

ARMY AIR FORCES HISTORICAL STUDIES: No 16

(REVISED EDITION)

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LEGISLATION

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AAF PERSONNEL PROGRAM

1939 - 1945

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1939-1945

AAF Historical Office
Headquarters, Army Air Forces
May 1946

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F O R E W O R D

An earlier version of this study, covering the period from January 1939 to May 1944, was prepared by Dr. Martha E. Layman and issued as AAF Historical Study No. 16. Some minor changes have been made in the original account and additional material has been supplied, which extends the period covered to the end of 1945. Dr. Chauncey E. Sanders of the Administrative History Branch, AAF Historical Office, has made the revisions.

The history deals with congressional and War Department action which led to legislation for expansion in personnel, new grades and ratings, promotions and retirement, and pay, allowances, and insurance. It also treats related measures which were proposed but not enacted.

Readers familiar with the subject matter are invited to furnish the AAF Historical Office with criticisms, additional facts, or interpretations. For this purpose, perforated sheets have been placed at the back of the study.

C O N T E N T S

INTRODUCTION 1

I EXPANSION IN PERSONNEL 3

 Authorization for an Increase in the Commissioned
 Strength and Basic Allotment of Enlisted Men 5

 The Aviation Student Act 10

 Admission of National Guard and Reserve Officers
 to Pilot Training 13

 Proposals for an Increase in the Number of National
 Guard Aviation Units 14

 Suspension of Limitations on Numbers of Flying
 Cadets and Reserve Officers 17

 Legislation Authorizing the Call of Reserve Officers
 and National Guard to Active Duty 20

 Militarization of the Civil Air Patrol and the WASP 22

II GRADES AND RATINGS 30

 Amendment of Section 13a of the National Defense Act 30

 Aviation Cadet Act 36

 Aviation Student Act 39

 Flight Officer Act 42

 Legislation Proposed by Air Corps Reserve Officers 46

 CAA-WTS Controversy 53

III PROMOTIONS AND RETIREMENT 59

 The Air Corps Promotion Act 59

 Retirement 66

IV PAY, ALLOWANCES, AND INSURANCE 79

 Pay and Allowances 79

 Flying Pay 79

 Extra Pay for Divers in the Army of the
 United States 89

 United States Military Academy Flight Training Act 91

 Disability Benefits and Dependents' Allowances 94

 Insurance 100

SUMMARY 111

AAFHS-16

GLOSSARY 114

BIBLIOGRAPHY 115

APPENDIXES

 Quotations from United States Statutes 118

INDEX 128

C H A R T

	Following
Tabular Summary	110

Legislation Relating to the AAF Personnel Program

1939-1945

AAFHS-16

INTRODUCTION

The outbreak of the European war in September 1939 found the Army Air Corps far weaker in planes and personnel than the air arm of any other great power. By 1945, however, the United States had built the world's largest military air force. The intervening years witnessed an extensive legislative program which made such development possible.

One of the prime needs in the building of air power was personnel expansion. Prior to 1939 the Air Corps had been given neither the authority nor the funds necessary for personnel increases, though some authorization for an increase in the number of planes had been made.¹ The primary personnel problem was, therefore, securing an increased number of officers and enlisted men, which was possible only by congressional approval. This problem in itself was different from the expansion problem of other branches of the armed service, for not only was Air Corps personnel far smaller than that of the other combat arms--it was not even sufficient to man the planes which already had been authorized by Congress. Therefore, special legislation for an increase in the personnel of the air arm became not only necessary but imperative as Germany continued to demonstrate the effectiveness of air power as a striking force.

Once its personnel began expanding rapidly, the Air Corps soon faced a host of additional problems relating to the human element. One of these

1. House of Representatives, Hearings on an Adequate National Defense, 76 Cong., 1 Sess., 12.

was the creation of new grades which would facilitate the procurement of personnel by making service in the Air Corps more attractive both during the training period and following graduation from the training centers. Another problem peculiar to the Air Corps was that of providing a system of temporary promotion which would make possible the rapid promotion of the necessarily young and relatively inexperienced Air Corps officers without regard to promotion procedure in the other branches of the Army. With the increase in responsibility and prestige of high-ranking Air Corps officers, special retirement legislation placing them on a par with officers holding corresponding positions in other arms of the service was called for. Another need of the Air Corps was legislation providing for pay, allowances, and insurance. Here again Congress was confronted by problems peculiar to the air arm, for the risks incurred in military flying created demands for compensation and benefits in the form of insurance coverage during the training period and special pay for extra-hazardous duty throughout the period of service in the Air Corps.

This study presents the history of legislation enacted to meet the personnel needs of the Army Air Forces from 1939 until the end of World War II. It does not include those laws which were limited to authorizations for the training program.² It includes both legislative proposals which failed of enactment and those measures which became public laws, but it makes no attempt to relate the story of their execution.

2. These have been studied in AAF Historical Studies: No. 7 (Rev.), Legislation Relating to the Army Air Forces Training Program, 1939-1945, prepared by AFSHC-AH.

AAFHS-16

Chapter I

EXPANSION IN PERSONNEL

At the beginning of the year 1939 the fundamental personnel problem of the air arm was the securing of congressional approval for an increase in the numbers of officers and enlisted men. Though the authorized personnel of the Army Air Corps was 2,092 commissioned officers, 21,500 enlisted men, and 1,350 Reserve officers called annually to active service, its actual strength was only 1,287 commissioned officers and 18,909 enlisted men.¹ Year after year the War Department had urged an increase in the personnel of the Army, including the Air Corps, but it was not until the ominous days following the Munich Conference that the American people awoke to a realization of the nation's weakness in defense and showed themselves eager and willing to lend support to the long-urged proposals of the military establishment.

Through the latter part of 1938 plans for the defense program were being laid. On 12 January 1939 President Roosevelt submitted them to Congress and urged the authorization of a defense system which would provide protection well beyond the confines of the United States by strengthening strategic positions such as Hawaii and the Panama Canal Zone and increasing the size of the Army Air Corps. He proposed an appropriation of approximately \$525,000,000, of which \$310,000,000 was definitely earmarked for the procurement of planes and the training of Air Corps personnel.²

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1. 52 Stat. 217; 49 Stat. 1524; Report of the Secretary of War for 1939, 52.
 2. Cong. Rec., 76 Cong., 1 Sess., 247-48 (12 Jan. 1939). For the recommendations concerning training see Legislation Relating to the Army Air Forces Training Program, 1939-1943, 5-6.

The President's message was received without enthusiasm by a Congress which expected the proposal of a much larger outlay of money. Editorial comment on the address was, for the most part, commendatory. The New York Times, the Atlanta Constitution, and the Portland Oregonian, all three under the date 13 January 1939, indicated that there was little adverse criticism of the President's proposals. Though the Cleveland Plain Dealer was more reserved in its praise and the Chicago Tribune was definitely critical, the attitude of the press was generally favorable.³ That the newspapers were gauging accurately the tide of public opinion was indicated by the Gallup Poll, which showed that in January 1939 more than 8 in every 10 voters wanted to see the Army and Navy increased and that 9 in every 10 favored a larger air force. The same poll indicated that a majority of the people were willing to pay higher taxes to support an enlarged defense program. It seemed that there would be little difficulty in selling the military program to the public.⁴

Following the President's message of 12 January 1939, the Army Air Corps expansion program was authorized by Congress. The legislation introduced between 1939 and 1945 for the purpose of personnel expansion falls into five distinct categories: (1) authorization for an increase in the commissioned strength and basic allotment of enlisted men, (2) proposals for an increase in the number of National Guard aviation units, (3) suspension of limitations on the number of flying cadets and Reserve officers in the Air Corps, (4) provision for calling the National Guard and Reserve officers to active duty, and (5) proposals for an increase

3. Cleveland Plain Dealer, 13 Jan. 1939; Chicago Tribune, 13 Jan. 1939.

4. New York Times, 13 Jan. 1939.

in personnel through the militarization of such civilian aviation groups as the Civil Air Patrol and the Women Air Force Service Pilots.

Authorization for an Increase in the Commissioned Strength
and Basic Allotment of Enlisted Men

The first of these legislative proposals was a direct result of the President's message. Prior to the convening date of the 76th Congress the War Department had been called upon for a program which would reorient the defense plans of the nation along hemispheric rather than purely national lines. In order to make such a program effective, it was vitally necessary to increase both planes and personnel of the Army Air Corps. Existing legislation limited the Air Corps to 2,092 commissioned officers, 21,500 enlisted men, and 1,350 Reserve officers called annually to active duty. In order to man the 3,032 additional planes for which it was asking,⁵ the War Department estimated that the number of Air Corps officers should be increased to 3,203, that a total of 45,000 enlisted men should be authorized, and that the number of Air Corps Reserve officers on extended active duty should be set at 3,000. Other personnel needs pointed out were the extension of the period of active duty for Reserve officers and specific provision for the order in which men should be commissioned from the groups of personnel eligible for appointment as second lieutenants.⁶

That the legislative proposals for an increase in air power had their origin in the Air Corps itself is attested by a memorandum of 14 December 1938 from Maj. Gen. Henry H. Arnold, Chief of the Air Corps,

5. Senate, Hearings on H.R. 3791, 76 Cong., 1 Sess., 18.

6. House, Hearings On an Adequate National Defense, 76 Cong., 1 Sess., 1-8.

AAFHS-16

6

to the War Department Chief of Staff. This memorandum called attention to inclosed drafts of legislation among which were the proposed authorizations for Air Corps personnel expansion.⁷ These drafts of legislation subsequently underwent minor changes in the Plans Section of the Air Corps and in the War Department Budget Office.⁸ They were then ready for introduction into Congress.

The original bills designed to authorize the needed personnel increases for the Air Corps expansion program were H.R. 3518, introduced into the House of Representatives on 31 January, and S. 1154, introduced into the Senate on 1 February 1939.⁹ No action was taken on them as separate bills, but their provisions were incorporated later in H.R. 3791, an omnibus bill providing for materiel, training, and personnel increases which the War Department considered essential to the defense program.¹⁰

Prior to the consolidation of the defense bills, both the House and Senate committees on military affairs held hearings on the President's message and the War Department recommendations. Secretary of War Harry H. Woodring, General Arnold, and Brig. Gen. Lorenzo D. Gasser, Assistant Chief of Staff, G-1, defended the personnel recommendations. Secretary Woodring presented the needs of the Air Corps as given above.¹¹ General Arnold stressed the fact that an air force could not be measured by

7. In AAG O30, Miscellaneous.

8. Memo for DC/S by Col. H. K. Loughry, Chief of Budget and Legislative Planning Br., Office of the Chief of Staff, 23 Jan. 1939, in AAG O11, Revision of the National Defense Act; R&R, Lt. Col. Carl Spatz to C/AC, 30 Jan. 1939, in AAG O32 K, Legislation.

9. Cong. Rec., 76 Cong., 1 Sess., 980 (31 Jan. 1939); ibid., 999 (1 Feb. 1939).

10. Two other bills, S. 899 and H. R. 3129, could be broadly conceived of as personnel legislation. Since their provisions pertained exclusively to training, however, they are not treated in this study. See Legislation Relating to the Army Air Forces Training Program, 1939-1943.

11. House, Hearings on an Adequate National Defense, 76 Cong., 1 Sess., 8; Senate, Hearings on H. R. 3791, 76 Cong., 1 Sess., 5.

airplanes alone. He pointed out that the effectiveness of air power was dependent upon combat and maintenance crews, materiel, a reserve of both planes and personnel, and upon a research program. To man the 3,032 planes for which the War Department was asking, General Arnold recommended an increase in the number of both officers and enlisted men in the Air Corps, his recommendations repeating those of the Secretary of War.¹² General Gasser supported the testimony of General Arnold to the effect that the numerical increase requested by the War Department was necessary.¹³

As a result of the hearings, Representative Andrew J. May (Ky.), chairman of the House Committee on Military Affairs, introduced H. R. 3791 on 7 February 1939. It contained the following provisions for Air Corps personnel expansion: (1) maintenance of a total of 3,000 Air Corps Reserve officers on extended active duty; (2) extension of the period of active duty for Reserve officers from five to seven years until 1 July 1949 and thereafter not to exceed five years' active service in all; (3) authorization of 3,203 commissioned officers in the Air Corps to be commissioned in the grade of second lieutenant from graduates of the United States Military Academy, warrant officers and enlisted men of the Regular Army who had had at least two years' service, honor graduates of the senior division of the Reserve Officers' Training Corps, members of the Officers' Reserve Corps and flying cadets who, during the current calendar year, had completed one year's active duty, and officers, warrant officers, and enlisted men of the National Guard, members of the

12. House, Hearings on an Adequate National Defense, 76 Cong., 1 Sess., 9-28; Senate, Hearings on H. R. 3791, 76 Cong., 1 Sess., 36-89.

13. House, Hearings on an Adequate National Defense, 76 Cong., 1 Sess., 84-100; Senate, Hearings on H. R. 3791, 76 Cong., 1 Sess., 223-42.

Enlisted Reserve Corps, and graduates of technical institutions approved by the Secretary of War; (4) authorization for 45,000 enlisted men; (5) the immediate appointment of 300 second lieutenants from among qualified Reserve officers and flying cadets. This expansion in personnel was to take place over a 10-year period.¹⁴

On 8 February 1939 the House Committee on Military Affairs reported H. R. 3791 without amendment.¹⁵ On the floor of the House, Chairman May called attention to the fact that there appeared to be no issue over the measure with the exception of Section 1', relating to the number of airplanes to be provided for the Air Corps.¹⁶ Though the debate on H. R. 3791 lasted for two days, there was no opposition to the provisions for expansion in personnel, and the bill passed the House on 15 February 1939.¹⁷

H. R. 3791 was next submitted to the Senate Committee on Military Affairs, which resumed hearings on the day that the bill passed the House. During committee consideration one amendment which concerned Air Corps personnel was made. It proposed that those Reserve officers who were commissioned in the Air Corps should be given constructive service for purpose of pay, promotion, and longevity. It did not permit, however, the time spent in the Air Corps Training Center as a flying cadet to be counted in such service.¹⁸

14. Cong. Rec., 76 Cong., 1 Sess., 1222 (7 Feb. 1939).

15. Ibid., 1264 (8 Feb. 1939); H. Rept. No. 32, 76 Cong., 1 Sess. The statement of minority views contained in the report made no criticism of the personnel provisions of the bill.

16. Cong. Rec., 76 Cong., 1 Sess., 1373 (14 Feb. 1939).

17. Ibid., 1440 (15 Feb. 1939). None of the amendments was concerned with personnel expansion.

18. S. Rept. No. 80, 76 Cong., 1 Sess. This amendment will be treated in Chap. III. "Constructive service" as used above means the accrediting of an officer's period of Army service in the computation of his longevity pay and status on the promotion list.

Between 22 February and 1 March H. R. 3791 was debated in the Senate. In the course of the debate the question of an authorization for Negro personnel in the Army Air Corps arose. As a result, the Senate amended the bill to provide for the training of pilots in at least one Negro school, to which aeronautical equipment and accessories would be lent by the government.¹⁹

Following the passage of H. R. 3791 by the Senate,²⁰ the Air Corps made a careful study of the amendments to the bill. The Plans Division recommended to the Chief of the Air Corps that both of the personnel amendments be opposed. Opposition to the amendment regarding the equipping of a Negro school for pilot training was based on the contention that it not only was superfluous but also attracted attention to the authorization and "might result in political pressure being directed against the Secretary of War." The amendment exempting the flying cadet period from being counted toward pay, promotion, and longevity for Reserve officers was opposed because the Plans Division felt that it would have the effect of requiring a rearrangement on the promotion list of all officers in the grades of first and second lieutenant and would, in some cases, cause senior first lieutenants coming in from the Air Corps Reserve to jump junior captains on the promotion list.²¹

This recommendation went from the Chief of the Air Corps to the General Staff, but in the final letter of the War Department to the

19. Cong. Rec., 76 Cong., 1 Sess., 2370 (7 March 1939).

20. Ibid., 2371 (7 March 1939).

21. Memo for C/AC by Col. Hume Peabody, Chief, Plans Div., 9 March 1939, in Plans Div. files, AFSSHO.

chairman of the House Committee on Military Affairs the only personnel amendment which the War Department opposed was the one concerning Reserve officers.²² The conference committee, acting on this recommendation, advised the Senate to recede from this amendment. The provision for the equipping of a Negro school for pilot training remained as it had been added on the floor of the Senate. No further personnel changes were made by the conference committee, and H. R. 3791 became Public Law No. 18 on 3 April 1939.²³

With the enactment of this law the most important single piece of legislation authorizing the expansion of Air Corps personnel went into effect. Public No. 18 authorized the President to call to duty annually for a period of one year sufficient Reserve personnel to maintain 3,000 Reserve officers on active duty, allowed the immediate commissioning of 300 second lieutenants from the Air Corps Reserve, specified the groups from which appointments were to be made, and approved a commissioned Air Corps strength of 3,203 and an enlisted strength of 45,000. This expansion in personnel was basic to the defense program. Though within a few months the authorizations proved to be inadequate and further legislation became necessary, they were sufficient in 1939 to make possible the initiation of a plan of hemispheric defense.

The Aviation Student Act

Following the passage of H. R. 3791 the Air Corps turned its attention to developing a training program which would provide the

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22. Secretary of War to Andrew J. May, 10 March 1939, in Plans Div. files, AFSHO.
23. S. Doc. No. 38, 76 Cong., 1 Sess.; H. Rept. No. 256, 76 Cong., 1 Sess.; Cong. Rec., 76 Cong., 1 Sess., 4235 (13 April 1939).

personnel necessary for its expansion plans. As the annual objectives for pilot training were increased from 7,000 to 12,000 during 1940 and plans were laid for the 30,000 pilot-training program in 1941, it became evident that the securing of the required number of pilots would necessitate new sources of recruits.²⁴

Under the regulations existing prior to 3 June 1941 the only persons admitted to pilot training were Regular Army officers, young men with at least two years of college work who could qualify as flying cadets, and those who, in lieu of the college preparation, could pass a very strict examination. These regulations excluded two important sources of pilot material--enlisted men of the Regular Army, and Reserve officers. During the winter of 1940-1941 the War Department began to take steps to alter the law in favor of admitting these two groups to pilot training.

For some time there had been considerable criticism of the exclusion of non-college men from the pilot training program. During the hearings on H. R. 3791, Edgar B. Brown, president of the United Government Employees, Inc., appearing before the House Committee on Military Affairs, requested that an editorial from the New York Daily News be included with his testimony. This editorial, entitled "Rickenbacker Didn't Go To College," is an example of the criticism directed against the college training requirement. The writer questioned the desirability of college experience as a prerequisite for the

24. AAF Historical Studies: No. 15, Procurement of Aircrew Trainees, Chap. II, prepared in AFSHO-AH.

training of pilots and closed with the following recommendation:²⁵

We move that these college requirements be discarded and that our flying forces be permitted to pick their material wherever they can find good material. The object, in building up our fighting equipment, is to get planes that can fly better than anybody else's planes, driven by pilots that can pilot and air fight better than anybody else's pilots. The possibility that we may pick up some pilots who don't know a cosine from a dodecahedron, or the proper way for a gentleman and an officer to navigate a teacup, is of very minor importance. We bet there are a lot of taxicab drivers who could be turned into swell combat pilots.

By December 1940 the Air Corps was short of student pilots, and applicants for training had fallen far below the minimum set for manning new planes. The New York Times of 15 December 1940 carried an article stating that the War Department recognized the possible necessity of lowering the educational standards for pilot training in order to accelerate the personnel expansion program to keep step with the program of procurement. In the meantime, this problem was under serious consideration by the War Department which, as a result of its study, proposed the enactment of legislation creating the new grade of aviation student in which enlisted men of the Regular Army and of other components of the Army of the United States could be given pilot training. The bills were introduced as H. R. 4449 on 21 April and as S. 1371 on 22 April 1941.²⁶ The aviation student bill, as the measure was called, became law on 3 June 1941.²⁷ It authorized the utilization of large

25. Senate, Hearings on H. R. 3791, 76 Cong., 1 Sess., 311. Brown appeared before the committee in behalf of Negroes who desired admittance to pilot training.

26. Cong. Rec., 76 Cong., 1 Sess., 3228 (21 April 1941), 3235 (22 April 1941).

27. Ibid., 4729 (5 June 1941). For the legislative history of the Aviation Student Act, as well as the Aviation Cadet Act passed at the same time, see Chap. II of this study.

numbers of enlisted men as pilot material. Without this legislation the Air Corps would have found it impossible to provide personnel for the aircraft being produced in rapidly increasing numbers.

Admission of National Guard and Reserve Officers to Pilot Training

While the War Department was studying the matter of admitting enlisted men to flying training, it also had under consideration the opening of pilot training to National Guard officers and Reserve officers of branches of the service other than the Air Corps. On 14 December 1940 the Chief of the Air Corps recommended amendment of the Act of 3 April 1939 to allow men of these two branches to be trained as flyers.²⁸ This recommendation received General Staff approval, and a bill was drafted in the Judge Advocate General's office differing from the second section of the Act of 3 April 1939 only in the elimination of the word "Regular" and the insertion of the words "of the United States."²⁹

It then went to the Bureau of the Budget which advised the Secretary of War on 13 March 1941 that there would be no objection to the submission of the proposed legislation to Congress.³⁰ The bill as drafted by the War Department was introduced by Senator Morris Sheppard (Texas) on 27 March 1941 as S. 1246. An identical bill, H. R. 4443, was proposed by Representative May on 21 April. Both were reported favorably by the committees on military affairs, and S. 1246 was passed

28. Memo for Chief of Staff by C/AC, 14 Dec. 1940, in AG Oll (11-1-40) pt. 1.

29. Memo for Chief of Budget and Legislative Planning Br. by Col. Harry L. Twaddle, 25 Jan. 1941, in AG Oll (11-4-40) pt. 1, sec. 1; memo for Chief of Budget and Legislative Planning Br. by Col. Fred W. Llewellyn, 5 Feb. 1941, in ibid.

30. J. B. Blandford, Jr., Asst. Director, Bureau of Budget, to S/W, 13 March 1941, in ibid.

by both houses without debate. It was signed by the President and became Public No. 152 on 3 July 1941.³¹ Under the provisions of this act National Guard officers and Reserve officers of other branches could be trained in grade as pilots, thus providing still another source of pilot material for the expansion program.

Proposals for an Increase in the Number of National
Guard Aviation Units

During the period of congressional enthusiasm over the national defense program, several attempts were made to increase the number of National Guard aviation units. These proposals did not have their origin in the War Department, and none of them were successful. There were, in all, five bills introduced for the purpose of augmenting the aviation components of the National Guard. The first bill, H. R. 935, was introduced by Representative John W. McCormack (Mass.) on 3 January 1939. It provided for an expansion of the aviation reserves of the Army, Navy, and Marine Corps and the aviation divisions of the Coast Guard and National Guard to a total of 100,000 pilots and 10,000 planes, and it authorized the appropriations necessary to carry out the program and provide the necessary facilities. The bill was referred to the Committee on Military Affairs from which it never emerged, though the Air Corps did not oppose its enactment.³² An identical bill was introduced into the Senate on 6 March 1939 by Senator Edwin C. Johnson (Colo.), but it likewise was killed in the Committee on Military Affairs.³³

31. Cong. Rec., 77 Cong., 1 Sess., 2609 (27 March 1941), 3228 (21 April 1941), 3235 (22 April 1941), 3434 (29 April 1941), 3513 (1 May 1941), 5326 (3 July 1941), 5826 (7 July 1941).

32. Ibid., 76 Cong., 1 Sess., 33 (3 Jan. 1939); R&R, Plans Div. to C/AC, 12 Jan. 1939, in AAG O32 K, Legislation. There were no hearings on the bill.

33. Cong. Rec., 76 Cong., 1 Sess., 2259 (6 March 1939).

H. R. 3046, "a bill to increase the number of National Guard Aviation units," was introduced into the House of Representatives on 23 January 1939. It called for the establishment and maintenance of "one and not more than two National Guard aviation units in each state and in Alaska, Puerto Rico, and Hawaii, each unit to comprise one squadron of airplanes of such mission types as may be prescribed by the Secretary of War." The designation of the location of these units was to be left to the Secretary of War.³⁴ This legislative proposal was opposed by the Air Corps and the War Department on the grounds that there was no real need for it. In elaborating upon the opposition of the Air Corps, the Plans Division explained that there was a plan under the expansion program to increase the number of National Guard corps and division observation squadrons from 19 to 29 and the Regular Army corps and division observation squadrons from 10 to 12. This increase would give a total of 41 corps and division observation squadrons, which the Air Corps considered to be sufficient. There was no need for the establishment of other types of aviation units at that time. Moreover, the Plans Division pointed out that the strength of the National Guard was limited by statute which placed legal restrictions on the number of enlisted men. The number and types of units which could be organized, however, were not limited. Hence, this proposed legislation was unnecessary and undesired by the Air Corps.³⁵

Two other bills (S. 1343 and S. 1499), identical to one another and very similar to H. R. 3046, were introduced into the Senate in February

34. Ibid., 76 Cong., 1 Sess., 662 (23 Jan. 1939).

35. Memo for AC/S, G-3 by C/AC, 15 Feb. 1939, in AAG 032 K, Legislation.

AAFHS-16

16

1939. One was dated 13 February and the other 20 February 1939.³⁶ The only difference between these two bills and H. R. 3046 was that the former called for "not more than two National Guard aviation units in each state, and in Alaska, Puerto Rico, and Hawaii," whereas H. R. 3046 had read "one and not more than two National Guard Aviation units." Both S. 1343 and S. 1499 were killed in the Committee on Military Affairs.³⁷

Though the proposals for an increase in the aviation units of the National Guard never reached the floor of either house of Congress for discussion, during the debate on H. R. 3791 Representative Ross A. Collins (Miss.) spoke in behalf of the bill. He pointed out that the expense of National Guard Aviation units would be one-tenth what it would cost to provide the same number of flyers in the Regular Army, inasmuch as men in the National Guard were paid only for the time they spent in flying, not for 365 days a year. Moreover, as Collins indicated, the members of the National Guard were familiar with the conditions in their own localities, which would be an added advantage in national defense. He urged that Congress provide at least one modern air unit in each state in the Union and mentioned the advisability of creating more than one in some states.³⁸ His plea, however, fell on deaf ears. Nothing more was heard of the increase in the aviation units of the National Guard.

