

USAF HISTORICAL STUDIES: NO. 84

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**LEGISLATIVE HISTORY OF THE
AAF AND USAF
1941-1951**

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Research Studies Institute

Air University

September 1955

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ment of the Air Force or the Air University.

Foreword

*T*he purpose of this study is to give an over-all picture of the part played by congressional legislation in the development of the Air Force in the period 1941-1951. Several AAF historical studies dealing with special phases of Air Force legislation enacted between 1941 and 1945 have been written. In this study it is intended to integrate these into a general examination of all congressional legislation pertaining to the Air Force in that period and to continue the coverage to include the years 1946-1951.

The broad scope of the subject, which deals with a wide range of legislation and related activities, has made it necessary to limit the study, in most cases, to legislation which was actually enacted into law and to confine the narrative to only the more important Air Force legislation. Legislation relating only indirectly to the AAF and the USAF is, of course, not given as much attention as that dealing specifically with the air arm.

Because of the important roles played by the Army and Air Force staff organizations in evaluating and framing legislation for the Air Force and in maintaining liaison between Congress and the Air Force, accounts of these staffs are necessarily an integral part of a study of this nature and considerable attention is devoted to them.

This study was written by Dr. Edwin L. Williams, Jr. of the USAF Historical Division, Research Studies Institute, Air University, Maxwell Air Force Base, Alabama.

Like other Historical Division studies, this history is subject to revision, and additional information or suggested corrections will be welcomed.

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CHAPTER 1

INTRODUCTION

The air arm of the United States originated as a minor activity of the Signal Corps of the United States Army on 1 August 1907, when the Aeronautical Division, consisting of one officer and two enlisted men, was established in the office of the Army's Chief Signal Officer.¹ The Aeronautical Division's first airplane was received from the Wright brothers on 2 August 1909, the contract for the purchase of a plane having been signed on 10 February 1908.²

Between 1910 and 1911 no funds were appropriated by Congress for aviation purposes. Prior to 1911 the only statutory reference to aerial activity on the part of the U.S. Army was to be found in the appropriations for the Signal Corps under the heading "war balloons." The first direct statutory reference to aircraft was contained in the Appropriations Act of March 3, 1911, which read as follows:

For Expenses of the Signal Service of the Army . . . War balloons and airplanes, including their maintenance and repair; . . . Provided, however, that no more than \$100,000 of said amount shall be used for the purchase, maintenance and repair of airplanes and other aerial machines.³

In 1913 Congress appropriated \$125,000 for army aviation and provided for the detail of 30 officers to the aviation service of the Signal Corps. These officers were to receive a pay increase of 35 per cent.⁴ This year also saw the first legislative attempt to change the status of the air service to one of greater autonomy. Congressman James Hay, chairman of the Committee on Military Affairs of the House of Representatives, introduced a bill proposing to replace the Aeronautical Division of the Signal Corps with an Aviation Corps, which would be a part of the line of the Army. This measure

was too far ahead of its time, however, and never emerged from the Committee on Military Affairs.⁵

Nevertheless, this, and other bills designed to give the Aeronautical Division the same status as the Signal Corps, resulted in an act of Congress, dated 18 July 1914, which established an Aviation Section within, and subordinate to, the Army Signal Corps. Also an appropriation of \$600,000, an unprecedented sum at that time, was earmarked for aeronautical development—probably because of the threat of war in Europe.⁶

The Aviation Section, as set up under this act, was given the function of operating or supervising the operation of all military aircraft and of training officers and enlisted men in military aviation. It was to consist of 60 officers and 260 enlisted men and a number of Signal Corps men assigned at large to administrative and technical duties. Provision was made for 60 aviation cadets to be selected from unmarried lieutenants of the line under 30 years of age. Qualifications for pilots were set up and special pay inducements were offered for flying personnel. All personnel engaging in frequent aerial flights were to receive a pay increase ranging from 25 to 75 per cent of their base pay. First and second lieutenants in the Aviation Section were to receive the pay of a grade higher than that of their regular rank. A death benefit totaling one year's pay was to be awarded to the designated beneficiary of any flyer killed in an aircraft accident. This act was the basic legislation for the operation of the air arm during the next several years.⁷ It is interesting to note that the legislation of 1913 and 1914 set the precedent for future grants

of extra pay and death benefits for flying personnel.

The first legislative reference to civil aviation in the United States was the Act of March 3, 1915 by which a National Advisory Committee for Aeronautics (NACA) was created.⁸ Made up of members representing the War and Navy Departments, the Smithsonian Institution, the Bureau of Standards, and of civilian members skilled in aeronautical affairs, the NACA had as its primary function the supervision and direction of scientific studies, research, and experiments in matters concerning aeronautics and the problems of flight.⁹ Although the NACA was not a military organization, it performed useful services for military aviation in analyzing the problems of aircraft construction and operation, and by assisting in plans for the production and testing of aircraft and the training of aviators.

The National Defense Act of June 3, 1916 contained several provisions directly concerning military aviation. It provided that the officer personnel of the Aviation Section should consist of 1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, and 114 lieutenants, all of whom were to be qualified to serve as military aviators and detailed to serve as aviation officers for 4-year periods. Military aviators of rank not higher than that of captain were to receive the pay and allowances of a grade higher than their regular commission and flying pay ranging from 25 to 75 per cent of their base pay, if they were required to participate regularly and frequently in military flights. All previous restrictions as to marriage and age were removed.¹⁰

On 29 August 1916 Congress, taking cognizance of the increasing importance of military aviation, appropriated \$13,881,666 for the Army Aviation Section. In addition to the usual provisions of an appropriation act, the measure provided money for the training of reserve officers and enlisted men and for the development of an improved aviation engine.¹¹

The year 1916 also saw the introduction in Congress of the first of a long series of bills designed to create a Department of

Aviation. This bill, introduced by Congressman Charles Lieb of Indiana, proposed to set up a separate executive department headed by a Secretary of Aviation, who should be a regular member of the President's cabinet. The department was to have under its jurisdiction the supervision and promotion of all aviation relating to the Army and Navy, as well as the expansion of commercial aviation in the public interest. This measure received little support and was never reported out of the House Committee on Military Affairs.¹²

America's entrance into World War I brought about a great expansion of the Army's air arm and resulted in much legislation concerning military aviation. On 16 May 1917 an Air Board was created on the recommendation of the Council of National Defense. This board, made up of military and civilian members, was to consider quantity production of aircraft, to coordinate the demands of the Army and Navy, and to establish schools and training fields. Since the board's effectiveness was limited by the fact that it had neither legal status nor executive powers, it was superseded by the Aircraft Board provided for in an act of October 1, 1917. Under the provisions of this act the Aircraft Board was to expand and coordinate aircraft production, and to supervise and direct the purchase and production of aircraft. The Board's major achievement was the development of the "Liberty Motor."¹³

The aviation act of July 24, 1917, passed by Congress following a great wave of public enthusiasm over the idea of overwhelming Germany with "a cloud of planes," made a huge appropriation of \$640,000,000 to be used in building up a great Army air arm. But it was discovered that enthusiasm, manpower, and raw material were not enough to build up tremendous air power in the space of a few months. When the United States entered World War I the Army air arm could muster only 225 planes, and not a one of these was a combat model by European standards. Of the 2,925 planes which reached the AEF's Zone of Advance during the war only 696 were of American make. The war was over before the Ameri-

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can aircraft factories really got into full production.

Neither the military nor the civilian organization of American air power was adequate for fighting a large scale war. The Army air arm was merely a section of the Signal Corps, and the Aircraft Board actually had little power to coordinate and foster the development of air power. The result was that the air power program got off to a late start and accomplished little.¹⁴

Before the war was over Congressional dissatisfaction with the meager results attending so great an expenditure of money led to two investigations into aviation affairs, one by the Senate and the other by Mr. Justice Hughes acting in conjunction with the Department of Justice. While the findings produced no evidence of fraud, there was much to criticize in the handling of aircraft production.¹⁵

As a consequence Congress passed the Overman Act of May 20, 1918. This act gave the President the authority to establish an executive agency to exercise jurisdiction and control over the production of airplanes, engines, and airplane equipment, as well as broad powers to coordinate and consolidate the various executive agencies concerned with the conduct of the war. Acting under this authority, President Wilson, by Executive Order 2862, dated 20 May 1918, removed Army aviation from the jurisdiction of the Signal Corps and made a sweeping reorganization. The Division of Military Aeronautics, headed by a military director appointed by the Commander-in-Chief of the Army, took over the training and operations of the air arm. The Bureau of Aircraft Production, headed by a civilian director, was created and given complete jurisdiction over the production of aircraft and aircraft engines and equipment. This bureau was connected with the Aircraft Board through interlocking membership. In order to unify and coordinate these aviation agencies, Mr. John D. Ryan, the civilian head of the Bureau of Aircraft Production, was appointed Director of the Air Service and Second Assistant Secretary of War [for Air]. Although this appeared to be a move in the direction of separate

cabinet representation for the air arm, it turned out to be only a wartime innovation.¹⁶

The establishment of the Air Service by executive order was recognized by Congress in the Appropriation Act of July 11, 1919, which listed the Air Service as one of the several Army organizations existing on 11 November 1918 which were to be kept in an active status until 30 June 1920.¹⁷ The Air Service was first incorporated under statutory law by Section 13a of the Army Reorganization Act of June 4, 1920, which gave formal recognition to the Air Service as a combatant arm and raised the authorized personnel strength of the air arm to its highest peacetime level (1,516 officers and 16,000 enlisted men including not over 2,500 flying cadets). There was to be a Chief of the Air Service with the rank of major general and an assistant with the rank of brigadier general. Ninety per cent of the officers in each grade below that of brigadier general were required to qualify as aircraft pilots or observers within one year after their assignment to the Air Service.¹⁸

The Appropriation Act of June 5, 1920 defined the respective spheres of operation for the Army and Navy air arms by providing that:

... The Army Air Service shall control all aerial operations from land bases and naval aviation shall have control of all aerial operations attached to a fleet, including shore stations whose maintenance is necessary for operations connected with the fleet for construction and experimentation and for training of personnel.¹⁹

This did not, of course, permanently settle this jurisdictional question; it was destined to bring about differences of opinion between the military and naval air arms.

A strong sentiment for an independent air force had grown up among Air Service officers during World War I. There were also advocates of a separate air force in Congress and eventually a large public following was built up.²⁰ A total of eight measures proposing an independent or an autonomous air force was introduced in Congress in the 15 months immediately following the armistice. Nothing came of these

bills, but the Army Reorganization Act of 1920 gave statutory recognition to the Air Service and made it a regular combatant arm of the Army, though it did not change the existing relationship between the Air Service and the General Staff. The act really nullified progress toward separate cabinet status for the air arm by abolishing the office of Assistant Secretary of War [for Air] and many aviators considered it a definite setback for Air Service aspirations. It marked the victory of the old order in military circles over the proponents of a separate air force.²¹

The leader of the fight for an independent air force was Brig. Gen. William Mitchell, Assistant Chief of the Air Service from 1919 to 1925. Mitchell's views on the importance of air power in modern warfare were not shared by his superiors in the Army, but he campaigned with unquenchable zeal for a strong, independent air force. Mitchell appeared before congressional committees and special aircraft boards, engaged in lecture tours, and wrote books in order to bring home to the public the importance of air power.*

Mitchell's doctrines were also largely responsible for the heated debate between the Army Air Service and the Navy over the question of the effectiveness of aerial bombardment of naval vessels. To demonstrate the power of aerial bombardment, obsolete American battleships and some captured German naval vessels were used as bomb targets by Army Air Service planes in a series of tests made off the Atlantic Coast. These tests proved conclusively, to Mitchell at least, that battleships were vulnerable to aerial attack.²² The publication of Mitchell's report on the sinking of the captured German battleship *Ostfriesland* in one of the bombing tests raised a tremendous furor. This report, supposedly safely pigeonholed, tore the official report of the Joint Army and Navy Board to pieces and blasted the claims of the admirals that the bombing tests had proved nothing and that battleships would still remain the greatest

factor in naval strength. As a result, General Menoher, Director of the Air Service, resigned; and the Senate passed a resolution calling on the Secretary of War to submit General Mitchell's report to that body. Acting on the President's instructions, the Secretary of War refused to submit the report. Despite criticism, this report was never officially released.²³

General Mitchell's continued crusade in favor of airpower, and his outspoken criticism of those who were opposed to its development, brought about his dismissal as Assistant Chief of the Air Service, and eventually a court-martial in 1925. By sentence of the court martial he was suspended from rank, command, and duty, with a forfeiture of all pay and allowances for five years. Soon afterward he resigned his commission but kept up his fight for air power.

Mitchell's crusade for a separate air force, and his "martyrdom," had a great impact on public opinion. The numerous Mitchell headlines in the newspapers tended to swell the mailbags of members of Congress and to produce flurries of "Mitchell Resolutions." Most of these resolutions died in committee, but they served as a nucleus for subsequent important legislation.²⁴

Such legislation was to be long delayed, however. The older officers of the Army and Navy did not share the view of the Air Service flying officers whose experience in World War I had convinced them that warfare in the future would be increasingly dependent on air power, and that air power was a striking arm which should constitute a third branch of our military establishment on an equal status with the land and sea branches. High-ranking dignitaries, including the heads of the War and Navy Departments, members of the General Staff, and others in responsible positions of leadership, regarded aviation simply as an auxiliary to Army and Navy operations, not as a separate element of the military establishment. As they wished to keep aviation in a subordinate or auxiliary role, they opposed any movement to increase the position, power, or prestige of the air arm.²⁵ Occupying positions of dominance and control, this group had a great

*See William Mitchell, *Our Air Force: Keystone of National Defense* (New York, 1921); and *Winged Defense: The Development and Possibilities of Modern Air Power - Economic and Military* (London and New York, 1925).

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advantage over the protagonists of air power and were long successful in keeping it in a subordinate role despite considerable public and congressional sentiment in favor of building up a strong air arm with independent status, or at least one with a large degree of autonomy.

In the interval between the two World Wars a total of well over 50 measures proposing either to organize the air arm as a separate executive department of aviation or to make it one of three coordinate branches (Army, Navy, and Air) in a department of national defense were introduced in Congress. There were also numerous investigations, studies, and reports made by congressional committees, and by executive and Army boards, on the subject of air power and the best way to use it in our defense system. No action resulted, however, as those in authority, especially the War Department General Staff, stoutly resisted all such proposals until very near the end of the period.²⁶

Although legislative proposals for a separate air arm failed of enactment, Congress did pass legislation recognizing the increasing military importance of air power. After the Army Reorganization Act of 1920 the next important piece of aviation legislation was the Air Corps Act of July 2, 1926. This act changed the name Air Service to Air Corps and emphasized the role of that service in maintaining an air force with great potential striking power rather than for the performance of auxiliary services for other branches of the Army. As in the Air Service, the Chief of the Air Corps was to have the rank of major general, and there were to be three assistant chiefs with the rank of brigadier general. The chief, two of his assistants, and at least 90 per cent of the officers in each grade were to be flying officers (qualified pilots). Flying units were in all cases to be commanded by flying officers. The regular personnel strength of the Air Corps was to be the same as that established for the Air Service by the Army Reorganization Act of 1920.

Various other provisions concerning personnel were made. It was specified that officers of the Air Corps could be given tem-

porary rank in accordance with their duties and responsibilities, provided that this temporary rank was not more than two grades above their permanent rank. In time of peace 20 per cent of the total number of pilots employed in tactical units were to be enlisted men. The Secretary of War was directed to investigate and study the "alleged injustices" existing in the Army promotion list, and to report to Congress thereon. Flying pay, amounting to 50 per cent of their regular pay, was to be received by all officers and enlisted men of the Air Corps, as well as of the other services, when their duties required them "to participate regularly and frequently in aerial flights."

Greater recognition of air power's increasing importance in national defense was shown by the fact that, under this act, the Air Corps was given staff representation through a provision that an air section headed by an Air Corps officer should be set up in each division of the War Department General Staff. Also the position of Assistant Secretary of War for Air was reestablished (this position had been abolished by the Army Reorganization Act of June 4, 1920).

The Air Corps Act also made provisions for an Air Corps expansion program by authorizing increases in personnel and equipment, to be distributed over a five-year period. Under this program, the allotment of officers (1,516) to the Air Corps could be increased by 403 officers distributed in grades from colonel to second lieutenant, and the allotment of enlisted personnel (16,000) by 6,240 men. The act also authorized the President to call up for active duty a maximum of 450 air Corps Reserve Officers as needed.

The five-year program also provided for an increase of planes to a strength not exceeding 1,800 serviceable airplanes, as many airships and balloons as the Secretary of War considered necessary for training purposes, and the spare parts, equipment, supplies, hangars, and installations necessary for their supply and maintenance. But, as will be seen, this expansion program was not implemented by adequate appropriations, and at the end of the five years the

Air Corps was still lagging far behind its authorized strength in airplanes and equipment.

Finally, the Air Corps Act contained provisions for the procurement of aircraft by a system of advertising for competitive bids. Provisions were also made concerning the letting of contracts and establishing the necessary qualifications for contractors handling aircraft for the Army and Navy. A Patents and Designs Board was established to evaluate designs for aircraft, and for aircraft parts and accessories, which might be submitted to it by individuals or corporations. Acting with the advice of the NACA, this board was to determine whether or not such items should be purchased (at a cost of not over \$75,000) and used by the government.²⁷

The Air Corps Act did not actually represent as great an advance in the status of the Army air arm as it seemed. It was not a move toward autonomy, for the Air Corps and its budget remained under the control of the War Department. Funds were not made available for the authorized five-year expansion program—although the War Department and the Bureau of the Budget, more than Congress, seem to have been responsible for this reluctance to grant sufficient funds. Directed reforms were not carried out to the satisfaction of the officers concerned, and the token representation accorded the Air Corps on the General Staff availed little.²⁸ By 1933 the office of the Second Assistant Secretary of War [for Air] was vacant and its functions had been redistributed.²⁹

For several years after the passage of the Air Corps Act, Congress took little action in affairs relating to military aviation other than to make certain routine appropriations. For seven years, beginning in 1927, Congress enacted no legislation concerning the administration of military aviation.

Although the Air Corps made considerable progress in these years, it did not carry out the five-year program authorized by Congress in 1926. Year after year the War Department and the Bureau of the Budget scaled down the appropriations requested

by the Air Corps before the budgets were submitted to Congress; the funds to implement the 1926 program never were made available. As late as 30 June 1937, although more than a decade had elapsed since Congress had authorized a force of 1,800 serviceable airplanes for the Air Corps, the air arm actually had only 842 such aircraft on hand.³⁰

When Franklin Delano Roosevelt became President in 1933 the advocates of air power received a powerful ally.³¹ But before the Air Corps was able to profit from a sympathetic hearing of its cause in the White House, it passed through an ordeal in the winter of 1933-34 which centered public attention on the Air Corps and its problems.

The Postmaster General revoked the 1933 air mail contracts after investigations revealed that they were the result of fraud and collusion and thereby illegal. The President then ordered the Air Corps to take up the unfamiliar task of carrying the air mail. The Air Corps was confronted with the problem of flying a scheduled transport service without proper equipment, with an inadequate ground organization, and in the face of extremely bad flying weather.

