

PSF

Navy Dept.

Jan. - Feb. 1938

CONTINUED

PROPOSED NAVAL RESERVE BILL

*which has been replaced
by new draft -*

MARCH, 1937

PSF Navy

A B I L L

To provide for the creation, organization, administration, and maintenance of the Transferred Regular Reserve of the United States Navy, the United States Naval Reserve, the Transferred Regular Reserve of the United States Marine Corps, the United States Marine Corps Reserve, and for other purposes.

TITLE I - REPEAL OF EXISTING LAW.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 28, 1925, entitled "An Act for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," (45 Stat. 1080), as amended by the Acts of March 4, 1925, Section 19 (43 Stat. 1276); January 19, 1929, Section 3 (45 Stat. 1090); March 2, 1929 (45 Stat. 1476); May 23, 1930, Section 2 (46 Stat. 375); June 11, 1930 (46 Stat. 556); July 3, 1930, Section 1 (46 Stat. 1016); June 30, 1932, Section 1 (47 Stat. 431, 439); February 14, 1933 (47 Stat. 801); and May 29, 1934, Section 17 (48 Stat. 813) as contained in the United States Code, Title 34, Chapter 15, is hereby repealed.

TITLE II - TRANSFERRED REGULAR RESERVE.

Sec. 201. That there is hereby created and established as a component part of the United States Navy, the Transferred Regular Reserve of the Navy, hereinafter designated Transferred Regular Reserve, which shall be composed of officers assigned thereto as herein provided, and of enlisted men transferred or assigned thereto in accordance with the provisions of this Title: Provided, That subject to their own consent, ex-officers, and ex-enlisted men of the regular Navy who have been honorably discharged therefrom after not less than four years' service therein, may, in the discretion of the Secretary of the Navy, be assigned to the Transferred Regular Reserve herein created.

Sec. 202. That there is hereby created and established as a component part of the United States Marine Corps, the Transferred Regular Reserve of the Marine Corps, which shall be composed of officers assigned thereto as herein provided and of enlisted men transferred or assigned thereto in accordance with the provisions of this Title. The Transferred Regular Reserve of the Marine Corps created by this Act shall be subject to all the provisions of this Title and the

provisions of such other laws as may hereafter be enacted with respect to the Transferred Regular Reserve of the Navy, except as may be necessary to adapt said provisions to the Transferred Regular Reserve of the Marine Corps: Provided, That subject to their own consent, ex-officers, and ex-enlisted men of the regular Marine Corps who have been honorably discharged therefrom after not less than four years' service therein, may, in the discretion of the Secretary of the Navy, be assigned to the Transferred Regular Reserve of the Marine Corps herein created.

Sec. 203. That enlisted men who at the time of the enactment of this Act are members of the Fleet Naval Reserve or Fleet Marine Corps Reserve as the result of 16 or more years of active naval service, are hereby transferred to the Transferred Regular Reserve of the Navy or the Transferred Regular Reserve of the Marine Corps herein created, respectively, and shall receive the same pay, allowances, and benefits which they were receiving under the laws in force immediately prior to the approval of this Act.

Sec. 204. That men serving in the regular Navy, who, having enlisted therein on July 1, 1925, or prior thereto, or who having been discharged therefrom prior to July 1, 1925, and reenlisted in the regular Navy within three months from the date of discharge, or who were serving in the Naval Reserve Force on July 1, 1925, in an enrollment entered into within four months from the date of their discharge from the regular Navy and thereafter reenlisted in the regular Navy within three months from the date of their discharge from the Naval Reserve created by the Act of February 28, 1925, shall be entitled to be transferred to the Transferred Regular Reserve on the completion of sixteen or more years' naval service, and when so transferred shall, except when on active duty, be entitled to receive, if they have had sixteen but less than twenty years' naval service, pay at the rate of one-third the base pay they were receiving at the time of transfer, plus all permanent additions thereto, and if they have had twenty or more years' naval service, pay at the rate of one-half of the base pay they were receiving at the time of transfer, plus all permanent additions thereto: Provided, That the pay authorized in this section shall be increased 10 per centum for all men who may be credited with

extraordinary heroism in the line of duty or whose average marks in conduct for twenty or more years shall not be less than 95 per centum of the maximum; Provided further, That the determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final and conclusive for all purposes: And provided further, That enlisted men so transferred to the Transferred Regular Reserve, herein created by this section and by section 203 of this Title, shall upon completing thirty years' service, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive, plus the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' service.

Sec. 205. That men serving in the regular Navy who first enlisted therein after July 1, 1925, or who reenlisted therein after July 1, 1925, having been out of the regular Navy for more than three months and who were not serving in the regular Navy on July 1, 1925, and men who first enlisted in the regular Navy after the passage of this Act, may be transferred to the Transferred Regular Reserve upon the completion of at least twenty years' naval service and provided they are then found physically and otherwise qualified to perform duty in time of war and apply for such transfer, and thereafter except when on active duty shall be paid at the rate of one-half of the base pay they are receiving at the time of transfer: Provided, That all such enlisted men so transferred ~~to the Fleet Naval Reserve~~, or to the Transferred Regular Reserve created by this Act shall upon completion of thirty years' service, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive plus all permanent additions thereto, and the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' service.