36. Cong. Rec., 76 Cong., 1 Sess., 1344 (13 Feb. 1939), 1574 (20 Feb. 1939).

37. There were no hearings on these bills.

38. Cong. Rec., 76 Cong., 1 Sess., 2224 (3 March 1939).

Suspension of Limitations on Numbers of FlyingCadets and Reserve Officers

With airplane production rapidly increasing as 1941 approached and with the international situation more serious than ever, it became more and more evident that the production of pilots to man these planes must be increased proportionately. Senator Millard F. Tydings (Md.) succinctly described the situation when he said before the Senate on 15 May 1940 that, for two reasons, the nation would have no use for the planes being produced. First, there would be a shortage of pilots to fly them, and second, there would not be a sufficient number of mechanics to keep them in condition. He expressed the opinion that the greatest problem the nation was facing in its defense program was a personnel problem.³⁹

The day following Tydings' statement, President Roosevelt appeared before the House and Senate in joint session and urged the immediate appropriation of \$896,000,000 to be expended in an accelerated defense program. This sum included \$100,000,000 to be used principally for Air Corps expansion.⁴⁰

The President's message was received seriously by a people struck breathless by the German blitzkrieg even then sweeping with incredible speed over Western Europe. Newspaper and editorial comment as a whole reflected a favorable reaction to the recommendations of the chief executive. High praise for the President's proposals came from the Philadelphia Record, the Atlanta Constitution, the Portland Oregonian, and the Denver Post.⁴¹ From some sources, however, there came charges

39. Ibid., 76 Cong., 3 Sess., 6143 (15 May 1940).

40. Ibid., 6244 (16 May 1940).

41. Philadelphia Record, 17 May 1940; Atlanta Constitution, 17 May 1940; Portland Oregonian, 16 May 1940; Denver Post, 16 May 1940.

that Roosevelt was "unduly alarmist" and that he had asked for a staggering appropriation without specifying "where the money was coming from."⁴²

To carry into effect the President's recommendations, the War Department submitted the draft of a bill which was introduced into the Senate as S. 4025 and into the House of Representatives as H. R. 9802.⁴³ Both bills provided for the suspension of all existing limitations on the number of flying cadets and the number and rank of Air Corps Reserve officers who might be ordered to extended active duty during the fiscal year 1941. There was no opposition to S. 4025 in the Senate Committee on Military Affairs, and on 22 May 1940 it was reported back to the Senate with the recommendation that it be passed.⁴⁴

Its companion bill, however, had been opposed by some members of the House Committee on Military Affairs because it completely suspended the limitations on the numbers of Air Corps Reserve officers and flying cadets. As a result of this opposition two other bills came from the committee. They were H. R. 9825, introduced 20 May, and H. R. 9850, presented to the House the following day.⁴⁵ Both bills placed definite limitations on the authorized numbers of cadets and Reserve officers concerned. H. R. 9825 limited both flying cadets and Air Corps Reserve officers to 6,000, while H. R. 9850 placed the maximum number of flying

42. Chicago Tribune, 17 May 1940; Des Moines Register, 17 May 1940.

The latter paper made quite critical comment, stating in part that "The President was perhaps doing a bit of gorgeous bluffing for the benefit of certain foreign listeners."

43. Cong. Rec., 76 Cong., 3 Sess., 6582 (22 May 1940), 6356 (17 May 1940).

44. Ibid., 6582 (22 May 1940).

45. Ibid., 6468 (20 May 1940), 6579 (21 May 1940).

cadets at 8,500 and the maximum number of Air Corps Reserve officers on active duty at 6,000.

While the House Committee on Military Affairs had been considering these proposals it had called upon the Secretary of War for data in regard to the necessity of the legislation. The Assistant Secretary of War in turn had requested that the Chief of the Air Corps submit a report and a detailed explanation of the parts of the proposed legislation relating to the Air Corps.⁴⁶ He had done so on 18 May 1940:⁴⁷

To operate flying training activities most efficiently and in order to be in a position to greatly expand with minimum delay it is necessary to remove the present limitation on flying cadets which provides for only 2,500. . . . An indeterminate number of additional Reserve officers are immediately required to augment Air Corps training activities and to help build up tactical units. . . . Officer and enlisted requirements in the several branches will fluctuate from time to time and no restriction should stand in the way of the most efficient employment of available personnel.

In spite of the protest of the Air Corps against limitations of any kind, the House Committee on Military Affairs reported H. R. 9850 with a recommendation that it be passed.⁴⁸ Two days later it passed the House without changes in the provisions concerning flying cadets and Air Corps Reserve officers.⁴⁹ When it reached the floor of the Senate, Senator Sheppard made a motion that the bill be amended by striking out everything after the enacting clause and inserting S. 4025 as it had been amended in the Senate.⁵⁰ It will be recalled that

46. Memo for C/AC and Chief of Ordnance by Col. John W. N. Schulz, Director of Current Procurement (Office of AS/W), 18 May 1940, in AAG 032 M, Legislation.

47. Memo for the AS/W by C/AC, 18 May 1940, in *ibid.*

48. *Cong. Rec.*, 76 Cong., 3 Sess., 6667 (22 May 1940).

49. *Ibid.*, 6862 (24 May 1940).

50. *Ibid.*, 7934 (11 June 1940). None of the amendments referred to Air Corps personnel.

S. 4025 had completely suspended the limitations on the numbers of both flying cadets and Air Corps Reserve officers. The Senate then passed H. R. 9850 as amended.⁵¹ The report of the resulting conference committee sustained the Senate amendment,⁵² and in this form the bill became law on 2 July 1940.⁵³ Public No. 703 thus gave the Air Corps authority to procure flying cadets and Reserve officers without limit as to number during the fiscal year 1941. In 1942 this authority was extended indefinitely.⁵⁴

Legislation Authorizing the Call of Reserve Officers
and National Guard to Active Duty

Following enactment of H. R. 9850, it quickly became evident that Congress must move to give the President authority to call out the National Guard and order all Reserve officers to active duty. During May and June of 1940 the German Wehrmacht had swept to the coast of Western Europe and eliminated France as a world power. Britain had abandoned most of her heavy equipment at Dunkerque, and the invasion of the British Isles was expected momentarily.⁵⁵

On 29 July 1940 the President of the United States appeared before Congress asking that he be given complete authority to call the reserve forces of the nation into service so that they might be trained adequately

51. Ibid., 7934 (11 June 1940).

52. H. Rept., 2578, 76 Cong., 3 Sess.

53. Cong. Rec., 76 Cong., 3 Sess., 9231 (3 July 1940).

54. Public Law No. 580 (H. R. 4476), which received the signature of the President on 5 June 1942 stipulated that "All provisions of law limiting the strength of any branch of the Army, the number of aviation cadets in the Army Air Corps . . . and the number of officers of the Army who may be required to participate regularly and frequently in aerial flights are hereby suspended." Such suspension was to remain in force during the continuance of the war and for six months thereafter. 56 Stat. 314.

55. Report of the Secretary of War for 1941, 49.

to defend the United States in case of attack. At the same time a joint resolution, introduced into the Senate as S. J. Res. 286, was proposed. It authorized the President to order the National Guard, Reserve officers, and retired personnel of the United States Army into active service for a period of 12 months.⁵⁶ Very little opposition to the proposal was evidenced in Congress. This reaction can be explained not only by the seriousness of the international situation but also by the fact that the joint resolution was more acceptable than the Burke-Wadsworth bill providing for the Selective Service system which was at that time before Congress.⁵⁷

The Air Corps was particularly interested in the passage of S. J. Res. 286 because its enactment would permit Reserve officers to be called to, or continued on, active duty without their consent. This would solve the problem of retaining in the Air Corps Reserve officers who were requesting relief from their duties because there was no opportunity for them to be commissioned in the Regular Army.⁵⁸ The resolution passed the Senate on 8 August and was approved by the House of Representatives a week later.⁵⁹

Though the resolution as adopted differed from the draft submitted by the War Department in that it placed a one-year limitation upon the active duty of personnel affected by the legislation, it was not opposed by the Secretary of War. The Plans Division of the Air Corps took no

56. Cong. Rec., 76 Cong., 3 Sess., 9634-35 (29 July 1940).

57. Washington Post, 31 July 1940.

58. Memo for C/S by Brig. Gen. William E. Shedd, AC/S, G-1, 15 Aug. 1940, in AG 320.2 (5-4-39) pt. 2a.

59. Cong. Rec., 76 Cong., 3 Sess., 10069 (8 Aug. 1940), 10448 (15 Aug. 1940). Some amendments were made, but none directly affected the Air Corps.

steps to have the resolution amended because "it appeared to extend rather than limit the authority of the President relative to ordering Reserve officers to extended active duty."⁶⁰

By means of this legislation and the Selective Training and Service Act of 16 September 1940⁶¹ the Air Corps expanded from a total military personnel of 49,884 on 30 June 1940⁶² to 2,197,114 officers and enlisted men at the end of the fiscal year 1943.⁶³

Militarization of the Civil Air Patrol and the WASP

As the expansion program developed and activities that had originated as civilian in nature became closely associated with the military, there was a movement inaugurated for the militarization of certain civilian personnel already engaged in aeronautical work, namely the Civil Air Patrol and the Women Air Force Service Pilots.⁶⁴

The Civil Air Patrol was organized in the Office of Civilian Defense on 1 December 1941 for the purpose of making available to the government the skills and equipment of licensed civilian pilots, mechanics, photographers, and radio experts.⁶⁵ Though the Civil Air Patrol was not a part of the Air Corps, its national headquarters was from the first

60. R&R, Plans Div. to C/AC, 5 Sep. 1940, in AAG 032 K, Legislation. This legislation was extended for the emergency and an additional period of six months by the Act of 18 August 1941. 55 Stat. 626.

61. 54 Stat. 885.

62. Report of the Secretary of War for 1940, 26.

63. The latter figure, obtained from Statistical Control, AFMIG, includes aviation cadets.

64. Another legislative enactment which affected the Air Corps was the increase from 85 to 100 in the monthly maximum number of flying hours allowed civil air pilots. This proposal, sponsored by the Civil Air Pilots Association, was approved by the Secretaries of War, Navy, and Commerce and became Public No. 535 on 29 April 1942. It made available to the Air Corps approximately 240 pilots who had been employed by the civil air lines. 56 Stat. 265.

65. Statement concerning the establishment of the Civil Air Patrol, in AAG 324.5, Civil Air Patrol.

staffed by a number of Army Air Corps officers in addition to its civilian personnel. It performed valuable military service in the fields of coastal patrol, southern liaison patrol (principally along the Rio Grande), courier service, and miscellaneous paid and voluntary missions for the Air Corps.⁶⁶

As the activity of the Civil Air Patrol increased, it became more and more difficult for the organization to secure the priorities on aviation equipment necessary to keep it operating efficiently. By the fall of 1942 administrative and priorities problems had become so serious that the Directorate of Management Control was asked to investigate the existing situation.⁶⁷ Management Control subsequently made a study of the relationship between the CAP and the AAF. It found that the military personnel supervising the operations of the CAP were not subject to any direction or control by headquarters of the AAF or any other War Department agency and that these officers were not eligible for promotion under the Air Corps Promotion Act because they were not serving with any tactical unit, staff, or installation of the Air Corps. Moreover, because of the division between the CAP and the AAF, the former was experiencing serious delays in obtaining needed War Department supplies. As a result of its study, Management Control recommended that the CAP be transferred to the Directorate of War Organization and Movement in the AAF.⁶⁸

66. See AAF Historical Studies: No. 19, Civilian Volunteer Activities in the AAF, prepared in AFSHO-AH.

67. R&R, AC/AS, A-1 to AFDMC, 12 Sep. 1942, in files of the Office of Legislative Services.

68. R&R, AFDMC to AC/AS, A-1, 21 Sep. 1942, in AFOLS files.

Several weeks later General Arnold approved this recommendation and authorized the action necessary to accomplish the transfer.⁶⁹ Under the direction of Management Control, the proposed transfer authorization was drafted in the form of an executive order.⁷⁰ Following approval by the Bureau of the Budget, it was promulgated on 29 April 1943.⁷¹

Following the transfer of the Civil Air Patrol to the War Department, the organization came directly under the control of the Commanding General of the Army Air Forces. It maintained its existing organization of wings, groups, and squadrons, but was supervised by a headquarters detachment. Its personnel remained civilian but came under Army regulations when on regular Army missions.

The second civilian group whose militarization was proposed under the expansion program was the woman-pilot personnel of the AAF. In September 1942 the Ferrying Division, Air Transport Command, employed a group of 25 trained women pilots and laid plans for training additional women for flying duties. The women so employed were known as WAFS, members of the Women's Auxiliary Ferrying Squadron.⁷² The experiment proved so successful that on 21 June 1943 the Office of Assistant for Women Pilots was created in the Office of the Assistant Chief of Air Staff, Operations, Commitments, and Requirements (OC&R).⁷³

69. R&R, C/AS to AC/AS, A-4 and AC/AS, A-1, 8 Dec. 1942, in AAG 324.5, Civil Air Patrol.

70. R&R, AFDMR to AFROM, 19 Dec. 1942, in *ibid.*

71. M. H. McIntyre to S/W, 29 April 1943, in *ibid.*; Executive Order 9339; see also Civilian Volunteer Activities in the AAF, 1941-1943.

72. Charlotte Knight, "Women in the Air Forces," Air Force, XXV, No. 7 (Dec. 1942), 30-32.

73. AAF Memo #20-4, 28 June 1943.

Women pilots, officially known as Women Air Force Service Pilots (WASP),⁷⁴ remained on civilian status, though after September 1943 there was a strong movement toward militarizing them. On 30 September 1943 Representative John M. Costello (Calif.) introduced "a bill to provide for the appointment of female pilots in the Air Forces of the Army." This bill, numbered H. R. 3358,⁷⁵ made no provision for administration or for training but simply specified that during the war and for six months thereafter there should be included in the AAF such licensed female pilots as the Secretary of War might consider necessary. They were to be appointed and removed by the Commanding General of the Army Air Forces subject to the approval of the Secretary of War. Those appointed were to be commissioned in the Army of the United States and were to receive the same pay and allowances and be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps of the Army with the same grades and length of service.

The militarization was approved by the Assistant Chiefs of Staff, G-1 and G-3 but was opposed by General Arnold, Commanding General of the Army Air Forces. General Arnold's opposition came not from a desire to block militarization but from a determination to keep the WASP from becoming a part of the WAC. Following the introduction of H. R. 3358, the Assistant Chief of Air Staff, Personnel was asked by Brig. Gen. William E. Hall to look into the legality of commissioning women pilots directly into the Army of the United States on the basis of their qualification as service pilots. This request included the

74. AAF Memo #20-8, 5 Aug. 1943. This memo designates the title WASP to replace WAFS.

75. Daily Cong. Rec., 78 Cong., 1 Sess., 8006 (30 Sep. 1943).

AAFHS-16

26

following note: "If it develops that this is legal I believe that General Arnold will be highly pleased because this will be the answer to militarizing the WASP and at the same time keeping them out of the WAC. . . ."76 The AG/AS, Personnel in his reply cited a decision of the Comptroller General that the authority requested extended only to men and "may not be regarded as authority for commissioning women as officers in the Army of the United States."⁷⁷

For the information of all division heads, General Arnold on 19 January 1944 sent out a memorandum explaining his position on the proposal for militarization of the WASP. He gave as his principal reasons for demanding their militarization apart from the WAC the facts that they were definitely recruited and employed as pilots, that the youngest of them were the most useful, and that some of the finest pilots were women who had children under 14 years of age. If they were brought in as part of the WAC, they would be in a corps consisting principally of administrative, technical, and clerical personnel, and they would be subject to the limitations as to age and ages of children which applied to the WAC. He asked that the entire subject be studied with the view of recommending to the Secretary of War that he sign a letter urging favorable congressional action on the matter.⁷⁸

Consequently, a bill to be substituted for H. R. 3358 was drafted in Headquarters, AAF. On 17 February 1944 this bill (H. R. 4219), with

76. R&R, DC/AS to AG/AS, Personnel, 11 Jan. 1944, in AAG 211 C, Pilots.

77. R&R, AC/AS, Personnel to DC/AS, 13 Jan. 1944, in *ibid.*

78. Memo for all division heads by Col. E. O. O'Donnell, Exec. Asst. to CG, AAF, 19 Jan. 1944, in AAG 211 C, Pilots.

a few additions and changes in wording, was introduced by Costello.⁷⁹ It provided that for the period of the war and for six months thereafter there be included in the Army Air Forces such commissioned women personnel, women flight officer personnel, and women aviation students as the Secretary of War might consider necessary. It limited the commissioned grade of colonel to one officer and provided that no officer should be appointed to a higher grade. Of the commissioned personnel 95 per cent were to be qualified pilots. The bill also made provision for the training of women aviation cadets and their commissioning as second lieutenants in the Army of the United States upon the successful completion of their training. Further it accorded to the women personnel affected by the bill the same pay, allowances, rights, privileges, and benefits as all other members of the Army of the United States.

On 22 March 1944 the House Committee on Military Affairs held hearings on H. R. 4219. General Arnold testified before the committee that he hoped to expand the WASP sufficiently to replace every man in the AAF qualified for overseas service. In view of the serious shortage of manpower both in the Army and in key industries, he asked the committee to approve this legislation and make it possible for him to use the WASP as full military personnel for noncombat service.⁸⁰

The day following the hearings on H. R. 4219, the House Military Affairs Committee reported the bill without amendment and with a recommendation that it be passed.⁸¹ On 24 March an identical bill (S. 1810)

79. Daily Cong. Rec., 78 Cong., 2 Sess., 1882 (17 Feb. 1944).

80. House, Hearings on H. R. 4219, 78 Cong., 2 Sess.

81. Daily Cong. Rec., 78 Cong., 2 Sess., 3063 (23 March 1944).

was introduced in the Senate by Senators Lister Hill (Ala.) and Harold H. Burton (Ohio).⁸²

In the meantime, members of both House and Senate were deluged with letters and telegrams from CAA instructors in civilian flying schools and their friends who opposed the WASP legislation. The work of these men was terminating because the War Department had decided to transfer to the Ground and Service Forces 36,000 men who were awaiting training as aviation cadets.⁸³ It was the contention of the civilian instructors that the AAF should make use of them as noncombatant pilots instead of training women to do this work.

While S. 1810 remained in committee, H. R. 4219 was brought up in the House. The debate was acrimonious. Representative F. A. Harness (Ind.) offered an amendment limiting WASP personnel to 1,500 and Sam A. Hobbs (Ala.) wanted to make the commanding officer of the WASP a captain instead of a colonel, as the bill provided. Both amendments were defeated. The opponents of the militarization of the WAF were so well organized that, despite the appeal given to the bill by the Brooks amendment (providing for the commissioning of the CAA-NATS trainees), H. R. 4219 was defeated 188 to 169, with 73 not voting.⁸⁴ In the next few days there was some thought of trying to get S. 1810 out of the Senate Committee on Military Affairs;⁸⁵ but by September all thought of militarizing the WAF had apparently been given up,⁸⁶ and announcement was made on 30 October that the whole WAF program would be deactivated on 20 December.⁸⁷

82. Ibid., 3090 (24 March 1944).

83. House, Hearings on H. R. 4219, 78 Cong., 2 Sess., 2.

84. Daily Cong. Rec., 78 Cong., 2 Sess., 6481-99 (21 June 1944).

85. WD Press Release, 8 Aug. 1944; Washington Times-Herald, 8 Aug. 1944.

86. OC&R Daily Activity Report, 6 Sep. 1944, in AFSHO files.

87. WD Press Release, 30 Oct. 1944.

AAFHS-16

Legislative authorizations for Air Corps personnel increases between 1939 and 1945 outline one of the most significant chapters in the nation's history of military expansion. Beginning in 1939 with a program which at the time seemed prodigious, the Air Corps soon found that its personnel needs were underestimated and that the increases authorized by Public No. 18 were grossly inadequate. As the European war spread and the position of the United States became more precarious, Congress was called upon to relax the requirements for pilot training. This was done in the Aviation Student Act and in the act which allowed National Guard and Reserve officers of branches other than the Air Corps to be trained as flyers. There followed legislative approval for a suspension of the limitations on the number of flying cadets and Reserve officers. In the summer of 1940, with most of Western Europe under the heel of the Nazis and the invasion of England believed to be imminent, Congress gave speedy approval to the President's proposal to call both the National Guard and the Reserve officers into active service. Following the entrance of the United States into the war, further legislation proposed the incorporation into the AAF of certain civilian aviation groups. The Civil Air Patrol was militarized by executive action, but the proposal to incorporate the WASP into the AAF was defeated in Congress.

Throughout the legislative history of Air Corps personnel expansion there was unmistakable evidence of an increasing support of the War Department program by both the public and Congress. Few changes were made in the drafts of bills prepared in the War Department, and in most cases Congress moved speedily in enacting the legislation requested.

AAFHS-16

Chapter II

GRADES AND RATINGS

Problems of fitting the rapidly increasing Air Corps personnel into grades commensurate with their skills and backgrounds were inevitable results of the expansion program. The solution of some of these problems called for new laws. The solution of others necessitated changes in existing legislation. It is with the legislative enactments and changes affecting grades and ratings that this chapter deals.

Amendment of Section 13a of the National Defense Act

For more than 20 years prior to 1939 the Army air arm had utilized officers from other branches for specialized work of various types. Section 13a of the National Defense Act, 3 June 1916, provided the first authorization for the detail of these officers and limited their service with the air arm to four years. It was specified that such personnel must be aviators.¹ The Act of 2 July 1926 which created the Air Corps further recognized its need for officers from other branches. It allowed them to be detailed to the Air Corps for flying training but provided that they could not remain on detail for more than one year nor be permanently commissioned unless they qualified as flying officers. This law also set 90 percent as the proportion of Air Corps officers required to be flying officers and defined such an officer in time of peace as

1. 39 Stat. 174.

one who had received an aeronautical rating as a pilot of service types of aircraft.² In 1936 this definition of a flying officer was changed by law to include both pilots and aerial observers. The act specified, however, that only those who had previously qualified as pilots could be rated as aerial observers.³ Moreover, statutes of a few years before had limited to 1 per cent the number of officers of other branches of the Army who could be attached to the Air Corps and put on flying duty.⁴

These two limitations, (1) defining a flying officer as one who had been rated as a pilot and (2) limiting the number of men detailed from other branches for flying duty with the Air Corps to 1 per cent of the number of officers of each branch, were serious obstacles in the way of Air Corps expansion.

Though the Air Corps had for many years made use of officers of other branches, its need for such officers was greatly increased by the expansion program. These officers, rather than being trained as pilots, were to be utilized as members of combat crews performing the duties of navigators, gunners, radio operators, and bombardiers.⁵ They would be subject to the same risks and hazards as pilots, but in order for them to be rated as aircraft observers and receive flying pay, a change in existing legislation was necessary.

On 6 May 1939 the Chief of the Air Corps called the attention of The Adjutant General to an Air Corps request for the detail of 156

2. 44 Stat. 781.

3. 49 Stat. 1524.

4. Act of 10 June 1922, 42 Stat. 632, and Act of 2 July 1926, 44 Stat. 782.

5. H. Rept. No. 2355, 76 Cong., 3 Sess.

officers from other branches for training and submitted a bill drafted to achieve that purpose.⁶ Twelve days later, in a memorandum for the Assistant Chief of Staff, G-1, General Arnold called attention to an inclosed draft of a bill which had been prepared by the Air Corps in cooperation with the War Department General Staff.⁷

In the meantime, the Air Corps recommended that funds for the payment of officers requested for detail to that branch of the service be placed in the 1940 budget, but the request was disallowed by the War Department Budget Advisory Committee because its inclusion would increase the number of officers on a flying status above the statutory limit of 1 per cent of the strength of the Army.⁸

Failing to obtain the necessary funds for flying pay, the War Department again turned its attention to securing a change in the law defining a flying officer. It sent the bill previously drafted to the House Committee on Military Affairs with a request that it be passed.⁹ It was not introduced, however, during the closing days of the first session of the 76th Congress.