Disaster was the result: accidents followed one another in rapid succession, and by the end of the first 3 weeks 10 men had died while attempting to carry the mail in Air Corps planes.³² In the spring of 1934 Congress passed an act, approved 27 March 1934, which gave the Air Corps statutory authority to use Air Corps planes for carrying the mail; the act included the proviso that the pilots carrying the mails were to be fully trained in the use of the special equipment necessary for night flying.³³ This action was somewhat like locking the barn door after the horse had been stolen. Meanwhile, because of the accidents, the Air Corps was subjected to a barrage of criticism by the press. Air Corps personnel felt that they had been unjustly criticized.³⁴

The winter of 1934, disastrous though it was to the Air Corps, was the turning point in its struggle for more equipment, more personnel, greater recognition of its basic mission, and more freedom of action. Maj. Gen. Hugh J. Knerr, who had been a lieu-

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tenant colonel in charge of the procurement and maintenance of the Army mail planes at the time of the air mail episode, said later:

... except for this experience the Air Force would have been caught even shorter when the war [World War II] began. During the weeks we carried the mail, we had more money for necessary equipment than in all our previous history combined. Our crews obtained invaluable training. The Baker Board and the Howell Commission were appointed to investigate the Air Corps, and the General Headquarters Air Force was the outcome of their recommendations.³⁵

Already on 12 October 1933 the Drum Board, after reviewing a series of War Department and Air Corps studies, had recommended the creation of a General Headquarters Air Force with 1,800 planes.³⁶ The Baker Board was appointed by order of the Secretary of War on 17 April 1934 as a War Department special committee on the Air Corps. It was to make a constructive study of the operation, flying equipment, and training of the Air Corps, and to determine its fitness to perform its missions in peace and war. When the Baker Board had completed its study, it submitted a report which stressed the principle of unity of command and disapproved the separation of the air arm from the Army as violating that principle. This report denied the vulnerability of the United States to air invasion and did not support the air officers in their request for a separate promotion list, a separate budget, and a separate staff. The Baker report did, however, make an important concession to airmen in recognizing the need for a tactical air force trained and organized as a homogeneous unit to operate in close cooperation with the ground forces or to act independently. It therefore recommended a division of functions within the Air Corps; in the reorganization the combat force would be organized as a GHQ Air Force under a general directly responsible to the General Staff and supply and training functions would remain under the control of the Office of the Chief of the Air Corps.³⁷

The second commission to be set up as a

result of the air mail episode was the Federal Aviation Commission, known as the Howell Commission, after its chairman Clark Howell, editor of the *Atlanta Constitution*. This commission was the result of legislative action, being provided for under the Air Mail Act of June 12, 1934.³⁸ In its report this committee did not comment on the subject of an independent air force. Under ordinary circumstances the commission would have probably reported in favor of an autonomous air force, but it remained silent on this issue in order to give the new tactical air force, already recommended by the Baker Board, an opportunity for an adequate trial. The report of the Howell Commission did, however, favor acceptance of the new concept of air power as a major arm rather than a mere auxiliary, thus giving encouragement to the advocates of an offensive air arm.³⁹

Meanwhile the War Department had reorganized the Air Corps and on 1 March 1935 had established the GHQ Air Force. This reorganization followed the general pattern recommended in the Baker report.* All the combat units of the Air Corps were consolidated into the GHQ Air Force under the control of a commanding general who was subject only to the General Staff. Supply and training functions remained under the control of the Office of the Chief of the Air Corps (OCAC), also responsible to the General Staff. The commanding general of the GHQ Air Force was responsible to the Chief of Staff in peacetime and to the theater commanders in time of war. The commanding general of the GHQ Air Force had complete control over the tactical air units as such, but the corps area commanders of the Army retained administrative control over Air Corps personnel at bases where the tactical units were stationed. Obviously this reorganization had certain undesirable features in that it created a divided command authority in the Army Air Corps, and also

*General Arnold did not believe that the air arm was ready for independent status at this time. He stated at a committee hearing in July of 1936 that the GHQ Air Force was as much of a revolutionary step as should be tried at that time. See General H. H. Arnold, *Global Mission* (New York, 1949), p. 161.

diminished the control of the commanding general of the GHQ Air Force over his personnel. Although falling far short of satisfying those who had demanded a separate air force, the establishment of a separate striking force under the new organization at least gave the Air Corps an opportunity to demonstrate the doctrine of offensive air power which General Mitchell and his followers had long advocated as a basic concept of modern military strategy.⁴⁰

Congress took cognizance of the new organization of the air arm in an act of August 12, 1935 which provided for the location of additional permanent Air Corps stations and depots in all the strategic areas of the United States, including Alaska and the overseas possessions. These stations were to be suitably located to form a nucleus for concentrations of the GHQ Air Force in war and to permit peacetime training in each of the strategic areas.⁴¹

On 16 June 1936 an act of Congress gave authority to the President to appoint from among permanent lieutenant colonels or colonels who were flying officers, a commanding general of the GHQ Air Force with the rank of major general and such wing commanders with the rank of brigadier general as might be necessary. It was also provided that up to 1,350 Air Corps Reserve officers might be called up, with their consent, for a five-year period of training. The act provided that pilots and observers should be designated as flying officers and authorized temporary promotion in the grades from major to colonel, inclusive, for such regular flying officers of the Air Corps as might be necessary to meet its administrative, tactical, technical, and training needs. A 5 per cent increase was authorized to meet additional needs of the War Department for Air Corps officers.⁴²

Another way in which the Air Corps profited from the air mail investigations was in the recommendation by the Baker Board for an additional 520 planes. This recommendation was followed by Congress on 24 June 1936, when it authorized an increase of the airplane strength of the Air Corps to 2,320 planes, 520 over the 1,800 authorized by the Air Corps Act of 1926. The act of

June 24, 1936 also authorized purchase of equipment and accessories necessary to complement the increase in plane strength, with provisions for a 25 per cent reserve, in order to enable the Secretary of War to complete the organization of, and to maintain, the GHQ Air Force and our overseas defenses.⁴³

It was during the period of the early and middle thirties that the Air Corps launched its long-range bomber program. The B-17 grew out of proposals distributed among manufacturers by the Air Corps in 1933 for a design competition to be held the following year. Boeing developed a four-engine bomber of revolutionary design, the XB-17 prototype of the B-17 (Flying Fortress) which successfully completed its first test flight in July 1935. The Air Corps recommended the purchase of 65 B-17's in place of 185 other aircraft which had been previously authorized for the fiscal year 1936. After an unfortunate accident destroyed the original model, the War Department reduced the number to be purchased to 13. By August 1937 these 13 Flying Fortresses had been delivered to the Air Corps.

The fact that the dates of the activation of the bomber program and those of the activation and legislative implementation of the GHQ Air Force coincided closely suggests that the leaders of the Air Corps may well have accepted a compromise on the question of the organization of the air arm in the hope that this might clear the way for the acceptance of the long-cherished heavy bomber program.* After 1935 the Air Corps was characterized not so much by its concern to change the basic organization of national defense as by a determination to find in the GHQ Air Force the basis for an ambitious program of bomber development. Thereafter most Army airmen were, above all else, advocates of the big bomber.⁴⁴ If air power was to be a major factor in warfare, and not merely an auxiliary to the ground service, the air arm had to proceed on the basis that its number one job was bombardment.

*See Craven and Cate, *The AAF in World War II*, I, pp. 51-71, for an account of the development from 1935 of the doctrine of strategic air power, and the Air Corps program for developing and building long-range bombardment planes to implement this doctrine.

The tendency of high ranking Air Corps officers to give up advocacy of independence or autonomy for the air arm was partly due to a resigned acceptance of the status quo, and partly to a desire to allow time for the GHQ Air Force to prove its merit. Although organizational changes gave the air arm a fair degree of autonomy by 1941, it was still under Army and War Department control. There was a general reluctance after the outbreak of World War II to commence any agitation for an independent air force for fear that it might interfere in some way with the current preparedness program.⁴⁵

Between 1935 and 1941 the defects of divided command within the air arm, and of limited control by the commanding officer of the GHQ Air Force over his personnel, led to much controversy within the Air Corps, and caused numerous investigations, which resulted in several minor changes in Air Corps organization. It finally became evident that such an organization was not in the best interests of the expansion program, and the Secretary of War in March 1941 directed that steps be taken to place the air arm under one responsible head and to permit a certain necessary degree of autonomy.

In conformity with the Secretary's instructions, a plan of reorganization was worked out. This reorganization, as set forth in AR 95-5 of 20 June 1941, created the Army Air Forces (AAF) to coordinate the activities of the Office of the Chief of the Air Corps, the Air Force Combat Command (formerly the GHQ Air Force), and minor units. Direct responsibility for aviation matters was vested in the Chief of the AAF, who was to be assisted in policy formulation by the Air Staff. The Chief of the Air Corps and the Commanding General, Air Force Combat Command were under the jurisdiction of the Chief of the AAF and had immediate responsibility for service and combat matters respectively.⁴⁶ Although this reorganization gave a greater degree of autonomy to the air arm, it did not solve the basic problems of unity of effort and delineation of responsibilities between the service and combat elements of

the air arm. Still another reorganization of the air arm was being planned at the time of the Japanese attack on Pearl Harbor.⁴⁷

In the years immediately following the creation of the General Headquarters Air Force in 1935, Congress, too, seemed content with the existing air organization. Up to 1 March 1939 only two bills proposing a separate department of the air were introduced in Congress. Neither was reported from committee, and one of these was actually denounced by the Chief of the Air Corps. Within the same four-year period only five measures providing for a department of defense came up—four of these were buried in committee and the fifth was voted down in the House of Representatives by an overwhelming majority. There was even less congressional activity along these lines in the period from 1 March 1939 to 19 November 1940.

In the seven months following, however, a total of 15 bills designed to free the Air Corps from the control of the War Department was introduced in Congress. Although none of these proposed measures emerged from committee, their sponsors "plugged" for them at every opportunity.

The War Department remained firmly opposed to any further major changes in the organizational set-up of the air arm. Acting Secretary of War Robert Patterson declared that the existing status was satisfactory, and that at all events it was dangerous to incur the delay and the confusion incident to reorganization at a time when the U.S. was in danger of being drawn into the holocaust of World War II. Secretary of War Stimson was also opposed to any large-scale organizational changes in the air arm, feeling that the reorganization under AR 95-5 gave the air arm reasonable autonomy within the framework of the War Department and constituted a more modern and efficient system of creating air power than an independent air force would provide.⁴⁸

Although various members of Congress continued to show an interest in an independent air force and offered relevant measures during the war years, no really

definitive legislation on this subject was enacted until 1947. Meanwhile, in the period 1935-1941, Congress enacted several measures which increased the personnel and materiel strength of the air arm. At first the legislation was mainly for the purpose of implementing the Army regulation establishing the GHQ Air Force. Later Congress, as a result of the outbreak of World War II in 1939, enacted legislation expanding the Army air arm as a part of the over-all program of military preparedness.

The acts of August 12, 1935, June 16, 1936, and June 24, 1936, as previously outlined, implemented the establishment of the GHQ Air Force and authorized substantial increases in personnel and equipment for the Air Corps. The Act of June 24, 1936, in particular, authorized an Air Corps of 2,320 serviceable planes; this increase was designated specifically for the purpose of meeting the increased demands for personnel and equipment caused by the recent activation of the GHQ Air Force. Despite this legislation, however, the Air Corps was unable to secure the funds to purchase the planes and equipment necessary to bring the Air Corps up to the authorized strength. In planning to attain the 2,320-plane objective the Air Corps submitted estimates of approximately \$100,000,000 for the fiscal year 1938, but the War Department Budget Advisory Committee reduced these estimates by about \$13,000,000 and the final appropriation by Congress was only slightly more than \$77,000,000.⁴⁰ It is interesting to observe that the final appropriation was about \$10,000,000 less than the final revised estimate of the Budget Advisory Committee, which was rather unusual as the cuts were generally made by the War Department and the Budget Bureau.

A study of the over-all picture of military appropriations in the thirties shows that while Congress was usually generous to the Air Corps, it must share with the Bureau of the Budget (representing the President) and the War Department the responsibility for the allocation to the Air Corps of insufficient funds to procure the planes and equipment necessary to bring it up to its

authorized strength.* During the thirties Congress was averse to increasing military appropriations beyond the President's budgets and was, on the whole, content to check the military estimates and to alter them only moderately.⁵⁰ Even so, presidential estimates for expansion of enlisted strength and military materiel tended to be less than appropriations. Although the President advocated a great increase in our air power in 1939, it was not until 1940, the critical year which saw the disastrous Battle of France and the threat of complete German victory in the west, that the President's military budget estimates began to be determined on the basis of the Army's actual needs and the capacity of the nation's industries to absorb appropriations.⁵¹

The progressive deterioration of the international situation and the gathering war clouds in Europe in 1939 finally brought Congress and the President to take action leading to a really substantial increase of American air power in recognition of its importance to national defense. The outbreak of World War II in September of 1939 soon justified the action of Congress and the President, and the spectacular victories won by the Nazis in the spring and summer of 1940 brought the threat of war even closer to the United States, making it apparent that a great additional build-up of air power was essential to national security. The demands of Britain and France and their allies for military aircraft greatly stimulated American aircraft production in 1940, a development which eventually contributed greatly to the expansion of American air power, although its immediate effect was to create difficulties in carrying out the Air Corps expansion program by forcing the Air Corps, under the lend-lease program, to share with foreign buyers in the procurement of military aircraft. The German attack on the U.S.S.R. in June of 1941 and the extension of lend-lease to meet Soviet requirements for military aircraft added to these difficulties. Although this situation made it impossible for the Air

*For example, the goal of the five-year program of 1926 was not attained and was still far from fulfillment even in 1937. See above, p. 6

Corps to meet the procurement requirements of its 54-group program of expansion (which called for a total delivery by 1 April 1942 of 21,470 tactical and training planes),

the attack on Pearl Harbor on 7 December 1941 found our air arm at least able to survive and to begin, within less than a year, a limited offensive.⁵²

CHAPTER 2

AIR FORCE LEGISLATION, 1939-1941

Legislation enacted by the Congress of the United States, insofar as it immediately affected the Army Air Force and its activities between Pearl Harbor and V-J Day, dates back at least to 1939, when the great expansion of the Air Corps had its real beginning.* Indeed the period 1939-1941 may well be called the years of decision for American air power. It was in these years that Congress decided to sponsor the all-out development of American air power, and abandoned the concept of the air arm as only an auxiliary of the ground forces. The creation, in 1947, of a separate air force was the logical outcome of the policy carried out by Congress in these years and constituted official recognition of the role of an air force in modern warfare.

Although the United States did not formally declare war until December 1941, more than two years after World War II began, it was already participating in the conflict through its policy of taking all measures "short of war" to aid those powers resisting Nazi aggression. This policy, and the legislation implementing it, had important implications for the AAF. The years 1939-41 were also a period of preparation in which America's military and naval strength was augmented and especial attention was at last given to building up its air power, an emphasis that was to pay tremendous dividends when the United States entered the war.

In a special message to Congress on 12 January 1939 President Roosevelt warned that changing world conditions outside the American hemisphere made it imperative that the United States take immediate

steps for the protection of our liberties. He emphasized the procurement of planes and the training of pilots to fly them.¹

Congress took action on the President's message by passing House Resolution 3791, an omnibus bill which lumped together various proposals submitted by several War Department agencies. Those sections of the measure pertaining to the Air Corps grew out of drafts of proposed legislation submitted by Maj. Gen. H. H. Arnold, Chief of the Air Corps, to the War Department Chief of Staff. This measure was signed by the President as Public Law 18, 76 Cong., 1 Sess., on 3 April 1939.

This emergency national defense act was the primary authorization for the new Air Corps expansion program. It laid the basis for the first large-scale procurement of aircraft and other aviation materiel, made the greatest increase in Air Corps personnel allotments hitherto granted, and provided for the first large-scale flying-training program.²

Thus Public Law 18 initiated expansion in three areas in which greatly increased activity was vital to the development of air power adequate to American defense needs. Those areas in which this and other legislation enacted by Congress in the period 1939-41 mainly affected the Air Corps will be treated topically in the following pages. The major topics to be considered will be materiel legislation and legislation related thereunto, legislation dealing with the procurement of aircraft and related materiel by foreign powers, the influence of congressional investigative committees on the Air Corps expansion program, personnel and training legislation, and organizational changes made in the Air Corps in the period under consideration in this chapter.

*As the AAF did not officially come into existence until the reorganization of the Army Air Corps in June 1941, the term Air Corps will be the one most frequently used in referring to the Army air arm in this chapter.

MATERIEL LEGISLATION

The materiel procurement phase of the Air Corps expansion program, as it developed in 1939-41 was initiated by the enactment of Public Law 18, 76 Cong., 1 Sess. The first section of this act authorized the Secretary of War to equip and maintain the Air Corps with 6,000 serviceable airplanes, plus such airships and balloons as were considered necessary for training purposes, and the necessary spare parts, equipment, supplies, hangars, and installations. Congress authorized the appropriation for these purposes of a sum not exceeding \$300,000,000, together with those annual appropriations which might be necessary to maintain such an air force. The measure also authorized the Secretary of War to replace obsolete and unserviceable airplanes. Included in the 6,000 planes authorized were 500 aircraft which might be considered necessary for the training and equipment of the National Guard and the Organized Reserves.³

Soon after the enactment of Public Law 18 Congress passed the Military Appropriation Act of 1940. This was Public Law 44, 76 Cong., 1 Sess. (approved 26 April 1939), which provided \$94,737,281 in cash for the Air Corps. Of the above sum the amount of \$3,000,000 was to be made available from the unspent portion of the appropriation for the fiscal year 1938, and \$15,826,894 from the appropriation for the fiscal year 1939, to pay contract obligations for the purchase of new airplanes and of equipment, spare parts, and accessories for airplanes. Of the \$94,737,281 the sum of \$26,826,894 was to be made immediately available for the various purposes of the act.

In addition to the cash appropriated in this act, the Chief of the Air Corps, with authorization by the Secretary of War, was empowered to enter into contracts for the procurement of new airplanes, equipment, accessories, and spare parts to an amount of not over \$32,205,988. Such contracts were to be made between the date of the approval of this act and 1 July 1940. It was further provided that the total amount appropri-

ated and authorized for contractual obligations (exclusive of the sums set aside to meet obligations for the fiscal years 1938 and 1939), not less than \$57,494,962 should be applied to the purchase of new airplanes, \$56,118,200 of this should be used for the purchase of combat planes, their accessories and equipment. Minor sums were made available for the payment of contract obligations incurred prior to 1 July 1937.⁴

Additional money for the procurement of materiel was made available to the Air Corps by the Supplemental Military Appropriation Act, 1940, approved 1 July 1939. Under this act Congress appropriated an additional \$89,727,655 in cash for the Air Corps. It also authorized contracting for an additional 44 million dollars' worth of new airplanes, accessories, parts, etc.⁵

In making the two military appropriations Congress had acted quickly and efficiently on the War Department's requests to meet what it considered to be the minimum needs for national defense. Congress had made \$260,670,924 available to the Air Corps' in slightly less than three months, one half as much as that arm had received in the 14 preceding fiscal years and had provided for the procurement of 3,251 planes—approximately twice as many as were on hand at the beginning of the fiscal year 1939.⁶

Congress granted additional funds for aviation purposes in the Third Deficiency Appropriation Act, approved 9 August 1939. This legislation made available until 30 June 1941 \$8,341,300 of the funds granted to the Air Corps under the Supplemental Military Appropriation Act, 1940, for the construction and installation of buildings, flying fields, etc., and authorized additional contractual obligations for these purposes to the amount of \$8,500,000.⁷

The growing sense of urgency was reflected in the Emergency Supplemental Appropriation Act, approved 12 February 1940; by this act Congress gave the Air Corps an additional \$1,787,358. This money was to be used for the same purpose as was that appropriated for the Air Corps in the Military Appropriation Act, 1940.⁸

On 3 April 1940, however, the House Committee on Appropriations reported the military appropriation bill for the fiscal year 1941 to the House of Representatives with recommendations for substantial reductions. The total Air Corps appropriation recommended was \$165,762,162 cash and \$10,000,000 in contractual authority—\$186,646,172 cash and \$45,780,500 in contractual authority had been requested.[†] Although the bill passed the House on 4 April 1941, the Senate was still holding hearings on the measure when the whole situation was changed by the unleashing of the German Blitzkrieg in Western Europe.⁹

The end of the "phony war" in the spring of 1940, and the rapid advance of the Nazis to the English Channel, made the American defense program appear woefully inadequate. President Roosevelt, in his address to Congress on 15 May 1940, warned of the dangers which confronted the United States as a result of the rapid sweep of the German armies over Western Europe under an umbrella of superior air power. The President placed especial emphasis on the role of air power as an offensive weapon, pointing out that because of the long range and speed of modern aircraft, the Atlantic and Pacific oceans could no longer be relied upon as adequate defensive barriers for the United States—it was necessary to change our entire concept of national defense. This new concept emphasized the vital role of air power. Mr. Roosevelt stressed a great increase in productive capacity as the principal air requisite of an adequate national defense. He urged on Congress a tremendous increase in aircraft production, asking for a program which would give an annual production of 50,000 military and naval planes.^{††} To implement this program he requested cash appropriations totaling \$896,000,000 and authorizations for the making of contract obligations to the

amount of \$286,000,000. The details of the appropriations and authorizations asked for were to be given to Congress.¹⁰

In another message to Congress on 31 May 1940 President Roosevelt again emphasized the critical need for hastening to put the country in a position to defend itself against any danger which might threaten its security. He said: "... the almost incredible events of the past two weeks in the European conflict, together with the possible consequences of further development, necessitate another enlargement of our military program." He emphasized the value of speed, especially in the enlargement of the program for meeting our equipping and training needs, and pointed out that more than one billion dollars must be appropriated to meet these needs.¹¹

Certainly drastic action was necessary. On 17 May 1940 the Air Corps had only 421 pursuit planes on hand and 261 of these were in overseas possessions. Delays in deliveries of new planes on order and the need for great numbers of training planes complicated the problem of a rapid increase in the number of pursuit planes available for combat. Obviously the air arm was far from adequate for defense purposes.

Congress, conscious of the danger of an inadequate defense, took measures to provide added funds for the Air Corps. H. R. 9209, the 1941 military appropriation bill, was now amended to provide a great increase in appropriations: \$265,886,418 in cash and \$103,300,000 in contract authorizations were provided for the Air Corps as compared with a total of \$212,426,672 provided by the original bill. The amended bill was approved by both houses and became Public Law 611, 76 Cong., 3 Sess., on 13 June 1940. Known as the Military Appropriation Act, 1941, this law provided that of the amounts granted in cash and in contract authorizations, not less than \$123,741,994 was to be applied for new air-planes and their equipment and accessories, and of this sum \$82,661,994 was to be spent for combat planes. These funds were to remain available until 30 June 1942 and the 6,000-plane limitation set up in Public Law

⁹See above, p. 13

[†]The committee also recommended a grant of only one-half the supplemental funds requested until a resurvey of the procurement situation and the effect of foreign orders could be made.

