



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN

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ATTORNEY GENERAL

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-2211

Re: Whether membership dues in the
National Guard Association may be
paid out of appropriation to the
Adjutant General's Department.

In your letter of April 11, 1940, you request our opinion as to whether the sum of \$333.00 may be paid out of the appropriation to the Adjutant General's Department for the current year's membership in the National Guard Association of the United States. In connection with the request you submit to us certain facts furnished you by the Adjutant General of Texas, Honorable J. Watt Page, as follows:

"The National Guard Association is the deliberative body of the National Guard of all the States. It largely determines the policy of the States' armed forces in connection with problems concerning the National Defense. Its (the Association's) duly elected and authorized committees are called upon, by the Military Affairs Committees of the Senate and the House of the United States Congress, to help those Committees in determining laws and appropriations concerning the National Defense, and the functions of the National Guard in connection therewith. The Committees of the National Guard Association are also the points of liaison between the military forces of each State and the National Defense agencies of the Government, such as the National Guard Bureau and the War Department.

"The Association was formed in 1878. Its membership includes the 48 States of the United States and the District of Columbia, and the territories of Hawaii and Porto Rico. This organization, through its various committees, makes a detailed study of the various materials and equipment, such as guns, cloth-

ing, transportation, et cetera, needed for use by the various units of the National Guard, in order to make the National Guard an integral and efficient unit of a well-balanced scheme for the National Defense. The National Guard Association is now making a study of the many problems affecting the National Guard, caused by the present European War situation, necessitating by this country increased training programs, and the expansion of the National Guard and the reorganization of many of its units in order that the Guard shall be a part of an efficient fighting force if called upon. Although the Federal Government furnishes equipment and pays the men when in training, it remains the duty of each State to organize the various units of the National Guard, and to house and train the men. As stated above, the National Guard Association makes a study of the various factors relating to all of these problems, and the members of the Association are furnished with the information and recommendations of the various committees. For example, no longer than three weeks ago The Adjutant General of Texas was called before the Senate Military Affairs Committee of Congress in Washington, D.C., along with Committee members of the National Guard Association, to discuss changes in the National Defense Act.

"The State of Texas must be familiar with the many problems of the various units of the National Guard throughout the United States. Should a National emergency arise, all National Guard units will be united together for a common purpose, the National Defense. By being a member of the National Guard Association, the Adjutant General of Texas is advised as to the many problems affecting the various units of the National Guard in every State and the State Military forces are, therefore, in a position to better cooperate with the other States in time of National emergency. The dues are levied at the rate of \$3.00 per each 100 men, or major fraction thereof, in the National Guard. The National Guard of Texas has a total enlisted and commissioned strength of 11,378.

"It is of vital importance to the National Guard of Texas to have information which is

gathered and disseminated by the National Guard Association, concerning increased training programs, expansion of the various units, and various reorganization problems. It is essential, further, that The Adjutant General of Texas be familiar with training and housing problems of other States, in order that he may properly and correctly train and house the National Guard of Texas. As a member of the Association he has the benefit of detailed studies made by the Association with respect to the use of various types of equipment used in the Army and in the Guard. The importance of membership in this organization is manifest when it is realized that every State of the Union, as well as the District of Columbia, and the territories of Hawaii and Porto Rico, are members."

The 46th Legislature made an appropriation of \$47,460.00 to the Adjutant General's Department for "General Maintenance, Traveling Expenses, Bond Premiums, Extra Help, and other Necessary Expense." That appropriation is only one among many other items allowed that department for specific offices, positions and purposes. From a reading of the facts tendered to us in connection with your request, the desirability of membership in the National Guard Association is most apparent. Indeed, it seems to be necessary in an effort to achieve some cooperation between the National Guard of this State and corresponding units of the other states in the Union. Present conditions serve to emphasize the need of such cooperation. At the time the appropriations bill was handed to the Governor for signature, it contained an appropriation of \$1,000.00 for "Rifle team fees, equipment, travel and National Guard Association dues." The Governor vetoed that item. We regard the appropriation of \$1,000.00 as having been to a certain extent a duplication of the appropriation of \$47,460.00. The veto of the \$1,000 item had the effect of decreasing the appropriation to the Adjutant General's Department by that amount, but some of the purposes for which said sum of \$1,000.00 could have been used are also purposes within the appropriation of \$47,460.00.

It is our opinion that the dues which you mention are necessary expenses within the item of appropriation in the sum of \$47,460.00, and may be paid out of the same.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Glenn R. Lewis
Glenn R. Lewis
Assistant

GRL:GO:wc

APPROVED APR 23, 1940
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB Chairman