Sec. 206. That in time of peace all enlisted men transferred to the Transferred Regular Reserve may be required to perform not more than two months' active duty in each four-year period and shall be examined physically at least once during each four-year period: Provided, That any pay which may be due any member of the Transferred Regular Reserve shall be forfeited when so ordered by the Secretary of the Navy, upon failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection: Provided further, That members of the Transferred Regular Reserve,

exclusive of assigned members thereof, found not physically qualified upon such examination, shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of thirty years' service, they shall receive the following additions: That all men coming under the cognizance of sections 203 and 204 of this Title shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' service: Provided further, That all men coming under the cognizance of section 205 of this Title shall receive all permanent additions to their base pay, and the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' service: And provided further, That in the computation of service requisite for transfer to the retired list of the regular Navy, service in the Army, Navy, Marine Corps, Coast Guard, Naval Reserve Force, Fleet Naval Reserve, Transferred Regular Reserve, Marine Corps Reserve, Transferred Regular Reserve of the Marine Corps and on the retired list of the regular Navy shall be included: Provided, That such service as may heretofore have been authorized by law to be counted as double time shall be credited as double time in this computation.

Sec. 207. That for all purposes of this Act a complete enlistment during minority shall be counted as four years' service and any enlistment terminated within three months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted: Provided, That all transfers of enlisted men to the Fleet Naval Reserve or to the Transferred Regular Reserve, and all transfers of members of the Fleet Naval Reserve or the Transferred Regular Reserve to the retired list of the regular Navy, hereafter or heretofore made by the Navy Department, shall be conclusive for all purposes, and all men so transferred shall, from the date of transfer, be entitled to pay and allowances in accordance with their ranks or ratings and length of service as determined by the Navy Department: Provided further, That the Secretary of the Navy, upon discovery of any error or omission in the service, rank, or rating, for transfer or retirement, is authorized to correct the same and upon such correction the man so transferred or retired shall be entitled to pay and allowances as determined by the Navy Department.

Sec. 208. That the Secretary of the Navy, under such regulations as he may prescribe, may require any person hereafter when enlisting in the regular Navy and may authorize any enlisted man in such service to obligate himself to serve four years in the Transferred Regular Reserve upon termination of his enlistment in the regular Navy: Provided, That upon termination of their enlistment in the regular Navy, men who have so obligated themselves shall be assigned to the Transferred Regular Reserve for the four-year period, unless they apply for reenlistment or extension of their enlistment in the regular Navy, in which event they may be reenlisted or may extend their enlistment in the regular Navy: Provided further, That the men so assigned to the Transferred Regular Reserve for the four-year period, and officers and men assigned thereto under the provisions of sections 201 or 202 of this Title shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance \$25 per annum, except when, with their own consent, they become attached to a division of the Naval Reserve, or satisfactorily perform appropriate duties assigned by direction of the Secretary of the Navy, in which case they shall receive the pay, allowances, gratuities, and other emoluments as herein specifically provided for enlisted men of the Naval Reserve. Enlisted men of the regular Navy assigned to the Transferred Regular Reserve in accordance with the provisions of this section, or enlisted men who within three months from date of discharge from the regular Navy upon completion of an enlistment, enlist in the Transferred Regular Reserve, may, while so in the Transferred Regular Reserve, be permitted to reenlist in the regular Navy, in which case they shall be entitled to the same benefits as if they had enlisted in the regular Navy within three months of their last discharge therefrom.

Sec. 209. That members of the Transferred Regular Reserve shall, at all times, be governed by the laws and regulations for the government of the Navy and shall not be discharged therefrom, prior to the expiration of their term of service, without their consent, except by sentence of court-martial or, in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary, as a result of a conviction for a felony: Provided, That in time of war or a national emergency, declared by the President to exist, assigned or enlisted men of the Transferred Regular Reserve shall be subject to separation therefrom in the same manner

as may be provided by or in pursuance of law for the separation of enlisted men of the regular Navy: Provided further, That no existing law shall be construed to prevent any member of the Transferred Regular Reserve from accepting employment in any civil branch of the public service, nor from receiving the pay and allowances incident to such employment in addition to any pay or allowances to which he may be entitled under the provisions of this Act.

Sec. 210. That members of the Transferred Regular Reserve may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as otherwise provided in this Title, they shall only be ordered to or continued on active duty with their own consent: Provided, That the Secretary of the Navy may release any member of the Transferred Regular Reserve from active duty at any time: Provided further, That when employed on active duty or training duty, with pay, or when employed in authorized travel to and from such duty, members of the Transferred Regular Reserve shall receive the same pay and allowances as is prescribed for members of the regular Navy of the same ranks, grades or ratings and length of service.

Sec. 211. That enlisted men of the Naval Reserve who served in the Navy prior to July 1, 1925, and who after four or more years' service in the regular Navy enlisted in the Naval Reserve Force, or the Naval Reserve within four months from the date of their discharge from the regular Navy and who have since reenlisted in the Naval Reserve Force or the Naval Reserve, or may hereafter reenlist in the Naval Reserve within three months from the date of their discharge therefrom and who have performed not less than sixteen years' active service in the Navy, the Naval Reserve Force, and the Naval Reserve, shall be entitled to reenlistment in the regular Navy in the rating held by them on date of last discharge therefrom.

TITLE III - UNITED STATES NAVAL
RESERVE AND UNITED STATES MARINE CORPS RESERVE.

Sec. 301. That there is hereby created and established the United States Naval Reserve and the United States Marine Corps Reserve. The Naval Reserve shall consist of three branches, namely, the Fleet Naval Reserve, the Volunteer Naval Reserve, and the Merchant Marine Naval Reserve. The Marine Corps Reserve shall consist of two branches, namely, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve.