^{††}Although the President asked for a tremendous increase in aircraft production, he asked Congress at the same time to take no action which would hamper or delay the delivery of American-made planes to friendly foreign powers

18 of 3 April 1939 was not to apply to the number of planes to be procured and maintained with the funds provided under this act.¹²

Less than two weeks later, in the First Supplemental National Defense Appropriation Act, 1941, approved 26 June 1940, Congress granted the Air Corps \$293,330,282 in cash and \$109,259,597 in contractual authority to be used in the procurement of new airplanes, equipment, spare parts, and accessories. Additional funds were granted to the Quartermaster Corps for the purchase of land and the construction of flying fields.¹³ This legislation and subsequent supplemental and deficiency appropriations gave real meaning to that provision of Public Law 703, 76 Cong. 3 Sess. (approved 2 July 1940) which removed *all* limitations on the number of airplanes which might be equipped and maintained during fiscal year 1941.¹⁴

On 10 July 1940 President Roosevelt submitted to Congress new estimates emphasizing the need for total defense. He requested funds for 15,000 additional planes for the Army, 4,000 for the Navy, and funds for various other defense items. The total funds requested amounted to \$2,161,441,997 in cash and \$2,686,730,000 in contract authorizations.

The bill submitted to Congress to implement the request provided \$520,802,304 in cash and \$1,002,600,000 in contract authorizations for the Air Corps. The House committee hearings were brief and the bill was reported on 31 July 1940 with the recommendation that 14,394 planes, with accessory equipment, spare engines, and spare parts, be obtained for the Air Corps at a cost of "not to exceed" \$1,297,133,110. No changes in Air Corps appropriations were made in the Senate, and on 9 September 1940 the appropriations for the Air Corps were granted in the Second Supplemental National Defense Appropriation Act in exactly the form as originally presented.¹⁵

In September 1940 the Battle of Britain was raging. Great Britain now stood alone in opposition to Nazi Germany and her fate depended on the success of the Royal Air Force in repelling the onslaught of the Luft-

waffe. If Britain went down, then the position of the United States would be perilous indeed. This prospect forcibly impressed upon War Department officials the necessity of obtaining more planes as quickly as possible. New appropriations of \$60,000,000 in cash and \$60,000,000 in contract authorizations were sought in September in order to accelerate the delivery of planes. These additional funds, according to Brig. Gen. George H. Brett, Chief of the Materiel Division, OCAC, were necessary to provide for the "costs incident to overtime, increased shifts, and the costs of accelerating deliveries of raw materials" and other expenditures incident to the speeding up of plane deliveries.¹⁶

Congress took quick action and granted this request by the passage of the Third Supplemental National Defense Appropriation Act, 1941, approved 8 October 1940. Actually, Congress granted the Air Corps \$109,005,957 in cash plus contract authorizations to the amount of \$60,000,000.¹⁷

In 1940 the size of the appropriations granted by Congress specifically for the Air Corps reached a new high—a total of \$2,465,174,558 (\$1,190,014,961 in cash and \$1,275,159,597 in contractual authorizations) as compared with a total of \$260,670,924 appropriated for the Air Corps in 1939. These appropriation acts (the acts of June 13, June 26, September 9, and October 8, 1940) provided for the procurement of a total of 18,641 planes as compared with 3,251 planes provided for by the appropriation acts passed in 1939.¹⁸ Congress also appropriated other large sums of money, which were used for various other Air Corps purposes. These will be taken up later.

On 5 April 1941, the Fifth Supplemental National Defense Appropriation Act, 1941, was approved by the President. By this act Congress granted the Air Corps \$982,236,000 in cash and \$524,025,000 in contract authorizations. The cash was to remain available until 30 June 1942, the contract authorizations were to expire on 30 June 1941. The actual sum which the House Committee intended to be spent on new aircraft and spares was \$1,325,111,300. Of \$1,000,000,000 was the appropriated funds

to be spent for the 3,600-bomber program approved by the President on 16 November 1940, and \$343,288,140 for 1,425 planes, an item which had been deferred from the third supplemental appropriation because of lack of bomber-producing facilities.¹⁹

The Air Corps estimates for the fiscal year 1942 were based on a program which called for an additional productive capacity of 12,000 bombers a year.* Already appropriations originally contained in the fiscal year 1942 estimates had been included in the fifth supplemental appropriation act, 1941, in order to hasten the fulfillment of the 12,000-plane program.²⁰ The remaining 1942 Air Corps estimates called for \$1,834,106,000 cash and \$104,258,995 in contract authority.²¹

While hearings were being conducted on this measure in the spring of 1941 the Germans overran the Balkan Peninsula, and on 28 May an additional \$2,790,890,785 was requested for Air Corps expansion. These funds were to be used to construct 12,856 planes which were expected to complete the existing program for aircraft construction. With minor changes this appropriation bill became law on 30 June 1941 as the Military Appropriation Act, 1942.²²

As finally approved, the act provided over \$1,000,000,000 for the liquidation of prior contracts and \$2,957,945,079 for the 12,856 planes with accessory equipment; \$2,506,868,000 was cash and \$104,258,995 was for new contract authorizations. The total Air Corps appropriation was \$4,341,735,322, although \$1,201,159,597 was for previous obligations. The measure also contained a provision that the money could be expended without reference to the limitation of Section I of Public Law 18, 76 Cong., 1 Sess. (approved 3 April 1939).²³

The Air Corps received additional funds for the procurement of planes when Congress passed the first supplemental military appropriation act for fiscal year 1942, approved on 25 August 1941 as the First Supplemental National Defense Appropriation Act, 1942.²⁴ Only \$728,000 of the

\$204,007,800 appropriated for the Air Corps in this act was for the procurement of new airplanes. This was the last appropriation act granting funds to the Air Corps passed before Pearl Harbor.[†]

In the first eight months of 1941 the liberality of Congress in the matter of funds appropriated for the Air Corps had broken all previous records. In this short period Congress made available for the Air Corps \$6,156,263,117; a major portion of this sum, \$4,283,784,379, was to be used for the procurement of 14,281 aircraft with spare parts and accessories, and for the creation of extra productive capacity.²⁵ The rest went for training, administration, facilities, and other Air Corps needs and activities.

One of the greatest problems connected with the procurement of aircraft and other materiel for the Air Corps was that of securing productive capacity adequate to meet the greatly increased materiel needs of the Air Corps. It was not sufficient for Congress to appropriate billions to be used by the Air Corps for the procurement of aircraft and related materiel; it was also necessary to appropriate great sums to expedite production and to enact other legislation designed to speed up production and facilitate procurement. Otherwise the goals set up under the Air Corps expansion program could not be met.

Hence legislation expediting production and facilitating procurement constituted an important phase of materiel legislation during the whole period of expansion. President Roosevelt took cognizance of this fact on 12 January 1939 in his special address to Congress on national defense. In this speech he suggested that \$50,000,000 be made available immediately in order to correct the lag which existed in aircraft production because of idle plants.²⁶

Congress took action on the President's suggestion by incorporating in Public Law 18 (approved 3 April 1939) a section authorizing the appropriation of \$34,500,000 to be used in placing educational orders to facilitate the production and procurement

*The Chief of Staff indicated that this additional capacity was necessary if the annual production goal of 35,000 military type planes established by the President was to be reached. See AHS-22, p. 30.

†In the three years before Pearl Harbor the Air Corps was authorized to expend a total of about \$8,000,000,000 and to procure about 37,500 planes. See Craven and Cate, *The AAF in World War II*, I, 108.

of military materiel.* This sum was to be available for the fiscal years 1939, 1940, and 1941. In addition \$2,000,000 was authorized for each of the four succeeding years.²⁷

The regular appropriation act for fiscal year 1940 approved \$2,000,000 for educational orders and the supplementary appropriation bill provided an additional \$14,250,000 for this purpose. The remainder of the \$34,500,000 authorized under Public Law 18 for educational orders was granted by Congress in the Military Appropriation Act, 1941, approved 13 June 1940. It was not until 1941, however, that any large share of the funds thus granted were allocated to the Air Corps.²⁸

Early in 1941 the Air Corps submitted a list of proposed educational orders which totaled \$12,312,186.25. Slightly more than the requested amount was allotted to the Air Corps so that it had \$12,885,664 for this purpose for the fiscal year 1941.²⁹

It was not enough, however, to grant funds for educational orders. This only prepared for production by helping manufacturers acquire the "know-how," machinery, etc. necessary for the production of aircraft and related materiel. It was necessary to set up a huge expediting program in order to get out the vast production demanded by the defense emergency. This required extensive enabling legislation and large appropriations.

When President Roosevelt in his message to Congress on 16 May 1940 called for the production of 50,000 planes, the problem of adequate productive facilities became acute. Soon afterward, in the Military Appropriation Act, 1941, Congress authorized the President to spend emergency funds for the furnishing of Government-owned facilities to private plants, for the procurement and training of civilian personnel necessary for the production of critical equipment and materiel, and for the procurement of strategic and critical materials. For these and other War Department purposes,

*The purpose of giving educational orders is to enable firms handling government contracts to acquire experience and "know-how" in the production of various types of materiel which they will be called on to produce in large quantities at a later date or during an emergency. They are really sample or trial orders.

\$66,000,000 in cash, and \$66,000,000 in contract authority were to be available to the President through the appropriate government agencies.³⁰ By the First Supplemental National Defense Appropriation Act, 1941, approved 26 June 1940, Congress made \$150,000,000 in cash and \$50,000,000 in contract authority available to the Secretary of War to be used for the purpose of expediting production. These sums were to be spent upon the recommendation of the Council of National Defense and with the approval of the President.³¹

By the passage of "An Act to Expedite the Strengthening of the National Defense," Public Law 703, 76 Cong., 2 Sess. (approved 2 July 1940), Congress gave the Secretary of War wide powers to use in expediting production. He was authorized to use appropriated funds to construct and maintain war production plants and facilities—using either government employees or qualified commercial manufacturers for their operation and maintenance. Section seven of this act gave to the President expediting authority similar to that provided in the Act of 13 June 1940 and made \$132,000,000 in cash and contract authorizations available for use in expediting production for the War Department.³²

Meanwhile the Air Corps was considering the various methods by which facilities for the production of aircraft and engines might be expanded. The need for such expansion was great; billions of dollars were waiting for aircraft factories which did not have the space to handle the orders. It was estimated that \$120,000,000 would be the cost of providing the new facilities the expansion program called for, and the necessary funds for accelerating deliveries. While the problem of which method to use in expanding facilities was being discussed, Congress had granted, by the passage of the first and second supplemental appropriation acts for the fiscal year 1941, a total sum of \$525,000,000 for expediting production. Of this amount approximately \$184,500,000 was for the Air Corps.³³

The Third Supplemental National Defense Appropriation Act, 1941, approved 8 October 1940, carried a still larger grant

of funds for expediting aircraft production. The Air Corps had requested \$180,000,000 to create 15,447,911 additional square feet of floor space in aircraft manufacturing facilities, and \$120,000,000 to expedite the delivery of orders then outstanding. Congress granted the \$120,000,000 and \$178,000,000 of the requested \$180,000,000—a total of \$398,000,000—for expediting the production and delivery of aircraft.³⁴ Shortly afterward the Air Corps decided that additional bomber production capacity was needed and requested additional funds to finance the cost of new plants plus funds for expediting other production. By the fifth supplemental appropriation act for 1941, approved 5 April 1941, Congress granted the War Department \$868,286,000 for the creation of new productive capacity. Of this appropriation the Air Corps received \$75,000,000 for increased facilities, and \$137,361,000 to care for increasing costs.³⁵

These large appropriations for expediting production were vital to the expansion program. If the aircraft industry was hard-pressed to meet the production schedules of the old 5,500 plane program, it is evident that the creation of new productive capacity was necessary if the Air Corps was to attain the new 50,000-plane* goal set by the President in his message to Congress on 16 May 1940. The first increment of the Army's portion of this program called for 18,641 new planes.³⁶

To meet the greatly increased production schedules it was necessary to request ever greater sums of money and in 1941 Congress granted the Air Corps the largest appropriations yet made for the purpose of expediting production. The program of building government-owned and privately operated plants continued to be expanded through 1941 (and until the end of 1942). The funds appropriated for expediting production were given to the Secretary of War and allotted to the various services on the basis of programs approved by the National Defense Commission and the President. Exact amounts given to the air arm are not always clear, but it received enough to ac-

complish its task. In the Military Appropriation Act, 1942, approved 30 June 1941, Congress allowed \$1,271,896,000 for expediting production for military purposes, which included the production of the very heavy bombers B-29 and B-32. Due to the necessity of liquidating previous contract obligations only about \$500,000,000 was available for new expansion. In this connection it should be pointed out that the Air Corps could shift funds from one item of expenditure to another and that the Defense Plants Corporation, a subsidiary of RFC, aided in financing additional production facilities.³⁷ This was the last appropriation made for the expediting of production before Pearl Harbor. The entry of the United States into the war resulted in another great increase of appropriations for expediting aircraft production.

In addition to the enabling acts and appropriation legislation enacted to expedite production, Congress also enacted legislation designed for the purpose of facilitating procurement. Prior to the inauguration of the procurement program in 1939 the number of aircraft procured by the Air Corps was small and the method of procurement was not of major significance. All aircraft, except experimental and research types, were procured through a process of letting contracts on a competitive basis. The profit allowed producers could be controlled through the awarding of contracts.

Thus system of procuring aircraft was in effect when the expansion program began in 1939, but the Chief of the Air Corps already had become convinced that changes in procurement procedures were necessary if the greatly increased aircraft procurements needs of the Air Force were to be met.³⁸ One change which the Chief of the Air Corps suggested was legislation authorizing the Secretary of War to procure aircraft upon a negotiated basis, without competition, when government requirements could not be met with the competitive bid procedures.

While Congress did not act on this suggestion until 1940, it did incorporate in Public Law 18, 76 Cong., 1 Sess. (approved 3 April 1939), certain changes in procure-

*Of these, 36,500 were for the Army and 13,500 were for the Navy

ment procedures recommended by the War Department and the Air Corps. The act contained a provision allowing a 12 per cent profit (as opposed to a previously considered 10 per cent limitation on profits) on all contracts for aircraft or portions thereof, and the time limit for making up losses or deficiency of profits was increased from one to four years. It was also provided that when aircraft were purchased as a result of competitive bids requiring the submission of sample aircraft the Secretary of War was authorized to purchase one sample aircraft each from not more than three unsuccessful competitors.³⁹

In the interest of preserving military security Congress passed the act of July 13, 1939, which permitted the Chief of the Air Corps to purchase or have manufactured certain classified aircraft materiel items without advertising for bids. It was provided, however, that such secret orders must be authorized by the Secretary of War and submitted to three reputable concerns for their bids.⁴⁰ This law did not give the Air Corps wide latitude in security procedures but it did allow the protection of some of the plans and specifications of new types of aircraft materiel now being produced for the Air Corps.

By the enactment of Public Law 426, 76 Cong., 2 Sess. (approved 5 March 1940), Congress granted wider latitude in aircraft procurement. By the terms of this legislation, Congress gave the Secretary of War the authority to choose the bidder whom he thought could best meet the requirements when contracts were awarded on a basis of competitive bidding. If he felt it was warranted by the defense situation he could split the contract award among three bidders. Such contracts were to be reported to Congress and were subject to review by the President and the Federal courts.⁴¹ While this act did not grant full authority for the negotiation of contracts, it did modify slightly the existing stringent regulations and made it possible to spread some of the contracts among small producers who could not have received orders otherwise. It was an essential emergency measure

which helped to speed up aircraft deliveries and to create greater productive capacity.⁴²

The President's speech of 16 May 1940 called for enormous increases in aircraft production. As a consequence the necessity for considering the questions of profit limitations and negotiated contracts in relation to the procurement of aircraft and aircraft materiel became greater. The Air Corps pointed out that negotiated contracts were essential to accomplish the contemplated expansion program. The competitive bidding system was entirely too time-consuming to use in the emergency procurement situation which existed.⁴³

The question of profit limitations was also one which had to be settled if the Air Corps procurement program was to meet the expansion goals. Congress made limitations on profits more stringent by enacting Public Law 671, 76 Cong., 2 Sess. (approved 28 June 1940), which allowed only 8 per cent profits. This law also prohibited the use of cost-plus-a-percentage-of-cost negotiated contracts, and limited to 7 per cent (of the total estimated cost of the contract) the fixed fee to be paid in cost-plus-a-fixed-fee contracts. This legislation also gave Army contracts and orders priority over all deliveries for private account or export.⁴⁴ Public Law 703, 76 Cong., 2 Sess. (approved 2 July 1940) gave the Secretary of War the same authority to negotiate contracts as the Secretary of the Navy had been given by Public Law 671. He could negotiate cost-plus-a-fixed-fee contracts but cost-plus-a-percentage-of-cost contracts were prohibited. The same 8 per cent restriction was placed on profits which could be made on contracts.⁴⁵

Although the negotiated contract provisions of Public Laws 671 and 703 were considered highly desirable, the War Department and the Air Corps deplored the 8 per cent profit limitation. According to Gen. George H. Brett, Chief of the Materiel Division, the provisions of Public Law 671, 76 Cong., 2 Sess., limiting profits on aircraft to 8 per cent caused contracts for 4,000 planes to be scrapped. Congress moved to rectify this condition, as far as the Air Corps was concerned, by amending the sec-

ond supplemental appropriation bill for 1941 to allow 12 per cent profit on aircraft. General Arnold testified before the Senate Appropriations Committee in favor of the 12 per cent limitation (rather than one of 7 or 8 per cent). The appropriation act was approved 9 September 1940 without changing the profit limitation provisions.⁴⁶ A short time later this problem was permanently solved by the passage of Section 401 of the Second Revenue Act of 1940, approved 8 October 1940, which removed all profit limitation provisions on Army and Navy aircraft contracts. This act also contained provisions allowing liberal amortization deductions for tax purposes of the cost of defense plant facilities. These deductions were based on high depreciation allowances for the period of emergency which had been proclaimed by President Roosevelt as beginning on 10 June 1940. The emergency was to end only when the President proclaimed that the utilization of a substantial portion of the nation's emergency facilities was no longer needed for national defense. This was calculated to reassure contractors who would ordinarily fear to incur the great capital outlays involved in building and equipping expensive war plants only to find themselves with an unsalable "white elephant" on their hands if the emergency should end before the plants paid for themselves.⁴⁷

The authority to split awards granted by Public Law 426, 76 Cong., 2 Sess. (approved 5 March 1940) and the authority to negotiate contracts granted by Public Law 703, 76 Cong., 2 Sess. (approved 2 July 1940), extended only to 30 June 1941. The regular military establishment appropriation bill for 1942 provided the necessary extension of those authorities for the fiscal year 1942.⁴⁸

By giving aircraft manufacturers great incentives to accept government contracts, and by streamlining the process of letting contracts, the above legislation had the desired effect of speeding procurement. Another device which helped to speed up aircraft deliveries was the use of "letter contracts" by the Air Corps. This practice permitted a saving of from one to three months in the fabrication of aircraft by

arranging advance agreements which enabled manufacturers to secure the necessary materials and start tooling-up for production while they waited for a formal contract to be drawn up and signed. Because of long and intimate association with the aircraft industry, the Air Corps could use these direct contacts to advantage in expediting aircraft production and procurement, and could also profit greatly from the legislation passed by Congress to expedite production and facilitate procurement.

These measures were greatly needed by the American aircraft industry, which had been given the tremendous job of expanding its production capacity from a normal capacity of some 2,000 planes a year to more than 4,000 a month. The effectiveness of these legislative measures and the action taken to implement them was indicated by the fact that aircraft production in 1940 showed an increase of 250 per cent over the previous year. By the end of September 1940 there were contracts outstanding for 16,649 Army aircraft. Although the deliveries to the Air Corps were still behind schedule in 1941, the total of military aircraft accepted by all users in that year was 19,428 as compared with a total of only 3,770 accepted by all users in the second half of 1940. As there was an increasing trend toward heavy bomber types, there was also a marked increase in the average weight per plane as well as a numerical gain. Although the Air Corps' share of aircraft deliveries was far too small to equip its authorized 54 groups, prospects for the future were encouraging.⁴⁹

During the prewar period of Air Corps expansion, 1939-41, Congress enacted other legislation which had a close relation to the production and procurement of aircraft materiel. The most important measures were the Stockpiling Act, the "Pipeline Act," the "Cash and Carry Act," the "Lend-Lease Act" and the various acts providing for aeronautical research and development and appropriating funds to be used in this work. The "Cash and Carry Act" and the "Lend-Lease Act" had such broad signifi-

cance that they will be dealt with as a separate topic in the chapter.

The Stockpiling Act, passed by Congress in 1939, authorized the Secretaries of War, Navy, and Interior, acting through the Army and Navy Munitions Board, to determine which materials were strategic and necessary for the wartime needs of the United States, and what quality and quantity of these materials should be purchased. They were authorized to direct the Secretary of the Treasury to purchase the necessary quantities of these materials for stockpiling. These stockpiles were to be drawn upon by the President in time of war or national emergency.⁵⁰ Many of the critical materials stockpiled under this act were used in the manufacture of aircraft.