With the opening of the next session of Congress, the War Department resumed its efforts to secure the passage of the bill. In the meantime the Judge Advocate General had ruled that the detailing of officers of other arms of the Air Corps as aircraft observers, with the right to

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6. Memo for AG by Maj. Gen. H. H. Arnold, 6 May 1939, in AAG 210.6, Detail to the Air Corps.
 7. Memo for AC/S, G-1 by Maj. Gen. H. H. Arnold, 18 May 1939, in AAG 032 L, Legislation.
 8. Memo for C/S by Brig. Gen. W. E. Shedd, AC/S, G-1, 25 Jan. 1940, in Plans Div. files, AFSHO.
 9. S/W to Andrew J. May, 28 Oct. 1939, in AAG 032 L, Legislation.

flying pay, could be accomplished by administrative action except for a change in the definition of flying officer which would require legislative approval.¹⁰

On the definition of "flying officer" there appears to have been some disagreement between the G-1 Division of the War Department General Staff and the Chief of the Air Corps. Whereas G-1 believed that all officer members of combat crews should be rated as flying officers, the Chief of the Air Corps contended that provision should be made for the two ratings of pilot and aircraft observer.¹¹ The former opinion was the one which prevailed and was incorporated in the proposed legislation, which provided that the Chief of the Air Corps, three brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general should be officers who had qualified as pilots of service types of aircraft. It repealed the limitation of 1 per cent and left unlimited the number of officers of any branch of the Army who could be detailed to the Air Corps. It also provided that flying units should be commanded by flying officers, but defined a flying officer as one who had received the aeronautical rating of either pilot or aircraft observer.

The proposed bill subsequently went to the Bureau of the Budget, where it was held up for several weeks. Finally, on 7 May 1940, Lt. Col. Robert Olds of the Plans Division called the attention of the chief of his division to the fact that the legislation had not been released from the Bureau of the Budget and that it was especially important that

10. Memo for C/S by Brig. Gen. William E. Shedd, AC/S, G-1, 25 Jan. 1940, in ibid.

11. Ibid.

the bill be expedited "in view of the fact that no vacancies exist within the 1 per cent legal limitation governing the number of officers of other branches who can be placed on flying status."¹² Col. George E. Stratemyer, Chief of the Plans Division, concurred in the opinion of Colonel Olds and began a movement to expedite the legislation.¹³

Between the submission of the bill and its introduction in Congress the Air Corps requested two important changes. These were (1) the elimination of the requirement that 90 per cent of Air Corps officers be pilots and (2) the change in definition of a flying officer to include in that classification aerial bombardiers, navigators, and gunners.¹⁴ As a result of this request, a memorandum was forwarded by the Chief of the Air Corps to the Chief of Staff with the recommendation that it form the basis of a letter to the military affairs committee requesting the desired changes.¹⁵

The Personnel Division subsequently proposed the elimination of the 90 per cent pilot requirement. However, the requested change in the definition of a flying officer was not made. The reason given for disallowing this request of the Air Corps was that the change in definition was not considered necessary, inasmuch as the ratings of aerial navigator, bombardier, and gunner would qualify officers as flying officers under the definition in the proposed bill. It was stated, however, that if the Chief of the Air Corps particularly desired the change in definition, he could take up the matter with the Deputy Chief of Staff.¹⁶

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12. R&R, Lt. Col. Robert Olds to Chief, Plans Div., 7 May 1940, in AAG 032 M, Legislation.
 13. R&R, Col. George E. Stratemyer to Brig. Gen. Barton K. Yount, 7 May 1940, in ibid.
 14. R&R, Plans Div. to Exec., 17 May 1940, ibid.
 15. Memo for C/S by Maj. Gen. H. H. Arnold, 17 May 1940, in ibid.
 16. R&R, Maj. W. R. Carter to Exec., 21 May 1940, in ibid.

Late in May 1940 two identical bills (S. 4005 and H. R. 9898) providing for the rating of aircraft observers were introduced into Congress.¹⁷ Both incorporated the change in the original bill recommended by the War Department. H. R. 9898 was reported to the House on 31 May 1940 with amendments slightly changing its wording and was passed on 17 June as amended.¹⁸ When H. R. 9898 reached the floor of the Senate on 27 September 1940, S. 4005 was postponed indefinitely, and the Senate passed the companion bill in its place.¹⁹ The bill became Public No. 795 on 4 October 1940.

Thus, without substantial change, the request of the War Department for the rating of aerial observers was granted. The legislation gave the Air Corps a free hand in training and detailing aerial observers who had not qualified previously as pilots and allowed an unrestricted number of officers from other branches to be detailed to the Air Corps for training and duty as aircraft observers and other members of combat crews. The removal of these restrictions was of particular significance in expediting the training program and in the better coordination of the air and ground arms of the service. Following the passage of H. R. 9898 officers rated as aircraft observers could, under the existing law, receive flying pay while performing aerial duties.²⁰

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17. S. 4005 was introduced 20 May by Senator Sheppard. Cong. Rec., 76 Cong., 3 Sess., 6359 (20 May 1940). H. R. 9898 was introduced 27 May by Representative May. Ibid., 6955 (27 May 1940).
 18. Ibid., 7350 (31 May 1940), 8408 (17 June 1940).
 19. Ibid., 12752 (27 Sep. 1940), 13309 (7 Oct. 1940).
 20. See below, Chap. IV.

Aviation Cadet Act

Between 1919 and 1941 all aviation students were trained in the grade of flying cadet.²¹ They received a base pay of \$75 per month which included flying pay, ration allowances not exceeding \$1 a day, and other allowances on a par with those of a private first class in the Air Corps. Each cadet upon entering training signed a pledge that, when graduated and commissioned a second lieutenant in the Air Corps Reserve, he would serve on active duty for a period of three years if the Air Corps required his services.

For more than 20 years this grade had been considered satisfactory. By 1941, however, the Air Corps training program had been enlarged to include the instruction of far more engineers, meteorologists, and photographic laboratory workers than had previously been trained. These could not be described accurately as flying cadets. Moreover, the Army flying cadets were at a disadvantage when compared to naval and Marine Corps cadets in such matters as allowances and insurance.²² In the summer of 1940 there was pending before Congress a bill (H. R. 10030) sponsored

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21. From time to time the authorized number of flying cadets was changed. The original act provided for 1,300; Public No. 446, 69 Cong., 2 Sess., 2 July 1926, Sec. 2, authorized the same number; and the number remained unchanged until Public No. 703, 76 Cong., 3 Sess., 2 July 1940, removed all existing limitations on the number of flying cadets during the fiscal year 1941. Public Law No. 139 (77 Cong., 1 Sess., 30 June 1941), the Military Appropriation Act for 1942, removed the limitations for the fiscal year 1942; while Public Law No. 580, 77 Cong., 2 Sess., 5 June 1942, continued the suspension of limitations for the duration of the war and six months thereafter.
22. By the Act of 15 April 1935 Congress had provided government life insurance in the amount of \$10,000 on the life of each naval and Marine cadet, the premiums to be paid by the government during the period of training. 49 Stat. 157. An Act of 13 June 1939 provided for an allowance of \$150 for uniforms for each naval and Marine aviation cadet who completed his training and was commissioned. 53 Stat. 819.

by the Navy Department which held out still further inducements to naval aviation cadets by allowing them a bonus of \$500 for each year of active duty completed as Reserve officers following their graduation.²³ In order to make its cadet grade more inclusive, to provide inducements for Army cadets on a parity with those for naval and Marine cadets, and to meet the demands of Reserve officers for parity of treatment with the Naval Reserve, the War Department began a study looking toward the creation of the new grade of aviation cadet.

On the recommendation of the Personnel Division of the Air Corps, a bill was prepared in the Plans Division.²⁴ On 20 August 1940 it was submitted to The Adjutant General by the Chief of the Air Corps, who recommended its immediate transmission to Congress in order that its enactment might be secured during the current session.²⁵ A month later two bills (H. R. 10526 and S. 4365) were introduced in Congress²⁶ to create the new grade of aviation cadet replacing the existing grade of flying cadet. In addition, the bill made provision for government insurance for all cadets and a bonus payment to Reserve officers which would place both cadets and Reserve officers on a parity with naval and Marine

23. Cong. Rec., 76 Cong., 3 Sess., 7812 (7 June 1940). This compared unfavorably with legislation providing for the payment of a lump sum of \$500 to Reserve officers of the Army who at the end of their period of extended active duty were not commissioned in the Regular Army.

24. R&R, Personnel to Plans, 8 Aug. 1940, in AAG 032 M, Legislation.

25. Memo for AG by C/AC, 20 Aug. 1940, in ibid.

26. Cong. Rec., 76 Cong., 3 Sess., 12384 (19 Sep. 1940), 13058 (2 Oct. 1940).

AAFHS-16

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personnel of the same grades,²⁷ H. R. 10526 never emerged from the military affairs committee, and there is no record of hearings on the bill. Its companion bill, however, was reported with three amendments. The only one of any significance was the one which changed Section 3 to allow citizens of the United States to enlist as aviation cadets rather than to be appointed under such regulations as the Secretary of War might prescribe.²⁸

During the Senate's consideration of S. 4365 Senator William H. King (Utah) asked why graduates of the Air Corps Training Center were not given the rank of sergeant rather than that of second lieutenant. He was answered by Senator Chan Gurney (S. D.), who explained that the risks, the intensive training, and the responsibility of caring for valuable equipment justified the commissioned rank.²⁹ Senator Joseph C. O'Mahoney (Wyo.) asked if there had been any consideration given to Negro flyers in the preparation of the bill, to which Senator Gurney replied that the Selective Training and Service Act covered the situation by its provision that there should be no discrimination so far as race and color were concerned.³⁰ The bill passed the Senate on 30 September 1940.³¹

S. 4365 was then sent to the House and referred to the Committee on Military Affairs.³² On 18 October the Plans Division notified the Chief of the Air Corps that its representative had conferred with

27. See below, Chap. III.

28. S. Rept. No. 2182, 76 Cong., 3 Sess.

29. Cong. Rec., 76 Cong., 3 Sess., 12830 (30 Sep. 1940).

30. Ibid., 12831 (30 Sep. 1940).

31. Ibid.

32. Ibid., 13058 (2 Oct. 1940).

certain members of the House military affairs committee and the aviation subcommittee concerning the bill and had received information indicating that the House had "reached a gentlemen's agreement not to take up any new business until after the election" although the committee recognized the need for the legislation and appeared to be in favor of it. Representative R. Ewing Thomason (Texas) stated that in his opinion the committee would be able to get it through after the election.³³

With the opening of the 77th Congress the aviation cadet bill (S. 840) was reintroduced in the form in which it had previously passed the Senate. It went through both houses without opposition, was signed by the President, and became Public No. 97 on 3 June 1941.³⁴

This act created the grade of aviation cadet and placed Army air cadets on parity with naval aviation cadets in such matters as insurance, allowances, and bonus for extended active duty following their graduation. It also facilitated the procurement of aviation cadets and made the name of the grade more accurately describe the personnel being trained.

Aviation Student Act

While the aviation cadet bill was under consideration, Congress was giving attention to the creation of another grade which would make possible the training of enlisted men of the Army as aviation students. Though the necessity of throwing open aviation training to enlisted men in grade was becoming increasingly apparent, such action was not possible without legislative authorization. It had been the hope of

33. R&R, Plans to Exec., 18 Oct. 1940, in AAG 032 M, Legislation.

34. Cong. Rec., 77 Cong., 1 Sess., 4729 (4 June 1941). For fuller treatment of the legislative history of this act, see Legislation Relating to the Army Air Forces Training Program, 1939-1943.

the Air Corps that the Aviation Cadet Act would provide sufficient authority for this training. In connection with this question the Office of the Chief of the Air Corps called upon the Judge Advocate General for an opinion as to whether S. 4365, which had already passed the Senate, would permit the training of enlisted men in grade.³⁵

The reply of the Judge Advocate General pointed out that the original requirement that "all enlisted aviation students must have the grade of flying cadet" had remained unaltered since 1919. S. 4365, if enacted, would merely substitute "aviation cadet" for "flying cadet." Therefore, if enlisted men were trained under the provisions of this law, they would have to be trained in the grade of "aviation cadet" rather than in their enlisted grades. Large numbers of them could not qualify for appointment as aviation cadets because they lacked the educational preparation.³⁶ It therefore became necessary to secure legislation setting up a new grade of "aviation student" which would apply during the training period to all enlisted men.³⁷

As a result of an Air Corps study on the subject, a bill was prepared and forwarded to both the House and Senate committees on military affairs. It was introduced in the House on 21 April 1941 as H. R. 4449 and into the Senate the following day as S. 1371.³⁸ Hearings on the bill were held by the Senate on 22 April. Senator Robert R. Reynolds (N. C.)

35. Memo for JAG by Brig. Gen. Carl Spaatz, Asst. C/AC, 20 Dec. 1940, in AAG 353.9 G, Training in Aviation.

36. Memo for C/AC by JAG, 8 Jan. 1941, in *ibid.*

37. For the background of the Aviation Student Act, see above, Chap. I.

38. Cong. Rec., 77 Cong., 1 Sess., 3228 (21 April 1941), 3235 (22 April 1941).

explained that the purpose of the War Department in requesting the legislation was to "make possible the creation of an additional pilot group comprised of noncommissioned officers, in appropriate grades and ratings within the Air Corps with career advantages for individuals who lack the educational qualifications required for appointment as flying cadets."³⁹ This purpose was elaborated by Brig. Gen. George H. Brett, Acting Chief of the Air Corps, who appeared before the committee. General Brett stated that the Air Corps contemplated the utilization of these men as primary flight instructors, probable basic flight instructors, utility pilots, and pilots of troop and cargo transports. The Senate Committee on Military Affairs raised the amount of life insurance carried on each cadet from \$5,000, as provided in the original bill, to \$10,000. While the student was undergoing training the insurance premiums were to be paid by the government. Following the training period, the newly commissioned officer was to be given the option of continuing the policy at his own expense.

The bill as amended by the committee passed the Senate on 15 May 1941. It was substituted in the House for its companion bill (H. R. 4449) six days later, and became law (Public No. 99) when the President signed it on 3 June 1941.⁴⁰

This legislation made possible the training of enlisted men in grade. To the prospective student it meant that he need not satisfy the educational qualifications set up for aviation cadets, nor was he required to

39. Senate, Hearings on S. 1371 (typescript), 77 Cong., 1 Sess., in files of Senate Committee on Military Affairs.

40. Cong. Rec., 77 Cong., 1 Sess., 4116 (15 May 1941), 4317 (21 May 1941), 4729 (4 June 1941).

relinquish his rating during the training period. To the Air Corps, launched upon an extensive expansion program, it meant the availability of a large number of prospective trainees.

Flight Officer Act

The Aviation Cadet Act and the Aviation Student Act had authorized two different groups of graduates from the Air Corps training centers. Graduate aviation cadets were commissioned as second lieutenants in the Air Corps Reserve, while aviation students who had successfully completed their course were used as enlisted men. By the beginning of 1942, however, the need for pilots had resulted in the removal of educational qualifications for the appointment of aviation cadets. The removal of age differences between the two groups, effected at about the same time, placed the two classes of trainees practically on a parity with one another, with the exception of their career opportunities following graduation. The Air Corps was confronted with the problem of how to deal with those graduates among enlisted men who were good officer material and those graduates among the cadets who, because of lowered requirements, did not measure up to the desired qualifications for commissioned officers. The solution to the problem appeared to be the creation of a new grade.

On 16 January 1942 in a memorandum for the Chief of Air Staff, the Assistant Chief of Air Staff, A-1 called attention to an inclosed draft of a bill creating the new grade of flight officer with the status of warrant officer, junior grade, except that the base pay of this officer would be only \$120 a month. The bill provided for promotion by selection where deemed advisable and amended the Aviation Cadet Act in order to

allow the graduates of the Air Corps training centers either to be commissioned second lieutenants or appointed flight officers (under regulations to be prescribed by the Secretary of War) in the Army of the United States. The bill also authorized for flight officers a \$150 allowance for uniforms and provided a \$10,000 insurance policy with premiums paid by the government during the training period. Following the period of training the new second lieutenant or flight officer was required to continue his insurance policy at his own expense until he was permanently relieved from duty involving regular and frequent flights.⁴¹

The proposed legislation subsequently underwent minor changes in wording in the office of the Judge Advocate General and was redrafted to incorporate those changes.⁴² By 7 February 1942 the bill was ready for the consideration of the Chief of the Air Corps, and Col. F. Trubee Davison, AC/AS, A-1, recommended that it be approved "as the best solution of the problem."⁴³ He had previously conferred with Rear Admiral J. H. Towers, who had written that although the policy "did not fit exactly into the policy which the Navy proposes to follow . . . it does not appear to be in conflict."⁴⁴

The matter of creating the grade of flight officer was seriously considered by the Chief of the AAF. A study prepared in March 1942 by two of his special assistants, Lt. Cols. Charles P. Cabell and Lauris Norstad, called attention to the advantages and disadvantages of

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41. Memo for C/AS by AC/AS, A-1, 16 Jan. 1942, in AAG 032 0, Legislation. See below, Chap. IV, for insurance provision.
 42. Memo for AC/S, G-1 by JAG, 20 Jan. 1942, in AAG 032 0, Legislation.
 43. Memo for Gen. H. H. Arnold by Col. F. Trubee Davison, 7 Feb. 1942, in ibid.
 44. Ibid.

AAFHS-16

44

commissioning all graduates. They concluded that the largest number of effective combat pilots could be secured by commissioning aviation cadets immediately upon graduation rather than by setting up a new grade. On the basis of their study these officers recommended that the legislation be dropped and that the policy of commissioning aviation cadets upon graduation be continued, provided that those graduates who did not desire to serve on a commissioned status should be appointed to a noncommissioned grade.⁴⁵

General Arnold did not act upon this recommendation but authorized the Directorate of Legislative Planning to prepare a draft of a bill to create the new grade. The legislation was prepared accordingly. It differed from the earlier A-1 draft in two respects: first, it dropped the provision that the flight officer outrank all other warrant officers, and second, it authorized for officers of the new grade pay and allowances equal to those of a warrant officer, junior grade.⁴⁶ This change was made because the pending pay bill, S. 2025, would raise the base pay of a warrant officer, junior grade, to that of a second lieutenant. By making the pay and allowances of a flight officer equal to those of a warrant officer, junior grade, the legislation would make the flight officer financially equal to the commissioned pilot. The draft subsequently was approved by the Bureau of the Budget as being in accord with the President's program and was transmitted to the Speaker of the House of Representatives and to the chairman of the Senate Committee on Military

45. Memo for Lt. Gen. H. H. Arnold by Lt. Cols. Charles P. Cabell and Lauris Norstad, 13 March 1942, in AAG 032 O, Legislation. For a summary of their study, see Legislation Relating to the AAF Training Program, 1939-1943.

46. Memo for C/S by Lt. Col. G. R. Perera, 1 April 1942, in ibid.

Affairs. It was introduced into the House as H. R. 7129 and into the Senate as S. 2553 on 25 May 1942.⁴⁷

Two days later the Senate Committee on Military Affairs held hearings on the bill. The War Department representatives called before the committee were Lt. Col. G. R. Perera, Director of Legislative Planning in the AAF; Col. F. Trubee Davison, Assistant Chief of Air Staff, A-1; Lt. Col. John C. Flanagan, Chief of the Psychological Division, Air Surgeon's office; and Col. Luther S. Smith, Director of Individual Training.

Colonel Perera informed the committee of the need for the proposed legislation and of the changes it would make in the Aviation Cadet and Aviation Student Acts. Colonel Davison stressed the desirability of creating more democratic relations among pilots and expressed opinion that the flight officer legislation would produce this result. Colonel Flanagan gave testimony to the effect that some men were psychologically equipped to fill the proposed position of flight officer who could not become acceptable commissioned officers. Colonel Smith explained the training of the men involved.⁴⁸

Both H. R. 7129 and S. 2553 were reported without amendments and with recommendations that they be passed. S. 2553 passed the Senate on 15 June and was approved by the House of Representatives on 2 July in lieu of the companion bill. Six days later it was signed by the President and became Public Law No. 658.⁴⁹

47. Cong. Rec., 77 Cong., 2 Sess., 4536, 4460 (25 May 1942).

48. Senate, Hearings on S. 2553, 77 Cong., 2 Sess. See Legislation Relating to the AAF Training Program, 1939-1943.

49. Cong. Rec., 77 Cong., 2 Sess., 4740 (1 June 1942), 5207 (15 June 1942), 5906 (2 July 1942), 5935 (2 July 1942), 6055 (9 July 1942).

Thus was created the grade of flight officer in the Army of the United States, a grade which corresponded to that of warrant officer, junior grade. Following the passage of this legislation, pilots who completed their training were either commissioned directly as second lieutenants in the Army of the United States or were appointed as flight officers. The act also made provision for promotion from flight officer to second lieutenant and authorized an allowance for uniforms and life insurance at government expense during the training period.⁵⁰

The AAF continued to require that men who were commissioned satisfy higher cultural and educational qualifications than were demanded of flight officers. Though the new grade was definitely inferior to that of second lieutenant, it was much more to be desired by the enlisted man than the rating of staff sergeant, to which formerly he would have been entitled at the conclusion of his training.

Legislation Proposed by Air Corps Reserve Officers

The legislation treated above originated in the War Department. In addition, there were a number of proposals which emanated from the Air Reserve Association, a strong pressure organization designed to promote the interests of Air Corps Reserve officers.

In the spring of 1939, when the Air Corps expansion plans were being considered by Congress, the Air Reserve Association began to urge the passage of legislation which would make possible the absorption into the Regular Army of Air Corps Reserve officers above the age of 30 and currently serving on extended active duty. Because Army regulations

50. See below, Chap. III, for allowances and insurance provisions.

stipulated 30 as the maximum age for Air Corps Reserve officers who would be given permanent commissions, this organization urged that legislation be enacted which would accomplish one of two things--either the direct commissioning of those qualified Reserve officers then serving on extended active duty or creation of the grade of flight officer to which they could be appointed.⁵¹

Having failed to secure a provision in the Act of 3 April 1939 for the direct commissioning of overage pilots, the Air Reserve Association turned its attention to securing authorization for a grade termed "flight officer." This pressure from the Reserve officers resulted late in May 1939 in the introduction of two identical bills (S. 2225 and H. R. 6019)⁵² which called for the creation of the grades of junior flight officer, flight officer, and senior flight officer. According to these bills, qualified Reserve officers, warrant officers, and enlisted pilots then on extended active duty with the Air Corps who were over 30 years of age could be appointed to these grades. Junior flight officers were to have the pay and allowances equal to those of a second lieutenant, flight officers were to be equal in all respects to a first lieutenant, and senior flight officers were to have the same pay status as captains in the Army Air Corps. For purposes of computing pay and allowances, all of their service following graduation from the Air Corps Training Center was to be considered.

51. Printed bulletin of the Air Reserve Association, in AAG 080, Air Reserve Association.

52. Cong. Rec., 76 Cong., 1 Sess., 4647 (24 April 1939), 4813 (26 April 1939).

The military affairs committee of the House of Representatives took no action on H. R. 6019 after objections to the bill were registered by the War Department.⁵³ Its companion bill (S. 2225) was the subject of hearings held by the Senate Committee on Military Affairs on 5 and 19 May and 2 June. Several Reserve officers who were in the group affected by the proposed legislation appeared before the committee to present their arguments in favor of the bill.⁵⁴ They argued in support of the bill that (1) graduates of the Air Corps Training Center between 1930 and 1935 had been discriminated against since none were commissioned during that period; (2) overage pilots would make excellent instructors during the Air Corps expansion program; and (3) Air Corps Reserve officers recalled in case of war would have to undergo an additional training course.⁵⁵

In behalf of the War Department, Brig. Gen. L. D. Gasser, Assistant Chief of Staff, G-1, appeared before the committee. He objected to the passage of the bill on the grounds that (1) it was poorly drawn; (2) it could not promote the efficiency of the Air Corps inasmuch as officers entering the Army under its provisions would do so without examinations as to fitness other than physical; (3) the bill would constitute preferential treatment in the sole interest of the group affected; (4) it would constitute a precedent for future group pressure; and (5) no difficulties were anticipated in the procurement of the officers authorized by Public

53. Draft letter, S/W to Dow W. Harter, 31 May 1939, in LAG 032 L, Legislation.

54. Those who testified in behalf of S. 2225 were Lts. Paul S. Blair, Pete Brewster, Theodore Q. Graff, G. B. Holloway, Frank Nightingale, Clarence Gilkes, M. M. Beach, W. A. Cocke, James M. Treweek, C. J. Cochran, James C. Jensen, T/Sgt. Paul B. Jackson, and S/Sgt. Thomas W. Rafferty.

55. Senate, Hearings on S. 2225, 76 Cong., 1 Sess., 1-50.

Law No. 18, passed in 1939. Therefore, the proposed flight officer bill was unnecessary and undesirable.⁵⁶ General Gasser's testimony was supported by that of Brig. Gen. B. K. Yount, Assistant Chief of the Air Corps, who stated that it would be unfair to the younger officers to take the overage pilots into the Regular Army at that time, inasmuch as they would constitute a group that would complicate the promotion system.⁵⁷

Following the hearings on S. 2225, the Senate military affairs committee struck out everything in the original bill except the enacting clause and reported it as amended to the Senate with a recommendation that it be passed. The bill still provided for the three ranks of junior flight officer, flight officer, and senior flight officer but did not limit appointment to persons above 30. It made provision for promotion from one flight officer rank to another and limited the number of flight officers to 20 per cent of the officer personnel of the Air Corps. Moreover, it specified that vacancies in the flight officer grades should be filled from Air Corps Reserve officers on extended active duty who were ineligible for a Regular Army commission under requirements then existing. There being no opposition to the bill, the Senate passed S. 2225 on 1 August 1939.⁵⁸ It was next sent to the House of Representatives, but the military affairs committee of the House took no action

56. Ibid., 51-56.

57. Ibid., 56-61. Though the bill provided that "a separate commission be authorized for the Regular Army Air Corps," the Judge Advocate General had ruled that flight officers commissioned under its provisions would become Regular Air Corps officers and that they would necessarily be included in the authorized commissioned strength of the Air Corps. It would, therefore, affect the promotion list.

