. 50:962 (last 15 words of 1st sentence) is omitted as covered by 50:961(d).

In subsection (e), the words "to active duty (other than for training)" are substituted for the words "into the active military service of the United States". The words "period of" are omitted as surplusage. The word "requirements" is substituted for the word "condition" for clarity.

1958 Act

Revised section Source (U.S. Code)

Source (Statutes at Large)

672(a)

50:961(a).

Aug. 9, 1955, ch. 665, Sec. 2(e), 69 Stat. 599.

The word "hereafter" is omitted as surplusage. The words "there are not enough . . . who are" are substituted for the words "adequate numbers of . . . are not". The words "without the consent of the persons affected" and "under the jurisdiction of that Secretary" are inserted for clarity.

The changes are necessary to reflect section 101(b) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 901(b)), which defines the term "active duty" to exclude active duty for training. This definition applied to the source law for these sections (sections 672 and 673), section 233(a), (b)(1), and (c) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 961(a), (b)(1), (c))

CODIFICATION

[Pub. L. 99-591](#) is a corrected version of [Pub. L. 99-500](#).

AMENDMENTS

1999 - Subsec. (h). [Pub. L. 106-65](#) added subsec. (h). 1994 - [Pub. L. 103-337](#), Sec. 1662(e)(2), renumbered section 672 of this title as this section.

APPENDIX 11: RUF FEDERAL FORCES

Subsec. (b). [Pub. L. 103-337](#), Sec. 1675(c)(1)(A), substituted "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)" for "or Territory or Puerto Rico or the commanding general of the District of Columbia National Guard, as the case may be".

Subsec. (d). [Pub. L. 103-337](#), Sec. 1675(c)(1)(B), struck out "or Territory, Puerto Rico, or the District of Columbia, whichever is" after "authority of the State". 1988 - Subsec. (b). [Pub. L. 100-456](#), Sec. 1234(a)(2), substituted "or Puerto Rico" for ", Puerto Rico, or the Canal Zone,".

Subsec. (d). [Pub. L. 100-456](#), Sec. 1234(a)(1), struck out "the Canal Zone," after "Puerto Rico,". 1986 - Subsec. (f). [Pub. L. 99-500](#) and [Pub. L. 99-591](#), Sec. 101(c) (Sec. 9122), [Pub. L. 99-661](#), Sec. 522, amended section identically adding subsec. (f). Subsec. (g). [Pub. L. 99-661](#), Sec. 524(a), added subsec. (g). 1980 - Subsec. (a). [Pub. L. 96-357](#) struck out cl. (1) designation for second sentence and cl. (2) prohibition against ordering a member of the Standby Reserve to active duty unless the Director of Selective Service determined that the member was available for active duty.

Subsec. (e). [Pub. L. 96-584](#) substituted provisions respecting determination of the allowable time in terms of military requirements for provisions authorizing a reasonable time. 1958 - Subsec. (a). [Pub. L. 85-861](#), Sec. 1(13), 33(a)(5), inserted "(other than for training)" after "active duty", substituted "inactive National Guard" for "inactive Army National Guard or in the inactive Air National Guard", and inserted provisions prohibiting a member of the Standby Reserve from being ordered to active duty under this subsection unless the Director of Selective Service determines that the member is available for active duty.

Subsec. (c). [Pub. L. 85-861](#), Sec. 33(a)(5), inserted "(other than for training)" after "active duty"

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by [Pub. L. 103-337](#) effective Dec. 1, 1994, except as otherwise provided, see section 1691 of [Pub. L. 103-337](#), set out as an Effective Date note under section [10001](#) of this title

EFFECTIVE DATE OF 1986 AMENDMENT

Section 524(b) of [Pub. L. 99-661](#) provided that: "Section 672(g) (now 12301(g)) of title 10, United States Code, as added by subsection (a), does not authorize a member of a reserve component to be ordered to active duty for a period before the date of the enactment of this Act (Nov. 14, 1986)."

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by section 33(a)(5) of [Pub. L. 85-861](#) effective Aug. 10, 1956, see section 33(g) of [Pub. L. 85-861](#), set out as a note under section [101](#) of this title

RULE OF CONSTRUCTION FOR DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS OF PUBLIC LAWS 99-500, 99-591, AND 99-661

For rule of construction for certain duplicate provisions of Public Laws 99-500, 99-591, and 99-661, see [Pub. L. 100-26](#), Sec. 6, Apr. 21, 1987, 101 Stat. 274, set out as a note under section [2302](#) of this title

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections [101](#), [523](#), [582](#), [641](#), [672](#), [10142](#), [10151](#), [10215](#), [12305](#), [12306](#), [12307](#), [12310](#), [12408](#), [12686](#), [16131](#), [16133](#) of this title; title 5 section [6323](#); title 38 sections [3011](#), [3013](#), [3103](#), [3105](#), [3231](#), [3511](#), [3512](#), [4211](#), [4312](#); title 50 App. section [592](#)

Source: <http://www4.law.cornell.edu/uscode/10/12301.notes.html>

Appendix 11-6: 18 USC § 242, Deprivation of Rights Under Color of Law

Sec. 242. - Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death