Another measure passed by Congress in 1941 was of significance in meeting the materiel needs of the Air Corps. This was an act of July 30, 1941 facilitating the construction, extension, or completion of interstate pipelines relating to national defense. This legislation gave the President the power to declare the construction or completion of certain interstate pipelines for the transportation of petroleum and petroleum products to be necessary for national defense. Such lines could be built or completed by government agencies, or through the advancement of government funds (on a loan basis) to private individuals or groups. Provision was also made for the acquisition of rights-of-way for such pipelines.⁵¹ This legislation had a direct bearing on the Air Corps expansion program, which required great quantities of aircraft fuel for its greatly expanded training activities.

Concomitant with the legislation making great appropriations for the procurement of aircraft and related materiel and the measures enacted for the purposes of expediting production and facilitating procurement, a large amount of legislation pertaining to Air Corps expansion dealt with the financing of a program of aeronautical research and development. Research and development was one of the most important phases of the Air Corps expansion program. This work had to be done in order that the effect

of the great expenditures of money and energy in the procurement of aircraft should not be nullified by the production of planes inferior in design and performance to those of potential enemies.

Prior to 1939 other nations had spent much more on research and development than had the United States; as a consequence, by the time our expansion program began they had research facilities far superior to our own. Aware of the existing emergency, Congress in 1939 introduced several bills authorizing new facilities for research and development, and granting appropriations providing funds for the NACA (National Advisory Committee for Aeronautics) and the Materiel Division (later the Materiel Command) to carry on the research and development activities.⁵²

The basic aeronautical research for both the Army and Navy was conducted by the NACA, which had been established by an act of Congress, approved 3 March 1915. Its 15 members were appointed by the President; 9 of the 15 were representatives chosen from the War and Navy Departments, the Civil Aeronautics Authority, the Smithsonian Institution, the United States Weather Bureau, and the National Bureau of Standards; the other six members were authorities on aeronautical science.

The Committee's work fell into two principal categories: 1) research to furnish new ideas, 2) the development of these ideas and their application to current military designs. Through close cooperation with the Army, the Navy, and the aircraft industry it was possible to incorporate the results of a great deal of the committee's work in the current production of aircraft and to make those aircraft more effective military weapons. The agency of the Army air arm for applying the findings of NACA's research was the Materiel Division at Wright Field.

As the threat of war grew in 1938, the NACA had planned and proposed an increase in its research facilities. Congress provided funds, first to increase the research facilities of the NACA at Langley Field, Virginia, and to provide an electric generating plant to permit continuous operations

of wind tunnels; second, to establish a new research station, the Ames Aeronautical Station at Moffett Field, California, and a third station at Cleveland, Ohio, for fundamental research on aircraft engine problems.⁵³

The appropriations which Congress made in 1939 for the activities of the NACA were as follows: \$2,180,000 cash by the act of March 16, 1939; \$2,363,980 cash by the act of May 2, 1939; and \$2,000,000 in cash and \$8,109,020 in contract authorizations by the act of August 9, 1939—a total in cash and contract authorizations of \$14,653,000. NACA appropriations rose to \$17,600,000 in 1940, and to \$27,473,400 in 1941.⁵⁴ The tendency was for the size of the appropriations to increase as the war situation in Europe became more acute and the threat of German air power more evident.

Appropriations made directly to the Air Corps for research and development showed an even greater rate of increase. In 1939 Congress appropriated \$9,000,000 to be used by the Air Corps for such purposes; in 1940 appropriations for research and development purposes amounted to \$31,700,000; and in 1941 they rose to \$77,813,700.⁵⁵ It appears that Congress was not at first as willing to grant comparatively small funds for research and development as it was to make much larger sums available for procurement. However, when Congress became fully aware of the vital significance of research and development, it quickly made available the funds requested by the experts.⁵⁶

In addition to the legislation enacted to provide funds for the vast procurement program of the Air Corps, and to speed up the program by expediting production and facilitating the process of procurement, Congress also passed laws which enabled friendly foreign powers to secure in the United States aircraft and other military materiel with which to resist Nazi aggression. This legislation had the effect of stimulating American production of aircraft and aircraft materiel and thereby contributed to the Air Corps expansion program; on the other hand it sometimes

impeded the attainment of the immediate goals set up under that program.

LEGISLATION TO FACILITATE PROCUREMENT BY FOREIGN POWERS

The question of foreign procurement of military materiel was brought before Congress soon after the beginning of hostilities in Europe. Under the old Neutrality Act of 1936 the President was required, following the outbreak of World War II on 1 September 1939, to proclaim the neutrality of the United States and to place an embargo on all arms shipments to the belligerent powers. President Roosevelt conformed with the law, but on 13 September 1939 he called Congress into special session to reconsider the arms embargo. To continue to enforce it would be contrary to our interests, he said, for the embargo would in effect aid the Nazis by depriving the British and French of the means of resisting aggression. After long debate Congress passed the Neutrality Act of 1939 (known as the "Cash and Carry" Act) which became law on 4 November 1939. Sections 2 and 7 of this act permitted belligerent nations to purchase various war materials in this country and to transport them abroad in their own vessels. Payment for such materials was to be accepted only in cash, all loans and credit action in such purchases being forbidden.⁵⁷

The great industrial system of the United States now became available to the Allies as a source of war materials, although it would be some time before American arms production could be built up to the point where it could meet the demands placed upon it by foreign purchasers and our own armed services. Such a situation would inevitably create serious procurement problems for the Air Corps which had now embarked on its great expansion program.

The Air Corps had long favored the sale of its own tactical models to foreign powers, feeling that the sale abroad of these planes would promote expansion of the aircraft industry without expense to the government and would help defray the cost of the research and development involved in the production of new models. Little mili-

tary risk seemed to be involved, since the United States could always stay ahead of any nation which depended on it for military planes. Hence, under the Cash and Carry Act various Air Corps models, some obsolescent and some more modern, were made available to Great Britain, France, and some other nations. On 25 March 1940 a more liberal policy was adopted whereby certain modern types were released for sale to foreign nations as soon as a superior type or model could be furnished to the Air Corps.⁵⁸

By the end of 1939, the French government had ordered almost 2,000 airplanes and over 6,000 Wright and Pratt and Whitney engines. In this period our own Army and Navy orders had increased to almost 4,000 planes. These orders, small as they were, had an almost revolutionary effect upon our aircraft industry and laid the groundwork for the great expansion which was to come in 1940 and after. The greatest contribution of the French orders was in the field of aircraft engines, for engines were the real bottleneck in our aircraft production. The French orders, by keeping the engine manufacturers busy, and the action of the French and British governments in paying for the expansion of plant facilities, gave us an important head start.⁵⁹

The German victories in 1940 greatly stimulated the demand for planes on the part of both Great Britain and the United States. When France fell, the British took over all the French contracts for planes—these and their own orders called for 14,000 planes. As the British combat needs on the eve of the Battle of Britain seemed more urgent than our own expansion requirements, it was agreed on 23 July 1940 that the Air Corps should defer the delivery of 8,586 planes in favor of the British.*

This, of course, did not prevent the British from placing additional orders so that the Air Corps began to fear that its own program might be further delayed in fulfillment. Hence, in order to insure a more systematic and equitable allocation of aircraft and engines, the United States and

*The British did not begin placing any substantial orders for American aircraft, parts, etc until after the passage of the Cash and Carry Act.

Great Britain established on 13 September 1940 the Joint Aircraft Commission (JAC). The JAC was made up of representatives of the three principal customers of the American aircraft industry—the British Purchasing Commission, the Navy Bureau of Aeronautics, and the Air Corps. The Chief of the Air Corps, whose office had taken the initiative in securing the authorization of JAC, served as its chairman. In 1941, JAC was given control over all production plans, making it possible to integrate them into a single schedule.⁶⁰

It soon became necessary, however, to supplement the Cash and Carry Act with other legislation. By the end of 1940 Great Britain's war chest of dollars was down to two billion, and of this sum nearly a billion and a half was pledged to pay for war goods ordered in the United States but not yet delivered. Britain could not hope to scrape up the dollars necessary to keep on buying on a cash basis the weapons so sorely needed, and by the middle of December British contracting for war goods in the United States had virtually ceased.⁶¹

As the system of making loans so that foreign countries could procure war material on a credit basis had been thoroughly discredited as a result of our World War I experience, it was necessary to find some other way by which Great Britain and other friendly powers could secure from us the necessary munitions of war. Obviously it was of vital importance to our own national defense to help those powers fighting the Axis. Also, if the United States should become involved in the war, it would need allies (especially Britain) who could furnish the bases from which to mount an aerial assault on the Axis powers.⁶²

The idea of leasing war materials to the British was mentioned by President Roosevelt at a meeting of the Defense Advisory Commission in the late summer of 1940. The idea of a lend-lease act was first proposed in the Treasury Department. In December of 1940 Roosevelt, in one of his "fireside chats," warned the American people that if Britain went down we would be living at the point of a gun and summed up our national policy by saying, "We must

be the great arsenal of democracy." A week later, on 6 January 1941 the President delivered his State of the Union message in which he asked for the authority and the funds necessary to manufacture additional weapons and war supplies to be turned over to those nations actually at war with the Axis powers.

A lend-lease bill was drafted by Oscar S. Knox of the Treasury Department, and after discussion and revision by the Secretaries of State, Treasury, and Navy, the Attorney General, and other officials and leaders of Congress, the bill was worked over in final form by the Congressional Legislative Counsel, initialed by the Secretaries, and then submitted to the President for final approval.

Mr. Roosevelt held a White House conference with members of the Cabinet and congressional leaders in which he read the bill aloud and urged its speedy passage without hampering limitations, so that the flow of necessary weapons to Britain would not be stopped.

On 10 January the bill was introduced in the House as H.R. 1776 by Representative McCormack and in the Senate by Senator Alben Barkley. After long debate the measure passed both houses with only minor changes. The bill passed the Senate on 8 March 1941 by a vote of 60 to 31 and the House of Representatives on 11 March by a vote of 317 to 71. It was engrossed and signed by the President on the same day.⁶¹

By the terms of the Lend-Lease Act (Public Law 11, 77 Cong., 1st Sess., entitled "An Act to Promote the Defense of the United States"), the President was empowered to authorize the Secretary of War, the Secretary of the Navy, and the heads of the other government departments or agencies, to manufacture and procure "defense articles" for the government of any country whose defense the President deemed vital to the defense of the United States, and to exchange, lease, lend, or otherwise dispose of defense articles to such governments. The Chief of Staff of the Army and the Chief of Naval Operations of the Navy were to be consulted before any defense articles were disposed of. Congress

retained sufficient powers of control over the administration of lend-lease by requiring quarterly reports from the President on operations under this act and by keeping its prerogative of making the necessary appropriations. Congress also placed a two-year time limit on the operation of the act.⁶²

The passage of the Lend-Lease Act was soon followed by the passage of the Defense Aid Supplemental Appropriation Act, 1941 (Public Law 23, 77 Cong., 1st Sess., approved 27 March 1941), which appropriated \$7,000,000,000 to enable the President to carry out the provisions of the Lend-Lease Act. Of this sum, \$2,054,000,000 was for the procurement of aircraft and aeronautical material, including engines, spare parts, and accessories.⁶³

A second appropriation of \$5,985,000,000 to be used for lend-lease purposes was granted by Congress when the Second Supplemental National Defense Appropriation Act, 1942, was approved 28 October 1941. This measure also authorized government agencies to enter into contracts for the procurement of defense articles, information, or services for countries whose defense was deemed vital to that of the United States. Of the money appropriated \$658,000,000 was to be used for aircraft and aeronautical materiel. Under this act, also called the Defense Aid Supplemental Appropriation Act, the funds appropriated were to remain available until 30 June 1943.⁶⁶

In order further to expedite the delivery of lend-lease goods an act approved 31 May 1941 (Public Law 89, 77 Cong., 1st Sess.) extended the priority system to "contracts for the Government of any country the President deems vital to the defense of the United States . . ."⁶⁷

In the opinion of Secretary of War Stimson, the Lend-Lease Act was one of the most important legislative achievements of the entire war. Not only was it a great personal triumph for Roosevelt; it smashed two serious bottlenecks, one by providing for the financing of the British supply program, the other by giving the United States government badly needed authority over the whole field of military supplies.⁶⁸ Stimson said it would create order out of the

disorder which had existed in the manufacture (and procurement) of munitions in the U.S., a situation in which about a dozen purchasing missions from various countries had been trying to buy arms in our market. They had been competing with each other and with us, and this competition had produced delay.⁶⁹ Although there was now a more orderly system of allocating aircraft production between the United States and friendly powers, the lend-lease program nevertheless made it progressively more difficult for the Army Air Forces to procure the aircraft necessary to implement its expansion program.

In June 1941 Robert A. Lovett, Assistant Secretary of War for Air, stated that the 25-group program (which now constituted the first step toward a modified 54-group program) was at least four months behind as a result of the deferment of materiel to the needs of the British.⁷⁰ The Air Corps procurement situation was still further complicated by the entrance of Russia into the war in June of 1941 and the subsequent extension of lend-lease aid to that country. The policy which came to be followed in the allocation of aircraft production under the lend-lease program called for the allocation of planes where they could be used most effectively—this, of course, was in combat. Hence, the Air Corps had to defer the full realization of its 54-group program to the extent that aircraft it had ordered were made available under lend-lease for use by Great Britain in the air offensive against Germany, and by the Russians in repelling German invasion. Although a gigantic effort was made to increase production to meet all these needs, the AAF found itself on the very eve of war working under an allocation system which made impossible the early achievement of its 54-group program. This state of affairs contributed very largely to the lack of complete preparedness of the AAF on M-Day.⁷¹

INVESTIGATIVE ACTION TAKEN BY CONGRESS

Although the Army air arm had not attained the goals of the expansion program when the Japanese attacked Pearl Harbor, the great increase in aircraft production

since the beginning of 1939 had been sufficient to give substantial aid to Great Britain and to build up the Air Corps to a strength which allowed it to absorb its initial losses and to begin a limited offensive in less than a year. A major portion of the credit for making this achievement possible must be attributed to the action taken by Congress in the enactment of the necessary legislation. Congress also contributed to the development of American air power through the exercise of its investigative powers.

Congress established several committees to investigate the carrying on of the war effort, the most powerful, comprehensive, and effective of which was the so-called Truman Committee.* This committee gave an impressive example of the constructive contribution the legislative branch can make to the successful management of a war program.

The Truman Committee grew out of the anxiety felt by Congress regarding the planning and administration of defense mobilization in the year preceding Pearl Harbor when billions were being spent in a hastily organized defense program. As the program got under way, Congress was flooded with complaints of extravagance, waste, profiteering, favoritism in awarding contracts, and of almost complete failure to utilize the facilities of small business. Many members of Congress feared that the great size and maldistribution of the tremendous defense expenditures would change our economy for the worse. They also feared the political consequences of a public opinion aroused by the mishandling of draftees or equipping them with defective weapons or machines.⁷²

Senator Harry S. Truman took the initiative in establishing this committee as a result of a trip late in 1940 in which he inspected war industries in his own state and along the way on his return to Washington. He arrived there with an impression of waste and insufficient planning on the part of the War and Navy Departments and other agencies responsible for the mobilization effort. Feeling that both public opinion

*It was generally referred to as the Truman Committee because Senator Harry Truman was its chairman.

and the public welfare demanded that the whole situation be investigated and speedily reformed, Senator Truman proposed that a Senate committee should be organized and given full power to investigate the national defense program.⁷³

On 22 February 1941 Truman submitted Senate Resolution No. 71, which called for the formation of a committee of five Senators, appointed by the President of the Senate, to be "authorized and directed to make a full and complete study and investigation of the operation of the program for the procurement and construction of supplies, materials, munitions, vehicles, aircraft, vessels, plants, camps, and other articles and facilities in connection with the national defense. . . ." Items to be investigated included: 1) types and terms of government contracts; 2) methods of awarding such contracts and selecting contractors; 3) utilization of small business facilities; 4) geographic distribution of contracts and locations of plants and facilities; 5) effects of the program on labor and the migration of labor; 6) performance of contracts and the accountings required of the contractors; 7) benefits accruing to the contractors; 8) practices of management or labor, and prices, fees, and charges, interfering with the defense program or unduly increasing its costs; and 9) such other matters as the committee considered appropriate. The expenses of this committee were not to exceed \$25,000 and were to be paid from the Senate contingent fund.

The Committee on Military Affairs amended the resolution to have the Committee composed of seven senators rather than five,* and the Committee to Audit and Control the Contingent Expenses of the Senate reduced the expense item to \$15,000. With these amendments, Senate Resolution No. 71 was passed virtually without discussion on 1 March 1941, and the Special Committee to Investigate the National Defense Program was authorized to carry on its investigations during the 77th and succeeding Congresses.⁷⁴

The authority of the Truman Committee was limited to investigation, with reports

and recommendations to be made to the Senate. It had no powers of supervision and its investigative power was limited generally to the logistics of the national security program. One of the Truman Committee's most important decisions was that it would not interfere in any way with military strategy or tactics—the Committee intended to avoid the mistakes made by the Committee on the Conduct of the Civil War which had attempted to tell the Union generals how to fight their battles and conduct their campaigns.⁷⁵

Between 15 April 1941 and 15 January 1942, when the Truman Committee published its first annual report, it held hearings on 80 days during which 252 witnesses were heard. The subject of the hearings was the progress of the entire national defense program, but the committee concentrated on certain aspects of the national defense effort, such as the shortage of aluminum (of vital concern to the aircraft industry), the construction of camps and cantonments, and, most important of all, the absence of effective over-all direction of the defense effort, a condition which appeared to be due to the lack of authority of the Office of Production Management (OPM) and to its hydra-headed direction.

After Pearl Harbor many people felt that the committee should be discontinued; they believed that investigations and criticisms had no place in an all-out war effort. The members of the Truman Committee decided, however, that there was still a place for constructive criticism, and decided to continue their activities. Senator Truman continued to serve as chairman of the committee until he resigned to become the Democratic candidate for Vice President.⁷⁶

Among other phases of defense production investigated by the Truman Committee were such items as land acquisition and disposition, lend-lease, light metals, machine tools and dies, magnesium, 100-octane gasoline, petroleum, plant construction, the procurement program, and rubber.⁷⁷ Aluminum, aircraft production, and labor-management relations continued to be subjects of committee investigation throughout most of the war years.⁷⁸

*Late in 1941 the Senate increased the membership of the Committee to 10

The work of the Truman Committee was of great value to the Air Corps (and the AAF) in carrying out its expansion program, even though the administrative officers of the Army air arm doubtless smarted under the sharp criticism which the committee members sometimes levied at the conduct of their part of the defense program. Its investigations resulted in greatly improved production of aluminum and brought about the substitution of the War Production Board for the OPM with a consequent improvement of war production.⁷⁹

In a very real sense the Truman Committee was an example of a legislative agency acting in a managerial capacity to the war effort in procurement and in other fields. Although authorized only to make a complete study of the military procurement program and to make reports and recommendations to the Senate thereon, it quickly fell into the traditional pattern of utilizing inquiry as an instrumentality to carry out the legislative will. Its admonitions to administrative bodies such as the WPB, and even to the military services, became increasingly managerial in their nature. This committee came to be the most effective voice of Congress in the conduct of the war on the home front.⁸⁰ As such, it had a great influence over the policies and activities of the Air Corps, particularly in the fields of production and procurement.*

PERSONNEL AND TRAINING LEGISLATION

The great expansion of the Air Corps in the period 1939-41 involved personnel expansion as well as a great increase in the number of planes and in the facilities for their production and maintenance. Prior to 1939 Congress had not given the Air Corps the authority or the funds necessary for personnel increases. Hence the primary personnel problem was the procurement of an increased number of officers and enlisted men, and this was possible only by Congressional approval. Not only was the personnel strength of the Air Corps smaller than that of the other branches of the armed service, it was even insufficient to

man the planes which had already been authorized by Congress. Special legislation for an increase in Air Corps personnel therefore not only became necessary for meeting the requirements of the expansion program, it became imperative as Germany continued to demonstrate the effectiveness of air power as a striking force.⁸¹

The Air Corps had the responsibilities both of procuring this personnel and of training it, in order to have available the pilots, aircrew members, mechanics, technicians, and administrative officers needed for the operation and maintenance of the great air armada being built. Here again it was necessary for Congress to enact legislation providing the necessary funds and authority, and to change or amend existing legislation to meet new training needs and situations. Finally, as the personnel of the Air Corps expanded rapidly, there were personnel problems which were peculiar to the air arm and which required special legislative action.