58. Cong. Rec., 76 Cong., 1 Sess., 10630-31 (1 Aug. 1939).

on it inasmuch as the War Department had in the meantime recommended a substitute bill.

The new bill was a compromise measure designed to satisfy partially the overage Reserve officers and at the same time forestall passage of the flight officer bill. It was prepared at the request of subcommittee No. 3 of the House military affairs committee.⁵⁹ After the proposed legislation reached the committee, two bills were introduced. H. R. 6921⁶⁰ provided for a waiver on the age limit for Air Corps Reserve officers who had served not less than two years on extended active duty, if their age was not more than 30 years plus the number of years of their active duty service.⁶¹ H. R. 6925 was the War Department bill. It differed from H. R. 6921 only in that it limited the legislation to the fiscal year 1940, provided for the apportionment of the appointments made under the bill in the ratio that the number of Reserve applicants bore to the total number of applicants for appointment, and specified that the qualifying examinations given the Reserve officers affected should be separate and distinct from those given to other applicants for commission. H. R. 6921 was never reported from committee, but the War Department bill passed both houses without opposition and became Public No. 289 with the signature of the President on 5 August 1939.⁶²

It was not long, however, before the group of Reserve officers thus extended an opportunity to compete for Regular Army commissions

59. Memo for Brig. Gen. L. D. Gasser by C/AG, 31 May 1939, in AAG 032 L, Legislation.

60. Cong. Rec., 76 Cong., 1 Sess., 7515 (19 June 1939).

61. This applied also to duty as an enlisted pilot. The age limit was to date from the enactment of the proposed legislation.

62. Ibid., 11221 (5 Aug. 1939).

apparently became dissatisfied with the provisions of Public No. 289, for at the next opportunity only 65 took the examinations when approximately 172 were eligible to take them. Consequently, this group was allotted only 11 commissions.⁶³ Their dissatisfaction with the compromise law (Public No. 289) resulted in a veritable barrage of legislative proposals during the third session of the 76th and the first session of the 77th Congress. Five bills, none of which were reported from committee, proposed the direct commissioning of all qualified applicants for appointment from the Air Corps Reserve who had not been selected during the fiscal year 1940.⁶⁴ The Air Reserve Association also resumed its attempt to secure the flight officer legislation which had been abandoned during the summer of 1939. In the third session of the 76th Congress two identical bills (S. 4014 and H. R. 9929) were introduced.⁶⁵ They differed only slightly from the flight officer bill (S. 2225) of the year before, the principal difference being that they provided for the induction in the flight officer grades of Reserve officer pilots then serving on extended active duty who were ineligible for a commission in the Regular Army either because of age or physical waiver. They also limited the flight officer personnel to the "numerical difference between the total number of officers of the Regular Army Air Corps and the total number authorized by law to be on active duty." No hearings were held on these bills, and

63. Memo for AC/S, G-1 by Maj. Gen. H. H. Arnold, 25 May 1940, in AAG 032 M, Legislation.

64. S. 4260, Cong. Rec., 76 Cong., 3 Sess., 10112 (12 Aug. 1940); H. R. 10709, ibid., 13827 (2 Dec. 1940); S. 736, ibid., 77 Cong., 1 Sess., 464 (3 Feb. 1941); H. R. 959, ibid., 17 (3 Jan. 1941); S. 998, ibid., 1506 (28 Feb. 1941).

65. Ibid., 6360 (20 May 1940), 7072 (28 May 1940).

neither was reported from the committees on military affairs. The War Department continued its opposition to the flight officer legislation but set about the preparation of another substitute bill.⁶⁶ The new bill, prepared in the G-1 Division of the War Department General Staff, provided for the limitation, at the discretion of the Secretary of War, of the tour of active duty of Air Corps Reserve officers and authorized the commissioned grades of "First Lieutenant, Flight Officer; Captain, Flight Officer; and Major, Flight Officer."⁶⁷

On 24 May 1940 the Chief of the Air Corps registered his opposition to the proposed bill on the grounds that two types of commissioned officers with different career advantages would be detrimental to the efficiency of the Air Corps and that the proposed legislation would serve simply to build up a new pressure group whose main interest would be the securing of legislation which would restore its members to the status of Regular officers.⁶⁸ The following day the Chief of the Air Corps sent to the Assistant Chief of Staff, G-1 the draft of a bill which he proposed to have introduced into Congress. In an accompanying memorandum he called attention to the fact that Air Corps Reserve officers had not taken advantage of their opportunity to secure commissions under Public No. 289, and he opposed the submission of any further legislation for the express purpose of appeasing that group. His recommendation envisaged the

66. R&R, Brig. Gen. B. K. Yount to Maj. Gen. H. H. Arnold, 16 May 1940, in AAG 032 L, Legislation. General Yount wrote that "G-1 is now preparing a Bill which will be submitted to us for study and comment and which may establish a logical solution. In my opinion the 'Flight Officer Bill' does not do so."

67. AAG 032 M, Legislation.

68. Memo for AC/S, G-1 by Maj. Gen. H. H. Arnold, 24 May 1940, in ibid.

discontinuance of the use of Reserve officers on extended active duty in peacetime as the only solution to the problem. Accordingly, he wrote:⁶⁹

The Chief of the Air Corps is aware of the efforts being made by this group of Reserve officers to influence legislation in its favor and, if it is considered necessary that the War Department submit legislation to forestall the enactment of legislation in the nature of the Flight Officers Bill, it is recommended that the attached bill be submitted.

The attached draft of a bill merely provided for the eligibility for appointment as second lieutenants in the Regular Army of overage pilots who on 5 August 1939 (the date of Public No. 289) had been on active duty for a period of two years and whose age was 30 years, plus not more than the extent of their tour of active duty.

Following this action on the part of the Chief of the Air Corps the Reserve pilots abandoned their efforts to secure the creation of the grade of flight officer. Their total gain from a legislative pressure⁷⁰ program lasting for more than a year was the enactment of Public No. 289, giving them the opportunity for a period of one year to compete for commissions with Regular Army personnel.

CAA-WTS Controversy

In January 1944 the CAA-War Training Service was terminated. This meant that a great many students and instructors, most of whom felt that the AAF had promised them opportunities to qualify for commissions as

69. Memo for AC/S, G-1 by Maj. Gen. H. H. Arnold, 25 May 1940, *inibid.*
70. It should be noted that the Air Reserve flight officer bill had no connection with the 1942 Flight Officer Act except as to title. See above, this chapter.

flyers, would instead be made available to the Selective Service System for induction into the Army as enlisted men. Meanwhile, training of women pilots in the WASP continued, and General Arnold was seeking authority to commission the members of the WASP in the AAF. This seemingly illogical position taken by the AAF led to a rather well organized campaign directed at Congress and designed to force the Army to grant commissions to most, if not all, of the CAA-WTS trainees and instructors.

The CAA-WTS personnel accused the AAF of bad faith in not giving them a chance to qualify for commissions or warrants as flight officers; they argued that to put in the infantry men who could qualify as combat pilots was an outrageous misuse of manpower. If there was no need to train more pilots, then why did the AAF want to continue the WASP program? For the AAF it can be said that there was, at that time, in view of the impending invasion of Europe, a desperate need for infantrymen; and the rate of attrition among AAF pilots had been much lower than had been anticipated. Hence the AAF could not well resist the plea of the Ground Forces that more men be made available to them. As for the WASP, every flying job taken over by a woman released a male pilot—in theory, at least—for combat duty.⁷¹

The effect of the pressure on Congress to do something for the CAA-WTS trainees became evident on 24 February 1944, when H. R. 4269 was introduced. This was followed by S. 1797, introduced on 20 March 1944, and S. 1821, introduced on 29 March.⁷² These bills were opposed by the

71. See AAG 324.5, WASP Bill—Pending Legislation, Bulk.

72. Daily Cong. Rec., 78 Cong., 2 Sess., 2065.

AAF on the ground that it was not the province of Congress to dictate to the Army the terms and conditions for granting commissions. The AAF was satisfied with existing procedure for the procurement and training of flyers; and it argued that whatever group of men would be commissioned under the proposed legislation would constitute surplus personnel and would thus represent an unwarrantable misuse of public funds.⁷³ All three bills died in committee.

Attempting to placate the congressional critics of the AAF, General Arnold wrote to Representative James H. Morrison (La.), one of the leaders of the group, on 22 April 1944.⁷⁴ The letter stated that the AAF would screen all the CAA-WTS reservists and would give commissions (as vacancies permitted) to all who were found to be qualified. General Arnold added that orders to this effect had been issued as of 15 April 1944. At this time, also, the War Department approved the addition of the so-called Brooks amendment (providing for the commissioning of CAA-WTS trainees) to H. R. 4219, the WASP bill.⁷⁵ Since the AAF strongly favored the passage of H. R. 4219, the War Department was willing to compromise on the CAA-WTS factor in the problem. Opposition to the WASP bill was too strong, however, and H. R. 4219 was voted down.⁷⁶

Meanwhile, the House Committee on Civil Service (Ramspeck Committee) had been looking into the WASP and CAA-WTS matters. On 5 June 1944 the

73. S/W to the Bureau of the Budget, 14 April 1944, in AAG 032.1, Congress.

74. Arnold to Morrison, in AAG 032.1, Congress.

75. The CAA-WTS controversy is almost inextricably involved with the WASP controversy; the latter has been touched upon only slightly here because it is fully discussed in a separate monograph. See AAF Historical Studies: No. 55, Women Pilots with the AAF, 1941-1944.

76. Daily Cong. Rec., 78 Cong., 2 Sess., 6499 (21 June 1944).

committee report⁷⁷ expressed the belief that the services of the CAA-WTS trainees should be immediately utilized by the AAF.

Another effort to benefit the CAA-WTS personnel is revealed in H. R. 5034, introduced on 21 June 1944. It would have prevented the AAF from applying its regular standards for physical requirements to the CAA-WTS students and instructors by providing that they should not be called upon, in order to gain commissions, to pass a more rigid physical examination than was given at the time of their enlistment in the Air Corps Reserve or the War Training Service. The bill was referred to the Committee on Military Affairs and was never reported out.⁷⁸

The attempts to gain benefits for the CAA-WTS trainees and instructors continued in the 79th Congress. On 19 March 1945, Representative Harness who had sponsored H. R. 5034 in the previous session, introduced H. R. 2675.⁷⁹ This bill would require the AAF to give flying training to all CAA-WTS trainees who could meet the same physical and mental standards that were required at the time of their enlistment in the Air Corps Reserve or the CAA-WTS program. As of 1 December 1945, the bill, opposed by the War Department, was still in the Committee on Military Affairs.⁸⁰

Thus, despite all the pressure that was brought to bear, the efforts of the champions of the CAA-WTS trainees and instructors were of no avail; the AAF was not compelled to grant commissions to men for whom it said it had no place.

77. H. Rept. No. 1600, 78 Cong., 2 Sess.

78. On 21 September 1944, at a meeting of the Aeronautics Commission of the American Legion, a resolution sharply condemning the AAF for its handling of the CAA-WTS program was tabled, with the understanding that a committee of three would look into individual cases in which injustice seemed to have been done. In AAG 080, Air Reserve Association.

79. Daily Cong. Rec., 79 Cong., 1 Sess., 2488 (19 March 1945).

80. S/:: to Director of the Bureau of the Budget, 2 June 1945, in AAG, Legislation.

Another series of bills introduced in 1944 and 1945 proposed legislation that would have benefited the students and instructors who participated in the CAA-WTS program. There were six of these bills, all of the same tenor and most of them couched in the same language.⁸¹ They provided that, for discharge purposes, the members of the armed forces who had participated in the CAA-WTS program be permitted to count the time spent in such participation as time spent on active duty. The War Department opposed these bills on the ground that they discriminated in favor of one category of enlisted reservists.⁸² The bills introduced in 1944 died in committee; of those introduced during 1945, none had been reported up to 1 December 1945.

Somewhat similar legislation was proposed in S. 900, which provided that time spent as an aviation cadet should be counted, for pay and retirement purposes, as time spent on active duty.⁸³ The bill was referred to the Committee on Military Affairs and had not been reported up to December 1945.

All of the legislation creating new grades and ranks was passed during the early part of the expansion program. In the period covered by this study one new rating and three new grades were authorized by Congress. Public No. 795 removed a serious obstacle to Air Corps

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81. S. 1833, H. R. 4595, Daily Cong. Rec., 78 Cong., 2 Sess., 3462 (12 April 1944), 3533 (14 April 1944); S. 1614, H. R. 701, H. R. 2069, and H. R. 2070, ibid., 79 Cong., 1 Sess., 11072 (23 Nov. 1945), 58 (4 Jan. 1945), 1002 (8 Feb. 1945).
82. S/W to Chairman, House Committee on Military Affairs, 1 July 1944, in AAG, Legislation. See also, Acting S/W to Chairman, Senate Committee on Military Affairs, 3 July 1944 and S/W to Chairman, House Committee on Military Affairs, 31 March 1945, in AAG, Legislation.
83. Daily Cong. Rec., 79 Cong., 1 Sess., 3594 (19 April 1945).

personnel expansion by allowing aircraft observers to be so rated without previously qualifying as pilots and by abolishing the limitations on the number of officers from other branches who could be detailed to the Air Corps for training and duty as aircraft observers and other members of combat crews. The new grades created were those of aviation cadet, aviation student, and flight officer. The Aviation Cadet Act placed personnel undergoing training in the Army Air Corps on a parity with naval and Marine cadets and facilitated the procurement of candidates for aviation training. The Aviation Student Act allowed the training in grade of enlisted men of all components of the Army, thus opening up a large supply of potential pilots and other members of combat crews. The Flight Officer Act eliminated the distinctions between the personnel affected by the Aviation Cadet and Aviation Student acts and created the new grade of flight officer to which Air Corps Training Center graduates not considered suitable officer material could be appointed.

In addition, there were a number of attempts on the part of Reserve officers to secure full commissioned status in the Regular Army for those of their number who were serving on extended active duty at the beginning of the Air Corps expansion program. Because of opposition from the War Department these attempts were, in the main, unsuccessful. The Air Reserve was able to secure for one year authorization for the waiving of the age limit to allow overage Reserve pilots to compete with other candidates in the examinations for commissions in the Regular Army. After 1940 that organization decreased in importance as a pressure group.

Chapter III

PROMOTIONS AND RETIREMENT

The growth of the Air Corps at a rate much more rapid than that of other arms of the service called for special legislation which would authorize an accelerated system of temporary promotions. If recognition were to be given Air Corps personnel whose responsibilities were rapidly increasing as a result of the expansion program, new retirement laws were needed. This chapter recounts the efforts of the Air Corps to secure new authorizations for the promotion and retirement of certain of its personnel.

The Air Corps Promotion Act

Between 1939 and 1942 the Air Corps was expanding at a rate relatively greater than that of the rest of the Army. Its organization, built around the combat plane, called for a higher proportion of officers to enlisted men than was necessary in the other branches. Moreover, it was essential that Air Corps officers be younger than officers in the rest of the Army, for the great majority of combat pilots were under 28 years of age.

Early in the expansion program this situation posed the problem of providing a flexible promotion procedure which would make possible the rapid promotion of younger men in the Air Corps without regard to procedure in the other branches of the Army. The problem was complicated

by the fact that there were six different classes of officers serving with the Air Corps whose temporary promotion was governed by inadequate laws.¹

Sections 37 and 127a of the National Defense Act as amended by the Act of 15 June 1933 provided that in time of war Regular Army and Reserve officers could be appointed to higher temporary grades without vacating their permanent commissions.² Promotions under these acts involved command throughout the Army. Public Law No. 252, 22 September 1941, authorized temporary promotion by selection during the existing emergency for all officers in the Army of the United States, including officers of the Air Corps.³ To fit the needs of the rapidly expanding Air Corps into such a general promotion plan not only presented a difficult administrative task, but also tended to slow down the whole promotion procedure and to discriminate against officers of other branches of the Army whose needs did not require such speedy promotion.

The Air Corps Promotion Act of 16 June 1936⁴ made provision for temporary promotion, in order of seniority, to the grades of major, lieutenant colonel, and colonel in the Air Corps. Officers promoted under this act were to exercise no command outside the Air Corps except by seniority under their permanent commissions. The principal objections to the system provided by this act were that it applied only to promotions

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1. These were Regular Army Air Corps officers, Regular Army officers of other branches detailed to the Air Corps, Air Corps Reserve officers, officers from other sections of the Officers' Reserve Corps, National Guard officers, and officers commissioned directly in the Army of the United States under the Act of 22 September 1941 and assigned to duty with the Air Corps.
 2. 39 Stat. 190, 217; 48 Stat. 161.
 3. 55 Stat. 728-29.
 4. 49 Stat. 1525.

to the field grades and that it made no provision for promotion by selection. Hence, it was both inadequate and too slow to meet the exigencies of the current emergency.⁵

With the accelerated AAF program under way there were, therefore, two specific promotion needs: (1) legislation which would make possible a faster promotion system in the Air Corps than in other branches of the service and (2) provision for uniformity in promotion among all components of the air arm.

During the late summer of 1941 the AAF set about the preparation of legislation to meet these needs. By 4 October the proposed promotion bill was ready for submission to the Chief of Staff. It provided for temporary promotion by selection of Regular Army and Reserve officers as well as Reserve officers of other branches assigned to duty with the Air Corps. The legislation, which was applicable to the period of the emergency and the following six months, limited the command of these officers outside the Air Corps to the authority they exercised by virtue of seniority under their permanent commissions. The bill was concurred in by the Judge Advocate General as to legal aspects and by the Assistant Chief of Staff, G-1.⁶

Subsequently the Assistant Chief of Staff, G-1 withdrew his concurrence and protested against the inclusive nature of the proposed legislation. His principal criticism was that it embraced every commissioned officer of the Army whose service was rendered with or for

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5. Questions and answers on the Air Corps Promotion Act, in personal files of Col. G. R. Perera, Operations Analysis Div., AFDMC.
 6. Memo for C/S by Lt. Col. C. E. Duncan, Secretary of Air Staff, 7 Nov. 1941, in AAG 210.2 H-1, Promotions of Officers.

the Air Corps. He recommended that it be limited to "Regular Army Air Corps officers, officers of the Air Corps Reserve, and those officers of other branches who are assigned to strictly Air Corps duties with the Air Corps." Such authority he considered essential, but he saw no reason why Medical, Quartermaster, and Signal Corps officers not performing Air Corps duties should be placed under a system of promotion different from the system governing promotion of other officers of their branches and services. Enclosed with this protest was the draft of a bill designed to make the recommended changes.⁷

Conferences on the proposed promotion bill were then held by representatives of G-1 and the A-1 Division of the Air Staff. From these conferences came a new bill which was sent to the Chief of the Army Air Forces on 30 October 1941. Upon its receipt, General Arnold withdrew his original proposal and gave his approval to the new draft.⁸

The bill, as revised, permitted temporary promotion by selection to any grade not above that of colonel for all Air Corps officers as well as officers of any other unit assigned to duty with any tactical unit, installation, or staff of the Air Corps. It provided that officers temporarily promoted should take rank in grade from the date stated in their commission or letter of appointment and that every Regular Army officer should take rank in grade within the Air Corps from the date of his earliest promotion to that grade under the proposed

7. Memo for Chief, AAF by Col. Isaac Spalding, 30 Oct. 1941, in personal files of Col. G. R. Perera.

8. Memo for C/S by Lt. Col. C. E. Duncan, 7 Nov. 1941, in AAG 210.2 H-1, Promotions of Officers.

bill or any other provision of existing law.⁹ As had the act of 1936, this bill restricted officers appointed under it to command powers within the Air Corps except by seniority under the permanent commission of the individual concerned. The last provision was of particular importance because the air arm was using an increasing number of young Reserve officers who had neither the background nor the training to qualify them for command throughout the Army. It was, therefore, important that their higher rank should be confined to the Air Corps. The authority granted by the proposed legislation was generally applicable to any war or national emergency declared by Congress or by the President.

The bill was approved subsequently by the Judge Advocate General¹⁰ and by the Budget and Legislative Planning Branch.¹¹ It was then submitted to the Bureau of the Budget, where it was found to be in accord with the program of the President.¹² On 8 January 1942 it was introduced into the Senate as S. 2182, and on the following day an identical bill (H. R. 6346) was presented in the House.¹³ No action was taken on the House bill, but on 13 January the Senate held hearings on S. 2182.

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9. This provision was inserted to care for an undesirable situation which could arise when an officer promoted under the terms of the Air Corps Temporary Promotion Act of 16 June 1936 (49 Stat. 1525) received his permanent commission. Under the law then existing his temporary commission was vacated, and his time spent in temporary rank was not counted toward future permanent promotion. Consequently, his relative rank in grade was affected. Under the proposed bill the permanent promotion of a Regular Army officer was made retroactive to the date of his temporary appointment to that grade.
10. Memo for DC/S by Lt. Col. C. B. Mickelwait, [between 7-14 Nov. 1941], in AAG 210.2 H-1, Promotion of Officers.
11. Memo for DC/S by Brig. Gen. Albert E. Brown, Budget and Legislative Planning Br., 14 Nov. 1941, in *ibid.*
12. DC/S to Harold D. Smith, Director, Bureau of Budget, 16 Nov. 1941, in *ibid.*
13. Cong. Rec., 77 Cong., 2 Sess., 90 (8 Jan. 1942), 208 (9 Jan. 1942).

Col. Oscar B. Abbott of the War Department General Staff, G-1 presented the arguments in its favor. In the course of the hearings, Senator Lister Hill questioned the advisability of limiting commands of officers to the Air Corps. At the suggestion of Colonel Abbott, the clause limiting command was amended to allow exceptions "if specifically so ordered by competent authority." With this one amendment the committee reported the proposed legislation to the Senate,¹⁴ where it was passed without debate on 22 January 1942.¹⁵ The House military affairs committee further amended the bill to limit its application to the period of the war in which the United States was then engaged.¹⁶ Without further change or discussion, S. 2182 passed the House on 10 February and was signed by the President eight days later, becoming Public No. 455.¹⁷

The specific advantage of the Air Corps Promotion Act lay in the blanket authority it gave the AAF to make all promotions necessary to meet its needs, separate and apart from the authorization for promotions in other branches of the Army. It authorized promotions by selection for all grades under general officer and limited the command of the officers promoted under its authority to the Air Corps itself, unless otherwise specifically authorized. It also provided the needed uniformity in promotion among the various components of the AAF. Without this legislation it would have been impossible to have provided the officer personnel in the grades necessary for the expansion program.

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14. Senate, Hearings on S. 2182, 77 Cong., 2 Sess.; S. Rept. No. 953, 77 Cong., 2 Sess.
 15. Cong. Rec., 77 Cong., 2 Sess., 532 (22 Jan. 1942).
 16. H. Rept. No. 1737, 77 Cong., 2 Sess.
 17. Cong. Rec., 77 Cong., 2 Sess., 1186 (10 Feb. 1942), 1382 (18 Feb. 1942).

During the months following the passage of the Air Corps Promotion Act, two questions arose relative to its interpretation. One was concerned with the relative rank of Regular Army, Army of the United States, and Air Corps officers under the promotion system authorized by the law. The other question was that of the applicability of the act to officers of other arms and services attached to the Air Corps.

The problem of relative rank was a serious one because in certain cases it involved the question of which of two or more officers would assume responsibility for actions affecting large numbers of Air Corps personnel. In reply to a request ^{from} the Assistant Chief of Staff, G-1, the Judge Advocate General rendered an opinion on the question on 6 April 1943. He interpreted the law as authorizing Air Corps officers to take rank in the grades to which they were temporarily appointed under the Air Corps Promotion Act after officers holding the same grade under a statute applicable to the Army at large. Among themselves, Air Corps officers were to take rank in grade in the order of the dates stated in their commissions or letters of appointment to the temporary grades concerned.¹⁸

The other major interpretation of the Air Corps Promotion Act was made necessary by a morale problem which had arisen under a system which allowed temporary promotion for some officers of other arms and branches attached to the Air Corps and denied it to others. It will be recalled that the original draft of the Air Corps Promotion Act had authorized its application to all officer personnel attached to the Air Corps.

18. Memo for AG by Col. Charles J. West, Chief of Military Affairs Div., JAGD, 6 April 1943, in SPJAG 1943/4160.

Because of the opposition of G-1, the bill had been changed to allow temporary promotions under its provisions only for Air Corps personnel and officers from other arms and branches assigned to tactical units, installations, or staffs of the AAF. In an actual case decided by the Judge Advocate General on 3 June 1943, that provision was interpreted as including all officer personnel assigned to duty with the Air Corps, regardless of whether or not they were included in the three categories specifically designated in the promotion act.¹⁹ Thus the application of the law originally desired by the Air Corps was realized by the interpretation of the Judge Advocate General.

