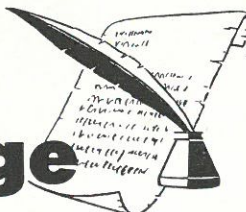


The President's Page



A FAIT ACCOMPLI

WHEN the National Guard Association of the United States held its Sixty-Sixth General Conference at Baltimore, Maryland, 3-4-5-6 May 1944, on the opening day of that conference, the then President of the Association observed in his report that in view of the number of occasions which the National Guard had been ordered into the active military service of the United States and served therein for considerable periods of time, it would be only fair and reasonable that some thought be given to providing some sort of a modest retirement stipend for National Guardsmen to be based on the total number of years served. This was the first time that such a proposal had been advanced, and it evoked considerable merriment, at that time, for it was, generally, regarded as just another sounding-off on the part of some irresponsible individual.

Nevertheless, the proposal was taken seriously by a small group who had been on the receiving end and felt that, in the interest of justice and equity, some such system be established. Accordingly a Committee was brought into being to study the matter and draft a Bill providing for such retirement which would be submitted to the Congress. After several years of work, such a Bill was prepared and duly introduced into the Congress, and after months of hearings it was passed by the Congress and approved on 29 June 1948 and commonly referred to as Title III, Public Law 810, 80th Congress. It was clearly the intent of the Congress, as indicated by the hearings incident to the Bill, that members of the National Guard would receive credit for all service in the National Guard from 21 January 1903 under the terms of the so-called First Dick Bill of the 57th Congress, II Session, Chapter 195, 196, 1903, and subsequently.

When the first applications were processed, this intent of Congress was carried out, but later, based on a ruling of the Judge Advocate General of the Army, it was held that no credit for service in the National Guard could accrue prior to the date of 3 June 1916, being the effective date of the first National Defense Act. The ruling hinged on the question whether the National Guard was Federally recognized prior to that date. The National Guard Association was not in accord with this ruling and took steps to have a Bill introduced in the Congress which would clarify this matter. In the short space of five days it received the unanimous approval of both Houses of Congress but was vetoed by the President, based on data and computations which the National Guard Association con-

tended would not stand up under a searching analysis. Nevertheless, the damage was done and, consequently, hundreds of National Guard officers were deprived of credit for service to which they were justly entitled.

Subsequently, the National Guard Association was instrumental in having three of its members bring an action in the United States Court of Claims for the purpose of obtaining credit for service in the Guard prior to 3 June 1916. After many months the United States Court of Claims held that the claimants were entitled to receive credit for such service. Subsequently the Government petitioned the Supreme Court of the United States for a Writ of Certiorari which the Court denied on 6 January 1953. This means that the decision of the United States Court of Claims in the cases of Price-Waterbury-Presson vs United States, upholding the principle of retirement credits for members of the National Guard prior to 3 June 1916, stands. It was not known, however, whether the various Government departments involved would accept the decision in the foregoing cases as being applicable to all other similar cases.

On 9 January 1953 the agencies concerned issued a statement advising that no further litigation is contemplated in cases involving the legal issues raised in the cases, above cited, and that pending cases are receiving active administrative consideration with a view to appropriate adjustment. This means that the Government accepts the principle of crediting National Guard service prior to 3 June 1916, and back to the date of 21 January 1903 for retirement purposes as applying to all cases comparable with those cited. Affected individuals will not be required to litigate suits individually.

Thus, it has come to pass, after all these years, that the work begun in 1944 is a task now done, and the National Guard Association shares with those concerned the delight which must be theirs in view of the action of the Federal Courts.

We are very grateful to the United States Court of Claims and the Supreme Court of the United States, and we congratulate the law firm of Ansell and Ansell of Washington, D. C., for the masterly manner in which the cases were prepared and argued before the Courts.

E. A. Walsh



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dear guardsmen:

Many's the time we've suggested that THE NATIONAL GUARDSMAN is a recruiting aid and a public relations medium for your own outfit and the Guard as a whole—if it's handled right. Never had more specific, unsolicited evidence of this than in a letter that came the other day from Mr. Kenneth E. Crouch, member of the staff of the Bedford (Va.) "Democrat." Wrote Mr. Crouch:

"Recently while in the armory of Co. A, 116th Inf. Regt., 29th Division, here in Bedford I noticed some copies of your publication and picked up some of the latest editions.

"I have read them from cover to cover and enjoyed everything therein, even if I am not a military man or National Guardsman. The great record of Co. A in the Normandy France invasion of World War II has caused all of we Bedford folks to feel like a part of that unit—perhaps you know of the sacrifice they made in the initial assault there which cost our Company of some 20 of its men.

"Hereafter I will keep in check over there and as future issues arrive will see if I can get a copy to read. They usually keep copies available for visitors in the office there." (Italics ours.—Ed.)

That's one way of putting THE NATIONAL GUARDSMAN to work for you. Another is to send it, every month, to your home town newspaper editors, the Mayor, the Chamber of Commerce, and others. We commend other suggestions that have been volunteered: place copies in doctor's offices, barber shops. It works so easily, so quietly, in spreading the National Guard's story—if it's placed where it will be seen.

THE STAFF

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our cover

Marking the birthday of George Washington, firm advocate of "a well-regulated militia," the special 3¢ postage stamp honoring the National Guard makes its bow this month. The stamp will be in blue (postal regulations prevent its reproduction, as on our cover, except in black).