Sec. 302. That the Naval Reserve and the Marine Corps Reserve created by this Act shall be component parts of the United States Navy and the United States Marine Corps, respectively, and the Naval Reserve and the Marine Corps Reserve shall be recruited, organized and maintained in accordance with the provisions of this Title. The Marine Corps Reserve created by this Act shall be subject to all the provisions hereof and the provisions of such other Acts as may hereafter be enacted with respect to the Naval Reserve, except as may be necessary to adapt said provisions to the Marine Corps Reserve. The Naval Reserve and the Marine Corps Reserve shall be under the authority of the Secretary of the Navy, and the filling of their requirements shall be included in the scope of the duties of the various bureaus and offices of the Navy Department with respect to the Naval Establishment.

Sec. 303. That all commissioned officers, aviation cadets, warrant officers and enlisted men who are members of the Naval Reserve or the Marine Corps Reserve on the date of the approval of this Act, except transferred and assigned members of the former Fleet Naval Reserve and the Fleet Marine Corps Reserve, are hereby transferred to the Naval Reserve and the Marine Corps Reserve, respectively, created and established by this Act, in the same or corresponding branches or classes and with the ranks, grades, warrants or ratings held by them in the former Naval Reserve or Marine Corps Reserve on the date of transfer. Such commissioned officers shall continue to serve during the pleasure of the President under the commissions which they held on the date of transfer; such aviation cadets and such warrant officers shall continue to serve during the pleasure of the Secretary of the Navy under the warrants and appointments which they held on the date of transfer; and each such enlisted man so transferred shall continue to serve under the enlistment in which serving in the former

Naval Reserve or Marine Corps Reserve on the date of transfer for the remainder of such enlistment, except as otherwise provided by this Act as to such officers and enlisted men. All officers and enlisted personnel so transferred to the Naval Reserve or the Marine Corps Reserve shall retain their respective dates of precedence in their ranks, grades, warrants or ratings until thereafter changed in accordance with law.

Sec. 304. That the Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States of seventeen years of age or over who by appointment or enlistment therein under regulations prescribed by the Secretary of the Navy or by transfer thereto as in this Act provided, obligate themselves to serve in the Navy in time of war or during the existence of a national emergency declared by the President: Provided, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: Provided further, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service nor from receiving the pay and allowances incident to such employment in addition to any pay and allowances to which he may be entitled under the provisions of this Act, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government.

Sec. 305. That there shall be allowed in the Naval Reserve the various ranks, grades, including the grade of aviation cadet, and ratings corresponding to those in the regular Navy, except as otherwise provided in this Act. All appointments and promotions of officers and enlistments and changes in ratings of men in the Naval Reserve and assignments to and transfers from any branches or classes therein, unless otherwise provided in this Act, shall be made in accordance with regulations prescribed by the Secretary of the Navy: Provided, That persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President alone, and those appointed to midshipman, aviation cadet and warrant grades shall be appointed or warranted by the Secretary of the Navy in accordance with regulations prescribed by the

Secretary of the Navy. Enlistments in the Naval Reserve shall be in accordance with regulations prescribed by the Secretary of the Navy.

Sec. 306. That, except as provided in Section 307 hereof, in time of peace, commissioned officers appointed to the Naval Reserve shall be commissioned to serve during the pleasure of the President, in grades or ranks not above that of lieutenant commander, except that a small percentage of officers in the higher grades or ranks, may, if qualified, be commissioned in the grades or ranks of rear admiral, captain and commander. Warrant officers, aviation cadets and midshipmen shall be appointed to serve during the pleasure of the Secretary of the Navy. Except as otherwise provided in this Act, the total number of officers in such higher grades or ranks in the Fleet Naval Reserve shall not exceed one-half of one per centum of the actual number of enlisted men regularly assigned to the divisions or other units of the Fleet Naval Reserve and entitled to pay as provided in section 328 of this Title, and the percentages of officers to be carried in such higher grades or ranks in the surface class, in the aviation class and in the staff corps of the Fleet Naval Reserve shall be determined from time to time by the Secretary of the Navy as may be dictated by the requirements of the service. In the Fleet Marine Corps Reserve the total number of officers in such corresponding higher grades and ranks shall be in the same proportion to the total number of officers of the Fleet Marine Corps Reserve as the number of officers in such higher grades and ranks in the United States Marine Corps bears to the total number of officers in the U. S. Marine Corps. In the Volunteer Naval Reserve, the Merchant Marine Naval Reserve, and in the Volunteer Marine Corps Reserve the total number of officers in such higher grades or ranks shall not exceed two per centum of the actual number of commissioned officers in each of these branches.

Sec. 307. That in time of peace there shall be allowed in the Naval Reserve one officer of the grade or rank of rear admiral, and one officer in the grade or rank of brigadier general in the Marine Corps Reserve, the remaining officers above the grade or rank of lieutenant commander shall be distributed in the grades or ranks of captain and commander in such manner as the Secretary of the Navy may prescribe. Whenever a final fraction occurs in computing the authorized number of officers in these said higher grades or ranks, the nearest whole number shall be

regarded as the authorized number: Provided, That to determine the authorized number of officers in the grades or ranks above lieutenant commander as provided in this Title, computations shall, under such regulations as the Secretary of the Navy may prescribe, be made at least once during each calendar year and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number of officers in such higher grades or ranks, and shall not be varied between the dates of such computations: Provided further, That no officer of the Fleet Naval Reserve or Volunteer Naval Reserve shall be appointed or promoted to the grade or rank of rear admiral, captain or commander until he has served not less than two years in the next lower grade: And provided further, That no officer shall be reduced in rank as a result of any computation so made and that nothing contained in this Act shall be construed as reducing the present grade, rank or rating of any officer or man in the Naval Reserve, or as otherwise affecting the commissions now held by them or as restricting the promotion of officers in the Naval Reserve in time of war as provided for in section 319 of this Title.