Retirement

Between 1939 and 1944 few changes were made in the laws affecting Air Corps retirement. The first session of the 76th Congress witnessed five unsuccessful attempts and one successful effort to alter the laws providing for retirement of Air Corps personnel. During the second session of the same Congress one other Air Corps retirement act was passed. Since that time no retirement legislation has been introduced.

None of the five unsuccessful retirement bills originated in the War Department. The first of these proposals, H. R. 83, was introduced

19. This was the case of Lt. Max Jordan Fisher, who was promoted to the temporary grade of first lieutenant, AUS-AG. It was contended subsequently that the citation of the Air Corps Promotion Act for the advancement of Lt. Fisher to a higher grade was improper because the officer was not assigned at the time to a tactical unit, installation, or staff of the Air Corps, but was an officer of the Signal Corps assigned to a signal company on duty with the Air Corps. The Judge Advocate General held that Lt. Fisher was entitled to his promotion from the date of his commission under the Air Corps Promotion Act. Memo for JAG by Col. Irvin Schindler, Chief of Military Affairs Div., JAGD, 3 June 1943, in SPJAG 1943/7169.

on 3 January 1939 by Representative Melvin J. Maas (Minn.).²⁰ It provided that any commissioned officer or enlisted man who was placed on the retired list as the result of an airplane accident "while regularly detailed to duty involving flying" should be entitled to three-fourths of his pay and allowances, including aviation pay. The legislation was to be retroactive to 10 March 1927.

In response to a request for comment, the Plans Division approved the principle of the bill but expressed the opinion that the amount of retirement pay provided would accord preferential treatment to members of the Air Corps; hence the bill could not be defended. The Plans Division suggested as a substitution for this bill, a legislative proposal made by the Chief of the Air Corps to the War Department during the previous year. This earlier bill provided that flying officers of the Air Corps who became physically incapable of the performance of their duties "as a result of an incident of flying duty" should be retired from active duty, be advanced one grade on retirement, and receive the retirement pay pertaining to that grade. In computing length of service, flying duty should be credited for time and a half. The bill further provided that after 20 years of duty involving flying it would be presumed that physical incapacity resulted from flying duty.²¹

Two days later, in answer to a request by General Arnold for further explanation of its recommendation, the Plans Division gave evidence from statistical studies recently completed that because of earlier retirement, Air Corps officers drew less money than officers of other branches,

20. Cong. Rec., 76 Cong., 1 Sess., 25 (3 Jan. 1939).

21. R&R, Plans Div. to C/AC, 14 Jan. 1939, in Plans Div. files, AF3HO.

AAFHS-16

68

even after flying pay had been counted in. The report added that the bill suggested during the previous year by the Chief of the Air Corps would have equalized but not exceeded this pay discrepancy, whereas H. R. 83 would result in Air Corps officers drawing "slightly in excess of \$10,000 more than other officers would draw during their expected careers."²²

Two weeks later the Plans Division recommended that The Adjutant General be notified of the results of the study and that the War Department be advised to support H. R. 83, provided it were amended in accordance with the bill previously offered to the War Department by the Chief of the Air Corps.²³

Consequently, the Chief of the Air Corps made the following recommendations: (1) that the wording be changed to read "physical disability incident to flying duty" instead of "as a result of an airplane accident"; (2) that there be inserted a clause reading, "after twenty years of duty involving flying it shall be presumed that the physical incapacity is a result of an incident of flying duty"; (3) that the retroactive clause in the bill be struck out; and (4) that the clause providing the retirement with three-fourths of total pay and allowances be retained.²⁴ No amendments were made to H. R. 83, but the proposals of the Chief of the Air Corps were incorporated in a new bill which was introduced on 4 April 1939 by Representative C. Arthur Anderson (Mo.).²⁵ This bill,

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22. R&R No. 3, Plans Div. to C/AC, 16 Jan. 1939, in Plans Div. files, AFSHO.
 23. R&R, Plans Div. to C/AC, 31 Jan. 1939, in Plans Div. files, AFSHO.
 24. 2d ind. (AG to C/AC, 28 Jan. 1939), C/AC to AG, 3 Feb. 1939, in Plans Div. files, AFSHO.
 25. Cong. Rec., 76 Cong., 1 Sess., 3826 (4 April 1939).

like the earlier one, was never reported out of the Committee on Military Affairs.

On 1 May 1939 Representative Andrew J. May introduced, by request, H. R. 6069,²⁶ a bill making general provisions for promotion and retirement of Army personnel. It stipulated that the determination for each specific officer to be retired should depend on his grade and age on 30 June of the fiscal year last preceding his retirement, "except that in the case of an officer of the Air Corps holding a temporary grade, selection shall depend on his temporary grade and age on June 30 of the fiscal year last preceding." This bill, likewise, never emerged from the Committee on Military Affairs.²⁷

On 7 June 1939, S. 2575, a bill sponsored by the Air Reserve pressure group, was introduced by Senator Hill.²⁸ It provided for pensions, compensation, retirement pay, and hospital benefits for Air Corps Reserve officers serving on extended active duty in excess of 30 days subsequent to 1 July 1928, such benefits to be on par with those provided for officers of the Regular Army. The War Department opposed this legislation because it discriminated in favor of a small group of Reserve officers of the Air Corps and was, therefore, unfair to Reserve officers of other arms and branches of the service.²⁹ S. 2575 was carried over to the third session of the 76th Congress. When it reached the floor

26. Ibid., 4990 (1 May 1939).

27. The year before, the War Department, over the protests of the Chief of the Air Corps, had opposed the retirement of Air Corps officers in their temporary grades. 3d ind. (C/AC to AG, 29 June 1938), AG to C/AC, 26 July 1938, in AAG 210.85, Retirement of officers.

28. Cong. Rec., 76 Cong., 1 Sess., 6743 (7 June 1939).

29. S/W to Senator Morris Sheppard, 12 July 1939, in files of Senate Committee on Military Affairs.

of the Senate, Senator Sheppard, chairman of the Committee on Military Affairs, explained that only 20 Air Corps officers were eligible to receive the benefits conferred by the bill and that the cost would approximate \$30,000 per year.³⁰ Consequently, the Senate took no action on the measure, though eight days later at the request of Senator Hill, S. 2575 was recommitted to the Committee on Military Affairs.³¹ It was never again submitted to the Senate, though Public No. 262, which went into effect on 26 September 1941, extended to all Reserve officers disabled while on active duty subsequent to 28 February 1925 the same retirement privileges which were provided by law for officers of the Regular Army.³²

On 13 July 1939 Senator Hiram W. Johnson (Calif.) introduced S. 2794, a bill to amend the Air Corps Temporary Promotion Act of 16 June 1936. It called for the retirement of Air Corps officers in their temporary rather than in their permanent grades. This was another attempt to secure legislation contrary to War Department policy. Consequently, the Committee on Military Affairs took no action on the bill and nothing further was heard of it.

It will be noted that none of the retirement bills treated up to this point were sponsored by the War Department. There was, however, a retirement problem peculiar to the Air Corps. Because of the early ages at which Air Corps personnel were retired, they left active service in lower grades and consequently at lower retirement pay than did other

30. Cong. Rec., 76 Cong., 3 Sess., 4239 (10 April 1940).

31. Ibid., 4631 (18 April 1940).

32. 55 Stat., 733. See below, Chap. IV.

personnel of the Army. It was the policy of the War Department to retire men in their permanent rather than in their temporary ranks. Could this policy be changed to effect retirement in temporary grades, Air Corps officers would secure an advantage denied them under the existing policy. In the summer of 1938 the Chief of the Air Corps began a movement to effect the desired change. The retirement policy of the War Department was based on an opinion handed down on 14 February 1935 by the Judge Advocate General.³³ Inasmuch as this opinion had remained unchanged following the passage of the Temporary Promotion Act of 1936,³⁴ it was the contention of the Air Corps that the policy could be changed without the enactment of additional legislation. The Chief of the Air Corps, accordingly, requested of The Adjutant General that the matter be reopened and recommended that if there existed a question as to the mandatory provisions of the act of 1936, the Judge Advocate General be asked for a new decision.³⁵ Subsequently the problem was laid before the Judge Advocate General, who on 16 July 1938 recommended that the War Department continue its policy with respect to the retirement of Air Corps officers in their permanent ranks pending the enactment of amendatory legislation.³⁶ Ten days later The Adjutant General informed the Chief of the Air Corps that it would be "contrary to sound policy to use the temporary-promotion law as a vehicle for increasing for a

33. Memo for AG by Maj. Gen. A. W. Brown, JAG, 25 July 1936, in AAG 210.85, Retirement of Officers.

34. The act of 16 June 1936 (49 Stat. 1525) merely stated that a temporary appointment could be vacated at any time upon the recommendation of the Secretary of War.

35. Memo for AG by C/AC, 29 June 1938, in AAG 210.85, Retirement of Officers.

36. 2d ind. (to above memo), JAG to AG, 16 July 1938, in ibid.

special group the existing pay and rank benefits provided under the general retirement laws."

In view of this action the Air Corps ceased for the time being its attempt to secure retirement in temporary grades for all officers. With the Air Corps promotion program in process of formulation during the following fall, the matter came up again. Existing law provided for the retirement in grade of chiefs of branches who had held their positions for a period of four years. In view of the fact that the Air Corps was occupying an increasingly important place in national defense, the Chief of the Air Corps proposed^{to} The Adjutant General on 12 November 1938 that legislation be introduced to extend like retirement privileges to assistant chiefs of branches, to the Commanding General, General Headquarters Air Force, and to wing commanders in the continental United States.³⁷

When the proposed legislation was forwarded to Congress, however, the bill called only for the retirement of the Commanding General of the GHQ Air Force in his temporary grade. This was due to the fact that this officer was nearing the end of his four-year appointment. If he were to be retired in grade, it was imperative that the law be changed without delay. The letter from the Secretary of War accompanying the bill pointed out that the position of commander of the GHQ Air Force was one of great importance and responsibility and that the GHQ Air Force was the only large unit of the Army not commanded by a permanent major general. Inasmuch as the officer concerned had reached the peak

37. Memo for AG by C/AC, 12 Nov. 1938, in MAG 032 K, Legislation.

of his professional career and had as fully earned retirement in the grade of the office as had the chief of a branch, the War Department felt that he should be accorded retirement privileges on a parity with those of the chiefs of branches.³⁸

The bill became H. R. 4087 and was introduced into the House of Representatives on 14 February 1939.³⁹ In commenting on this bill, Lt. Col. Ira C. Eaker, Executive in the Office of the Chief of Air Corps, wrote to the Plans Division that "the others will be taken care of later." This, no doubt, was in reference to the other personnel included in the bill as originally drawn in the CCAC.⁴⁰

S. 1462, the companion bill to H. R. 4087, was introduced into the Senate on 16 February 1939. Neither of these bills received any opposition in Congress. H. R. 4087 passed the House on 3 April and was approved by the Senate in place of S. 1462 on 4 May 1939. It became law when the President signed it eight days later.⁴¹

The significance of this act lay in the fact that it gave recognition to the Commanding General of the GHO Air Force equal to that accorded the Chiefs of other branches. It also made possible the retirement in grade of an officer (Maj. Gen. Frank M. Andrews) who was at that time nearing the end of his four-year appointment as Commanding General.

With the expansion program well launched and Air Corps personnel

38. S/n to Senator Morris Sheppard, 10 Feb. 1939, in S. Rept. No. 198, 76 Cong., 1 Sess.

39. Cong. Rec., 76 Cong., 1 Sess., 1405 (14 Feb. 1939).

40. E&R No. 2, CCAC to Plans Div., 16 Feb. 1939, in Plans Div. files, AFSHO.

41. Cong. Rec., 76 Cong., 1 Sess., 1462-63 (16 Feb. 1939), 3728 (3 April 1939), 5103 (4 May 1939), 6357 (31 May 1939).

rapidly increasing in numbers, the Chief of the Air Corps felt that the time had come to request legislation to provide for the retirement of assistant chiefs of branches and wing commanders on the same basis as had been provided by the Act of 12 May 1939 for the Commanding General of the GHQ Air Force. Consequently, a study was made in the OCAC which resulted in the drafting of a bill subsequently submitted to the War Department General Staff.⁴² The original draft contained an amendment to existing law which would provide for the retirement of assistant chiefs of branches and any other general officers of the Air Corps in the highest grades held by these officers. Its provisions were retroactive for all former assistant chiefs of branches who had served four years and wing commanders who had served two years in those positions. The reason for making the retirement provisions so inclusive was that at that time the Air Corps was contemplating the use of general officers as commanding generals of the Air Corps Training Center, technical schools, the Tactical School, and the Material Division. These officers would not come under the classifications of either assistant chiefs of branches or wing commanders. In order to provide for their retirement on an equality with the general officers included in these two categories, it would be necessary to make the retirement legislation very general in nature.⁴³

The study on which this proposed bill was based and the draft itself were, however, disapproved by the G-1 Division of the War Department

42. AAG 032 M, Legislation (undated).

43. R&R No. 2, Plans to Exec., 27 March 1940, in ibid.

General Staff.⁴⁴ When the bill was submitted to the congressional committees on military affairs it was much more limited than the original draft, for it applied only to assistant chiefs of branches and wing commanders. In order to retire in the highest grade held by him, the assistant chief of a branch must have served four years in that position and the wing commander must have served two years as such. Section 2 of the measure extended its application to former assistant chiefs of branches and wing commanders then holding lower rank on the active or retired lists.

The letter of the Secretary of War submitting the bill called attention to the fact that if the legislation were passed, it would remove a discrimination which then existed, for under existing law an assistant chief or a wing commander who was retired by reason of physical disability or age was retired in the rank of his office, but voluntary retirement in rank of office was prohibited unless the individual had served a minimum of one year in such rank. This meant that those officers who reverted to their lower permanent rank after completing their tours of duty suffered discrimination since they were not entitled to the higher rank when eventually placed on the retired list.⁴⁵

The proposed legislation (S. 3636) was introduced into the Senate by Senator Sheppard on 20 March 1940. An identical bill (H. R. 9053) was presented in the House by Representative May five days later.⁴⁶

44. Ibid.

45. S/n to Senator Morris Sheppard, 18 March 1940, in S. Rept. No. 1392, 76 Cong., 3 Sess.

46. Cong. Rec., 76 Cong., 1 Sess., 3116 (20 March 1940), 3404 (25 May 1940).

There was no opposition to this legislation in either house of Congress. H. R. 9053 was never reported out of the Committee on Military Affairs, but S. 3636 went through without opposition or debate and became Public Law No. 845 on 14 October 1940.⁴⁷

Public No. 845 turned out to have undesirable results. The Secretary of War wrote to the Chairman of the Senate Committee on Military Affairs, in a letter accompanying the draft of a bill which became S. 612.⁴⁸

At the time of the enactment of the existing legislation, wing commanders were among the senior officers of the Air Corps, the wings being the top echelon in the General Headquarters Air Force. Since that time a reorganization of the Air Forces had been effected and new echelons, such as the various Air Forces, higher than wings in the chain of command, have been established and it would be unjustifiably discriminatory to provide special retirement benefits for wing commanders but not for the commanders of these higher echelons.

As the law then read, any officer who had been a wing commander would retire with rank generally as high as that of brigadier general; whereas another officer--perhaps many years his senior in age and service--who had commanded an air force but never a wing, would be retired with the rank of colonel, or possibly with even lower rank. Thus, changing terminology had made the law too inclusive and, at the same time, exclusive.

The legislation which the War Department proposed would have provided that "service as wing commander of the Air Corps from December 8, 1941, to the termination of the unlimited emergency proclaimed by the President on May 27, 1941, or the termination of the last of the wars in which the

47. Ibid., 13575 (14 Oct. 1940).

48. S/W to Chairman, Senate Committee on Military Affairs and to the Speaker of the House of Representatives, 21 Feb. 1943, in AAG, Legislation.

United States is now engaged, whichever event shall first occur, shall not be considered for the purposes of benefits under this provision."⁴⁹

The Senate committee felt, however, "that the retirement benefits now accruing to this special group of general officers should be eliminated rather than suspended."⁵⁰ It suggested that after the war, when the peacetime strength of the Army had been determined, "additional provisions might properly be made for retirement of Air Corps officers."⁵¹ The bill, as amended and passed by the Senate on 25 April 1945,⁵² provided that "Any officer who shall have served as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the highest grade held by him as such chief, assistant chief, or commanding general."⁵³ The War Department offered no objection to this amendment.⁵⁴ The bill passed the House on 19 June 1945 and became Public Law No. 92 on 29 June 1945.

The retirement laws included in this chapter are only three in number. One, passed in 1939, provided for the retirement in grade of the Commanding General of the GHQ Air Force. The second, enacted the following year, made like provision for assistant chiefs of branches and wing commanders. At the time of their passage, the first benefited only one individual, and the second could be applied to only a few officers. They were significant, however, in that they represented the willingness

49. S. 612, Daily Cong. Rec., 2 (26 Feb. 1945), 79 Cong., 1 Sess.

50. S. Rept. No. 201, 79 Cong., 1 Sess.

51. Ibid.

52. S. 612, Daily Cong. Rec., 79 Cong., 1 Sess., 3825.

53. Ibid.

54. S/n to the Director of the Bureau of the Budget, 23 June 1945, in AAG, Legislation.

AAFHS-16

78

of Congress to recognize the increasing importance of the Air Corps and to accord to its personnel the retired rank consistent with their positions and past service records. When the war made necessary a tremendous expansion and reorganization of the Air Corps, the second law became inequitable; and Congress was quick to correct the situation. Although the change made was not precisely the one requested by the War Department, it seems unlikely that Congress will be unwilling to do justice to retiring Air Corps officers when it becomes clear what constitutes justice.

AAFHS-16

Chapter IV

PAY, ALLOWANCES, AND INSURANCE

The vast increase in Air Corps personnel, the enlargement of the training program, and the creation of new grades and ranks necessitated legislative changes in existing regulations concerning pay, allowances, and insurance.

Pay and AllowancesFlying Pay

For more than a quarter of a century prior to 1939 Congress had recognized the hazards of military flying by providing added compensation, known as flying pay, for flying personnel. In 1913 when casualties were occurring at the rate of one per 100 hours of flight, Congress set flying pay at 35 per cent of the base pay and restricted it to actual pilots.¹ As an encouragement for individuals to extend their detail on flying duty, a law of the next year established the classes of student aviator, junior military aviator, and military aviator to be paid flying pay at the rates of 25, 50, and 75 per cent of base pay, respectively.² No change in these rates was made during the first World War. The National Defense Act of 1920³, followed by the Pay Readjustment Act of

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1. 37 Stat. 705.
 2. 38 Stat. 515-16.
 3. 41 Stat. 769.

AFHS-16

1922⁴, authorized 50 per cent extra pay for those flyers who participated in regular and frequent flights. Thereafter, 50 per cent of the base pay remained the standard for flying pay of Air Corps personnel whose regular duties required flying. Beginning in 1934, each War Department appropriation act up to and including the Military Establishment Appropriation Act for the fiscal year 1940 limited officers of other branches of the service attached to the Air Corps to a maximum of \$1,440 per year of flying pay.⁵

Between 1925 and 1939 various boards and committees studied the matter of flying pay and, without exception, pronounced in favor of it as a necessary type of compensation for the unusual occupational hazards involved in flying.⁶ By 1938, when plans were being laid for the Air Corps expansion program, the flying pay status of Air Corps personnel was as follows:⁷

1. Officers of the Regular Army Air Corps received an additional 50 per cent of their base pay as flying pay.
2. Officers of other arms and services attached to the Air Corps were limited by statute to \$1,440 per year of flying pay. Because of budgetary limitations, they frequently received much less, often flying voluntarily for a period of three or four months during which time they received flying pay for only one or two months.
3. Enlisted men of the Air Corps were placed on flying pay status at the discretion of their squadron commanders, under general instructions from the War Department, and received 50 per cent of the base pay as flying pay.

4. 42 Stat. 725.

5. 48 Stat. 618; 49 Stat. 124; 50 Stat. 446; 52 Stat. 645; 53 Stat. 596. The act of 1939 excepted flight surgeons from this provision and limited their flight pay to \$720 per year. See below for the flight surgeon controversy.

6. The principal reports were those of the Morrow Board, 1925, the Baker Board, 1934, and the Callan Board, 1933. See "Background of Flying Pay Problem," in report of the Murray Board, 1939, in AFHMO files.

7. Ibid.

4. Enlisted men of other arms and services attached to the Air Corps received no extra flying compensation.
5. Reserve officers on extended active duty and on active duty for 14-day periods received the same flying pay as officers of the Regular Army. Those who engaged in flights on an inactive status received no pay whatever and assumed all risks themselves.
6. National Guard officers and enlisted men drew flying pay during the field training period and for flying performed during the Army training period.

The obvious lack of uniformity in recognizing the occupational risks incurred by flying personnel posed the question of a readjustment of flying pay. In July 1938 the Chief of Staff called on the Chief of the Air Corps for his views and recommendations concerning needed changes in the laws relating to this type of compensation.⁸ In reply the Chief of the Air Corps expressed the opinion that flying pay should continue on the basis existing in 1938. He called attention to the fact that the subject had been a matter of almost continuous agitation since the establishment of flying pay and that the resulting uncertainty had caused a serious decline in morale in the Air Corps. He stated, furthermore, that an analysis of records of the past 10 years indicated that the amount of flying pay received was inadequate compensation for the hazards involved. Referring to a study recently made in his office, General Arnold pointed out that career pay for flying officers under the exposure rate of the past 10 years was "some \$50,000 less than that of non-flying officers." He urged, therefore, that the War Department make no effort to change the existing base of a 50 per cent increase for flying duty but that it seek an amendment of the law to provide additional classification of flying personnel over and beyond pilot and observer and that

8. Memo for C/AC by Brig. Gen. L. D. Casser, AC/S, G-1, 28 July 1938, in AAG 241.1, Flying Pay of Officers.

executive orders governing flying pay be changed to recognize the new classification and establish the fact that flying under any of them involved an equal hazard.⁹

While the problem of readjusting flying pay was still under consideration in the Office of the Chief of Staff, two bills (S. 45 and H. R. 3956), whose origin lay in the Air Reserve Association, were introduced into Congress.¹⁰ Their purpose was to provide flying pay for Air Corps Reserve officers for risks incurred in authorized training flights when not on active duty. They authorized flying pay for Reserve officers who actually had participated in aerial flights. The amount of the additional compensation was set at 25 per cent of the base pay. The Air Corps disapproved these bills. In a communication to The Adjutant General the Chief of the Air Corps explained that the Air Reserve officers had long been agitating for flying pay which would place them on the same basis as the National Guard. His opposition to the pending legislation was based on the contention that it would give to Reserve officers flying pay equal to or slightly higher than that received by the National Guard without demanding that these officers meet the rigid requirements imposed upon the Guard.¹¹ He concluded that the passage of the legislation would tend to destroy the National Guard, inasmuch as National Guard officers would find it to their advantage to become members of the Reserve.¹² On his recommendation the War Department disapproved

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9. Memo for AC/S, G-1 by Maj. Gen. H. H. Arnold, C/AC, in *ibid.*
10. *Cong. Rec.*, 76 Cong., 1 Sess., 65 (4 Jan. 1939), 1265 (3 Feb. 1939).
11. The National Guard, for example, was required to attend weekly classes of instruction and to participate in group and mass flight training.
12. C/AC to AG, 25 Jan. 1939, in AAG 241.1, Flying Pay of Officers.

the proposals, and the military affairs committees took no action on H. R. 3956 and S. 45.¹³

Shortly after the opening of the 76th Congress, a board, headed by Brig. Gen. Maxwell Murray, was appointed by the Secretary of War to study the problem of flying pay for all components of the Army of the United States.¹⁴ The Murray Board made its study between 31 January and 12 April 1939. It gave attention to all aspects of the flying pay problem and called for the testimony of a number of prominent persons connected with the Air Corps. Among these was Maj. Gen. H. H. Arnold, Chief of the Air Corps, who reaffirmed his stand against any modification in the existing system of flying pay. He declared that at that time adequate numbers of capable young men could be obtained as second lieutenants in the Air Corps with no greater inducement than the flying pay schedules then existing, though he did concede that the existing inducement might not suffice when there was more general realization of the risks involved in flying.¹⁵ General Arnold recommended not only that flying pay be continued under the existing system, but also that insurance or gratuity, or both, be provided for all personnel in any component of the Army placed on flying status, except Regular Army Air Corps officers.

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13. The next spring the Air Reserve Association attempted to secure the same benefits through two similar bills (H. R. 8752 and S. 3566). Cong. Rec., 76 Cong., 3 Sess., 2333 (4 March 1940), 2694 (12 March 1940). The Air Corps opposed them, and neither was passed. Memo to AG by Brig. Gen. B. K. Yount, Acting C/AC, 12 July 1940, in AAC 032 M, Legislation.
14. AG 580 (12-15-38), 31 Jan. 1939. Members of the board were Brig. Gen. Maxwell Murray, USA; Lt. Col. Carl Spaatz, AC; Maj. George W. Rickers, GSC; and Maj. Herbert C. Holdridge, AGD, who acted as recorder without vote.
15. Report of the Murray Board, 13 April 1939, in AFCHO files.

The Murray Board, unable to reach a unanimous decision, submitted both a majority and a minority report.¹⁶ The majority report contained recommendations that there be a change in the system of flying pay, that flying pay be provided during both peace and war, that the existing limitation of \$1,440 per year on flying pay allowed personnel not of the Air Corps be removed, that flight surgeons required to fly be accorded flight pay, that death and disability benefits for Reserve officers be provided, and that flying pay be made uniform for all components of the Army.