The President's message to Congress on 12 January 1939 urging a strong national defense program, and large appropriations for the procurement of planes and the training of pilots, was followed by the passage of an emergency national defense act which provided a greater increase in Air Corps personnel allotments than any hitherto granted. This legislation, Public Law 18, 76 Cong., 1 Sess. (approved 3 April 1939) 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. It allowed the immediate commissioning of 300 second lieutenants from the Air Corps Reserve, specified the groups from which the appointments were to be made, and approved a commissioned Air Corps strength of 3,203, and an enlisted strength of 45,000. This was the most important single piece of legislation authorizing Air Corps personnel expansion and was basic to the defense program. In a few months these personnel authorizations proved to be inadequate and further legislation proved necessary; in 1939, however, they were sufficient to permit the initiation of a plan of hemispheric

*It was largely as a result of the recommendations of the Truman Committee that Congress took far-reaching measures to speed up the production and facilitate the procurement of aircraft.

defense.⁸² Attempts were also made in 1939 to build up defense air power by increasing the number of National Guard aviation units. However, none of the five bills introduced for this purpose reached the floor for discussion in either house of Congress.⁸³

In response to the President's message of 12 January 1939 Congress passed "An Act to provide for the training of civil aircraft pilots, and for other purposes." This measure, approved 27 June 1939, authorized the Civil Aeronautics Administration to train civilian pilots and authorized the appropriation of \$5,675,000 for the purpose of carrying out the provisions of this act during the fiscal years 1939 and 1940.⁸⁴ The purpose of this act was to create a reserve of pilot trainees with basic flying training from which the Air Corps could draw as the need arose.*

An Act of Congress which became law on 5 August 1939 made more pilots available to the Air Corps by waiving the 30-year age limit for the appointment of second lieutenants in the Regular Army. This applied to Air Corps Reserve officers on extended active duty who had served two years on such duty and to warrant officers and enlisted men of the Regular Army in active service who were qualified pilots.⁸⁵

After the passage of Public Law 18, 76 Cong., 1 Sess., authorizing a personnel increase, the Air Corps turned its attention to setting up a training program for the new personnel. The annual objectives for pilot training were increased from the originally planned 7,000 to 12,000 during 1940 and plans were laid for a 30,000-pilot training program in 1941. To attain these objectives it was necessary to suspend existing statutory 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. It was also necessary to change those statutory provisions which excluded two important sources of pilot material, enlisted men of the Regular Army and Reserve officers.⁸⁶

*This act was amended 24 July 1942 to authorize the CAA to train civilian technicians and mechanics as well as civilian pilots. The War Department saw to it that the amended act was administered in such a way that it did not interfere with the AAF's own training program. See AHS-7, pp 47-49.

The vital importance of pilot procurement became more and more evident as aircraft production increased and the international situation became worse. This fact was emphasized by President Roosevelt in his address to Congress on 16 May 1940 asking for an accelerated defense program. To carry into effect the President's recommendations the War Department drafted a bill which provided for the suspension of all existing limitations on the number of flying cadets and on the number and rank of Air Corps Reserve officers who might be ordered to extended active duty during fiscal year 1941. There was considerable opposition in the House Committee on Military Affairs to removing all limitations, but a substitute bill was finally passed and became law on 2 July 1940. This measure, Public Law 703, 76 Cong., 2 Sess., gave the Air Corps the authority to procure flying cadets and Reserve officers without limit as to number during the fiscal year 1941.⁸⁷

Public Law 703 was soon followed by legislation giving the President authority to order the National Guard, Reserve Officers, and retired personnel of the United States Army into active service for a period of 12 months. This was accomplished by the passage of Senate Joint Resolution 28 which became law on 16 August 1940. The exercise of this authority by the President brought the Air Corps a further increase of personnel from the National Guard and the Reserves as such personnel could now be called up for active duty without their consent. Another measure, Public Law 795, 76 Cong., 2 Sess. (approved 4 October 1940), removed a serious obstacle to the personnel expansion program of the Air Corps by allowing 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 (navigators, bombardiers, etc.). This legislation greatly expedited the training program and also made a long needed rectification of the flying pay regulations. Also enlistments in the Air Corps were greatly stimulated by the passage of the Selective Training and Service Act of 1940. These

measures resulted in an increase of Air Corps personnel from 20,250 on 1 July 1939 to 152,569 two years later.⁸⁸

The War Department initiated action in the winter of 1940-41 for the purpose of securing legislation which would make enlisted men of the Regular Army and Reserve officers of branches other than the Air Corps eligible for pilot training. Bills drafted by the War Department were introduced in Congress in April of 1941. This legislation was to create 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 aviation student bill became law on 3 June 1941. It authorized the utilization of large numbers of enlisted men as pilot trainees, and was of great value in helping the Air Corps to procure the personnel needed for the rapidly increasing number of aircraft.⁸⁹

A month later to the day the President signed a bill, Public Law 152, 77 Cong., 1 Sess., which amended the act of April 3, 1939 to allow National Guard officers and Reserve officers of branches other than the Air Corps to take pilot training. This legislation was based on a recommendation made by the Chief of the Air Corps.⁹⁰ It provided still another source of personnel for the pilot-training program.

It is evident that there was a close interrelation between training, personnel procurement, and general personnel regulations in much of the legislation dealing with Air Corps personnel in the period under consideration. In the next few pages the emphasis will be placed on legislation dealing more specifically with training and mention will be made of those related provisions dealing with general personnel matters such as pay, insurance benefits, etc., as well as legislation providing for training facilities.

The Emergency National Defense Act of April 2, 1939 provided a training program designed to produce a reserve supply of pilots. Since Air Corps facilities were inadequate to handle the great training program entailed by the expansion of the Air Corps, it was determined to use civilian

training facilities, appropriate steps being taken to provide for the uniformity of the primary training to be given in the civilian schools and to provide the necessary instructional equipment. Although the act empowered the Secretary of War to detail personnel of the Regular Army as aviation students at civilian technical, professional, or educational institutions, or as students, observers, and investigators at industrial plants, etc. where knowledge in aviation specialties could be obtained, its principal aim was the utilization of civilian *flying* schools for *primary* pilot training. The above provisions, however, also authorized the training of Regular Army personnel in other aviation specialties besides flying, opening the way for a very vitally needed technical training program. As the Air Corps expanded it became necessary to extend these training provisions to include components other than the Regular Army.⁹¹ These training provisions grew out of drafts of proposed legislation submitted by General Arnold to the War Department Chief of Staff.⁹²

Reference has already been made to the next training legislation enacted by Congress, "An Act to provide for the training of civil aircraft pilots, and for other purposes," approved 27 June 1939. This measure, which provided for a civilian pilot training program established and operated under the supervision of the Civil Aeronautical Administration, had the approval of the Air Corps and the War Department. The CAA program proved of great value to the Air Corps expansion program in that the Air Corps pilot trainees who were graduates of the civilian pilot training preliminary course had a much lower elimination rate than those who had not had the course. This program also produced a large number of the flying instructors who gave primary training to Air Corps cadets in the Army's civilian contract flying schools, and made important contributions in filling the urgent demand for trained airline pilots, ferry pilots, and test pilots.⁹³

Congress continued the CAA program and gave it generous support. By the Third Deficiency Appropriation Act, approved 9

August 1939, \$4,000,000 was made available for the CAA civil pilot training program,⁹⁴ and \$5,000,000 more was made available by the Independent Offices Appropriation Act of April 18, 1940.⁹⁵ On the urging of President Roosevelt, who wanted to increase the program in order to train 50,000 volunteer pilots, Congress appropriated \$32,000,000 to be used for the CAA civilian pilot training program by the First Supplemental National Defense Appropriation Act, approved 26 June 1940.⁹⁶ Largely through CAA training the number of civilian pilots in the United States rose from 26,000 in 1939 to 41,006 in 1940, and to 62,277 in 1941.⁹⁷

In the winter of 1940 Congress gave further aid to the civilian contract schools which were training flying cadets under the provisions of the act of April 3, 1939. This was accomplished by a provision of the Emergency Supplemental Appropriation Act of February 12, 1940 which authorized the Secretary of War to sell to civilian flying schools, at cost, the spare parts and accessories necessary for the repair and maintenance of Army planes furnished to them for training purposes.⁹⁸

The expansion of the Air Corps training program also necessitated a great expansion of training facilities. On 14 March 1941 the War Department directed the Air Corps to complete the 54-group program as soon as possible and immediately thereafter to undertake an expansion to 84 combat groups with 7,779 tactical aircraft. On 18 February 1941 the Chief of Staff directed the Chief of the Air Corps to increase pilot training to 30,000 per year and technician training to 100,000 per year.⁹⁹

To attain these training goals the Air Corps had to provide new training facilities to accommodate the greatly increased number of students. For the 30,000-pilot expansion, the OCAC, which had begun planning for this program in 1940, originally estimated that 36 additional flying school units, including 3 new gunnery schools units and an additional 6 replacement center units, would be needed. The units were subsequently allocated to 20 new flying fields, 1 new gunnery school, and 1 replacement center. Funds for the flying school

and replacement units were included in the budget estimate and appropriated in legislation approved 5 April 1941.¹⁰⁰ By this legislation funds were also made available for the completion of 2 new technical training stations to be used in the 100,000-technician expansion.¹⁰¹ The authorization for more training and combat aircraft also required more air depots to carry on repair and maintenance, in addition to the six operating or under construction in January 1941. Brig. Gen. George H. Brett, Acting Chief of the Air Corps, requested funds for three more depots and the Fourth Supplemental National Defense Act, approved 17 March 1941, made available \$45,000,000 for the purpose of building these depots. On 5 April 1941 the Air Corps received an appropriation of \$14,000,000 for the construction of two additional air depots.¹⁰²

Training expansion and the expansion of tactical units involved also the acquisition of new bases and additional gunnery and bombing ranges. Many of the bases were acquired through the agency of the Civil Aeronautics Administration which had received \$40,000,000 from Congress in October 1940 with which to construct, improve, and repair not more than 250 public airports to be designated by the Secretaries of War and Navy. By March 1941 a list of first priority airdromes had been agreed upon by the Army, Navy, and the CAA, and all the funds allocated. To meet pressing needs Congress appropriated an additional \$94,000,000 to the CAA in June 1941, and increased the number of airports to be improved to 399. On 25 August 1941 the CAA received an additional \$5,500,000 to round out airport development already started.¹⁰³

Funds to build the military housing and technical facilities at fields acquired through the CAA were made available by the regular military appropriation acts and the supplemental and deficiency appropriations in 1940 and 1941. Finally, on 17 December 1941, Congress enacted legislation which included a total appropriation of \$779,371,725 for Air Corps construction, and the CAA was given \$59,115,300 with which to develop 105 additional airports in fulfill-

ment of the 54-group program.¹⁰⁴ On 17 March 1941 Congress also appropriated the necessary funds for the leasing of thirty 5,000-acre gunnery and bombing ranges.¹⁰⁵

In order to obtain a sufficient number of cadets to carry on the expanded pilot-training program in 1941, further legislative action was necessary. The statutory basis for pilot training was too narrow to meet the expanding personnel requirements of the Army air arm—and the qualifications were too restrictive. For one thing, the educational requirements were so high that they kept many young men who were excellent pilot material from qualifying for pilot training. Neither was the term "flying cadet" any longer a correct one to use, since the Air Corps training program had been enlarged to include the instruction of many more engineers, meteorologists, photographic laboratory workers, etc., than had formerly been trained. Then, too, it was felt in the Air Corps that unless legislation was obtained placing Air Corps cadets on a parity with those of the Navy and Marine Corps in matters of pay, allowances, and status, it would be impossible for the Air Corps to compete with the Navy in securing the flying cadet material it needed.¹⁰⁶ The Air Corps also felt that the flying cadets were not getting pay raises commensurate with those being received or demanded in other branches of the service, and that their insurance protection was inadequate.¹⁰⁷

On the recommendation of the Personnel Division, Air Corps, a bill was prepared in the Plans Division and submitted to The Adjutant General on 20 August 1940 by the C/AC, who recommended its immediate transmission to Congress for enactment in the current session. A month later two bills were introduced in Congress to create the new grade of "aviation cadet" to replace the old grade of "flying cadet." One bill (H.R. 10526) was killed in committee, the other (S. 4365) received favorable consideration in both houses but was held over until the next session. The aviation cadet bill was reintroduced as S. 840 after the opening of the 77th Congress, 1st Session, was passed by both houses without opposi-

tion, was approved, and became Public Law 97, 77 Cong., 1 Sess. on 3 June 1941.

The Aviation Cadet Act had six major provisions. 1) the special and separate enlisted grade of aviation cadet was created in the Air Corps, Regular Army in substitution for the grade of flying cadet created by the act of July 11, 1919; 2) the Secretary of War "was authorized and directed to establish and maintain one or more schools for the training and instruction of aviation cadets"; 3) aviation cadet personnel were to be procured by voluntary enlistments of male citizens of the United States and transfers of qualified enlisted men of the Regular Army. All cadets were obligated to accept commissions as second lieutenants in the Air Corps Reserve upon completion of the course, and to serve for three years on active duty, upon completion of which they would be promoted to first lieutenant; 4) base pay for aviation cadets was set at \$75.00 per month, including pay for flying risk; they were to receive one dollar per day subsistence pay, and quarters, medical care, hospitalization, clothing, uniforms, and equipment at government expense, in addition to travel pay. When commissioned as second lieutenants, they were to receive a uniform allowance of \$150; 5) all aviation cadets were to be issued government life insurance to the amount of \$10,000, the premiums to be paid by the government; when commissioned as second lieutenants they were to have the option of continuing the insurance at their own expense; 6) Air Corps Reserve officers not selected for commissions in the Regular Army and released from active duty which had been continuous for one or more years were to receive a bonus of \$500 for each complete year of active service as an officer.¹⁰⁹

While the aviation cadet bill was going through the legislative process, action was initiated to obtain passage of a law to permit the training of enlisted men as aviation students. It had been evident since the end of 1940 that there was a shortage of pilot training applicants who could meet the rigorous educational requirements. If the need for trained flying personnel was to be met, educational qualifications had to be

lowered and aviation training opened to enlisted men in grade.* Since students in training under the provisions of the aviation cadet bill were considered officer candidates it was necessary to initiate separate legislation to provide aviation training for enlisted men in grade and to set up for these men the new grade of "aviation student."

An Air Corps study on this subject resulted in the drafting of a bill which was introduced in the House as H.R. 4449 on 22 April 1941, and in the Senate as S. 1371 on the next day. According to the testimony by Brig. Gen. George H. Brett, Acting Chief of the Air Corps, the Air Corps intended to use enlisted men, trained according to the provisions of this proposed act, as primary and basic flight instructors, utility pilots, and pilots of troop and cargo transports. The bill passed Congress with few changes, except for an amendment raising the amount of government life insurance to be issued during the flying period from \$5,000 to \$10,000.¹¹⁰

As approved on 3 June 1941, the Aviation Student Act authorized the Secretary of War to detail enlisted men in active service in the Regular Army and other components of the Army of the United States for training and instruction as aviation students in their respective grades. Those participating regularly and frequently in aerial flights were to be issued government life insurance to the amount of \$10,000 under the National Service Life Insurance Act of 1940. The premiums on this insurance were to be paid by the government during the training period. After completion of training the men had the option of continuing the policies at their own expense.¹¹¹

On 1 August 1941, AR 615-150 was issued. This regulation set forth the requirements and standards for the training of enlisted men as aviation students and set 23 years as the age limit for such training. It was stipulated that upon successful completion of the training the student would receive the rating of pilot and a warrant as staff sergeant pilot, Air Corps, without regard

to the grade in which he received his training. These regulations remained in force until after the passage of the Flight Officer Act in 1942.¹¹²

These two measures constituted the most important Air Corps training legislation of 1941. They enabled the Army air arm to compete with the Navy and the Marines in recruiting pilot trainees, and made it possible to draw on a vast reservoir of enlisted men for training in various aviation specialties.

The insurance provisions of the Aviation Cadet Act and the Aviation Student Act also had considerable value in creating good morale. The great expansion of the Army air arm, with the increased number of deaths from flying accidents, and the possibility of war casualties, made it expedient or even necessary to have some form of insurance for flying personnel. In fact, the Military Personnel Division recommended compulsory insurance for flying officers as well as for cadets.¹¹³

In addition to the legislation dealing with the procurement and training of Air Corps personnel during the period 1939-41 there were enacted several other measures which pertained to Air Corps personnel matters. A bill which would make possible the absorption into the Regular Army of Reserve officers above the age of thirty and currently serving on extended active duty was introduced in Congress in the spring of 1939. This proposed legislation, however, was opposed by the War Department as prejudicial to the interests of the service and failed to pass. A compromise bill proposed by the War Department was enacted as Public Law 289, 76 Cong., 1 Sess. (approved 5 August 1939). This legislation, effective only for the fiscal year 1940, provided that the Reserve officers mentioned above could compete with Regular Army personnel for commissions in the Regular Army by taking separate qualifying examinations.¹¹⁴

Shortly after this law was approved, an unsuccessful attempt was made by glider enthusiasts to secure the passage of a bill to set up a Civilian Glider Pilot Training Division in the CAA. The Air Corps and the

*Two years of college or its equivalent were required for cadets who were to be trained as pilots and would receive commissions. See AHS-7, p. 82.

War Department were opposed to this measure as being impractical and one which would possibly impair the war effort by interfering with or uselessly duplicating the Air Corps Training Program.¹¹⁵ For essentially the same reasons the War Department also opposed a bill to establish a Civilian Air Reserve.¹¹⁶ This measure also failed to pass.

During this period (1939-41) when the Army air arm was undergoing great expansion it was felt that legislative action was necessary to change the flying pay set-up. One of the personnel problems peculiar to the Air Corps was that of the rate and allocation of flying pay. The principal objectives of the War Department in relation to flying pay were: 1) to make flying pay available to officers other than pilots by changing the definition of flying officers, and 2) to eliminate discrimination in flying pay rates between Air Corps personnel and the other arms and services personnel who were attached to the Air Corps.¹¹⁷

Since the passage of the Pay Readjustment Act of 1922, the law had authorized 50 per cent extra pay for those flyers who participated in regular and frequent flights. Since 1934 the military appropriation acts had limited to a maximum of \$1,440 the flying pay of officers of other branches of the service attached to the Air Corps.¹¹⁸ By a provision of the Military Appropriation Act, 1940, approved 26 April 1939, the flying pay of flight surgeons was reduced to a maximum of \$720 per annum, leaving the maximum for other nonflying officers at \$1,440 per annum.¹¹⁹ The next year Congress cut the maximum flying pay of all nonflying officers to \$750 when it passed the Military Appropriation Act for the fiscal year 1941. This legislation also provided that a nonflying officer must perform three or more flights under orders from competent authority within each 90-day period in order to draw flying pay.¹²⁰

The War Department made strong attempts to increase the flight pay basis for both flight surgeons and other nonflying officers for the fiscal years 1941 and 1942 but such legislation was not secured until the passage of the Military Appropriation

Act for the fiscal year 1943. The War Department was successful, however, in making flying pay available to personnel other than pilots by securing legislation changing the definition of flying officers—thus attaining its first objective in regard to flying pay.¹²¹

By this legislation, Public Law 795, 76 Cong., 2 Sess. (approved 4 October 1940), Section 13a of the National Defense Act was amended to allow observers and other members of combat crews to be included in the definition of flying officer. Thus it was now possible to apply to such nonpilot personnel the legislative provisions concerning flying pay which were then in existence. This law also removed all limitations on the number of Army officers who might be detailed to the Air Corps as flying officers. In order to protect the Air Corps against having nonflying officers placed in command of flying units the act specified that flying units should in all cases be commanded by flying officers who had aeronautical ratings as pilots of service type aircraft or by qualified permanent general officers of the line with the same aeronautical ratings as those required for flying officers in command of flying units.¹²²

Under Title VI of the Second Revenue Act of 1940, approved 8 October 1940, a system of National Service Life Insurance was set up for the personnel of the military and naval services. Under this legislation the personnel of the Air Corps, as well as the members of the other arms and branches of the services, received generous insurance benefits. All military and naval personnel were given the privilege of taking out a maximum of \$10,000 worth of government life insurance at very low premium rates provided they 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. The insurance was to be administered by the Administrator of Veterans' Affairs.¹²³ As already mentioned, Congress enacted special insurance provisions for aviation cadets and students in the Aviation Cadet and Aviation Student Acts of 1941.

Another act of Congress, approved 14 October 1940, directly concerned Air Corps personnel. This bill was drafted by the Air Corps and submitted to Congress by the Secretary of War after revision by the G-1 Division of the War Department General Staff. It provided that any officer who served four years as chief or assistant chief of a branch, or as commanding general of the General Headquarters, Air Force, or who served two years as a wing commander in the Air Corps and was subsequently retired, should retire at the highest grade held by him as chief, assistant chief, commanding officer, or wing commander. This law was retroactive in the case of officers who had previously served for four years as a chief or assistant chief of branch of the Army, or for two years as wing commander of the Air Corps, and had been retired in a grade below that of brigadier general.¹²⁴

As it turned out, this law had undesirable results. Subsequent reorganization of the air arm resulted in the creation of echelons higher than wings in the chain of command, and, as a consequence, the commanders of the higher echelons were now discriminated against in that they did not enjoy the special retirement benefits accorded the wing commanders. Further legislation on this subject was not enacted until 1945.¹²⁵

ORGANIZATIONAL CHANGES IN THE AIR ARM

During the period under discussion there was no legislative action dealing with the reorganization of the Air Corps. Matters of Air Corps reorganization were generally handled by administrative action. On 1 March 1939 the OCAC and the GHQ Air Force were both placed under the jurisdiction of the Chief of the Air Corps, Maj. Gen. Henry H. Arnold, in accordance with a proposal made by him on 2 February 1939 that he should be designated Chief of Aviation, GHQ. Thus the GHQ Air Force was made directly responsible to the Chief of the Air Corps rather than to the War Department Chief of Staff, and the division of authority between OCAC and the GHQ Air Force was ended.