Sec. 308. That in time of peace no officer or man of the Naval Reserve in an inactive duty status shall be discharged except upon expiration of his term of service, or upon his own request, or for full and sufficient cause in the discretion of such administrative authority as the Secretary of the Navy may designate: Provided, That within a reasonable time prior to discharge for cause, officers shall be given an opportunity to be heard by the Secretary of the Navy, or such administrative authority or other agency as he may designate, which opportunity will be considered as having been given through the mailing of notice to their last known address: Provided further, That officers and enlisted men of the Naval Reserve on active duty shall be subject to separation therefrom in the same manner as may be provided by or in pursuance of law for the separation of officers and enlisted men of the regular Navy, subject to the provisions of section 312 of this Title.

Sec. 309. That hereafter the Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions so far as applicable as prescribed by

law for appointments from enlisted men of the Navy: Provided, That not more than 50 midshipmen shall be appointed in any one year under the authority contained in this section except that in the event the quota of midshipmen from the enlisted men of the regular Navy is not filled in any one year, the Secretary of the Navy shall have the authority to fill such vacancies with additional men from the Naval Reserve.

Sec. 310. That subject to their own consent and authorization by the President there may be maintained on active duty with the regular Navy or Marine Corps for a period or periods not in excess of one year for any one officer not to exceed at any one time 500 Naval Reserve and 100 Marine Corps Reserve officers exclusive of aviation cadets, in the grade of lieutenant or below in the Naval Reserve or in the grade of captain or below in the Marine Corps Reserve: Provided, That the foregoing shall not affect the number of Naval Reserve or Marine Corps Reserve officers that may be maintained on active duty under the provisions of sections 311, 323, 327, 335, 338, 339 and 345 of this Title nor the length of time or condition under which they may be permitted or required to serve.

Sec. 311. That officers and men of the Naval Reserve including those on the honorary retired list created by section 321 of this Title, or who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as otherwise provided in this Title, they shall only be ordered to or continued on active duty with their own consent: Provided, That the Secretary of the Navy may release any officer or enlisted man from active duty either in time of war or in time of peace.

Sec. 312. That officers and enlisted men of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill or instruction, or during such time as they may by law be required to perform active duty, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy: Provided, That disciplinary

action for an offense committed while subject to the laws, regulations and orders for the government of the Navy shall not be barred by reason of release from duty status of an officer or enlisted man charged with the commission thereof.

Sec. 313. That officers and enlisted men who may have heretofore been transferred to the retired list of the Naval Reserve Force or the Naval Reserve with pay or may hereafter be transferred to the retired list of the Naval Reserve with pay, shall at all times be subject to the laws, regulations, and orders for the government of the Navy: Provided, That for the purpose of carrying the provisions of this section and the preceding section into effect officers and men may be retained on or returned to a duty status without their own consent but not for a longer period of time than may be required for disciplinary action.

Sec. 314. That commissioned officers of the Naval Reserve, including those on the honorary retired list or who may have been retired, when employed on active duty or on training duty, with pay, or when employed in authorized travel to and from such duty, shall be deemed to have been confirmed in grade and qualified for all general service and shall receive the pay and allowances, including longevity pay, as provided by law for the reserve forces of the United States, and shall when traveling under orders or under competent authority receive transportation in kind, mileage or actual expenses as provided by law for travel performed by officers of the regular Navy. Midshipmen, warrant officers and enlisted men of the Naval Reserve, including those on the honorary retired list, or who may have been retired, when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty, shall receive the same pay and allowances as received by midshipmen, warrant officers and enlisted men of the regular Navy of the same rank, grade or rating, and of the same length of service which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Naval Militia, National Naval Volunteers, Marine Corps Reserve, or Naval Reserve. Aviation cadets shall receive the pay, allowances, and other emoluments provided for them by the Act of April 15, 1935, Volume 49 Statutes at Large, page 157: Provided, That when officers or men

of the Naval Reserve perform active duty or training duty with pay for a period of less than thirty days such duty performed on the 31st day of any month shall be paid for at the same rate as for other days: Provided further, That officers and enlisted men while employed on active duty or on training duty, with pay, which involves the actual flying in aircraft in accordance with regulations prescribed by the Secretary of the Navy, shall receive the same increase of the pay of their grades, ranks or ratings, as may be received by officers and enlisted men in similar grades, ranks and ratings in the regular Navy for the performance of similar duty.

Sec. 315. That in time of peace enlisted men of the Naval Reserve may be issued articles of uniform, bedding, and equipment in accordance with regulations to be prescribed by the Secretary of the Navy: Provided, That upon first reporting for active duty in time of war or national emergency enlisted men of the Naval Reserve may receive in addition a uniform outfit of the same value as may be authorized for enlisted personnel of the regular Navy upon first enlistment.