The minority report, on the other hand, stressed the desirability of reducing flying pay in the upper grades to decrease the incentive for certain officers to remain on flying status after they had passed the peak of their ability as pilots. It also recommended a scale of flying pay designed to encourage a reduction in the age of combat personnel and facilitate separation of Reserve officers from an active status following completion of their tours of active duty. It included indemnities for Regular as well as for Reserve officers and recommended the discontinuance of all flying pay in time of war. In brief, the minority wanted to reduce flying pay to the minimum it considered necessary to obtain efficient flying personnel. However, it did recommend a saving clause to prevent reduction in pay to any individual at that time drawing flight pay.¹⁷ In view of the facts that the opinion of the board was so divided and the Air Corps was opposed to any change in

16. Brig. Gen. Maxwell Murray to AG, 12 April 1939, in AG 580 (12-15-38).

17. Report of the Murray Board.

the pay status of flying personnel, there was no legislation introduced during 1939 to change flying pay.¹⁸

Between 1939 and 1945 the principal objectives of the War Department in regard to flying pay were (1) to make flying pay available to personnel other than pilots by changing the definition of flying officers, and (2) to eliminate discriminations between Air Corps personnel and personnel of other arms and services attached to the Air Corps. The first of these objectives was realized in Public No. 795, 4 October 1940, which amended Section 13a of the National Defense Act to allow aircraft observers and other members of a combat crew to be included in the definition of flying officer. This act made it possible to apply to such nonpilot personnel the legislative provisions concerning flying pay which were then in existence.¹⁹

It will be recalled that beginning in 1935 Congress, in authorizing flying pay, had made a distinction between Air Corps officers and officers of other arms and services attached to the Air Corps. Whereas Air Corps officers drew an additional 50 per cent of their base pay as flying pay, nonflying officers attached to the Air Corps were limited by the Military Establishment Appropriation Act for the fiscal year 1935 to a flying pay maximum of \$1,440.²⁰ Each succeeding Military Establishment Appropriation Act up to and including that for the fiscal year 1940 made like provision. The War Department budget for the fiscal year 1939

18. The only legislative change was the reduction of flying pay for flight surgeons to a maximum of \$720 per year. This change was made in the Military Establishment Appropriation Act for the fiscal year 1940 (53 Stat. 596). See below for discussion of this change.

19. For the legislative history of Public Law No. 795, 76 Cong., see above, Chap. II.

20. 48 Stat. 618.

called for 36 flight surgeons to come under the provision for \$1,440 flying pay. The House Committee on Appropriations cut the number of flight surgeons to five but made no reduction in the amount of flying pay allowed them.²¹ This committee amendment was accepted by the House despite the fact that Representative William J. Miller (Conn.) championed the cause of the flight surgeons.²² The Senate Committee on Appropriations recommended that the original 36 flight surgeons be provided for but that their flight pay be cut to \$720.²³ The amendment was accepted by the Senate without opposition and was a part of the bill when it became law.²⁴

This action brought about a strong effort on the part of the War Department to secure additional flying pay for flight surgeons. In the hearings before the House Sub-Committee on Appropriations considering the Military Establishment Appropriation bill for the fiscal year 1941, Col. H. K. Loughry and Lt. Col. L. H. Watson of the General Staff and Lt. Cols. David H. W. Grant and F. C. Tyng of the Medical Corps urged the restoration of the \$1,440 maximum flight pay for flight surgeons and gave testimony to the effect that the hazards experienced by these medical officers justified a larger amount of flight pay than was then authorized.²⁵

The effort of the Air Corps did not bring the desired result, however, for the House Committee on Appropriations reported the bill with

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21. H. Rept. No. 112, 76 Cong., 1 Sess.; Cong. Rec., 76 Cong., 1 Sess., 2081 (1 March 1939).
 22. Cong. Rec., 76 Cong., 1 Sess., 2228, 2240 (3 March 1939).
 23. S. Rept. No. 213, 76 Cong., 1 Sess.
 24. Cong. Rec., 76 Cong., 1 Sess., 3346 (27 March 1939); Public No. 44, 76 Cong., 1 Sess. (53 Stat. 596).
 25. House, Hearings On the Military Establishment Appropriation Bill for 1941, 76 Cong., 3 Sess., 173-81.

an amendment authorizing the flight surgeons requested by the War Department, but reducing the flying pay of all nonflying personnel to a maximum of \$720.²⁶ In presenting the amendment to the House, Representative J. Euell Snyder (Pa.) said: "The doctors complain that the \$720 rate is inadequate and also that we are discriminating. They are no doubt right on the discrimination score. Instead of raising the flying pay of the doctors, however, we have brought the other chaps down."²⁷

One other change of importance was made by this bill in the law concerning pay. The legislation provided that in order to draw flying pay, a nonflying officer must perform three or more flights under orders from competent authority within each 90-day period. This provision superseded Executive Order 5865 under which flight surgeons and nonflying officers entitled to flight pay were required to make 30 or more flights totaling nine hours or be in the air at least 12 hours in order to draw their additional compensation.²⁸ Under the old regulation it had frequently been necessary for flight surgeons to go up in a plane and be flown around aimlessly for the number of hours specified in the executive order before they could qualify for their flight pay.

Notwithstanding strong attempts to increase the flight pay basis for both flight surgeons and other nonflying officers for the fiscal years 1941 and 1942,²⁹ it was not until the passage of the Military Appropriation Act for the fiscal year 1943 that the War Department was

26. H. Rept. No. 1912, 76 Cong., 3 Sess.

27. Cong. Rec., 76 Cong., 3 Sess., 3934 (3 April 1940).

28. Executive Order 5865, 27 June 1932.

29. House, Hearings on the Military Establishment Appropriation Bill for 1941, 76 Cong., 3 Sess.; ibid. for 1942, 77 Cong., 1 Sess.

able to secure authorization for an increase in flight pay. Col. David N. W. Grant, appearing before the House Sub-Committee on Appropriations, forcefully brought out the great service being rendered by flight surgeons in war zones. He testified that between 7 December 1941 and the date of the hearings, 11 June 1942, five flight surgeons had been killed in combat and six had been reported missing. He also stressed the fact that the Army was planning mass evacuation of the wounded by air and that flight surgeons would be undergoing continuously increased hazards.³⁰ The flight pay provision in the completed bill specified that for the period of the war and six months following its termination, a flying officer as defined under existing law should include flight surgeons and commissioned officers or warrant officers who were undergoing flight training. This automatically made them eligible for flying pay without the limitation contained in previous laws.³¹

While this legislation was in process of enactment, the AAF was starting a movement to secure a new executive order defining more accurately those persons entitled to flying pay and designating the authorities under whose direction they would be required to participate in aerial flights. To this end the Director of Legislative Planning proposed a letter for the signature of the Secretary of War. It was forwarded to the Bureau of the Budget,³² accompanied by a draft of the proposed executive order which, on 7 July 1942, was promulgated as

30. House, Hearings on the Military Establishment Appropriation Bill for 1943, 77 Cong., 2 Sess., 71-72.

31. 56 Stat. 612.

32. S/ to Director, Bureau of Budget, 23 March 1942, in personal files of Col. G. R. Perera.

Executive Order No. 9195.³³ The new order defined terminology used in connection with flying duties and flight pay, specified the authority by which personnel could be required to participate regularly and frequently in aerial flights, and stated the exact flight requirements of Army, Navy, Marine, and Coast Guard personnel drawing flying pay. It also outlined the flight requirements of members of the National Guard who could draw flying pay while not in the active service of the United States. Section 14 read: "Compliance with the foregoing requirements constitutes participation in regular and frequent aerial flights . . . and no flight pay shall accrue to any person during any period in which the provisions of this order are not complied with."³⁴

By the summer of 1942, therefore, the following changes had been made in flight pay for personnel of the AAF: (1) aircraft observers had been rated as flying officers, thereby becoming eligible for flight pay; (2) the maximum flight pay of nonflying officers had been reduced to \$720; (3) flight surgeons and officers and warrant officers undergoing flight training for the period of the war plus six months had been rated as flying officers in order to make them eligible to full flight pay; and (4) a new executive order defining the conditions under which flight pay could be drawn had been promulgated.

Extra Pay for Divers in the Army of the United States

In the fall of 1942 the War Department found it necessary to request legislation allowing additional pay to personnel assigned to diving duty.

33. WD Bulletin No. 35, 16 July 1942.

34. Ibid.

This legislation was of particular interest to the Engineers' Section of the Amphibious Force and to the AAF, both of which were laying plans to train diving personnel.

The AAF anticipated the use of divers in connection with the training of torpedo bombardment crews. In the practice of dropping aircraft torpedoes some of them sank to the bottom of the sea because of malfunction of the mechanism. Since the torpedo used cost approximately \$10,500, it was desirable that recovery facilities be made available. Finding that because of the enormous amount of salvage work being carried on in various parts of the world it was unable to secure commercial divers, the Army had received on loan from the Navy some diving personnel until such time as Army personnel could be trained. It was planned to assign personnel to diving duties on a volunteer basis, but the risk involved was so great that the War Department felt justified in requesting the payment of additional compensation to divers. Only a few months before (4 August 1942) Congress had granted similar compensation to Navy divers.³⁵

The draft of the proposed bill was drawn in the Directorate of Legislative Planning and concurred in by the Chief of Engineers. It was submitted to the Chief of Staff on 21 November 1942.³⁶ The bill provided for additional pay at the rate of not less than \$5 and not more than \$30 per month to be allowed officers and enlisted men engaged in actual salvage and repair operations. In depths of over 90 feet, or in lesser depths when the officer in charge declared that extra-hazardous

35. 56 Stat. 736.

36. Memo for C/S by Col. G. R. Perera, Director, AFELP, 21 Nov. 1942, in AAG 032.1, Congress.

conditions existed, the proposed legislation authorized an additional payment of \$5 for each hour or fraction of an hour the diver engaged in this dangerous work. The bill was introduced in the Senate as S. 427 on 18 January 1943 and passed both houses of Congress unchanged, becoming Public Law No. 33 on 10 April 1943.³⁷ It is further evidence, as in the case of men on flying status, of the willingness of Congress to recognize extra-hazardous military service by authorizing additional compensation for the personnel engaged in it.

United States Military Academy Flight Training Act

The Army Air Corps faced another pay and allowances problem when it began to make plans for giving flight training to cadets of the United States Military Academy. On or about 1 June 1942 flight courses, which were to be optional to cadets of the first, second, and third classes, were to be opened at Stewart Field in the vicinity of the Academy. During furlough periods, however, and for certain phases of the instruction, it was planned to conduct training at fields in other parts of the United States. The inauguration of this new program brought up the matter of changes in legislation to cover the procurement of the special aviation clothing and equipment needed, to provide the necessary adjustments in pay and allowances, and to authorize insurance which would place the West Point cadets on parity with aviation cadets.

Consequently, on 25 January 1942 Maj. Gen. W. R. Weaver, Acting Chief of the Air Corps, recommended to the Chief of the AAF that action

37. Daily Cong. Rec., 78 Cong., 1 Sess., 407 (18 Jan. 1943), 3395 (10 April 1943).

be initiated to obtain the legislation needed. Attached to the memorandum was a draft of the proposed bill.³⁸ The original draft, however, contained only a provision for government life insurance.

The legislative planning agency set to work on the proposal. It went through two revisions, and when it emerged in its final form for the approval of the Chief of Staff, it contained, in addition to the insurance provision, an authorization for base pay, flying pay, and allowances for travel, subsistence, and quarters on parity with the allowances provided for aviation cadets by the act of 3 June 1941 (55 Stat. 239).³⁹ This meant a 10-dollar-per-month increase in pay for West Point cadets, who were paid \$65, as compared with the \$75 monthly pay of aviation cadets.

Following the approval of the bill by the Bureau of the Budget, it was submitted to Congress, where it was introduced in the House of Representatives on 13 April 1942 (H. R. 6945) and in the Senate on 16 April 1942 (S. 2446).⁴⁰

On 24 April the Senate Committee on Military Affairs held hearings on the bill. Lt. Col. G. R. Perera, Col. Emmett J. Bean, and Maj. Gen. F. B. Wilby, Superintendent of the United States Military Academy, represented the War Department and urged the enactment of the legislation. General Wilby took occasion to remonstrate against the pay basis for West Point cadets, pointing out that they were graduating with an average

38. AAG 032 O, Legislation.

39. Memo for C/S by Col. G. R. Perera, AFMLP, 21 March 1942, in AAG 032 O, Legislation.

40. Cong. Rec., 77 Cong., 2 Sess., 3524 (13 April 1942), 3441 (16 April 1942).

per capita debt of \$500 to \$700. He urged that the pay of all cadets be increased.⁴¹

The committee reported favorably on S. 2446, and it passed the Senate without amendment on 7 May 1942.⁴² Meanwhile its companion bill was in the House Committee on Military Affairs. When S. 2446 was laid before that committee, it was amended by removing the provision for an increase in pay. In its report on the bill the committee explained that during its consideration of S. 2025⁴³ it had given careful consideration to the question of an increase in pay for all Military Academy cadets. At that time the Superintendent of the Academy had appeared before the committee and testified against increasing the pay of cadets undergoing flight training without similarly increasing the pay of other cadets. The committee regarded his testimony as an attempt to use the bill to secure a general raise in pay and consequently decided against the pay increase for cadets to be given flight training.⁴⁴

While the bill was in the committee, the War Department was making every effort to expedite its passage, inasmuch as 28 May had been set as the day on which cadets were to leave West Point for the aviation training camps. Even though the pay provision had been struck out, the War Department General Staff and the Director of Legislative Planning took immediate steps to secure the passage of the bill as amended.⁴⁵

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41. Senate, Hearings on S. 2446, (typescript), 77 Cong., 2 Sess., in files of Senate Committee on Military Affairs.
 42. Cong. Rec., 77 Cong., 2 Sess., 3692 (27 April 1942), 4015 (7 May 1942).
 43. A bill "to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service" which was then pending in Congress.
 44. H. Rept. No. 2171, 77 Cong., 2 Sess.
 45. 1st ind. (Brig. Gen. Walter F. Kraus to CG, AAF, 22 May 1942), Hq., AAF to CG, Flying Training Command, 23 May 1942.

As a result of their efforts, it was passed quickly and on 5 June 1942 was signed by the President, becoming Public No. 571.⁴⁶

This legislation affected the allowances for Military Academy cadets for such period only as they were undergoing flight training. It allowed them the necessary aviation clothing and equipment and the same allowances for travel, subsistence, and quarters as were then or might thereafter be provided for aviation cadets, but it made no change in their base pay, nor did it make allowance for flying pay.

Disability Benefits and Dependents' Allowances

Between 1939 and 1944 several important changes were made in the statutory regulations governing the payment of disability benefits to military personnel and death gratuities to dependents of components of the Army of the United States other than members of the Regular Army.

The Act of 3 April 1939 extended to all officers, warrant officers, and enlisted men the same pensions, compensation, retirement pay, and hospital benefits provided by law or regulation for officers and enlisted men of the Regular Army.⁴⁷ On 10 December 1941 this law was amended in order to extend to the dependents of military personnel other than members of the Regular Army the benefits of the Act of 17 December 1919 (41 Stat. 367) which provided for six months' pay to be given the widow, children, or other designated dependents of a member of the Regular Army whose death resulted from wounds or disease not the result of his own misconduct.⁴⁸

46. Cong. Rec., 77 Cong., 2 Sess., 5117 (11 June 1942).

47. 53 Stat., 557. This act was amended 25 July 1939 to exempt from its provisions members of the Civilian Conservation Corps. 53 Stat., 1079.

48. 55 Stat., 796.

In the meantime the Air Corps Reserve officers on extended active duty had attempted to secure legislation which would make retroactive for them the benefits allowed Regular Army officers. Two bills (S. 3266 and H. R. 8493) were introduced in February 1940 for this purpose. Despite War Department opposition, S. 3266 passed both houses and was prevented from becoming law only by the veto of the President, whose objection was based on the fact that it discriminated in favor of Air Corps personnel.⁴⁹ The next year these efforts were resumed, but the bills were made more inclusive. As a result, on 26 September 1941 the President signed an act extending to Reserve officers who were called into active military service in excess of 30 days on or subsequent to 28 February 1925 (other than for service with the Civilian Conservation Corps) and who were disabled from disease or injury contracted in line of duty, the same retirement pay and hospital benefits provided for officers of the Regular Army.⁵⁰ By the provisions of these acts all Air Corps personnel were placed on an equal basis in the application of disability and death gratuities.

Following the entrance of the United States into the war, Congress turned its attention to the enactment of legislation providing for payments to servicemen's dependents. The Act of 23 June 1942, known as the Servicemen's Dependents and Allowances Act, provided for specific family allowances for dependents of enlisted men of the fourth, fifth, sixth, and seventh grades of the Army, Navy, Marine Corps, and Coast Guard for the period of the war and the following six months.⁵¹

49. Cong. Rec., 76 Cong., 3 Sess., 13578 (15 Oct. 1940).

50. Ibid., 77 Cong., 1 Sess., 7571 (29 Sep. 1941); 55 Stat., 733.

51. 56 Stat., 381.

AFHS-16

96

Though this legislation was made to apply to naval aviation cadets, it did not cover cadets of the AAF. The discrimination appeared, however, to be inadvertent. It is explained by the fact that the Naval Aviation Cadet Act, passed subsequent to the Servicemen's Dependents and Allowances Act, classified naval cadets as enlisted men of the fourth grade in order to allow their dependents to secure the allowances provided by the latter act. Had the Army Aviation Cadet Act not preceded the Servicemen's Dependents and Allowances Act, it is believed that Congress would have placed AAF cadets in the fourth pay grade, making their dependents eligible for the allowances already provided by law. In September 1943 the AAF began a study to determine how the law might be changed to effect the application of these benefits to the dependents of its cadets. Consideration was first given to possible amendment of the Aviation Cadet Act, but after careful study of the problem and numerous conferences with interested agencies of the War Department, the Air Judge Advocate reached the conclusion that the benefits concerned could be more satisfactorily secured by inserting in S. 1279, a bill to amend the Servicemen's Dependents and Allowances Act, a brief provision stating that aviation cadets were included in the terms "men" and "enlisted men" as used in the act. Such a change would clearly entitle aviation cadets, as a separate grade in the Army, to benefit by the provisions of the act. If legislation changing their pay status were desired later, the dependents' benefits still would be assured them. On the other hand, if the cadets were classified as men of the fourth pay grade and later legislation changed that status, an alteration in the dependents' benefits legislation also would be necessary. Moreover,

S. 1279, as congressionally inspired legislation, was not as likely to encounter delay in enactment as would a new War Department proposal.⁵²

The proposal of the Air Judge Advocate was concurred in three days later by the Assistant Chief of Air Staff, Personnel.⁵³ From this point on the proposed amendment received no opposition. It was placed in S. 1279 by the House Committee on Military Affairs and included in the bill as signed by the President, 20 October 1943.⁵⁴ Following the passage of this legislation all Air Corps personnel were included in the legislative provisions for dependents' benefits.

At the same time that the AAF had given consideration to amending the Servicemen's Dependents and Allowances Act, it had continued to study the advisability of making amendments to the Aviation Cadet Act. Though two drafts of an amendment were submitted by the Air Judge Advocate with his recommendation for amending S. 1279, it was his suggestion that their consideration be deferred. His recommendation was based on the assumption that any proposed legislation involving sweeping changes in the Aviation Cadet Act was likely to meet with delays and involved hearings. In view of the fact that the Chief of Staff had requested that no new legislation be submitted by the War Department "other than that clearly essential to the winning of the war," he did not advise that the drafts be viewed as proposed legislation at that session of Congress.⁵⁵ Draft No. 1 was designed to classify aviation

52. Memo for AC/S, G-1 by Brig. Gen. L. H. Hedrick, AJA, 7 Sep. 1943, in AAG OLO.3, U. S. Laws and Statutes, Miscellaneous.

53. Memo for AJA by Brig. Gen. J. K. Bevans, AC/AS, Personnel, 10 Sep. 1943, in *ibid.*

54. Daily Cong. Rec., 78 Cong., 1 Sess., 8705 (21 Oct. 1943); Public No. 174, 78 Cong., 1 Sess.

55. Memo for AC/S, G-1 by AJA, 7 Sep. 1943, in AAG OLO.3, U. S. Laws and Statutes, Miscellaneous.

cadets as enlisted men of the fourth grade for purposes of pay and allowances only, discontinuing all other allowances, benefits, and gratuities, specifically the subsistence allowance of \$1 per day and certain allowances for travel. Draft No. 2 gave to aviation cadets the same benefits as Draft No. 1 but continued the payment of the existing subsistence and travel allowances.

Within a week, however, the picture had changed. An opportunity was presented to secure the desired amendment to the Aviation Cadet Act without introducing new legislation. It was called to the attention of the AAF that two bills were pending in Congress which could be amended to make the proposed pay changes. These bills (H. R. 2765 and S. 1106)⁵⁶ had been introduced at the request of the War Department in order to remove the discrimination which existed between Air Corps Reserve officers and men commissioned under the Flight Officer Act in the payment of the \$500 yearly bonus for extended active duty of one year or longer.⁵⁷ Under existing law the bonus of \$500 for each year of service was payable at the termination of the tour of extended active duty of Air Corps Reserve officers. The original provision of a lump sum of \$500 had been increased to \$500 per year by the Aviation Cadet Act as a stimulus to aviation cadet procurement during peacetime. When the Flight Officer Act was passed,⁵⁸ provision was made to commission graduates of the Air Corps Training Center directly as second lieutenants

56. Daily Cong. Rec., 78 Cong., 1 Sess., 4835 (21 May 1943), 4396 (13 May 1943).

57. Section 2 of the Act of 16 June 1936 (49 Stat. 1524) as amended by the Act of 3 June 1941 (55 Stat. 240).

58. Public No. 658, 56 Stat. 649.

or to appoint them as flight officers in the Army of the United States rather than as officers of the Air Corps Reserve. This meant that they were not eligible for the bonus payment at the end of their service. The War Department felt that the discrimination between the two groups of officers should be removed and that service of Reserve officers during the remainder of the war should not be counted in computing their lump-sum payments. In time of war it did not consider monetary inducements for military service either necessary or wise.⁵⁹

Inasmuch as these bills affected the Aviation Cadet Act, they afforded an opportunity to propose the changes in pay and allowances for cadets which the AAF had been contemplating for some time. Consequently, in a memorandum for the Air Judge Advocate, Maj. Gen. J. M. Bevans, AC/AS, Personnel, proposed that an amendment be added to S. 1106 and H. R. 2765 providing for aviation cadets the same pay, allowances, and benefits as authorized for enlisted men of the fourth pay grade. The change would raise the base pay of aviation cadets from \$75 to \$78 per month and allow a cadet on flying status to draw \$117 monthly pay. The end of the first session of the 78th Congress found H. R. 2765 still in the House Committee on Military Affairs. S. 1106, prior to the recommended amendment, had been reported favorably to the Senate,⁶⁰ but no action was taken on it before the end of the session.

The effort to obtain increased pay for aviation cadets seems to have been dropped; but the attempt to discontinue bonuses for Air Corps Reserve officers was renewed when companion bills, S. 1106 and H. R. 2765,

59. S. Rept. No. 266, 78 Cong., 1 Sess.

60. Daily Cong. Rec., 78 Cong., 1 Sess., 5029 (27 May 1943).

were introduced in the first session of the 78th Congress. The Senate bill, introduced on 13 May 1943,⁶¹ was favorably reported by the Committee on Military Affairs on 27 May 1943.⁶² It was debated but did not come to a vote. H. R. 2765 died in the House Committee on Military Affairs. In November 1944 the AAF urged the enactment of one of these bills,⁶³ but apparently without result.

Efforts to obtain the desired legislation were renewed in the 79th Congress;⁶⁴ again no result was forthcoming, and up to 1 December 1945 no legislation such as the AAF desired had been introduced.

Insurance

Air Corps personnel, as well as members of other arms and branches of the service, were given the privilege of securing National Service Life Insurance under the provisions of the act of 8 October 1940. This legislation, which was known as the National Service Life Insurance Act, allowed a maximum of \$10,000 of insurance for military and naval personnel who made application for it within 120 days after entrance into the service. The beneficiaries were limited to widows and widowers, children, and parents of the insured, and the insurance was administered by the Administrator of Veterans' Affairs.⁶⁵

Both the Aviation Cadet and the Aviation Student acts of 3 June 1941 provided for \$10,000 of government life insurance for each cadet and student, the premiums to be paid by the government during the

61. Daily Cong. Rec., 78 Cong., 1 Sess., 4396.

62. Ibid., 5029.

63. Memo for C/S by DC/AS, 30 Nov. 1944, in AAG, Legislation.

64. Acting AS/T to Senator Langer, 4 Sep. 1945, in AAG, Legislation.

65. 54 Stat. 1008.

training period. At the expiration of the period of training the insurance could be continued at the option and expense of the insured.⁶⁶ These insurance provisions had been urged by the Air Corps and passed without opposition by a Congress which realized the hazards of the flyer's career.