Unfortunately this unity of command lasted only a short time, the GHQ Air Force was removed from the jurisdiction of OCAC on 19 November 1940. The effects of this redivision of responsibilities and functions were ameliorated in part by the appointment of General Arnold as Acting Deputy Chief of Staff for Air. Not until June of 1941, when the Army Air Forces was created, did the Air Corps receive more autonomy and greater unity of command.¹²⁶ Many members of Congress became quite concerned over the organizational status of the Army air arm when the GHQ Air Force was removed from the administrative jurisdiction of OCAC and, as previously noted, within the next seven months a total of 15 bills to free the Air Corps from War Department control was introduced in Congress. None of these, however, emerged from committee.

It has already been pointed out that the War Department was opposed to such legislation and that Acting Secretary of War Patterson felt that any such drastic reorganization of the air arm would be a dangerous move to make in view of the existing emergency and the likelihood that it would delay or disrupt the expansion program Gen. George C. Marshall, Chief of Staff, expressed the opinion that the independent air forces of the European countries had not proved in World War II that they were as effective as the American proponents of an independent air arm claimed they were. He felt that Germany's military successes since the beginning of the war were not based on the operations of the GAF as an independent air arm, but on its subordination to the German General Staff. In his opinion the British RAF, organized as a distinctly independent air force, had appeared ineffective in the operations in Norway, Greece, North Africa, and Syria—this outcome being at least partially attributable to the lack of unity of command which resulted in the failure of the RAF to cooperate with ground forces.¹²⁷ There is evidence that President Roosevelt held essentially the same views as General Marshall in regard to an independent air force.¹²⁸

At a meeting of the Air Staff with Robert A. Lovett, Assistant Secretary of War for Air, on 6 October 1941, it was decided that it would be the policy of the AAF to oppose the formation of an independent air force at this time.¹²⁹ This policy was a temporary one, of course, and was based on practical considerations: a belief that any fundamental change in the status of the air arm in this time of emergency would be dangerous, and a feeling that agitation in Congress on the subject of an independent air force might impede the current preparedness program. These factors, plus the fact that the air arm had been given a large degree of autonomy by its reorganization as the Army Air Forces in June 1941, resulted in a sharp decrease in the number of measures introduced in Congress to create an independent or coordinate air arm, and these few were killed in committee.¹³⁰ Thus the issue of a separate air arm was left to be decided in the future.

Although the reorganization of the air arm as the AAF under AR 95-5 was the first significant advance in the movement for autonomy since the creation of the GHQ Air Force in 1935, it left much to be desired. Conflicts of jurisdiction between the Chief, Air Corps, and the Chief, Air Force Combat Command, still existed; the AAF's relationship with the War Department was poorly defined; and the degree of autonomy granted to the air arm was not sufficient for satisfactory operations. The necessary

further reorganization was accomplished soon after the United States entered the war, when the AAF was given virtually complete autonomy within the War Department.¹³¹

Although Congress failed to take any action during this period to provide for a separate air force, and left to the War Department the important task of putting the organization of the Army air arm on a more efficient basis by giving it a greater degree of autonomy, that body, nevertheless, took tremendous steps in developing American air power. The appropriations which Congress made for equipping and training the Army air arm ran into the billions; Congress also enacted a large body of legislation for the purpose of expediting aircraft production and procurement, and granted vast sums of money for this purpose. It enacted the legislation necessary to implement the personnel procurement and training programs of the rapidly expanding air arm. In addition it acted through special committees such as the Truman Committee to promote the development of American air power. Although when war came the AAF had not yet reached the goals set up under the preparedness program, Congress had made possible the creation of a strong foundation for the development of the overwhelming air power which played a major part in bringing about the victory of the United States and her allies in World War II.

CHAPTER 3

LEGISLATION DURING THE WAR YEARS

The Japanese attack on Pearl Harbor on 7 December 1941 found the AAF still considerably short of its expansion goals, but it was taking measures to deploy to the best advantage the limited number of air units at its disposal. As General Arnold said, "we had plans but not planes."¹

Planning for a common strategy on the part of the United States and Great Britain began in January 1941 when American and British staff representatives met in Washington. On 27 March 1941, they submitted a report of an over-all strategic plan by which the United States and the British Commonwealth could defeat Germany and her allies (it was a basic assumption of the plan that for the United States to go to war with Germany would certainly involve Italy and probably Japan). This plan, ABC-1, described the missions of the several services in general terms, and set as its air policy the achievement, as soon as possible, of "superiority of air strength over that of the enemy, particularly in long-range striking forces." United States air forces in the Pacific and the Far East were to be held to a minimum, with the bulk of the available units concentrated in the Western Hemisphere and the offensive striking force set up for the bombardment of Germany from bases in the United Kingdom.

Since 1939 the War Plans Division had been working on five basic war plans for possible use against our potential enemies. Each assumed a different situation and course of action; each carried the generic code name of RAINBOW and its own numerical designation. RAINBOW No. 5 best fitted in with the strategy outlined in the United States-British staff conferences; hence this plan was worked out in detail

in the spring of 1941 and approved by the Joint Board of the Army and Navy on 14 May and within three weeks by the Secretaries of War and Navy.*

The AAF asked for 2,164,916 men and some 60,000 combat planes in order to carry out the mission assigned to it in ABC-1. This request was accompanied by a detailed and carefully documented operational plan, AWPB/1, drawn up by the newly formed Air War Plans Division. A number of officers contributed to the plan, but the actual document was drawn up by a committee consisting of Col. Harold L. George, division chief, Lt. Col. Kenneth N. Walker, Maj. Laurence S. Kuter, and Maj. Haywood S. Hansell, Jr., who were apparently chiefly responsible for the strategic concepts. This plan was worked out in accordance with the principles of ABC-1 and the allocations of tasks in RAINBOW No. 5.²

Thus, for the first time in its history, the United States entered a war with a carefully conceived strategic plan. The AAF was not up to its planned strength when the Pearl Harbor attack came, nor could it man any of its overseas bases with a force adequate to fulfill its mission, but it was rapidly building up its strength, however, and as a result of the strategic plans discussed above, its air units were deployed in accordance with an over-all scheme of action which would be proved sound by the war.³

With the entrance of the United States into the war there was a great intensification of the expansion of the AAF, as well as of the other services, so as to put them on a war footing. This entailed a great in-

*RAINBOW No. 5 accepted all the major theses of ABC-1, the assumptions, the over-all strategy, and the principles governing strategic direction and theater command were the same.

crease in legislation pertaining to the armed forces, and necessitate numerous other measures enacted by Congress for the prosecution of the war. For example, in 1942 the second session of the 77th Congress passed at least 85 public laws dealing with the vast new military establishment and the war effort in general. The other war years were similarly productive of war legislation. Much of this legislation affected the AAF directly or indirectly. In other ways Congress maintained close contact with the military, for example, through the committees which continued to carry on their investigations of the war effort and to exercise a large measure of more or less unofficial control over the activities of the civil and military agencies involved. This study will confine itself, however, to a discussion of those legislative developments which had the greatest significance for the AAF.

After Congress declared war on Japan on 8 December, and on Germany and Italy three days later, that body went to work on legislation concerning the conduct of the great war effort. One of the first measures, and one of primary importance for all the military services, was the Joint Resolution of 13 December by which the territorial restriction on the use of units and members of the Army of the United States were suspended for the duration of the war, and six months thereafter. This legislation also extended the period of service for all members of the Army of the United States for the duration and six months. Thus the military services, including the AAF, were assured that their personnel would be available for service wherever needed and for as long as necessary.⁴

THE WAR POWERS ACT: APPROPRIATIONS AND MATERIEL LEGISLATION

Recognizing the importance of giving the President ample executive powers for the efficient conduct of the war. Congress revived the Overman Act of World War I in the form of the First War Powers Act, 1941, approved 18 December 1941. This gave the President the power to redistribute functions among the executive agencies and to coordinate them,

to shift the funds appropriated for their use, and to abolish agencies and confer their powers on other agencies, provided these powers were exercised in matters related to the conduct of the war. The President and those acting for him were given practically unlimited powers in making contracts and in modifying or amending them whenever it was deemed that such action would facilitate the conduct of the war. The President was also given broad powers to investigate, regulate, and prohibit trade with the enemy and to censor communications between the United States and foreign nations.⁵

Meanwhile, Congress passed the Third Supplemental National Defense Appropriation Act of December 17, 1941 by which it continued its support of the lend-lease program by making \$2,000,000,000 of the military establishment appropriations available for lend-lease purposes. This measure broadened the scope of lend-lease and increased its flexibility. In view of the world situation the Air Corps appropriation of \$799,000,000 seemed quite inadequate,⁶ a condition which was, however, remedied by ample grants made when the 77th Congress held its second session in 1942.

On 6 January 1942 the President delivered an address to the new Congress in which he emphasized the vital importance to victory of the production of weapons and other war materials. He said: "This production of ours in the United States must be raised far above its present levels. . . . We must raise our sights all along the production line. Let no man say it cannot be done. It must be done—and we have undertaken to do it." He informed Congress that he had ordered immediate steps to be taken to increase the rate of airplane production in 1942 to 60,000 planes—10,000 more than the goal set a year and a half before. The rate of increase was to be continued so that the United States would produce 125,000 planes including 100,000 combat planes in 1943. He also presented the figures for the required production of tanks, guns, and ships. Mr. Roosevelt estimated that the war program for the coming fiscal year would cost \$56,000,000,000.⁷

In his budget message, which he sent to Congress the next day, the President again emphasized production as a major requirement for victory, stating that we must out-produce our enemies so overwhelmingly that there could "be no question of our ability to provide a crushing superiority of equipment in any theater of the world war."⁸ Congress responded with a series of appropriation acts which provided the largest war budget in our history. Its major military appropriations in 1942 were made in the Fourth, Fifth, and Sixth Supplemental National Defense Appropriation Acts, and the Military Appropriation Act, 1943, approved 2 July 1942.⁹

The Fourth Supplemental National Defense Appropriation Act, approved 30 January 1942, was particularly significant to the AAF in that it granted what was, up to that time, the largest single request for increasing Air Corps facilities (as a part of the so-called "12.5 billion" dollar Army airplane program). Of the \$933,000,000 appropriated by Congress for "expediting production of equipment and supplies for national defense," \$635,000,000 was for plants, machines, tools, and other facilities for aircraft assembly and for the production of component parts, \$118,000,000 was for the production of engines and engine parts, and \$180,000,000 was for Air Corps items to be provided by the Ordnance Department and the Chemical Warfare Service.¹⁰ In addition, the vast sum of \$9,041,373,090 was appropriated for the Army air arm under the heading "Air Corps."¹¹ All of the latter sum was to be spent for aircraft, spares, and spare parts.¹²

The Fifth Supplemental National Defense Appropriation Act, approved 5 March 1942, made \$3,011,512,000 available to the Office of the Secretary of War for expediting production. Although none of this sum was for the AAF, the \$167,440,000 appropriated under the heading "Air Corps" could be considered in this light since it cared for certain cost increments in aircraft manufacture.¹³

The Sixth Supplemental National Defense Appropriation Act, approved 28 April 1942, granted an appropriation of \$8,515,861,251

for the AAF,¹⁴ and an additional \$11,316,898,910 was granted to the AAF by the Military Appropriation Act, 1943, approved 2 July 1942. The sum of \$702,283,995 was to be used for the payment of previous contract obligations.¹⁵ No funds for expediting aircraft production were provided by this appropriation act, but some of the previously granted sums were available for that purpose: \$749,087,424 was obligated for that purpose in 1942 and an estimated \$53,575,860 in 1943.¹⁶

The total amount of cash granted to the AAF (Air Corps) in the first seven months of 1942 by the four appropriation acts discussed above, came to \$29,041,573,251. Of this sum, \$23,162,867,351 was for aircraft, spare engines, and spare parts; \$112,876,000 was for research and development. A total of 87,620 airplanes were to be procured with the funds thus appropriated.¹⁷

Because of their relation to the furthering of the war effort in general, and to the problems of aircraft production and procurement in particular, two other legislative measures enacted in 1942 should be mentioned. One was the Second War Powers Act, approved 27 March 1942, which gave broader powers to the President and government officials in matters pertaining to transportation in interstate commerce, the acquisition and disposition of property, priorities, and inspection and audit of war contractors, the utilization of vital war information, etc.¹⁸ The other was Public Law 580, 77 Cong., 2 Sess. (approved 5 June 1942), entitled "An Act Providing for Sundry Matters Affecting the Military Establishment." This act provided for the suspension of all existing laws limiting the strength of any branch of the Army and any laws placing limitations on the number of aviation cadets in the AAF, the number and grade of Army Reserve officers called to active duty, and the number of officers of the Army who might be required to participate regularly and frequently in aerial flights. It gave the Secretary of War the authority to appoint, remove, and transfer civilian employees as he saw fit. It provided that profit-limitation provisions should not apply to contracts or subcon-

tracts for the construction and manufacture of any Army or Navy aircraft for the duration of the war and six months thereafter. The act continued in effect, for the duration and six months thereafter, sections 1(a) and 1(b) of Public Law 703, 76 Cong., 3 Sess., which gave the Secretary of War wide authority in making expenditures out of funds appropriated for national defense purposes, with or without advertising for bids, and permitted him wide latitude in providing for production facilities and for their operation and maintenance. Provision was also made for the suspension of all existing limitations with respect to the number of "serviceable airplanes and airships, and free and captive balloons, which might be equipped and maintained."¹⁹

Expediting production continued to be one of the prime necessities in the war program, especially in relation to aircraft production. Of the approximately \$6,250,000,000 appropriated between 26 June 1940 and 15 May 1943 for expediting production, there remained only \$565,147,000 unallocated as of 1 July 1943. To continue this work in the fiscal year of 1944, a reappropriation of this surplus was requested, plus \$749,000,000 in new funds. Although Congress cut the latter figure to \$657,011,000, the Army now had, including the reappropriated surplus, \$1,222,158,000 for expediting production, and the \$190,000,000 originally requested by the AAF was so allocated, the sum to be used for aircraft accessories and subcontractors, and for expenditures resulting from changes in models, specifications, manufacturing processes, and techniques.²⁰

The legislation discussed above was approved 1 July 1943 as the Military Appropriation Act, 1944. In addition to the \$190,000,000 allocated for the purpose of expediting production, the AAF received cash appropriations totaling \$23,655,481,000.²¹ This was the all-time high in appropriations for the Army air arm.* The Budget and Fiscal Office of the AAF had re-

quested this astronomical sum to make possible the attainment of the new production goal of 150,000 planes by maintaining to the end of 1944 the production rate of 12,500 planes per month which was to be attained by the end of 1943. This sum was to provide approximately 100,000 planes, including 36,000 bombers, 38,000 fighters, 12,000 transports, and 9,000 trainers. For these planes the AAF expected to obligate \$20,572,128,391 during the fiscal year 1944.²² This so-called "decisive budget" placed its emphasis on combat aircraft rather than trainers, less than 10 per cent of the planes for which funds were requested were trainers, as compared to 60 per cent in the 1941 budget.²³

When the materiel requirements of the AAF again came under the consideration of Congress in June 1944, the expansion program had been virtually completed, and the peak of production had been reached. The AAF had approximately \$11,000,000,000 of unexpended funds left over from previous appropriations. The chief factor in bringing about this great carry-over in funds was the reduction in the unit cost of airplanes made possible by mass production and increased efficiency; another factor was a lower airplane attrition rate than had been expected.

Thus when the Bureau of the Budget cut the \$2,371,132,500 of new funds originally requested by the AAF for the fiscal year of 1945 down to \$1,610,300,000, which sum was appropriated by Congress for the AAF, the reappropriation of the unexpended funds added to this was enough to meet the AAF requirements for \$12,610,000,000.²⁴ Since there were sufficient unallocated funds left over from the 1943 and 1944 appropriations to meet the Army's needs for expediting production, this appropriation act gave only a token \$100 in new funds for such purposes.²⁵ Out of the approximately \$12,610,200,000 required by the AAF for the fiscal year 1945, \$8,949,565,925 was allotted for the procurement of aircraft, spare engines, and spare parts. Provision was made for the procurement of 37,174 planes (enough heavy bombers had already been ordered to provide production until Decem-

*In the fiscal year 1944 expenditures for the AAF consumed 26.70 per cent of the Army's dollar, finance service took 21.65 per cent, 20 per cent went for ordnance, 8.34 per cent for quartermaster, 6.95 per cent for engineers, and the rest was divided between medical services, chemical warfare, etc. See Army Service Forces, Annual Report for the Fiscal Year 1945, p. 289.

ber 1945; hence the 1945 appropriation covered only the number to be produced in the first six months of 1946). In addition to the \$12,610,200,000 directly allocated to the AAF, it was to receive more than \$8,000,000-000 from appropriations carried under other heads. The AAF would actually receive more than \$20,000,000,000—more than 40 per cent of the \$49,500,000,000 granted to the military establishment by the Military Appropriations Act, 1945.²⁶

By the time the final estimates for fiscal year 1946 were to be made, the end of the war in Europe seemed imminent and the requirements for the AAF were lowered from an original estimate of 17.4 billions to 5.9 billions. This great decrease in AAF budgetary requirements resulted in major part from a 43,792 reduction in the number of planes required. As finally presented to Congress, the AAF program for fiscal year 1946 called for expenditures of \$5,779,798,185. There were funds available from previous appropriations to finance this program, with \$6,500,000 to spare for other War Department requirements. Consequently the Military Appropriation Act, 1946, approved 3 July 1945, included only a token appropriation of \$100 for the AAF. Out of its funds on hand, the AAF was to spend only \$2,288,662,500 (minus \$16,500,000 for gliders) for planes, spare engines, and parts. Only 10,550 planes were to be procured.²⁷

Similarly the Military Appropriation Act included only a token appropriation of \$100 in new funds for the purpose of expediting production. There was a provision for the reappropriation of \$86,779,900 in unexpended funds to take care of this item. Although none of this amount was specifically allotted to the AAF, a large portion of it was probably used by the air arm.²⁸

From 11 June 1938 to 3 July 1945, during the prewar expansion program and the war years, Congress had treated the AAF very generously. It had appropriated a total of \$62,059,270,342 in cash and \$1,998,776,474 in contract obligations for the AAF; and had provided that \$61,464,760,331 of the cash should go for planes, spare engines, and spare parts, providing for the procure-

ment of 271,730 planes. These direct appropriations also had provided hundreds of millions for research and development (\$556,568,438), and for the expediting of production.²⁹ Billions more had been made available for the AAF by appropriations under other headings.*

The research and development program of the AAF received greatly increased allocations during the war years. Of the funds appropriated for the Air Corps (AAF) in the Third Supplemental National Defense Appropriation Act, 1942, approved 17 December 1941, \$34,103,700 was allocated for research and development. This brought the total of research and development funds allocated to the AAF under appropriations made in 1941 up to \$77,813,700. In 1942 the sum of \$112,876,000 was allocated to the AAF for research and development purposes; in 1943 the allocation fell slightly to \$99,351,065. In 1944 the proposed allocation for research and development was \$76,049,600, but it seems that \$154,000,000 was actually spent for such purposes. Finally, in 1945, a larger allocation than any hitherto made available to the AAF for research and development was included in AAF appropriations—the sum of \$146,228,471.³⁰

In addition to the increase in funds allocated directly to the AAF for research and development, there was also an increase in the appropriations made by Congress for the NACA which did basic aeronautical research for the AAF. In 1941 NACA appropriations for research and development rose to \$27,470,400 (as compared to \$17,600,000 in 1940), fell slightly to \$22,282,736 in 1942, and reached a peak of \$42,235,215 in 1943. Very substantial sums were also appropriated for the work of the NACA in the following two years: \$30,639,830 in 1944 and \$36,321,893 in 1945.³¹

Another feature of the appropriation measures of the war years worthy of mention in connection with AAF activities was

*Congress made direct cash appropriations for the benefit of Army aviation for the fiscal years 1941-1945 amounting to \$61,809,676,214. This represents between one-third and one-fourth of the total appropriations of approximately \$219,000,000,000 made for the War Department during the period. The great sums indirectly appropriated for Army aviation added several more billions to the Army air arm's share of the total appropriated for military purposes during the war years. See Army Air Forces Statistical Digest, World War II, p. 297, Army Service Forces, Annual Report for the Fiscal Year 1945, p. 257.

the frequent inclusion in this legislation of funds for lend-lease, such funds being generally included in the regular military establishment appropriation bills and in the supplemental national defense appropriation bills. The Second Supplemental National Defense Appropriation Act, 1942, approved 28 October 1941, provided \$685,000,000 in lend-lease funds for aircraft and aeronautical materials.³² The Third Supplemental Appropriation Act for 1942 allowed \$2,000,000,000 of the funds appropriated for the military establishment to be used for lend-lease purposes.³³

The Fourth Supplemental Appropriation Act for 1942, which provided for a \$12,500,000 airplane program, provided that as much as \$4,000,000,000 of this sum could be transferred to lend-lease.³⁴ At this time it was estimated by Under Secretary of War Patterson that 50 per cent of the military aircraft production of the U.S. was going to foreign countries. General Arnold pointed out that the planes for export were those produced under defense aid (lend-lease), under British and other contracts, plus 15 per cent of the aircraft produced under Army contracts. Arnold said that the AAF had sacrificed urgently needed planes in order to provide the greatest aid possible.