Sec. 316. That, if in time of peace any officer or enlisted man of the Naval Reserve is physically injured in the line of duty while performing active duty, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing travel to or from such duties, irrespective of authorization for such travel, or who dies as the result of such physical injury, he or his beneficiaries shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so disabled: Provided, That for the purpose of determining the benefits to which entitled under the provisions of this section Naval Reservists so physically injured while performing the foregoing duties in a non-pay status will be held and considered as receiving the pay and allowances which they would have received if in a pay status: Provided further, That Naval Reservists who contract sickness or disease as a result of the performance of active duty or training duty with or without pay shall be entitled to the same hospitalization

or other treatment during the continuance of such sickness or disease as is accorded members of the Regular Navy: And provided further, That in time of war officers of the Naval Reserve who contract sickness, injury or disease, while performing active duty shall be entitled to all the benefits prescribed for officers of the Regular Navy under similar conditions.

Sec. 317. That officers of the Naval Reserve of the same rank shall take precedence among themselves by date of commission, appointment or warrant. Officers of the same date of commission, appointment or warrant shall take precedence according to such regulations as the Secretary of the Navy may prescribe: Provided, That former officers of the Navy or Coast Guard who are or have been appointed in the Naval Reserve in the same grade or rank held in the regular Navy or Coast Guard as a result of application therefor made within four months from date of resignation from the Navy or Coast Guard shall be given the same date of precedence as that last held by them in the Navy or Coast Guard.

Sec. 318. That, while in an inactive duty status, or while performing drills, equivalent instruction or duty, appropriate duties, or training duty, officers of the Naval Reserve shall take precedence with but after officers of the same rank or grade in the regular Navy. When mobilized with the regular Navy for war or national emergency each officer of the Naval Reserve shall take precedence next after that officer of the regular Navy of the same rank or grade whose length of service in such rank or grade on the date of such mobilization is one-half or nearest one-half of that of the Reserve officer.

Sec. 319. That in time of war or national emergency, officers of the active list of the Naval Reserve or the Marine Corps Reserve employed on active duty shall be advanced in their respective corps in grade and rank in the same manner as is or may be prescribed for officers of the regular Navy or the Marine Corps, respectively, in such numbers for each grade or rank, as may be prescribed from time to time by the Secretary of the Navy, and when so advanced they shall take precedence among themselves and with other officers of the Navy and Marine Corps, in accordance with date of such advancement or promotion: Provided,

That no officer of the Naval Reserve or the Marine Corps Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe: Provided further, That all officers of the Naval Reserve and the Marine Corps Reserve who may be advanced to a higher grade or rank under the provisions of this Title shall be allowed the pay and allowances of the higher grade or rank from the dates of rank stated in their commissions: Provided further, That the provisions of this section shall not apply to officers who have been or may hereafter be retired from the Naval or Marine Corps Reserve Force or the Naval or Marine Corps Reserve.

Sec. 320. That all officers of the Naval Reserve and the Marine Corps Reserve shall be examined physically once every four years, or oftener, as may be deemed necessary, and if upon such examination they are found not physically qualified for active service they shall be honorably discharged or, within the discretion of such administrative authority as the Secretary of the Navy may designate, placed on the honorary retired list provided for in section 321 of this Title: Provided, That in determining an officer's qualifications for active service, due consideration shall be given to the character of the duty to be assigned him in the event of war or national emergency and, in the discretion of the Secretary of the Navy, to his age in grade. The Secretary of the Navy may, in his discretion, discharge or place an officer of the Naval Reserve on the honorary retired list on account of age in grade, when such officer has attained the age of forty years if in the grade of ensign or lieutenant, junior grade, forty-six years if in the grade of lieutenant, fifty-two years if in the grade of lieutenant commander, or fifty-eight years if in the grade of commander.

Sec. 321. That an honorary retired list for the Naval Reserve is hereby established and officers and enlisted men of the Naval Reserve shall be placed on this retired list of the Naval Reserve without pay or allowances, upon reaching the age of sixty-four years, or upon their own request, after thirty years' service in the Naval Reserve, except as otherwise provided in this Act: Provided, That service in the Army, Navy, Marine Corps, Naval Reserve Force, National Naval Volunteers, Naval Reserve, Naval Militia prior to August 29, 1916, Naval Auxiliary Service and Coast Guard, Marine Corps Reserve Force and Marine Corps

Reserve shall be counted as service in the Naval Reserve under the provisions of this section: Provided further, That Naval Reservists who have been specially commended for their performance of duty in actual combat with the enemy during the World War, by the head of the executive department under whose jurisdiction such duty was performed, shall, when placed upon the honorary retired list, be advanced to the next higher grade.

Sec. 322. That officers and men of the Naval Reserve honorary retired list who have performed a total of not less than thirty years' active service in the Army, Navy, Marine Corps, Naval Reserve, Naval Reserve Force, National Naval Volunteers, Naval Militia in Federal Status, Naval Auxiliary Service, Coast Guard, Marine Corps Reserve Force and Marine Corps Reserve, or who having had not less than twenty years' such active service, the last ten years of which shall have been performed during the eleven years immediately preceding their transfer to the Naval Reserve honorary retired list shall, except while on active duty, be entitled to pay at the rate of 50 per centum of their active duty rate of pay as prescribed in section 314 of this Title: Provided, That the pay of members on the honorary Retired list prescribed by this section shall be paid from the appropriations as authorized in section 344 of this Title.