Following the passage of these acts, two problems of particular importance with reference to insurance confronted the Air Corps. One was the problem of securing legislation to provide insurance for flying cadets who lost their lives between the enactment of the National Service Life Insurance Act (8 October 1940) and the effective date of the Aviation Cadet Act (3 June 1941). The other was that of making compulsory the continuation of government life insurance after flying personnel were graduated and commissioned.

On 20 December 1941, six months after the Aviation Cadet and Aviation Student acts went into effect, Congress made provision for \$5,000 of government life insurance to be paid to the dependents of servicemen who lost their lives in line of duty between 8 October 1940 and 20 April 1942.⁶⁷ In order to grant the full \$10,000 of life insurance to the families of cadets who lost their lives between the passage of the National Service Life Insurance Act and the Aviation Cadet Act, Senator Bennett Champ Clark (Mo.) introduced S. 2275 on 13 February 1942.⁶⁸

66. 55 Stat. 239, 241.

67. The law read, "while in such service and before the expiration of one hundred and twenty days after the date of enactment of this amendatory act," 55 Stat. 846.

68. Cong. Rec., 77 Cong., 2 Sess., 1236 (13 Feb. 1942).

At the request of the Committee on Finance, the War Department prepared a report on the bill. The first draft of the letter prepared for the signature of the Secretary of War presented criticisms of the proposed legislation without opposing it. This letter pointed out that there were certain defects in the bill. First, it did not specify that the death resulting from the fatal accident must have occurred during the period between 8 October 1940 and 3 June 1941, though it so intimated. In the second place, the distinction in the wording of the bill between flying cadets and aviation students was inaccurate, as all enlisted aviation students prior to 3 June 1941 were trained in the grade of flying cadet. Finally, the bill limited the payment of insurance to widows, children, and dependent parents, in that order. Since flying cadets were required to be unmarried during the period covered, parents would constitute the only class of persons to benefit from the proposed insurance, and they could collect it only on proof of dependency.⁶⁹

Evidently the War Department reconsidered the matter before dispatching the letter, for the report made by the chairman of the Committee on Finance on 26 March 1942 was an adverse one. It called attention to the fact that the Act of 20 December 1941 contained a paragraph stating specifically that no further relief of the character provided in that act would be granted. The War Department approved that policy and opposed legislation which would authorize an additional \$5,000 for a beneficiary

69. Draft of letter, S/W to Walter F. George, Chairman of Senate Committee on Finance, 25 Feb. 1942, in AAG 004.6, Insurance--Life--War Risk.

in the case of a flying cadet but not for the beneficiary of any other soldier or sailor.⁷⁰ Similar opposition was voiced by the Veterans' Administrator.⁷¹

Despite the criticism of the War Department and the Veterans' Administration, the bill was reported without amendment by the Committee on Finance and passed the Senate without debate on 7 May 1942. It underwent no changes until it reached the floor of the House of Representatives following favorable report by the House Committee on Military Affairs.⁷²

During its consideration by the House, Representative May explained that the bill covered the cases of only two flying cadets killed in line of duty. One was killed within six hours after he was inducted, and the other lost his life within a week after entering the service. Representative Francis E. Walter (Pa.) questioned the omission of naval aviation cadets from the proposed legislation. Despite the assurance of May that such an amendment was unnecessary and might delay passage of the legislation by the Senate, the amendment was adopted, and the title of the bill was changed to include naval cadets.⁷³ In this form the bill became law (Public No. 749) on 17 October 1942.⁷⁴ It is an example of how political pressure achieves its purpose despite the opposition of the government department most concerned.

Prior to the spring of 1941 the Air Corps had consistently held

70. S/w to Walter F. George, in S. Rept. No. 1310, 77 Cong., 2 Sess.

71. Frank T. Hines, Administrator, Veterans' Administration, to Walter F. George, 23 March 1942, in ibid.

72. Cong. Rec., 77 Cong., 2 Sess., 3966 (6 May 1942), 4021 (7 May 1942), 4136 (12 May 1942).

73. Ibid., 7756-57 (5 Oct. 1942).

74. Ibid., 8391 (20 Oct. 1942).

that insurance for its enlisted men and officers should not be made compulsory by statute. Though one of the principal justifications given for flying pay was heavy insurance which Air Corps personnel carried, and though it was the policy of the Air Corps to keep a strict account of insurance and to urge that military personnel, especially those on flight status, provide sufficient protection for their dependents, there had been no attempts to write a compulsory insurance clause into the law.

With the tremendous increase in graduates from the training center, however, a problem was created. Originally all aviation cadets were unmarried. With the removal of the marital restriction, the government found itself with large numbers of young men, many of them married and with young children, who allowed their \$10,000 of National Service Life Insurance to lapse following their entrance upon commissioned status. The Chief of the Air Corps, after a study of this problem, came to the conclusion that the existing policy concerning insurance should be abandoned and that aviation cadets and enlisted men graduated from the Air Corps Training Center whose duties included frequent and regular flying should be compelled by law to continue their \$10,000 insurance policies.

In a memorandum dated 26 July 1941 the Chief of the Army Air Forces recommended that the War Department seek this legislation. He enclosed the draft of a bill. The Assistant Chief of Staff, G-1 withheld his concurrence, however, on the ground that other military personnel in the Air Corps and elsewhere were not required by law to carry life

insurance and that the proposed legislation was discriminatory toward the personnel concerned. On 31 August the Chief of the Budget and Legislative Planning Branch expressed the opinion that there was merit on the proposal but that not enough data had been submitted to permit a decision on the matter, whereupon he returned the papers to the Chief of the AAF for further consideration. On 4 October the Chief of the AAF submitted the proposed legislation again. Accompanying the draft was a memorandum which pointed out the fact that 20 per cent of the graduates of the Air Corps Training Center failed to continue their insurance after graduation and that the percentage probably would increase. In contrast to this situation 99.5 per cent of all Regular Army Air Corps officers carried either government or commercial life insurance in amounts averaging \$20,000, and approximately 80 per cent of all Air Corps Reserve Officers on extended active duty carried government insurance. He called attention to the fact that the cost would not be excessive, as newly commissioned second lieutenants would have to pay \$6.80 per month or 2.77 per cent of their monthly pay and allowances, while enlisted pilots would be charged \$6.50 per month, or approximately 3.96 per cent of their pay. A further argument for enactment of the proposed legislation was that the Navy had been operating under similar legislation for two years.⁷⁵

The memorandum of 4 October was referred to the Judge Advocate General by the Deputy Chief of Staff. In turn, the Judge Advocate General submitted a revised draft of the legislation in accordance

75. Memo for DC/S by Brig. Gen. Albert E. Brown, Budget and Legislative Planning Br., 27 Oct. 1941, in AFOLS files.

with General Arnold's directive that a provision be included in the legislation which would make this insurance compulsory only while the individuals concerned remained on flying status or were temporarily relieved therefrom.⁷⁶ On 23 October 1941 the Chief of the AAF submitted a supplemental memorandum including still another draft which had been informally agreed on by the Judge Advocate General and his office.⁷⁷ The Budget and Legislative Planning Branch recommended that this draft be approved and enacted.⁷⁸ Without change it was introduced as H. R. 6346 on 9 January 1942 and as S. 2180 on 7 January.⁷⁹ Maj. Waddell Smith appeared before the Senate Finance Committee in behalf of S. 2180,⁸⁰ and on the basis of his testimony the bill was reported to the Senate without amendment. It passed the Senate on 23 January and was introduced into the House of Representatives four days later.⁸¹

In the meantime the flight officer legislation was under consideration.⁸² Section 5 of H. R. 7129 and S. 2553 provided for the continuation of government insurance for all aviation cadets commissioned as second lieutenants or appointed as flight officers until permanently relieved from participation in regular and frequent aerial flights.

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76. Memo for C/S by Col. E. C. McNeil, Assistant to JAG, 18 Oct. 1941, in AFOLS files.
77. Supplemental memo for C/S by Lt. Col. G. E. Duncan, Secretary of Air Staff, 23 Oct. 1941, in AFOLS files.
78. Memo for DC/S by Brig. Gen. Albert E. Brown, 27 Oct. 1941, in AFOLS files.
79. Cong. Rec., 76 Cong., 2 Sess., 208 (9 Jan. 1942), 41 (7 Jan. 1942).
80. R&K, Chief, Military Personnel Div. to AC/AS, A-1, 3 Feb. 1942, in AFOLS files.
81. Cong. Rec., 77 Cong., 2 Sess., 417 (16 Jan. 1942), 534 (23 Jan. 1942).
82. For the legislative history of the Flight Officer Act see above, Chap. II.

The premiums were to be deducted from their pay and paid to the Administrator of Veterans' Affairs. In the report of the War Department on S. 2553, the Secretary of War notified the chairman of the Senate Committee on Military Affairs that it would be unnecessary to take further action on S. 2180 if the legislation under consideration were enacted.⁸³ No further action was taken on S. 2180, but the insurance provision continued unchanged in the flight officer bill and was included in the final legislation, which became law on 8 July 1942.⁸⁴

While the flight officer bill was being considered, Congress was dealing also with the War Department bills to provide pay and allowances for West Point cadets undergoing flight training. The first draft of the bill, prepared in the OCAC, was limited to the insurance provision. It specified that cadets of the United States Military Academy when undergoing courses of instruction which required them to participate regularly and frequently in aerial flights should be issued government insurance in the amount of \$10,000 and should be allowed to continue the policies at their own expense upon completion of their training period.⁸⁵ This provision paralleled Section 5 of the Army Aviation Cadet Act. In the course of its consideration by the War Department General Staff, however, the proposed legislation was changed to include a provision for compulsory insurance following the training period, the premiums to be deducted from the pay of the newly commissioned officers. This was in

83. S/W. to Robert R. Reynolds, Chairman Senate Committee on Military Affairs, 23 May 1942, in Senate, Hearings on S. 2553, 77 Cong., 2 Sess.

84. Cong. Rec., 77 Cong., 2 Sess., 6055 (9 July 1942).

85. AAG 032 O, Legislation.

accord with War Department policy as demonstrated in its sponsorship of S. 2180 and the flight officer bill. In his letter to the chairman of the Senate Committee on Military Affairs, the Secretary of War pointed out that cadets in flight training should be required to continue their insurance policies upon successful completion of their course of training. He called attention to the fact that the highest percentage of casualties occurred in this youthful group and that it was the very group most inclined to overlook its financial responsibilities to families and dependents. There was no opposition to the compulsory insurance clause in either house of Congress, and it appeared in the bill as finally enacted into law.⁸⁶

The legislative enactments concerning pay, allowances, and insurance treated in this chapter indicate a solicitous attitude on the part of the War Department and Congress toward personnel whose hazards were increasing rapidly during the tumultuous period 1939-1944. For the most part, Congress listened to the requests of the War Department and granted them freely.

Flying pay, continuing after the United States entered the war, and extra pay for personnel engaged in diving duty are evidence of the willingness of Congress to recognize the extra-hazardous military service of personnel on flying and diving duty. The permanent rating of aircraft observers and the temporary classification of flight surgeons as flying officers brought large numbers of AAF personnel to flight pay status and necessitated increased appropriations to cover their flying pay.

86. For the legislative history of the Military Academy Flight Training Act, see above, this chapter.

The only reversal which the AAF received in regard to flying pay was the reduction of the flight pay of nonflying officers to a maximum of \$720 per year, which in 1944 remained the largest amount any such officer could draw for flight duty.

The United States Military Academy Flight Training Act placed West Point cadets on a parity with aviation cadets in their allowances for subsistence, travel, and equipment. Here again, however, the War Department experienced a defeat in its failure to secure parity of pay for the two groups of cadets.

By the amendment of Section 11 of the Servicemen's Dependents and Allowances Act, aviation cadets were entitled to the benefits for dependents^{NS} provided by that act. Since enlisted men of the AAF were already included in the original act, the amendment had the effect of making it possible for the dependents of all AAF personnel below the commissioned officer grades to receive the allowances provided by law.

The insurance provisions of the Aviation Cadet and Aviation Student acts not only facilitated the procurement of pilots but were concrete evidences of the obligation which Congress felt to students undergoing flight training. By the terms of these acts every cadet and student was entitled to \$10,000 of government life insurance during the training period. Because increasing numbers of nonflying cadets were being trained, this provision was changed by the Flight Officer Act to apply only to those cadets who participated regularly and frequently in flights during their training. The Military Academy Flight Training Act and the Flight Officer Act were particularly significant in that they made compulsory the continuation of government insurance at the expense of the officer following his training period.

As in other phases of personnel legislation, there were some attempts on the part of pressure groups to secure favorable legislation. The Reserve officers attempted to secure flying pay while on inactive status. And other political pressure was exerted to obtain retroactive insurance coverage for flying cadets whose deaths occurred prior to the passage of the Aviation Cadet Act. These bids for special treatment the War Department opposed. The Reserve officers were denied their request, but the insurance act was passed despite the protests of the War Department. During the period studied, there were, however, only three important instances of failure on the part of Congress to cooperate with the program of the War Department concerning pay, allowances, and insurance.

LEGISLATION¹

DEVELOPMENT OF AAF PROGRAM²

DATE	ACT	SUMMARY	DATE	GROUPS AUTHORIZED	GROUPS ON HAND	PERSONNEL AUTHORIZED	PERSONNEL ON HAND
(1939)			(1939)				
5 APRIL	PUBLIC LAW No. 18, 75 CONGRESS, 1 SESSION	Authorized a total of 3,000 Air Corps Reserve officers on extended active duty; extended the period of active duty for Reserve officers from 5 to 7 years until 1 July 1949 and thereafter not to exceed 15 years active service in all; provided for 3,203 commissioned officers and 43,000 enlisted men in the Air Corps; and allowed the immediate appointment of 500 second lieutenants from among qualified Reserve officers and flying cadets.	APRIL	25		44,537	21,728
(1940)			(1940)				
2 JULY	PUBLIC LAW No. 703, 76 CONGRESS, 34 SESSION.	Suspended all limitations on the number of Air Corps Reserve officers and flying cadets who could be ordered to extended active duty during fiscal year 1941.					
27 AUGUST	PUBLIC RES. No. 96, 76 CONGRESS, 34 SESSION.	Allowed members of the National Guard and Reserve officers to be ordered into active military service for a period of 1 year.	NOVEMBER	34		167,794	95,326
16 SEPTEMBER	PUBLIC LAW No. 733, 76 CONGRESS, 34 SESSION.	Provided for a system of selective service for all men between the ages of 21 and 26 years.					
(1941)			(1941)				
3 JUNE	PUBLIC LAW No. 97, 77 CONGRESS, 1 SESSION.	Allowed the training of enlisted men in grade.					
	PUBLIC LAW No. 99, 77 CONGRESS, 1 SESSION.	Created the grade of Aviation Cadet and placed Army and Navy cadets on parity in respect to insurance, allowances, and bonus for extended active duty following graduation.	AUGUST	84		437,813	219,263
20 JUNE	PUBLIC LAW No. 139, 77 CONGRESS, 1 SESSION.	Suspended all limitations on the number of Air Corps Reserve officers and flying cadets who could be ordered to extended active duty during the fiscal year 1942.					
20 DECEMBER	PUBLIC LAW No. 360, 77 CONGRESS, 1 SESSION.	Extended the system of selective service to include all men between the ages of 18 and 26.					
(1942)			(1942)				
5 JUNE	PUBLIC LAW No. 580	Suspended for the period of the war and six months after its termination all limitations on the number of Air Corps Reserve officers and flying cadets who could be ordered to extended active duty.	FEBRUARY	115	37 1/2	609,806	482,733
			JULY	224	43 3/4	1,733,961	640,637
			SEPTEMBER	273	58 5/12	2,604,142	1,069,930
(1943)			(1943)				
(1944)			(1944)				
			JANUARY	234 *	164 1/4	2,412,236	2,400,151
			APRIL	239 **	198 1/10	2,427,236	2,356,504

1. 33 Stat. 537, 599; 54 Stat. 713, 858, 885; 55 Stat. 239, 241, 369; 56 Stat. 314.

2. Figures secured from AFMPC, Program Planning Files in AFMPC, and AAG 360.01, Programs--Bulk Files.

* Excludes 56 OTU & RTU groups previously included in the total.

** Excludes 37 OTU & RTU Training establishments (the equivalent of groups).

AAFES-16

SUMMARY

This study has presented the legislative authorizations made by the Congress of the United States for the expansion and personnel needs of the Army Air Forces, which by 1944 had become the most powerful striking arm in the military history of the nation.

In 1939 there existed considerable conjecture over the ultimate effect of air power. Military experts and legislators alike recognized that only a major war could determine the full potentialities of military aviation. Nevertheless, Congress took the position that to underestimate those potentialities might result in the very destruction of the nation. Consequently, prior to the outbreak of the European war in 1939, it authorized substantial increases in both the commissioned and enlisted strength of the Air Corps and allowed an unlimited number of officers of other components of the Army to be detailed to the air arm for training.

The first phase of the European war produced so little military activity that it affected the American program of national defense to only a minor degree. Not until the invasion of the Low Countries and the debacle at Dunkerque demonstrated the tremendous striking power of Germany, did Congress act swiftly and decisively to place the entire Army of the United States on a basis of preparedness. There followed in rapid succession laws suspending the limitation on the number of Air Corps Reserve officers and flying cadets, calling the National Guard and Reserve officers to active duty, and establishing a system of selective service.

During this program of military expansion the Air Corps was growing much more rapidly than were the other branches of the Army. As a result, special personnel legislation for the air arm became necessary. To facilitate the procurement of pilot trainees and place them on a par with naval and Marine Corps aviation cadets, Congress passed the Aviation Cadet Act. To allow the training of enlisted men in grade, thus opening a vast reservoir of potential pilots, it passed the Aviation Student Act. A year later, following the lowering of requirements for aviation cadets, it wiped out the distinctions between the two groups, as far as commissioning policy was concerned, by the enactment of the flight officer bill.

The special need of the Air Corps for a rapid promotion system resulted in the Air Corps Promotion Act of 1942. There were also two special enactments authorizing the retirement in grade of certain Air Corps personnel. The promotion and retirement legislation can be viewed as recognition of the growing importance and responsibility of the Army's air arm.

Throughout this period, by its authorization of flying pay, Congress took cognizance of the extra-hazardous service rendered by Army aviation personnel. As certain men assumed additional risks in their assignment to diving duty, Congress gave them further pay increases.

Insurance at government expense was provided during the training period for all aviation students who were required to engage in frequent and regular military flying. At the request of the War Department, Congress made it compulsory for the newly commissioned officer to carry

AAFHS-16

113

this insurance for a period as long as regular flying was required of him. In a number of cases laws were passed to bring Air Corps personnel under the general laws providing for insurance and dependents' allowances.

At various times in the history of AAF personnel legislation a pressure group composed of Air Corps Reserve officers made its appearance. It insisted upon special legislation conferring benefits on the group as a whole or on certain of its members. Most of these proposals the War Department opposed as discriminating against other Reserve and Regular Army officers. Consequently, the efforts of the Air Reserve Association were, for the most part, unsuccessful.

Most of the personnel legislation introduced during this period originated in the War Department and was passed without serious opposition by Congress. Relations between the War Department and the legislative branch of the government appear to have been generally harmonious. The acquiescence of Congress in meeting requests for special Air Corps personnel legislation was perhaps a reflection of the growing prestige of military aviation during this period. Judging from the editorial comments, public opinion was not averse to recommendations of the General Staff. Special Army Air Corps laws, however, received little attention from the press.

Most of the authorizations for expansion of personnel and legislation to care for the special needs of the air arm were provided by the close of 1942. The years through 1943 to 1945 witnessed the passage of few personnel laws.

AFHS-16

G L O S S A R Y

AAJ	Air Adjutant General
AJA	Air Judge Advocate
AC/AC	Assistant Chief of the Air Corps
AC/AS	Assistant Chief of Air Staff
AFDNC	Management Control
AFDIR	Directorate of Military Requirements
AFMLP	Directorate of Legislative Planning
AFROI	Directorate of War Organization and Movement
AFOLS	Office of Legislative Services
AFSHO-AH	AAF Historical Office, Administrative History Branch
AG	Adjutant General
AGD	Adjutant General's Department
AS/W	Assistant Secretary of War
CAA	Civil Aeronautics Administration
CAP	Civil Air Patrol
DC/S	Deputy Chief of Staff
DC/AE	Deputy Chief of Air Staff
EO	Executive Order
GEQ	General Headquarters
GSC	General Staff Corps
JAG	Judge Advocate General
JAGD	Judge Advocate General's Department
OCAC	Office of the Chief of the Air Corps
OCAR	Operations, Commitments, and Requirements
SPJAG	War Department Judge Advocate General
S/W	Secretary of War
WASP	Women Air Force Service Pilots
WTS	War Training Service

ACFES-16

B I B L I O G R A P H Y

Official Publications

Army

Army Regulations

War Department Press Releases

Congress

Congressional Record, bound. 76 Congress, 1 Session thru 77 Congress, 3 Session (8 January 1939-6 January 1943).

Daily Congressional Record. 78 Congress, 1 Session thru 79 Congress, 1 Session (6 January 1943-16 December 1945).

House of Representatives

Bills
Hearings
Reports

Senate

Bills
Hearings
Reports

United States Statutes at Large

The official publications listed above contain the records of congressional action on the legislation which is the subject of this study. They are important sources not only for the action itself but also, particularly in the cases of hearings and reports, for the backgrounds of bills and the attitudes of the War Department on pending legislation.

Central Files

Army Air Forces [cited AAG]

004.6 Insurance--Life--War Risk
010.3 U. S. Laws and Statutes, Miscellaneous
030 Miscellaneous
032 K Legislation

AFHS-16

116

032 L	Legislation
032 H	Legislation
032 W	Legislation
032 O	Legislation
032.1	Congress
080	Air Reserve Association
210.2 H-1	Promotion of Officers
210.6	Detail to the Air Corps
210.85	Retirement of Officers
211 C	Pilots
241.1	Flying Pay of Officers
324.5	Civil Air Patrol
353.9	Training of Reserve Officers

These Army Air Forces Central Files yielded valuable material for this study. The 032 files for the period to November 1942 and the 030 and 010.3 files for the more recent period were the most useful. Memoranda, routing and record sheets, letters, and telegrams found in them were used principally as sources to explain Army Air Forces and War Department action on proposed and pending legislation.

War Department (Adjutant General) [cited AG]

011 (11-1-40)
320.2 (5-4-39)
580 (12-15-38)

Little use was made of the Adjutant General Central Files. Only when War Department attitudes were not explained in the materials found in the Army Air Forces Central Files was it considered necessary to use them.

War Department (Judge Advocate General) [cited SPJAG]

SPJAG 1943/4160
SPJAG 1943/7169

The files of the Judge Advocate General Department contain opinions on legislation affecting the War Department. These files were used for two important opinions on the Air Corps promotion job.

AF Headquarters Office Files

AF Historical Office

Miscellaneous Files and Correspondence

The Archives Section of the Sources and Editorial Branch contains the files of the Plans Division, Office of the Chief of the Air Corps.

These papers are of particular value for any study of Army Air Forces legislation during the period of the Plans Division's activity.

The files of the Legislative Section, Administrative History Branch, contain a complete report of the Murray Board. This report was used extensively in the preparation of the section on flying pay.

Special Studies

AAF Historical Studies: No. 7, Legislation Relating to the AAF Training Program, 1939-1943, May 1944.

AAF Historical Studies: No. 15, Procurement of Aircrew Trainees, August 1944.

AAF Historical Studies: No. 19, Civilian Volunteer Activities in the AAF, October 1944.

AAF Historical Studies: No. 5b, Women Pilots with the AAF, 1941-1944, March 1946.

Office of Legislative Services

Files in this office are miscellaneous in character and contain materials from the files of the Directorate of Legislative Planning, the Air Judge Advocate, and the Office of Legislative Services. Many of the papers are duplicated in the AAF Central Files, but there is some material contained in these records which cannot be found elsewhere.

The personal files of Col. Guida R. Perera are also in this office. Colonel Perera, formerly Director of Legislative Planning, has kept one folder on the Air Corps Promotion Act which contains valuable material on the background and preparation of that important piece of legislation.

Newspapers

Atlanta Constitution. January 1939-August 1939.

Chicago Tribune. January 1939, July 1940.

Cleveland Plain Dealer. January 1939, July 1940.

Denver Post. May 1940.

Des Moines Register. May 1940.

Philadelphia Record. May 1940.

Portland Oregonian. January 1939, July 1940, June 1941.

Periodicals

Knight, Charlotte, "Women in the Air Forces," in Air Force, XXV, No. 7 (December 1942), 30-32.

AAFHS-16

Appendix 1

Sections of Public Law Number 18, 3 April 1939,
Pertaining to Expansion in Military Personnel
of the Army Air Corps (53 Stat. 557)

SEC. 5. Section 1 of the Act entitled "An Act to amend the National Defense Act", approved August 30, 1935 (49 Stat. 1028), is hereby amended to read as follows:

"That the President is hereby authorized to order annually, with their consent, upon application to and selection by the War Department, for a period of not more than one year for any one officer, for active duty with the Regular Army, such numbers of Reserve officers, in the grade of second lieutenant, as are necessary to maintain on active duty at all times not more than . . . three thousand Reserve officers of the Air Corps. . . . Provided further, That until July 1, 1949, the tour of active duty of Air Corps Reserve officers may, in the discretion of the Secretary of War, be extended not to exceed a total of seven years' active service in all, and thereafter not to exceed a total of five years' active service in all. . . . and provided further, That nothing herein contained shall require the termination of active duty of any Reserve officer because of promotion to a higher grade after his tour of active duty begins. The tour of any Reserve Corps officer on active duty may be terminated at any time, in the discretion of the Secretary of War": Provided further, That all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army.