The Sixth Supplemental Appropriation Act for 1942 carried \$2,200,000,000 for lend-lease from Army funds, a little more than one-half of this being for the AAF. The military establishment appropriation bill for 1943 allowed the use of the funds either for lend-lease or for Army requirements. The sum of \$12,700,000,000 was approved for the item but no breakdown of the fund for use by the various arms was undertaken.³⁵

In 1943 lend-lease shipments of A-20's to Russia to meet that country's pressing needs delayed the commitment of three light bombardment squadrons for two months each, and delayed the completion of the whole light bombardment program for a month.³⁶ In the same year, General Arnold wrote a memorandum for the Chief of Staff in which he warned that any increase in lend-lease allocations would result in the curtailment of aircraft sorely

needed for AAF purposes and might indefinitely protract the completion of proper training for the personnel of the 273-group program. This, according to General Arnold, would have a most serious effect on the heavy bomber operations of the AAF.³⁷

The 1944 military establishment bill sought \$4,969,967,668 for lend-lease, but only \$37,637,080 of this was for the AAF. By 31 January 1944 a total of \$2,158,360,643.06 had been allocated for lend-lease aircraft and aeronautical equipment and \$2,138,184,076.66 had been obligated.³⁸

Despite delays in and interruption of its training and materiel expansion programs, the AAF, in the long run, benefited greatly from the foreign sales, foreign orders, and lend-lease. In 1938, 1939, and 1940, foreign orders (especially those by the French and the British) provided the great stimulus which started the large-scale development of the American aircraft and aircraft engine industries. Also, as a result of deferring deliveries until more pressing foreign needs had been satisfied, the AAF was enabled to take advantage of vicarious combat experience and to secure aircraft of superior performance. Then, too, the lend-lease policy fitted into the general strategy of the AAF by helping to create and hold bases which could later be used by American air forces—and by lend-lease the United States was able to give great aid to friendly nations and more fully identify itself with those countries fighting the Axis powers. There is no doubt that lend-lease was a factor (in morale as well as materiel) in bringing about the defeat of the Axis countries.

Certainly no complaint can be made of neglect of the Army air arm by Congress during the period 1939-45. Rarely did it show any hesitation to grant the funds requested by the AAF. Even in the late thirties when the Army air arm was in the doldrums and suffered from lack of adequate funds, the responsibility rested on the War Department and the Bureau of the Budget rather than on Congress. They reduced the Air Corps estimates before they ever reached Congress—in fact, Congress voted more money than was requested in the fiscal

years 1926-39.³⁹ After the national defense measures of 1939 there was little reduction of Air Corps estimates by the War Department and the Bureau of the Budget and even less after Pearl Harbor. Congress was also prompt in passing legislation which would enable the AAF to make better use of the sums granted to it, and showed a very cooperative spirit in legislation dealing with AAF personnel matters.

ORGANIZATIONAL CHANGES IN THE AIR ARM

Despite all it did to build up the strength of the air arm Congress did little in this period to change and improve the organization of the AAF and the position it held in relation to the other services and organizations in the War Department. Such organizational changes as were effected were made within the Army and the War Department and were administrative rather than legislative.

The June 1941 reorganization of the Army air arm, by which the Army Air Forces had been constituted, was an improvement on the preceding organization and, as already noted,^{*} constituted the first significant advance toward autonomy since the creation of the GHQ Air Force in 1935. This 1941 reorganization was not completely satisfactory, however; the organizational setup was such that the Air Staff received orders from both the General Headquarters and the General Staff. And many Air Force officers felt that it did not give the AAF the degree of autonomy necessary for satisfactory operations, that the air arm was so circumscribed by the General Staff that it could do virtually nothing on its own.

Brig. Gen. Carl Spaatz, Chief of Air Staff, realized that the antiquated War Department structure was not adequate for the task of carrying on a great war, and he felt that the position of the air arm within the general organizational structure was not satisfactory. Therefore, he recommended a reorganization of the War Department to eliminate General Headquarters and create three autonomous arms: the ground forces, the air forces, and the service command. A small, streamlined General Staff would be

created to fit the new organization. This recommendation was flatly rejected.⁴⁰

On 14 November 1941 General Arnold, Chief of the AAF, submitted another proposal in which he pointed out that the development of the air arm now gave the military commander two striking arms rather than one—hence the War Department should be streamlined so as to provide unity of command not only within each of its fighting arms (the ground force and the air force), but also over both of them. Each arm should have its own commander, and a superior coordinating officer should be over both of them. Finally, Arnold proposed that both the ground forces and the air forces should have equal access to the service and supply forces, the latter to be grouped under still another commander.⁴¹

The War Plans Division of the General Staff concurred in the principles and general organization thus recommended by Arnold, and initiated plans for a detailed study of the proposal. Soon after Pearl Harbor the War Department Reorganization Committee, headed by Maj. Gen. Joseph T. McNarney, went to work on the study, and on 31 January 1942 submitted a brief memorandum outlining certain proposed changes along with suggestions for converting to the new organization. The committee's recommendations followed the general plan submitted by Arnold. They were approved by the Chief of Staff, and after numerous conferences the sanctions of the Secretary of War and the President were secured. The reorganization was authorized by Executive Order No. 9082, 28 February 1942. Based on authority granted to the President under Title I of the First War Powers Act, 1941, the executive order was implemented by War Department Circular No. 59, 2 March 1942 and became effective one week later. As now organized, the War Department was consolidated into three coordinate and autonomous forces, each under a commanding general. These were the Army Air Forces, the Army Ground Forces, and the Services of Supply (later the Army Service Forces). Over these were a War Department General Staff and a

^{*}See above, p 35

Chief of Staff under the Secretary of War. All had headquarters in Washington.

The AAF itself was reorganized. The duties, functions, and powers of the commanding general, Air Force Combat Command, and of the Chief of Air Corps, were transferred to the Commanding General, Army Air Forces. The Air Force Combat Command, which had already virtually ceased to exist as a combat agency, was eliminated in conformance to the newly stated mission of the Army Air Forces, which was "to procure and maintain equipment peculiar to the Army Air Forces, and to provide air forces units properly organized, trained, and equipped for combat operations." Procurement and related functions were to be performed as directed by the Under Secretary of War. The mission of the Services of Supply was considerably modified in its relations with the AAF: it was instructed to provide the requisites for military activities except those "peculiar to the Army Air Forces."⁴²

To run the revamped military establishment the following military leaders were appointed: Gen. George C. Marshall, Chief of Staff, Lt. Gen. Leslie J. McNair, Commanding General, Army Ground Forces; Maj. Gen. Brehon B. Somervell, Commanding General, Services of Supply; and Maj. Gen. Henry H. Arnold as Commanding General, Army Air Forces. The General Staff was reduced in size and streamlined; it now consisted about equally of ground, services of supply, and air force personnel. Each command also had its own staff. Thus, by the reorganization of 9 March 1942, the Army Air Forces had at last achieved theoretical autonomy. This autonomy, however, could only be temporary, for the First War Powers Act and Executive Order No. 9082 fixed the terminal date of the reorganization as six months after the end of the current war.⁴³

Apparently the AAF, under the new organizational setup, was to be primarily a supply and training agency only indirectly concerned with combat operations and strategic planning, with the jurisdiction of its commanding general limited to certain units within the United States. Actually,

the statement of its mission was only a paper restriction—the AAF took an equal part with the Army Ground Forces in combat operations and also played a vital role in strategic planning.⁴⁴

General Arnold, as Chief, AAF, and Acting Deputy Chief of Staff for Air, had undoubtedly played an important personal role in the mapping of air strategy in the early days of the war, as had some of his key subordinates. The 9 March restatement of the mission of the AAF was intended to withdraw that organization from the business of making strategic decisions. It was intended that the large delegations of air officers on the War Department General Staff should give air problems the proper attention in strategic planning. It turned out, however, that frequently—and increasingly—the detailed planning was left to the Air Staff.

The recognition of the importance of air power as a vital factor in the conduct of any major military operation made it necessary for the commanding general of the AAF to have a definite and direct influence in both the planning and operational stages of combat activities. This was recognized in large degree early in 1942 when General Arnold, along with General Marshall, Adm. William D. Leahy (Chief of Staff to the President), and Adm. Ernest J. King (Chief of Naval Operations), was appointed a member of the newly established Joint Chiefs of Staff, which was formed to resolve military and related political and economic matters of mutual concern. Later, General Arnold also became a member of the Combined Chiefs of Staff, formed when the Joint Chiefs of Staff combined with accredited Washington representatives of the British Chiefs of Staff. Thus the commanding general of the AAF took an important part in the formulation of high strategy. Recognition of the vital role of airpower also came in the summer of 1943 when the War Department stated: "Land power and air power are coequal and interdependent forces; neither is an auxiliary of the other."⁴⁵ The new autonomous position of the AAF remained virtually unchanged throughout the war.⁴⁶

The reorganization of the Army air arm had its effect on the attitude of Congress. After the 20 June 1941 reorganization, discussed in the preceding chapter, there was a sharp decrease in the number of bills concerning an independent or a coordinate air arm. From that date until the 9 March 1942 reorganization, only two relevant bills were introduced and these died in committee. During the last nine months of 1942 and through the next two years there was relatively little congressional comment on the organization of the nation's armed forces. Yet during that period at least 20 different measures, each looking toward the creation of a separate air force or a 3-way department of national defense, were introduced in Congress. Some of these bills were "repeat performances," and all of them died in committee, without benefit of hearing.⁴⁷

Congress, in refusing to bring such measures out of committee for consideration, was probably motivated by a desire to concentrate on getting on with the war; also it probably felt that it was better to defer the consideration of such legislation until after the war, so that there would be no danger of disrupting the war effort by the turmoil incident to controversy over reorganization, and the confusion arising from reorganization itself if it received statutory sanction. Too, the very large degree of autonomy granted the AAF in actual practice had a mollifying effect on the air force enthusiasts in Congress. No doubt Congress was also influenced by the attitude of the War Department and the Air Staff who felt that it would be dangerous to make any change in the status of the air force at this time.

In the meantime the military establishment itself was studying the question of further reorganization of our national defense agencies. In a study dated 11 October 1943 the Special Planning Division of the General Staff stressed the need for a single department of national defense to coordinate the various agencies of the nation's armed forces, asserting that the absence of real unity of command had hampered the

prosecution of the war. The report of this group stated that both economy and national security demanded that the armed services be coordinated under a unified command. A plan was recommended whereby a "Department of the Armed Forces" would be set up under a Secretary directly responsible to the President. There would then be three under secretaries, one each for Army, Navy, and Air. Each of these three major branches would have a chief of staff. In conjunction with a director of common supplies and a chief of staff to the President, they would make up a council known as the Chiefs of Staff.

Congress also began to consider the question of postwar planning, and on 28 March 1944 the House of Representatives set up the Select Committee on Post-War Policy (also called the Woodrum Committee after its chairman, Clifton A. Woodrum of Virginia). Made up of seven members from the House Committee on Military Affairs, seven from the House Committee on Naval Affairs, and nine members who belonged to neither, this committee was an investigating, not a legislative, organization. The key testimony before this committee was that offered by Brig. Gen. H. S. Hansell, Jr., Deputy Chief of Air Staff. General Hansell, in presenting the views of the AAF, stressed the need for a unification of land, sea, and air forces under one head for the purpose of flexibility and coordination in operation, and economy and simplicity in administration. He felt that the experience gained so far in World War II had demonstrated beyond all question the need for unity of command. He stated that there was no place in modern war for a separate army, a separate navy, or a separate air force—all of a nation's fighting forces must be integrated into a single unified organization.⁴⁸

The testimony of Assistant Secretary of War for Air Robert A. Lovett was along similar lines. Pointing out the inefficiency and wastefulness of the cumbersome system of committees by which Army-Navy cooperation was secured, he said he was convinced that future wars were likely to be, as was World War II, "a series of combined operations in which Ground, Sea, and Air

Forces must be employed together and coordinated under one directing staff and under one over-all command."⁴⁹

The views of Hansell and Lovett were generally upheld by all War Department and Army personnel who appeared before the Woodrum Committee, including Secretary of War Stimson, Under Secretary of War Patterson, General McNarney, Deputy Chief of Staff, and General Somervell, Commanding General, Army Service Forces. Secretary Stimson approved the principle of consolidation but felt that its realization must be delayed until after the war. General McNarney preferred enabling action on the part of Congress which would provide for a consolidation not less than six months after the close of hostilities.

The Navy Department and Navy personnel took a different point of view. Under Secretary of Navy James V. Forrestal approved a complete examination of the nation's war machine but refused to say that the Navy approved consolidation into one department. Although he was later to become the first Secretary of Defense, in 1944 Mr. Forrestal was skeptical of the rapidly rising agitation for a single unified military department—he admittedly approached this matter from a strong pro-Navy viewpoint. With the exception of Admiral Yarnell, none of the Navy Department witnesses who testified before the committee came out in favor of consolidation.⁵⁰

At the conclusion of its hearings the Woodrum Committee submitted a report which stated, among other things, that it did not believe the time opportune for unification legislation even though it might eventually be considered a wise course of action to consolidate the services. The committee felt that Congress ought to have the benefit of the judgment and experience of many of the commanders in the field before effecting any final plan of reorganization. The Joint Chiefs of Staff soon furnished the medium for securing this advice and counsel when, on 9 May 1944, it appointed the Special Committee for the Reorganization of National Defense. This committee of outstanding Army and Navy officers made a

thorough and careful study of defense reorganization extending over a period of 10 months. It toured the major theaters of war (European, Mediterranean, Pacific, and Southwest Pacific), consulting 56 key personnel of the Army and Navy, 24 such individuals testified before the committee in Washington where it held about 100 separate meetings.

The committee made its reports on 11 April 1945. The majority report pointed out that the progress made in cooperation between the services in World War II was effected largely through the wide war powers granted to the President. Since these would lapse six months after the end of the war, the report urged prompt statutory action to retain the improvements obtained by executive order and administrative procedure. The report presented a plan for consolidation of the armed services into a single "Department of Armed Forces" under a civilian secretary directly responsible to the President. There was to be an under secretary acting as the chief assistant to the secretary, several assistant secretaries, and a military commander of the armed forces who would also be chief of staff to the President. There were to be three coordinate combat branches, Army, Navy, and Air. Army and Air would each be headed by a commanding general, and Navy by an admiral. These three, plus the secretary and the commander of the armed forces, would constitute the U.S. Chief of Staff to advise with the President on military and budgetary affairs.

According to the JCS committee, the statutory creation of a coordinate air force would merely give legal recognition to a situation, evolved from common experience, which already existed in the form of a virtually autonomous AAF. The full military force of the country could not be applied without the full development of air power. It was not, however, recommended that all aviation in the services be concentrated under the air forces. It was stipulated that naval aviation should remain an essential part of the sea forces, and that the ground forces should retain integral control over those air activities necessary for liaison, ar-

tillery spotting, and tactical reconnaissance.

Although this report was not accepted by Admiral Richardson, the committee's senior member, who opposed a single department of defense and a coordinate air force, it met the approval of Generals of the Army Douglas MacArthur and Dwight D. Eisenhower, Admirals Chester V. Nimitz and William F. Halsey, and numerous other military and naval leaders. This majority opinion in favor of unification was not revealed until well after the cessation of hostilities.⁵¹

Another committee to investigate and make a study of the question of consolidation of the armed services was set up by Secretary of Navy Forrestal in June 1945. This was done at the suggestion of Senator David I. Walsh, chairman of the Senate Naval Affairs Committee, who felt that such a study might develop a form of reorganization and coordination of the armed services which would avoid the undesirable (to the Navy) principle of consolidation and might even keep the War and Navy Departments separate. This committee was headed by Ferdinand Eberstadt, who had served with the War Production Board and other high level war agencies; it was staffed mainly with naval personnel. Its report, submitted on 25 September 1945, counseled against a single department of national defense but recommended the organization of the nation's military and naval forces into three coordinate branches: War, Navy, and Air. The newly created "Military Department for Air" would leave to the Army and Navy those particular types of aviation activities peculiar to their needs. Instead of having a single civilian secretary over all of them, the three departments would have the Joint Chiefs of Staff as the major link between them, and a system of committees to knit them more closely together. Similar agencies, operating principally through a national security council immediately under the President, would correlate the armed services with the civilian departments.⁵² These recommendations were never enacted into legislation as such, but they probably had a considerable influence on subsequent legislation.

On 6 January 1945, Senator Lister Hill of

Alabama introduced a bill (S. 84) providing for a "Department of the Armed Forces," with a civilian secretary at its head and consisting of three coordinate branches, Army, Navy, and Air. Each of the three coordinate branches was to be headed by an under secretary and two assistants. There was to be a United States chiefs of staff committee, composed of the Chiefs of Staff for each of the three branches, to carry on the functions of strategic, supply, and operational planning for all of the armed forces. There was also to be a director of supply (of general or flag rank) in charge of the common supply sources of the armed services.

On 15 October 1945 Senator Edwin C. Johnson of Colorado and Senator Harley Kilgore of West Virginia introduced a bill (S. 1482) which proposed to substitute a "Department of Military Security" for the War and Navy Departments. This department was to be headed by a "Secretary of Military Security" appointed by the President. It was broken down into six divisions, each headed by an under secretary. The divisions were. Scientific Research and Development, Aeronautics, Army, Navy, Procurement, and Military Intelligence.⁵³

The Senate Committee on Military Affairs conducted extensive hearings on these two unification bills. A long list of distinguished civilian, military, and naval leaders testified on the question of consolidation and unification. The greater part of the opposition came from naval personnel. Secretary of Navy Forrestal opposed unification, saying that he was not yet ready to support the creation of a separate and co-equal department of air; however, he agreed with General Arnold that steps must be taken to prevent the AAF from reverting automatically to its prewar status. Admirals Nimitz and Halsey both spoke against unification, taking a stand which was oddly at variance with their earlier support of "a single department system of organization of the armed forces."⁵⁴ The committee did not, however, submit a report on the two bills on which the hearings were based.⁵⁵

During 1945 six other bills dealing with reorganization of the armed services (two

single department bills and four independent air department bills) were introduced in Congress, but they failed to receive hearings.⁵⁶ Although Congress did not yet take legislative action on unification and a coordinate air arm, opinion inside of Congress as well as that of the general public was moving rapidly to favor such legislation. The only strong opposition came from the Navy.

To point up the whole issue President Truman spoke forcefully in favor of unification in his message to Congress on 19 December 1945. He emphasized the unsatisfactory nature of the prewar military and naval organization, pointing out the numerous improvisations necessary to secure coordination and unified action during the war. He said, ". . . it is now time to take stock, to discard obsolete organizational forms and to provide for the future the soundest, the most effective, and the most economical kind of structure for our armed forces of which this most powerful Nation is capable." He also insisted on parity for air power, declaring: "Air power has been developed to a point where its responsibilities are equal to those of land and sea power, and its contribution to our strategic planning is as great. . . . Parity for air power can be achieved in one department or in three, but not in two."⁵⁷

For the first time in the history of American aviation the commander-in-chief of the armed forces had taken a definite stand in favor of an independent air arm. His message gave considerable stimulus to the already strong movement in the direction of a consolidation in which air power would be recognized as coordinate with the ground and sea forces, a movement which led in two years to the adoption of the National Security Act of 1947.

PERSONNEL LEGISLATION

One of the great problems of the war years was the procurement of pilots. The passage of the Aviation Cadet Act and the Aviation Student Act, which have been discussed in the preceding chapter, had authorized two different groups of gradu-

ates—commissioned and enlisted—from the Air Corps training centers. 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, done at about the same time, placed the two classes of trainees practically on a parity with each other, with the exception of their career opportunities following graduation. Now the problem was how to deal with those graduates among enlisted men who were good officer material and those graduated cadets who did not have the qualifications for a commission. The solution seemed to be the creation of a new grade.⁵⁸

Early in 1942 the AAF commanding general directed that legislation be prepared providing for the rank of flight officer. A draft was prepared in the Directorate of Legislative Planning, AAF, and after certain revisions it was approved by the Secretary of War and the Bureau of the Budget.⁵⁹ On 19 May 1942 Secretary of War Stimson submitted to the Speaker of the House of Representatives a draft of a bill which was entitled "an Act to create the title of Flight Officer in the Army Air Forces, to amend the Aviation Cadet Act, and for other purposes." Mr Stimson stated that the bill was designed to provide a uniform system of training in the AAF.⁶⁰

Congress enacted the bill with no changes and it became Public Law 658, 77 Cong., 2 Sess. on 8 July 1942.⁶¹ By this act Congress created in the AAF the grade of flight officer. Flight officers were to have the rank, pay, and allowances provided for a warrant officer, junior grade. This act suspended, for the duration of the war and six months thereafter, Section 3 of the Army Aviation Cadet Act except for persons already enlisted or appointed as aviation cadets prior to the date of the enactment of this legislation. Section 3 of the Army Aviation Cadet Act had specified that graduates of the Aviation Cadet course were obligated to accept commissions as second lieutenants in the Air Corps Reserve. Under the terms of the Flight Officer Act, pilots who completed their training suc-

cessfully were either commissioned directly as second lieutenants in the Army or appointed as pilot officers. Those cadets who failed to complete the prescribed course of training might be terminated as cadets and required to serve as enlisted men. The Secretary of War was allowed to make temporary flight officer appointments from among enlisted men of the Army of the United States who had received aviation training. The act contained provisions for promotion from flight officer to second lieutenant, and authorized an allowance for uniforms, and life insurance at government expense during the training period. After being commissioned as second lieutenants or flight officers, graduates who were on duty that involved regular participation in aerial flight were required to continue the insurance, and the premiums were to be deducted from their pay. Upon relief from such duty the insurance became optional at the individual's own expense.⁶²

By this act enlisted men were given a chance to become pilots if they had the necessary flying skills and aptitudes. Those who lacked the necessary educational and cultural qualifications were not made commissioned officers; but they could become flight officers, a grade much more to be desired than that of staff sergeant, to which they would formerly have been entitled at the end of their training. Then, too, the AAF could now draw its pilots from a much wider range of personnel and could more easily meet the needs of its training program.