Sec. 323. That the Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of this Act, for the recruiting, organization, government, administration, training, inspection, and mobilization of the Naval Reserve, and shall detail such officers and enlisted men of the regular Navy and the Naval Reserve, and shall make available such vessels, material, armament, equipment and other facilities of the regular Navy as he may deem necessary and advisable for the development of the Naval Reserve in accordance with the provisions of this Act: Provided, That through such of its officers as may be selected for this purpose, the Naval Reserve shall be represented in the formulation of all policies and regulations governing its administration, and when practicable in the membership of such courts and boards incident thereto as may be convened from time to time: Provided further, That

for the purpose of advising the Secretary of the Navy on the formulation of Naval Reserve policies there shall be convened annually at the Navy Department a Naval Reserve Policy Board, at least half the members of which shall be Naval Reserve officers called to this duty from an inactive duty status: And provided further, That all officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve and assigned to any class thereof shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating, on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on training duty for periods not to exceed fifteen days in any one calendar year.

Sec. 324. That the Fleet Naval Reserve shall consist of organizations of officers and men, available for mobilization intact as organizations. It shall consist of two classes; namely, the Surface Class and the Aviation Class.

Sec. 325. That the Surface Class of the Fleet Naval Reserve shall consist of officers and men organized, in training and available for mobilization as organizations.

Sec. 326. That the Aviation Class of the Fleet Naval Reserve shall consist of officers and men organized into or having administrative supervision over aviation squadrons, in training; and available for mobilization, for aviation duties.

Sec. 327. That in time of peace, except as herein otherwise provided, officers and enlisted men of the Fleet Naval Reserve shall be required to perform such training duty, not to exceed fifteen days annually, as may be prescribed by the Secretary of the Navy, unless excused therefrom for good and sufficient reasons by direction of the Secretary of the Navy: Provided, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Navy: Provided further, That when authorized training or other duty without pay is performed by such officers or men they may, in the discretion of the Secretary of the Navy, be furnished with transportation to and from such duty, with subsistence and transfers enroute, and, during the performance of such duty, be furnished subsistence

in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Navy.

Sec. 328. That officers and enlisted men of the Naval Reserve shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks or ratings, not to exceed \$10.00, for attending, under competent orders, each regular drill duly prescribed under the authority of the Secretary of the Navy for the organization to which attached, or for the performance of an equal amount of such other equivalent instruction or duty, or appropriate duties, as may be prescribed by the Secretary of the Navy: Provided, That no such officer or enlisted man shall receive pay for more than 60 drills or periods of other equivalent instruction or duty or appropriate duties in any one fiscal year: Provided further, That for pay purposes week-end cruises shall not be regarded as drills or other equivalent instruction or duty or appropriate duties: And provided further, That for those performing aerial flights duly prescribed as a part of their training, the pay and the pay limits prescribed by this section, shall be increased by 50 per cent for any quarter during which not less than four hours of such flying has been performed.

Sec. 329. That, in addition to the pay to which they may otherwise become entitled, such officers of the Naval Reserve as may be designated by the Secretary of the Navy, regularly assigned to and commanding organizations prescribed by the Secretary of the Navy, and having administrative duties, shall receive compensation at the rate of \$240.00 per year for the faithful performance of the administrative duties connected therewith. Pay under the provisions of this section or the preceding section shall not accrue to any officer or enlisted man during a period when he shall be lawfully entitled to pay for active duty or training duty.

Sec. 330. That in time of peace, upon first reporting for active or training duty, after enactment hereof, at a location where uniforms are required to be worn, or after the performance of 14 drills, a commissioned or warrant officer of the Naval Reserve shall be paid a sum of \$100. as

reimbursement for the purchase of the required uniforms, and thereafter he shall be paid an additional sum of \$50. for the same purpose upon the completion of each period of four or more years in the Naval Reserve: Provided, That this latter amount of \$50. shall not become due any officer until he has completed not less than 150 drills or periods of other equivalent instruction or duty or appropriate duties and 56 days' active or training duty, or 75 drills and 84 days' active or training duty, or 112 days' active or training duty: Provided further, That any officer who has heretofore received a uniform gratuity shall not be entitled to either of the above-mentioned sums until the expiration of four years from the date of the receipt of such gratuity: Provided further, That uniforms for aviation cadets shall be provided as heretofore authorized by law: And provided further, That in time of war or national emergency a further sum of \$150. for the purchase of required uniforms shall be paid to officers of the Naval Reserve when they first report for active duty.

Sec. 331. That an inspection of the units of the Fleet Naval Reserve shall be made at least once each year by officers of the regular Navy detailed for that purpose, and said officers shall report to the Secretary of the Navy upon the qualifications, organization, and administration of said units.

Sec. 332. That of the organized militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia, shall constitute a Naval Militia. Any officer or enlisted man of such Naval Militia may, in the discretion of the Secretary of the Navy, be appointed or enlisted in the Naval Reserve and assigned to the Fleet Naval Reserve in the grade, rank or rating not above the rank of lieutenant for which he may be qualified in accordance with such regulations as may be prescribed by the Secretary of the Navy: Provided, That each officer and enlisted man of the Naval Militia appointed or enlisted in the Naval Reserve and assigned to the Fleet Naval Reserve shall be required within one year after the date of his appointment or enlistment in the Naval Reserve to qualify, in accordance with the regulations governing the Fleet Naval Reserve, for the rank or rating which he holds therein: Provided further, That officers and men of the Naval Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia, shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency, or when ordered to such duty: And provided

further, That such vessels, material, armament, equipment, and other facilities of the Navy as are or may be made available for the Naval Reserve shall also be available in accordance with regulations prescribed by the Secretary of the Navy for issue or loan to the several States, Territories, or the District of Columbia, for the use of the Naval Militia, but no such facilities of the Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least ninety-five per centum of its personnel belongs to the Naval Reserve and is attached to or associated with an organization of the Fleet Naval Reserve, and unless its organization, administration and training conforms to the standards prescribed by the Secretary of the Navy for such units.