SEC. 6. Section 2 of the said Act is hereby amended to read as follows:

"That, for the period of ten years beginning July 1, 1939, the Secretary of War is authorized to select annually, to be commissioned in the Regular Army in approximately equal annual increments, in accordance with the provisions of, and from the groups described in, Section 24e of the National Defense Act, as amended, such proportion of the total number of officers as, in the judgment of the Secretary of War, will be required to bring the commissioned personnel of the Regular Army to peacetime strength, as hereinafter provided, on June 20, 1949."

SEC. 7. Section 24e of the National Defense Act, as amended (41 Stat. 774), is hereby amended to read as follows:

"Except as otherwise herein provided, all appointments in the Regular Army shall be made in the grade of second lieutenants from the following groups: Group 1, from graduates of the United States Military Academy; group 2, from warrant officers and enlisted men of the Regular Army who have had at least two years' service; group 3, from honor graduates of the senior division of the Reserve Officers' Training Corps; group 4, from members of the Officers' Reserve Corps and flying cadets, who have performed active duty under the provisions of this Act, which duty may include service as a flying cadet in the Air Corps Training Center; and group 5, from reserve officers and from officers, warrant officers and enlisted men of the National Guard, members of the Enlisted Reserve Corps, and graduates of technical institutions approved by the Secretary of War: Provided, That after all qualified members of group 1 have been appointed, appointments from the second, third, fourth, and fifth groups shall be made in accordance with such regulations as the Secretary of War may prescribe, from persons between the ages of twenty-one and thirty years: Provided further, That the number to be selected from each of the second, third, fourth, and fifth groups, and the number to be assigned to each branch of the service within the limits prescribed by law from all groups shall be determined by the Secretary of War in his discretion. . . . And provided further, That immediately upon the effective date of this Act, the President is authorized to commission not to exceed three hundred second lieutenants in the Air Corps of the Regular Army, from among Reserve officers and flying cadets who have qualified for such appointment under existing laws. . . .

SEC. 8. On and after July 1, 1939, the peacetime commissioned strength of the Regular Army to be attained by approximately equal annual increments, as hereinbefore provided, shall be sixteen thousand seven hundred and nineteen officers, including sixty-seven general officers of the line as now authorized by law. Commissioned officers, other than general officers, shall be assigned to the several branches as follows: . . . Air Corps, three thousand two hundred and three exclusive of officers detailed from other arms and services for training and duty as aircraft observers and other members of combat crews. . . .

SEC. 9. The Act approved June 11, 1938 (ch. 337, Seventy-fifth Congress, third session), is hereby amended by striking out the words "twenty-one thousand five hundred" in the last line thereof and inserting in lieu thereof the words "forty-five thousand". . . .

[This section is the authorization for the enlisted strength of the Army Air Corps.]

AAFHS-16

120

SEC. 11. Section 2 of the Act of June 16, 1936 (49 Stat. 1524), is hereby amended to read as follows:

"Any Air Corps Reserve officer who has not been selected for commission in the Regular Army shall be paid upon release from active duty following the termination of any period of active duty of three years or more in duration a lump sum of \$500 which sum shall be in addition to any pay and allowances which he may otherwise be entitled to receive."

LAFHS-16

Appendix 2

An Act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes (54 Stat. 963)

Be it enacted . . . SEC. 1. The fourth and fifth provisos of section 13a of the National Defense Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and the sixth proviso of said Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and section 3 of the Act of June 16, 1936 (49 Stat. 1524), including the two provisos added by the Act last-mentioned, are further amended to read as follows: "Provided further, That in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity so to qualify, the Secretary of War is hereby authorized to detail officers to the Air Corps for training as flying officers, and such officers shall start flying training immediately upon being so detailed: Provided further, That nothing in this Act shall be construed to limit the number of officers who may be detailed to the Air Corps for training as flying officers: Provided further, That the limitation on the number of officers of the several branches of the Army who may be required by competent authority to participate regularly and frequently in aerial flights imposed by section 20 of the Act of June 10, 1922 (42 Stat. 632), as amended by section 6 of the Act of July 2, 1926 (44 Stat. 782) shall not apply to officers of the several branches of the Army detailed to the Air Corps for training and duty as aircraft observers or as other members of combat crews: Provided further, That flying units shall in all cases be commanded by flying officers who have received aeronautical ratings as pilots of service types of aircraft and who are commissioned in the Air Corps, or qualified permanent general officers of the line who have received aeronautical ratings as pilots of service types of aircraft: Provided further, That a flying officer is defined as one who has received an aeronautical rating as a pilot of service types of aircraft or one who has received an aeronautical rating as an aircraft observer or as any other member of a combat crew under such regulations as the Secretary of War may prescribe."

SEC. 2. Such laws and parts of laws as may be inconsistent with the foregoing are hereby repealed.

AAFHS-16

Appendix 3

An Act to expedite the strengthening of the national defense
(Section pertaining to the suspension of limitations on the number of Reserve Air Corps Officers and flying cadets on active duty) (54 Stat. 713)

SEC. 2 (a) During the fiscal year 1941, all existing limitations with respect to the number of flying cadets in the Army Air Corps, and with respect to the number and rank of Reserve Air Corps officers who may be ordered to extended active duty with the Air Corps, shall be suspended.

An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1942, and for other purposes
(Section pertaining to the suspension of limitations on the number of Reserve Air Corps Officers and flying cadets on active duty) (55 Stat. 369)

Be it enacted . . . That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1942, and for other purposes, namely: . . . Provided further, That the appropriations contained in this Act shall not be subject to any limitations as to the strength of any branch of the Army, as to the enlisted strength of the Army, as to the number of flying cadets in the Army Air Corps, as to the number of assistant superintendents of the Army Nurse Corps, and as to the number and grade of Reserve officers who may be ordered to extended active duty with the Air Corps. . . .

An Act providing for sundry matters affecting the Military Establishment (Section extending the limitations on the number of Reserve officers and aviation cadets on duty with the Air Corps) (56 Stat. 94)

SEC. 2. . . . all provisions of existing law limiting the strength of any branch of the Army, the number of aviation cadets in the Army Air Corps, the number of assistant superintendents of the Army Nurse Corps, the number and grade of Reserve officers who may be ordered to extended active duty and the number of officers of the Army who may be required to participate regularly and frequently in aerial flights are hereby suspended.

AAFHS-16

Appendix 4

An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes (Section relating to flying pay) (52 Stat. 645)

Be it enacted . . . That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes, namely: . . . For . . . aviation increase to commissioned and warrant officers of the Army, including not to exceed five medical officers, \$2,531,537, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers. . . .

An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes (Section relating to flying pay) (53 Stat. 596)

Be it enacted . . . That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, namely: . . . For . . . aviation increase to commissioned and warrant officers of the Army, including not to exceed thirty-six medical officers, \$2,705,533, none of which shall be available for increased pay for making aerial flights by nonflying officers (except flight surgeons) at a rate in excess of \$1440 per annum and flight surgeons at a rate in excess of \$720 per annum, which shall be the legal maximum rate as to such officers. . . .

An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes (Section relating to flying pay) (54 Stat. 354)

Be it enacted . . . That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes, namely: . . . For . . . aviation increase to commissioned and warrant officers of the Army, including not to exceed eighty-six medical officers, \$3,242,593, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers shall be entitled to such rate of increase by performing three or more flights within each ninety-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights. . . .

An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1942, and for other purposes (Section relating to flying pay) (55 Stat. 368)

Be it enacted . . . That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1942, and for other purposes, namely: . . . For . . . aviation increase to commissioned and warrant officers, \$14,188,834, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$720 per annum, which shall be the legal maximum rate as to such officers, and other nonflying officers shall be entitled to such rate of increase by performing three or more flights within each ninety day period, pursuant to orders of competent authority without regard to the duration of such flight or flights. . . .

AAFHS-16

Appendix 5

The Air Corps Promotion Act of 1942 (56 Stat. 94)

Be it enacted . . . That during any war in which the United States is now engaged, any officer of the Regular Army other than Air Corps who is assigned to duty with any tactical unit, or any installation, or any staff of the Air Corps, any officer of the Air Corps Reserve or any other section of the Officers' Reserve Corps assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, any officer of the National Guard of the United States ordered into the active military service of the United States with an Air Corps unit or assigned to duty with any tactical unit, or any installation or any staff of the Air Corps, and any officer directly commissioned in the Army of the United States and assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, may be appointed to higher temporary grade not above that of colonel, without vacating his existing commission in the Regular Army, the Officers' Reserve Corps, the National Guard of the United States, or the Army of the United States, as the case may be. The provisions of this Act shall not apply to officers of the arms and services other than Air Corps who are assigned to those units or detachments of such arms or services on duty with the Air Corps. Officers so appointed shall be appointed and commissioned in the Army of the United States and shall take rank in the grade to which appointed from the date stated in their commissions or letters of appointment. Such appointments shall continue until six months after the termination of any war in which the United States is now engaged, unless sooner terminated by order of the President, or until relieved from assignment to the duty herein described, whichever is the earlier: Provided, That the temporary promotion of any officer under the terms of this Act shall not prevent his subsequent permanent promotion nor, if eligible therefor his subsequent temporary promotion under section 4 of the Act of June 16, 1936 (49 Stat. 1525), or under section 127a of the National Defense Act, as amended: Provided further, That during the period described herein, and in order to preserve relative rank in grade, every Regular Army Air Corps officer shall take rank in grade within the Air Corps from the date of the earliest promotion to that grade under this or any other provisions of existing law. Officers temporarily appointed under this Act shall be entitled to the pay, flying pay, and allowances pertaining to the grade to which temporarily appointed. No officer holding temporary rank under the provisions of this Act shall be eligible to command outside the Air Corps, except by seniority under his permanent commission, unless specifically so ordered by competent authority.

AAFHS-16

Appendix 6

An Act to amend an Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920, so as to confer on the commanding general, General Headquarters Air Force, the same retirement privileges now enjoyed by chiefs of branches (53 Stat. 740)

Be it enacted . . . That the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920 (41 Stat. 762), be, and the same is hereby amended by inserting immediately after the word "branch", in line 27 of section 4c of that Act, as amended, the words "or as commanding general of the General Headquarters Air Force", and by inserting in line 29 of said section, immediately preceding the word "grade", the word "highest", and immediately after the word "chief", the words "or commanding general of the General Headquarters Air Force".

AAFHS-16

Appendix 7

An Act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes (54 Stat. 1116)

Be it enacted . . . That the fourth sentence of section 4c of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920 (41 Stat. 762), and as amended by the Act of May 12, 1939 (public, Numbered 72, Seventy-sixth Congress), be, and the same is hereby further amended to read as follows:

"Any officer who shall have served four years as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force or who shall have served two years as wing commander of the Air Corps and who may subsequently be retired, shall be retired with the rank, pay, and allowances, authorized by law for the highest grade held by him as such chief, assistant chief, commanding general, or wing commander."

SEC. 2. Any officer who has heretofore served four years as assistant chief of branch of the Army or who has heretofore served two years as wing commander of the Air Corps and who has been retired in a grade below that of brigadier general, shall, on the date of approval of this Act, be advanced in rank upon the retired list to the highest grade held by him as such assistant chief or wing commander and shall receive the pay and allowances provided by law for such advanced rank.

SEC. 3. No back pay or allowances shall accrue by reason of this act.

I N D E X

A

A-1, AC/AS, 42-43, 45, 62. See also AC/AS, Personnel.
 Abbott, Col. O. B., 64
 Act of 17 Dec. 1919, 94
 Act of 3 July 1922, 30
 Act of 15 June 1933, 60
 Act of 3 April 1939, 13, 47, 94
 Act of 15 Aug. 1939, 74
 Act of 3 June 1941, 92, 100
 Act of 22 Sep. 1941, 60 (n 1)
 Act of 29 Dec. 1941, 103
 Act of 23 June 1942, 93-96
 Adjutant General, The, 31, 68, 71-72, 82
 Administrator of Veterans' Affairs, 102, 103, 107
 Air Corps Promotion Act of 1942, 25, 88-90, 112
 Air Corps Reserve, 5, 7-10, 19, 21, 23, 24, 42-52, 56, 60, 62, 63-64, 111. See also Officers' Reserve Corps.
 Air Corps Temporary Promotion Act of 13 June 1939, 60, 63 (n 9), 70-71
 Air Corps Training Center, 8, 33, 47-51, 55, 74, 88, 104-105
 Air Corps Units, 88-97, 99
 Air Reserve Corps, 44-47, 51, 93, 93-95 (a 15)
 Air Station, 13
 Alaska, 14-16
 American Legion, Aeronautical Commission of, 56 (n 70)
 Armaments Force, Engineers' Sec. of, 60
 Anderson, Gen. C. A., 63
 Andrews, Maj. Gen. T. H., 73
 Arnold, Gen. H. H., 5-7, 30-37, 44, 54-55, 62, 67, 81, 83
 Asst. Chief of Air Staff, Operations, Commitments, & Requirements (OCAR), 24

Asst. Chief of Air Staff, Personnel, 25-28, 97, 99. See also A-1.
 Asst. Chief of Staff. See G-1; G-3.
 Asst. Sec. of War, 12
 Atlanta Constitution, 4, 17
 Aviation Grant Act, 39-40, 42, 58, 96, 98, 100-101, 110, 113
 Aviation Student Act, 10-13, 29, 39-42, 58, 100

B

Baker Board, 60 (n 6)
 Beach, Lt. U. S., 42 (n 24)
 Bean, Col. E. J., 92
 Bevans, Maj. Gen. J. H., 99
 Blair, Lt. P. S., 45 (n 24)
 Brett, Brig. Gen. G. H., 41
 Brewster, Lt. Pete, 48
 Brooks Amendment, 22
 Brown, E. B., 11-12
 Budget, Bureau of the, 13, 34, 73-74, 44, 63, 88, 92
 Budget Advisory Committee, 32
 Budget and Legislative Planning: Br. 67
 Chief of, 105
 Budget Office, 32, 6
 Burke-Wadsworth bill, 31
 Burton, Sen. W. E., 25

C

CAL-Ver Training Service, 55-59
 Cobell, Lt. Col. C. P., 42-44
 Callan Board, 80 (n 6)
 Chicago Tribune, 4
 Chief of Air Corps, 9, 13, 19, 31-33, 38, 43, 52-53, 67-68, 69 (n 27), 71-72, 81-82, 104. See also OCAC.

Chief of Air Staff, 43
 Chief of Army Air Forces, 62, 104.
See also Arnold.
 Chief of Staff, 3, 61, 81-82, 93
 Civil Air Patrol, 5, 32-33
 Civil Air pilots women, 32 (n 84)
 Civilian Conservation Corps, 94
 (n 47), 95
 Clark, Sen. E. C., 101
 Cleveland Plain Dealer, 4
 Cochran, Lt. C. J., 48 (n 34)
 Cochrane, Lt. J. A., 48 (n 34)
 Collins, Rep. A. A., 16
 Commanding General, AAF, 24-25.
see also Arnold.
 Comptroller General, 26
 Costello, Rep. J. H., 23, 27

D

Davison, Col. E. L., 43, 45
 Deputy Chief of Staff, 51, 103-105
 Des Moines Register, 12 (n 42)
 Directorate of Legislative
 Planning, 74, 93
 Director of, 45, 88
 Directorate of Investment Control,
 51-52
 Directorate of War Criminology and
 Lore, 52
 Director of Individual Criminology, 45

E

Eaker, Lt. Col. I. C., 73
 Eisenhower, Chief of, 60
 Enlisted Reserve Corps, 8
 Executive Order No. 8863, 67
 Executive Order No. 9163, 89

F

Ferryman Div., Air Transport Com.,
 54
 Fisker, Lt. M. J., 63 (n 19)
 Flight Gen., Lt. Col. J. C., 43
 Flight Officer Act, 43, 53, 59

G

G-1, 10/S (1933), 6, 25, 35-36, 48,
 52, 61-62, 64-65, 74-75, 104
 G-3, 10/S (1933), 23
 Gallup Poll, 4
 Gasser, Brig. Gen. L. D., 6-7, 48-
 49
 General Headquarters Air Force
 (GAF), Commanding General,
 72, 74, 77
 General Staff, 9, 13, 32, 74, 107,
 113. See also Chief of; Deputy
 Chief; G-1; G-3.
 Gilman, Lt. Clarence, 43 (n 33)
 Grant, Lt. E. G., 48 (n 34)
 Grant, Lt. Col. D. W. H., 66, 68
 Gurney, Sen. Glen, 38

H

Hall, Brig. Gen. W. E., 25
 Harney, Rep. I. A., 23, 50
 Hawaii, 3, 13-15
 Hill, Sen. Lister, 28, 64, 66-70
 Hobbs, Rep. S. L., 28
 Holdridge, Maj. H. C., 55 (n 14)
 Holloway, Lt. G. B., 43 (n 34)
 House Committee on Appropriations,
 66-67
 Subcommittee, 63, 68
 House Committee on Civil Service,
 55
 House Committee on Military Affairs,
 7-8, 10-11, 14, 19, 27, 32, 34,
 40, 51, 62, 63, 67, 91-103, 105
 H. R. 63, 66 (n 19), 68
 H. R. 605, 14
 H. R. 6372, 56
 H. R. 2705, 98-100
 H. R. 6043, 15-16
 H. R. 3122, 6 (n 10)
 H. R. 3722, 25-26
 H. R. 3818, 6
 H. R. 5781, 6-11, 16
 H. R. 7086, 62-63
 H. R. 4037, 75
 H. R. 4219, 30-32, 35
 H. R. 4330, 34

H. R. 4442, 13
 H. R. 4448, 13, 40-41
 H. R. 4470, 20 (n 61)
 H. R. 5084, 66
 H. R. 6019, 47-48
 H. R. 6038, 69
 H. R. 6046, 69, 106
 H. R. 6921, 50
 H. R. 6924, 50
 H. R. 6945, 92
 H. R. 7139, 48, 106
 H. R. 8492, 95
 H. R. 8752, 85 (n 13)
 H. R. 9055, 75-76
 H. R. 9822, 18
 H. R. 9850, 18-20
 H. R. 9858, 35
 H. R. 10020, 30-37
 H. R. 10570, 27-28

J

Jackson, I/Sgt., P. B., 48 (n 54)
 Jensen, Lt. J. C., 48 (n 54)
 Johnson, Sen. W. C., 14
 Johnson, Sen. H. W., 70
 Judge Advocate General, 13, 32-33,
 40, 43, 49 (n 57), 61, 63, 65-
 68, 71, 105

K

Klar, Sen. W. H., 38

L

Louder, Col. H. L., 86

M

McConnell, Rep. J. W., 14
 Mans, Rep. L. J., 67
 Marine Corps, 89, 95, 112
 Material Div., 74
 May, Rep. W. J., 7-8, 13, 39,
 75, 103

Medical Corps, 63, 86
 Military Establishment Appropriation Act
 FY 1940, 80, 85
 FY 1941, 86
 FY 1942, 36
 FY 1943, 87
 Miller, Rep. W. J., 86
 Morrison, Rep. J. H., 55
 Morrow Board, 50 (n 6)
 Munich Conference, 3
 Murray, Brig. Gen. Maxwell, 83
 Murray Board, 83-84

N

National Defense Act, 30, 60, 79,
 85
 National Guard, 4, 7-8, 13-17, 20-
 22, 23, 60 (n 1), 81, 89
 National Service Life Insurance,
 100, 104
 National Service Life Insurance Act,
 100-01
 Naval Aviation Cadet Act, 96
 Navy Dept., 37
 Navy Personnel, 89, 95
 Negro personnel, 9-10, 12 (n 53),
 28
 New York Daily News, 11
 New York Times, 4, 12
 Nimitz, Lt. Frank, 48 (n 54)
 Norstad, Lt. Col. Lauris, 43-44

O

Office of Chief of Air Force, 73,
 107
 Office of Civilian Defense, 38
 Officers' Reserve Corps, 7, 9-17,
 20-22, 25, 50, 60, 84, 110, 113
 Olan, Lt. Col. Robert, 73-74
 O'Mahoney, Sen. J. C., 53

P

Parker Civil Code, 5
 Pay Readjustment Act of 1924,
 70-80

Parsons, Lt. Col. G. R., 43, 93
 Personnel Div., OCMG, 34
 Philadelphia Record, 17
 Plans Div., 9, 15, 31-33, 33, 33,
 67-69
 Chief of, 34
 Plans Sec., OCMG, 6
 Portland Oregonian, 4, 17
 President, 4-6, 10, 14, 20, 22, 44-
 45, 50, 63, 65. See also Roose-
 velt.
 Psychological Div., Air Surgeon's
 Office, 45
 Public Law No. 19, 10, 29, 48-49
 Public Law No. 33, 91
 Public Law No. 92, 77
 Public Law No. 97, 39
 Public Law No. 99, 41
 Public Law No. 129, 33
 Public Law No. 153, 14
 Public Law No. 252, 60
 Public Law No. 252, 70
 Public Law No. 269, 50-53
 Public Law No. 443, 73 (n 21)
 Public Law No. 455, 64
 Public Law No. 535, 32 (n 61)
 Public Law No. 580 (H. R. 4476 ,
 29 (n 54)
 Public Law No. 638, 45
 Public Law No. 703, 20, 30 (n 21)
 Public Law No. 749, 103
 Public Law No. 785, 23, 57-58, 35
 Public Law No. 845, 76
 Puerto Rico, 15-16

Q

Quartermaster officers, 63

R

Raifort, S/Sgt. W. W., 49 (n 54)
 Regular Army, 7, 11-13, 15, 21,
 113
 Reserve Officers' Training Corps, 7
 Reynolds, Sen. R. E., 40-41
 Richards, Lt. J. G. W., 83 (n 14)
 Rio Grande, 53
 Roosevelt, President, 3, 17-18. See
also President.

Royal Air Force, 46, 91

S

76th Congress, 5, 51, 66, 69, 83
 77th Congress, 51
 78th Congress, 99-100
 S. 45, 82
 S. 437, 61
 S. 612, 73
 S. 809, C (n 10)
 S. 900, 57
 S. 1107, 98-100
 S. 1154, 6
 S. 1246, 13-14
 S. 1379, 93-97
 S. 1343, 15-16
 S. 1371, 12, 40
 S. 1462, 73
 S. 1499, 15-16
 S. 1797, 54
 S. 1810, 27-28
 S. 1821, 54
 S. 2025, 44
 S. 2180, 106, 108
 S. 2182, 62-64
 S. 2225, 47-49
 S. 2275, 101
 S. 2446, 92-93
 S. 2553, 45, 106-97
 S. 2575, 69-70
 S. 2794, 70
 S. 3266, 95
 S. 3506, 83 (n 13)
 S. 3636, 75-76
 S. 4005, 35
 S. 4025, 18-30
 S. 4335, 37-38, 40
 S. J. Res. 286, 21
 Sec. of Commerce, 23
 Sec. of Navy, 23
 Sec. of War, 7-9, 13, 15, 19, 21-
 23, 27, 43, 52, 71 (n 24), 75-76,
 83, 88, 108
 Selective Service System, 54
 Selective Training and Service Act,
 23
 Senate Committee on Appropriations,
 83
 Senate Committee on Finance, 102-93,
 106

Senate Committee on Military Affairs,
 9, 14, 16, 18, 23, 41, 44-45, 48,
 70, 73, 92, 100, 108
 Servicemen's Dependents and
 Allowances Act, 95-96
 Sherman, Sen. Morris, 13, 19, 70, 73
 Signal Corps officers, 62
 Smith, Col. L. S., 45
 Smith, Maj. Widdell, 106
 Snyder, Rep. J. B., 67
 Spotts, Lt. Col. Carl, 53 (n 14)
 Speaker of House of Representatives,
 44
 Stewart Field, 91
 Stratacyer, Col. G. E., 34

Milby, Maj. Gen. F. B., 93
 Women Air Force Service Pilots
 (WASP), 5, 32-39, 54-55
 Women's Army Corps (WAC), 25-26
 Women's Auxiliary Ferrying Squadron,
 (WAFS), 24
 Woodring, Sec. of War H. H., 6

Y

Yount, Brig. Gen. B. K., 49, 52 (n
 66)

Z

Zetserl School, 74
 Thompson, Rep. R. E., 38
 Zenger, Sec. Adm. J. H., 43
 Zenger, Lt. J. H., 48 (n 54)
 Zenger, Sen. M. E., 17
 Zeng, P. O., 66

U

United Government Employees, Inc., 11
 U. S. Military Academy, 7, 91, 107
 U. S. Military Academy Flight Train-
 ing Act, 91

V

Veterans' Administration, 103

W

Walter, Rep. T. E., 103
 War Dept., 3, 3-7, 9-14, 18, 21, 24,
 29, 41, 45, 50, 52, 57, 58, 66-67,
 69-71, 73-77, 80-81, 85-89, 98,
 102, 107-08, 110, 112
 War Training Service, 52-58
 Watson, Lt. Col. L. H., 86
 Weaver, Maj. Gen. W. P., 91

MEMORANDUM FOR THE COMMANDING GENERAL, ARMY AIR FORCES:
(Attention: AAF Historical Office)

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No. 16 (Rev.), Legislation Relating to the AAF
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