

Commissioning of Army Warrant officers

“When and why were warrant officers commissioned?”

Short Answer: Prior to passage of the Defense Authorization Act 1986, appointments of regular and reserve chief warrant officers of the Navy, Marine Corps, and Coast Guard were made by commission; appointments of all Army WO's, however, were made by the Secretary of the Army. The commissioned status of the Chief Warrant Officers of the Navy, Marine Corps, and Coast Guard was considered more prestigious and empowering than the appointment from Secretary of the Army. Those major considerations, along with concerns relating to the Army fully utilizing the leadership experience/capabilities of warrant officers, resulted in the initiative to commission Army warrant officers.

Brief Background: The warrant officer commissioning legislation was the result of several years of effort by both the Army and the WO association. Along with the prestige and empowerment considerations, several specific issues were offered as rationale for the commissioning initiative: authority while in a command position; the authority to enlist Soldiers; and the characterization of WO service as “commissioned”. While these issues (and others) provided specific rationale for making the legislative change, the stated official DOD intent for proposing the action was to “conform service practices concerning the appointment of WO's” and to equalize the status of Army CWO with the CWO of the sea services.

Commissioning Impact: The passage of the Act removed any limitations previously imposed by law and provided appropriate authority to coincide with warrant officer responsibilities. The legislation also eliminated statutory ambiguity concerning many duties that warrant officers already performed. For example, warrant officers already commanded small detachments and other similar units, but their authority was derived from the provisions of Executive Order No. 8938, 10 Nov 1941 (No.6 F .R 5743) rather than from inherent authority provided to commissioned officers. The legal change allowed warrant officers to be designated as “commanding officer” in the commissioned context, providing (in the opinion of the 1977 reviewing legal agency) greater authority for warrant officers in the execution of their responsibilities as commanders under UCMJ.

Among the additional changes provided by the action were the authority to execute oaths and the provision that allows warrant officers to be charged with a violation of article 133, UCMJ “conduct unbecoming an officer and a gentleman”.

Summary: While the commissioning of Army warrant officers is often misunderstood both by warrant and branch officers, the impact is significant and clear. Simply stated, the legislative change provides warrant officers with the same authority and status of all other commissioned officers. They can administer oaths, serve as “commanding officers” and perform any other officer duty that is allowed by policy and law. They also have the same limitations and are legally bound to adhere to the same officer standards. Perhaps however, the most significant and subtle aspect of the initiative is captured in the verbiage supporting the original 1987 DA Form 71 commissioning action: “Acceptance of the commission by the eligible CWO demonstrates the understanding that this formal step improves and enhances his or her ability to be a member of the leadership of the U .S. Army”.