Sec. 333. That all commissioned officers, midshipmen, warrant officers, aviation cadets, or enlisted members of the Naval Reserve not assigned to the Fleet Naval Reserve or the Merchant Marine Naval Reserve, shall be assigned to the Volunteer Naval Reserve. The Volunteer Naval Reserve shall be composed of two classes; namely, Class A and Class B.

Sec. 334. That Class A of the Volunteer Naval Reserve shall consist of those officers and men of this branch of the Naval Reserve organized into units for training or mobilization, or associated with organizations of the Fleet Naval Reserve, and all other members of the Volunteer Naval Reserve shall belong to Class B thereof.

Sec. 335. That in time of peace, except as herein otherwise provided, officers and enlisted men of Class A of the Volunteer Naval Reserve may be required, and members of Class B of the Volunteer Naval Reserve may, upon their own request, be authorized, to undergo such instruction and to perform such training duty as may be prescribed by the Secretary of the Navy, but not in excess of fifteen days' of such training duty during any one fiscal year: Provided, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by the Secretary of the Navy: Provided further, That when authorized training or other duty without pay is performed by officers or enlisted men of the Volunteer Naval Reserve they may, in the discretion of the Secretary of the Navy, be furnished with transportation to and from such duty,

with subsistence and transfers enroute, and, during the performance of such duty, be furnished subsistence in kind or commutation thereof at a rate fixed from time to time by the Secretary of the Navy.

Sec. 336. That the Merchant Marine Naval Reserve shall be composed of male citizens of the United States who follow, or who have followed the sea as a profession, or who are employed in connection with the sea faring profession, or men who are desirable for training for service on board public vessels of the United States, or such other sea-going vessels documented under the laws of the United States as may be approved by the Secretary of the Navy. The Merchant Marine Naval Reserve shall be composed of two classes; Class A and Class B.

Sec. 337. That Class A of the Merchant Marine Naval Reserve shall consist of those officers and men of this branch of the Naval Reserve who are organized into units or divisions, and are employed on board vessels designated by the Secretary of the Navy as suitable for service as naval auxiliaries in time of war; and all other members of this branch of the Naval Reserve shall belong to Class B thereof: Provided, That the Secretary of the Navy shall prescribe the number and strength of such units and divisions authorized for each such vessel.

Sec. 338. That in time of peace, except as herein otherwise provided, officers and enlisted men of Class A of the Merchant Marine Naval Reserve may be required to perform such training duty, not to exceed two months in each four-year period, as may be prescribed by the Secretary of the Navy: Provided, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Navy: Provided further, That when authorized training or other duty without pay is performed by officers or men of the Merchant Marine Naval Reserve they may, in the discretion of the Secretary of the Navy, be furnished with transportation to and from such duty, with subsistence and transfers enroute, and during the performance of such duty, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Navy.

Sec. 339. That officers and enlisted men of Class B of the Merchant Marine Naval Reserve may, upon their own application, approved by direction of the Secretary

of the Navy, be given the same training duty, with or without pay, as is provided for officers and enlisted men of Class A.

Sec. 340. That the Secretary of the Navy shall prescribe a suitable flag or pennant which may be flown as an emblem of the Merchant Marine Naval Reserve on seagoing merchant vessels documented under the laws of the United States under such regulations as he may prescribe: Provided, That such vessel be first designated by the Secretary of the Navy as suitable for service as a naval auxiliary in time of war: Provided further, That the Master or Commanding Officer and not less than fifty per centum of the other licensed officers are members of the Naval Establishment: And provided further, That such flag or pennant shall not be flown in lieu of the national ensign.

Sec. 341. That an inspection of the units of Class A of the Merchant Marine Naval Reserve, and of the vessels upon which serving, shall be made at least once each year by officers of the Naval Establishment, detailed by the Secretary of the Navy for this purpose, and said officers shall report to the Secretary of the Navy upon the qualifications, organization, and administration of said units, and as to the material fitness and efficiency and safety of operation of the vessel upon which said units are serving. If as a result of the foregoing inspection and report it should appear that the conditions on board any vessel are such as not to reflect credit upon the Merchant Marine Naval Reserve flag, or the condition of the organization on board is such as not to justify its continuance, it shall be the duty of the Secretary of the Navy to withdraw the Merchant Marine Naval Reserve flag from such vessel.

Sec. 342. That when officers and enlisted men of the Merchant Marine Naval Reserve, through change of occupation or otherwise, are no longer eligible for this branch of the Naval Reserve, they shall, within a period of three years, be transferred to Class B of the Volunteer Naval Reserve, or discharged.

Sec. 343. That it is the purpose and intent of this Act that the United States Naval Reserve and the United States Marine Corps Reserve shall be administered with the definite objective of

reaching the maximum numerical strength of trained and qualified officers and enlisted men in the several classes, as may be determined by the Secretary of the Navy, within a period of not more than ten years and, as nearly as may be possible, by equal annual increments.

Sec. 344. That the necessary funds are hereby authorized to be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Naval Reserve, including all expenses pertaining thereto as authorized by law.

Sec. 345. That appropriations made to the various bureaus and offices of the Navy Department for part time or intermittent employment of scientists, technicians and other personnel in connection with the work of such bureau and offices, shall be available for the active duty pay and allowances of such members of the Naval Reserve as, in the discretion of the Secretary of the Navy, may be placed on temporary active duty for the purpose of prosecuting such work.

In reply address not the signer of
this letter, but Bureau of Navigation,
Navy Department, Washington, D. C.
Refer to No.

Nav-HH.

*file
personal*

NAVY DEPARTMENT
BUREAU OF NAVIGATION
WASHINGTON, D. C.

*PST
Navy*

22 March 1938.

Memorandum for

The President.

Answering specifically your inquiry of yesterday regarding the number of Volunteer Reserves whom you can appoint as Commander or Captain of the Naval Reserve, I find that on the basis of 31 December, 1937, for the Special Reserve 25 additional officers may be either promoted or selected for the rank of Commander or Captain, for the Merchant Marine Reserve 66 additional officers can be appointed for these ranks, and for the Volunteer Reserve 110.

The appointment in the different staff corps would be dependent upon your decision as to the allocation and number of officers for each corps. At present there are 36 Commanders and Captains in the Line and Staff of the Volunteer Reserve, and if the new bill be enacted into law it will be possible to appoint 110 officers of the rank of Commander or Captain. As I have stated, these can be divided in any way you see fit among the Line, Medical Corps, Construction Corps, Civil Engineer and Supply Corps. You could appoint all of the 110 as Captain or all as Commander.

I have had a talk with Captain Woodson, and we have discussed the different angles relative to his status and possibilities of promotion provided he remain on your personal staff or be appointed as Judge Advocate General of the Navy.

Captain Woodson has stated that due to his delightful relationship with you he would, under normal conditions, like very much to continue on in his present duty. He is aware, however, of the fact that when he comes before the next Selection Board his chances of selection are probably not as good as they were on the first board for reasons which are

NAVY DEPARTMENT
BUREAU OF INVESTIGATION
WASHINGTON, D. C.

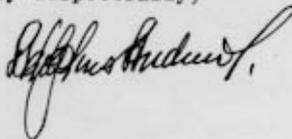
very apparent. On the other hand, if he be appointed as Judge Advocate General, he would have the additional advantage of retiring in office or at the termination of his tenure of office as a Rear Admiral.

Captain Woodson informs me that he has given this matter very thorough consideration, and his decision is that if you should appoint him as Judge Advocate General, he would be highly pleased, and, in so far as he is personally concerned, he believes that would be better for him.

As you are aware, Captain Woodson has served three tours of duty in the Office of the Judge Advocate General - twice as Assistant. He is a graduate of law, is an excellent officer, and is well fitted for the duty of Judge Advocate General in the event you wish to appoint him.

May I thank you again for your kindness in assigning me to command the Scouting Force?

Very respectfully,



THE WHITE HOUSE
WASHINGTON

*PSE
Navy*

SECRET

CLS
11-8-63

February 28, 1938.

**MEMORANDUM FOR
THE SECRETARY OF THE NAVY**

I enclose copy of a
telegram which is for your
information. It should be
kept extremely secret.

F. D. R.

REGRADED UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON

~~SECRET~~

CLS
11-8-63

February 28, 1938.

MEMORANDUM FOR
THE SECRETARY OF WAR

I enclose copy of a
telegram which is for your
information. It should be
kept extremely secret.

F. D. R.

REGRADED UNCLASSIFIED

TELEGRAMA

EMBAJADA DE ESPAÑA
WASHINGTON

file confidential ENTRADA

10:20 pm

27a
February 22 1938

Barcelona, Spain
El Agenciaspaña

AL EMBAJADOR DE ESPAÑA EN WASHINGTON

No.

DURING LAST WEEKS FIERCE COMBATS MARKED BY INTENSIFIED USE
AVIATION STOP EVERY TYPE GERMAN ITALIAN CRAFT FLEW OVER
BATTLEFIELDS ALL DAY STOP JUNKER 52 HEINKEL 3 HEINKEL 52
IN MAJORITY BUT ALSO MANY NEW MEISSER-SCHMIDT, FALKE, BRUMMER
DESAWS ^{and} (RUMPE) STOP RUMPE NEW GERMAN MAKE STOP DESAWS GREAT
FIGHTING PLANE CARRYING SEVEN MACHINE-GUNS ONE CANNON STOP
ALSO NEW ITALIAN FIAT ISOTAFRASSCHINI SAVOIAMERCHETTI CAPRONI
ALFA MASURATTI STOP IN SOME BATTLES STEADY INTERVENTION BY
AVIATION ON ONE SIDE ONLY AIDED BY NEW ABUNDANT ARTILEERY
AGAINST HEROIC LOYALIST INFANTRY LOST IN DUST CLOUDS CAUSED
BY BOMBS WHILE FOREIGN PURSUIT PLANES CEASELESSLY STRAFED TR
TRENCHES HIGHWAYS ROADS RAILROADS VILLAGES IN DISTANT REARGUARD
STOP NEVERTHELESS SPANISH SOLDIER FOR ONLY REPUBLICAN SOLDIER
CAN BE CALLED SPANISH DEPENDED EVERY METER OF HIS TERRAIN STOP
ENEMY PUSHING HIM BACK NOT SPANISH BUT A DELUGE OF GERMAN ITALIAN
PROJECTILES FIRED BY GERMAN ITALIAN MACHINES RUN BY GERMAN ITALIANS

AGENCIASPAÑA