An important feature of the Flight Officer Act was the fact that it implemented the War Department's change from a policy of voluntary insurance for personnel on flight duty to one of compulsory insurance. By amending section 5 of the Army Aviation Cadet Act of June 3, 1941 this legislation required that all aviation cadet and aviation student graduates who were commissioned as second lieutenants or appointed as flight officers, and whose duties required participation in regular and frequent flights, should continue their \$10,000 life insurance policies at their own expense until relieved of such duty.⁶³ A parallel in-

surance provision was included in an act of June 5, 1942 providing certain allowances for United States Military Academy cadets in flight training.⁶⁴ On 17 October 1942 Congress enacted legislation granting retroactive government insurance benefits for Army and Navy flying cadets who died in the line of duty as a result of aviation accidents occurring between the dates of 8 October 1940 and 3 June 1941.⁶⁵

Earlier in 1942, Congress had enacted legislation pertaining to United States Military Academy Cadets who took aviation training. On 26 January 1942 the Directorate of Legislative Planning, AAF received a request for the initiation of legislation to provide government life insurance for cadets of the U. S. Military Academy during such time as they might participate in regular and frequent military flights, and three days later a draft of such legislation was submitted to the Chief of Staff. The Assistant Chief of Staff was requested to enlarge the proposed legislation to cover provisions for subsistence, quarters, medical care, hospitalization, clothing, and equipment at government expense for cadets taking aviation instruction, and a new draft was prepared and submitted to the Chief of Staff. On 15 February 1942 the Judge Advocate General reported on the bill and finally, on 15 March 1942, the Assistant Chief of Staff, G-1, forwarded his concurrence. After further conferences the final draft was prepared and sent to the Chief of Staff under the date 21 March 1942.

After approval by the Bureau of the Budget the proposed legislation was forwarded to both houses of Congress. The bill was approved by the Senate Committee on Military Affairs on 24 April 1942, and was passed by the Senate on 10 May. It was held up in the House Committee on Military Affairs, however, due to a jurisdictional conflict between the Committee on Military Affairs and the Appropriations Committee. It finally passed both houses and became Public Law 571, 77 Cong., 2 Sess. on 5 June 1942.⁶⁶

This act provided that U.S. Military Academy cadets undergoing aviation training involving regular and frequent aerial

flight would be issued the necessary aviation clothing and equipment at government expense. During the course of such training, when not quartered at the Military Academy, they were to receive the same allowances for travel, subsistence, and quarters as aviation cadets; and during the course of such training they were entitled to the same government insurance benefits as were provided for enlisted men of the Army detailed as aviation students under the Act of June 3, 1941, Public Law 99, 77 Cong., 1 Sess. If the officer were detailed to flying duty after completion of the course this insurance was to become compulsory, the premiums being deducted from the pay of the insured. When the man was released from flying duty his insurance was to become optional and was to be paid for by the insured.⁶⁷

This legislation was a matter of simple justice in that it placed on an equal footing with the other trainees those U.S. Military Academy cadets detailed to take aviation training. Certainly the small pay of the U.S. Military Academy cadets was wholly inadequate to enable them to pay their own living expenses when they were in aviation training.

Another training measure which was of considerable significance in relation to the AAF training program was the amendment to the Civilian Pilot Training Act of 1939 enacted into law on 24 July 1942. This measure authorized the Civil Aeronautics Authority "to train civilian pilots and technicians and mechanics or to conduct programs for such training, including studies and researches as to the most desirable qualifications for aircraft pilots and technicians and mechanics."⁶⁸ This extra legislation had been opposed by the War Department because it did not restrict the training to Air Corps enlisted reservists on call by the commanding general, AAF, and did not provide that only that equipment which was already available for the pilot-training program should be used. Without these provisions the War Department and the AAF felt that it was a useless diffusion of critical materiel and personnel. In the last analysis, however, the War Department had the

authority under Executive Order 8974 to see that the act was interpreted and administered so as to provide the type of training it desired.⁶⁹

During the period 1939 to 1942 the Air Corps expanded so rapidly, and at a relatively greater rate than the rest of the Army, that some system of temporary promotion, based on statutory authority, was urgently needed. Public Law 252, 77 Cong., 1 Sess. (approved 22 September 1941) authorized temporary promotion by selection during the period of the emergency for all officers of the Army of the United States. Such a general promotion plan, however, was not adequate for Air Corps needs.⁷⁰

The organization of the AAF, built around the combat plane, called for a higher proportion of officers to enlisted men than was necessary in other branches, and since pilots were generally young men, provision had to be made for the promotion of young officers. This necessitated a flexible promotion system which could be operated without regard for promotion procedure in other branches of the Army. The devising and administration of an Air Corps promotion system was complicated by the fact that there were six different classes of officers serving with the Air Corps.

In the late summer of 1941 the AAF began the preparation of legislation which would set up a separate and uniform promotion system for the Army air arm. After considerable discussion and revision of drafts by the various AAF organizations concerned, a final draft which met the approval of the Judge Advocate General and the Budget and Legislative Planning Branch was prepared. After approval by the Bureau of the Budget, the bill was introduced in the Senate on 8 January 1942, and in the House on the following day. Congress passed the bill with two minor amendments, and it became Public Law 455, 77 Cong., 2 Sess. on 18 February 1942.

By the provisions of this law any officer who was on Air Corps duty (including officers of the Regular Army Air Corps, of the Regular Army components, of the Air Corps Reserve, of the Officers Reserve Corps, of

the National Guard, and of the Army of the United States) could be appointed to higher temporary grade, not above that of colonel, without vacating his existing permanent commission. Such appointment was to be for the duration of the war and six months thereafter unless terminated sooner by order of the President, or until relieved from his duty assignment. Officers thus appointed would be entitled to the pay, flying pay, and allowances pertaining to the rank to which they were temporarily appointed. Such officers were not to be eligible to command outside of the Air Corps, except by seniority under their permanent commissions. The advantage of the Air Corps Promotion Act lay in the blanket authority it gave the AAF to make all the promotions necessary to meet its needs, separate and apart from the authorization for promotion in other branches of the Army. It also provided uniformity in promotion among the various components of the AAF. Without these promotions it would have been impossible to have provided the officer personnel in the grades needed for the successful carrying out of the expansion program.⁷¹

Few changes were made in the laws affecting Air Corps personnel retirement between 1941 and 1944. One of these resulted from legislation strongly urged by the Air Reserve officers and passed despite War Department opposition. This act extended to *all* Air Corps Reserve officers disabled while on active duty subsequent to 28 February 1925 the same retirement privileges as were provided by law for officers of the Regular Army.⁷²

In 1945 Congress passed a bill providing 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." This bill became Public Law 92, 79 Cong., 1 Sess. on 29 June 1945.⁷³

Flying pay has always been a subject of great importance to flying personnel of the AAF. It is an airman's chief compensation

for the fact that his average life expectancy and length of career is shorter than that of personnel in other branches of the armed services. This subject was discussed in the preceding chapter where it was noted that the Act of October 4, 1940 achieved one War Department objective in regard to flying pay by broadening the definition of flying officer and making flying pay available to personnel other than pilots.

The other objective, the removal of discriminatory differences between AAF personnel and those of other arms and services attached to the AAF in the rate of flying pay received, was finally removed by a provision of the Military Appropriation Act for the fiscal year 1943. Also the Pay Readjustment Act of 1942, Public Law 607, 77 Cong., 2 Sess. (approved 16 June 1942), in addition to giving a general increase in the pay and allowances of personnel of the armed services, had specified that officers, warrant officers, nurses, and enlisted personnel of the Army, Navy, Marine Corps, and Coast Guard, and personnel of other government services mentioned in the title of the act, were to receive a pay increase amounting to 50 per cent of their base pay when required to participate regularly and frequently in aerial flight.⁷⁴

Another personnel action of interest to the AAF was the enactment on 10 April 1943 by Congress of Public Law 33, 78 Cong., 1 Sess. This law provided for additional pay at the rate of not less than \$30 a month for officers and men of the Army of the United States engaged as divers in actual salvage and repair operations. In depths of over 90 feet, or in lesser depths under extra-hazardous conditions, there was to be an additional payment of \$5 for each hour or fraction of an hour the diver engaged in this hazardous work. The law was of interest to the AAF because divers would be used for salvage operations, such as recovering torpedoes which sank to the bottom of the sea in the training operations of torpedo bombardment crews.⁷⁵

During the war years several important changes were made in the legislation 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 Regular Army personnel. On 10 December 1941 Congress amended the Act of April 3, 1939 in order to extend to the dependents of military personnel other than members of the Regular Army the death benefits paid to the widows, children, or other designated dependents of Regular Army personnel who died of wounds or disease not the result of their own misconduct.⁷⁶

As previously noted, the Act of September 26, 1941 provided that Reserve officers called into active military service in excess of 30 days on or after 28 February 1925 (service in the Civilian Conservation Corps being excepted) were to receive the same retirement pay and hospital benefits as those received by officers of the regular army when disabled by disease or injury contracted in the line of duty.⁷⁷ These acts placed all Air Corps personnel on an equal basis in receiving disability and death gratuities.

After the United States entered the war Congress enacted legislation providing for payments to the dependents of servicemen. The Servicemen's Dependents and Allowances Act of June 23, 1942 provided specific family allowances for dependents of enlisted men in the fourth through the seventh pay grades of the Army, Navy, Marines, and Coast Guard for the duration of the war and six months thereafter.⁷⁸ Although this measure covered naval aviation cadets, who were classified as enlisted men of the fourth grade by the Naval Aviation Cadet Act passed subsequent to the passage of the above-mentioned legislation, it did not cover cadets of the AAF. This discrimination appeared to be inadvertent, however, and in September 1943 the AAF began a study to determine how the law might be amended in order to secure these benefits for its cadets. Finally this purpose was achieved by an amendment to a bill signed by the President on 20 October 1943. Now all Air Corps personnel were included in the legislative provisions for dependents' benefits.⁷⁹

At the same time the AAF continued to

study the advisability of amending the Army Aviation Cadet Act so as to provide for aviation cadets the same pay, allowances, and benefits as authorized for enlisted men in the fourth pay grade. This change would have the effect of raising the pay of aviation cadets. It was proposed that amendments for this purpose be added to H R. 2765 and S. 1106, bills which had been introduced in Congress at the request of the War Department in order to remove the discrimination which existed between Air Corps Reserve officers and men commissioned or appointed under the Flight Officer Act in the payment of the \$500 yearly bonus for extended active duty of one year or longer. The latter group, having been commissioned directly as second lieutenants or appointed as flight officers in the Army of the United States, were not eligible for the bonus given to Air Corps Reserve officers at the end of a tour of extended active duty of one year or longer. The bills in question would remove this discrimination by providing that the service of Reserve officers during the remainder of the war should not be counted in computing their lump-sum-payments.

The effort to raise the pay of aviation cadets seems to have been dropped, but S. 1106 was favorably reported by the Senate Committee on Military Affairs on 27 May 1943. It was debated but did not come to a vote. H R. 2765 never got out of committee. Efforts to secure the desired legislation in 1944 and 1945 failed, and up to 1 December 1945 no action was secured on such measures by the AAF.⁸⁰

The personnel composition of the Army and of the AAF was greatly changed by the passage in 1942 of "An Act to establish a Women's Army Auxiliary Corps for service with the Army of the United States." By this legislation not over 150,000 women were to be enrolled for noncombatant service with the Army of the United States.⁸¹ By another act, approved 1 July 1943, the WAAC was reconstituted as the Women's Army Corps for service *in* (rather than *with*) the Army of the United States.⁸² Thousands of these women were detailed for service in the AAF as clerks, technicians of various

kinds, mechanics, telephone operators, telegraphers, cryptographers, drivers, and numerous other jobs. They released many men from these assignments thereby making them available for duty overseas and in combat areas.

LEGISLATIVE ACTIVITIES OF THE AAF

The AAF played an active part in pushing a major part of the legislation discussed in this chapter; it initiated legislation it considered necessary and opposed legislation considered injurious to the effectiveness of the AAF in the war effort. Close liaison was maintained with Congress although it was necessary to go through War Department channels in handling legislative matters.

After the reorganization of 1941, and the establishment of the Army Air Forces, legislative matters concerning the AAF were handled for short periods by the Legislative Planning Division, Office of the Air Judge Advocate, and by other legislative service organizations in an interval marked by frequent organizational changes involving the transfer of legislative duties.⁸³ In 1943 the Legislative Planning Division was inactivated and the Office of Legislature Services was established in Headquarters, AAF. It was to coordinate and have general supervision of all legislative matters within the AAF, subject to War Department Procurement Regulation No. 1, Section V. This office was under the general supervision and coordination of the Legislative and Liaison Division, War Department.⁸⁴ In the early planning for the postwar Air Force in 1944 it was proposed that the Office of Legislative Planning on the proposed general staff should have essentially the same functions as were at that time exercised by the Legislative and Liaison Division of the War Department. It was planned that the legis-

lative office of the new (and separate) U.S. Air Force should have essentially the same functions as the existing AAF Office of Legislative Services.⁸⁵

Postwar planning, of course, involved planning and drafting legislation with which to implement the policies and objectives set up for the Air Force. A memorandum sent from Headquarters, AAF, in the spring of 1945 dealt rather exhaustively with plans for the Air Force and proposed that the following items be considered.⁸⁶

1) The drafting of legislation to provide a 70-group postwar AAF.

2) Making policy decisions so that legislation could be drafted and presented to Congress in acceptable form on the following points:

- a) Organization and personnel strength of the AAF;
- b) Extent to which AAF units would be kept to T/O strength;
- c) Extent to which reserves and civilian personnel were to be used to man the postwar Air Force;
- d) Maintenance of a 70-group AAF at war strength with emphasis on the fact that the United States would be the prime target of the aggressor in World War III;
- e) Plans for National Guard and reserve training.

A consideration of the international situation which developed after World War II indicates that these items were well worth consideration. The course of Air Force development in the postwar years (1946-51) makes it evident, however, that full implementation of a 70-group Air Force program did not come until the threat of Russian Communism to our national security became so obvious that it could not be ignored.

CHAPTER 4

UNIFICATION AND THE REORGANIZATION OF THE
AIR FORCE

At the end of World War II the Army Air Forces had attained virtually autonomy. The air arm's tremendous contribution to the victory over the Axis powers had brought it great prestige and full recognition, in most quarters, as the third major military arm. As a result of its prodigious growth in personnel and materiel during the war, as well as because of its effectiveness in strategic and tactical operations, the AAF had become the greatest air force in the world. Moreover, the development of the atomic bomb and the demonstration at Hiroshima and Nagasaki of its terrifying capacity for destruction, gave the Air Force a military potential of tremendous strategic significance which could well be decisive in any future war.

Despite the large personnel losses which came after the end of hostilities and the wholesale demobilization of the armed forces of the United States, and despite the sharp cuts in appropriations which accompanied demobilization, the AAF had reason to look forward to the future with confidence. It seemed inevitable that the air arm would be placed on a parity with the Army and the Navy, now that such a reorganization of the military establishment was endorsed by both the President and the War Department. There was, however, considerable disagreement as to the nature of the reorganization; and strong opposition to unification of the armed forces was still maintained by Secretary of the Navy Forrestal and others.

INTER-SERVICE UNIFICATION AGREEMENTS AND
THE PASSAGE OF THE NATIONAL SECURITY
ACT OF 1947

In the spring of 1946 unification bills were introduced by Senator Elbert D.

Thomas, Chairman of the Senate Committee on Military Affairs, and by Senator Styles Bridges. The Thomas bill got into the hearing stage where it met determined opposition from the Navy witnesses¹ testifying before Senator David I. Walsh's Committee on Naval Affairs. These hearings made a sensation in the press, and the interservice controversy which developed made it necessary for President Truman to intervene.

On 13 May 1946 the President held a conference at the White House with several of the top leaders, military and civilian, of the National Military Establishment. He asked Secretaries Patterson (War) and Forrestal (Navy) to get together and identify the points of agreement and disagreement between the Army and Navy on the proposed legislation for the reorganization of the armed forces. Truman said he was not prejudiced in favor of either service—what he wanted was a balanced system of national defense with particular reference to the integration of the budget. He requested a report on the conference by 31 May, setting this date in order that time might be given to General Eisenhower to return to the United States from Europe and give his opinion on the matter.²

The White House conference of 13 May was a victory for Forrestal in one respect—the President came around to his view that a single chief of staff for the Military Establishment was "dangerous." According to Walter Millis, editor of *The Forrestal Diaries*, the conference was also significant in that the President here gave expression to the theory of budget-making which he was to follow for the next two years. His system, Millis wrote, was to figure what the fixed charges on the national debt were,

pay them, then give the armed services no more than one-third of the remainder of the funds provided in the national budget. This, as Millis noted, made no allowance for the fact that the necessities of defense and foreign policy might impose their own imperative demands. If this was President Truman's budgetary policy, it goes a long way to account for the severe cutbacks the Air Force program suffered in 1948-49.

Forrestal and Patterson and their aides held several conferences in which broad areas of agreement were formed between the Army and Navy. They agreed on a Council of National Defense (National Security Council), a Central Intelligence Agency, a Military Munitions Board, and continuance of the Joint Chiefs of Staff. Mr. Patterson did not press the point of a single chief of staff. The main disagreement was over the powers of the Secretary of the new military establishment and the desire of the Navy to retain full departmental status with cabinet rank for its Secretary. The Navy would have preferred for the Army to integrate its own air arm as the Navy had done, but it reluctantly assented to a separate Department of Air. The Navy was definitely opposed to giving up control of its land-based planes or permitting any limitations to be placed on the Marines and their functions in amphibious warfare.

On 4 June 1946, Mr. Truman held another conference with Forrestal and Patterson, and the military and naval chiefs. Forrestal's opposition to the Army plan, which called for a single Chief of Staff and a single Secretary with extensive powers, was based on his fear of the great power such officials would exercise and his desire to keep the Navy a separate service as distinguished from a mere subordinate branch of a vast department. He did, however, want to improve the national defense organization and to discharge his responsibilities to the President as a member of his cabinet by going along with him as far as he could.³

President Truman finally decided the issue by releasing a letter to the chairmen of the military and naval affairs committees of the Senate and the House in which he laid down a 12-point program for unifi-

cation. The twelve points were as follows: 1) a single Department of National Defense under a "Cabinet Secretary"; 2) Three coordinate services; 3) An Air Force which was to be on a parity with the Army and the Navy, and was to have the responsibility for all the military air resources of the United States with the exception of ship, carrier, and water-based aircraft essential to naval operations, aircraft of the United States Marine Corps, and land aircraft essential to the Navy for internal administration, air transport, and training purposes; 4) preservation of the Marine Corps with all its prerogatives; 5) a Council of National Defense with a chairman of Cabinet rank; 6) a National Security Resources Board; 7) the Joint Chiefs of Staff were to formulate strategic plans, integrate military programs, etc.; 8) the War Department demand for a single military Chief of Staff was to be abandoned; 9) a central intelligence agency to be set up; 10) a centralized agency for procurement and supply; 11) a single agency to coordinate all military research and development for the services; 12) a single agency to integrate all the military education and training of the services.⁴

The Secretaries of War and Navy had agreed on eight of these points. Three of them were contrary to the Navy point of view. The Navy favored a much looser type of unification than that set forth by Mr. Truman in point 1. It wanted to retain full Department status for the Navy with Cabinet rank for its Secretary rather than to have the subordinate status of a coordinate service department assigned to it in point 2. The most damaging aspect of the 12-point program in the opinion of the Navy was the decision in point 3 to assign to the Air Force (at least by implication) land-based planes for naval reconnaissance, antisubmarine warfare, and the protection of shipping.* Finally the decision in point 4 to retain the Marine Corps with all of its pre-

*Forrestal could not accept point 3 of the 12-point program as a final decision because the Navy considered it absolutely necessary to retain control of this type of activity. This question was finally settled at the Key West meeting in March 1948 with the decision that it was a primary function of the Navy to be responsible for air reconnaissance, antisubmarine warfare, and the protection of shipping. This decision was embodied in an official directive approved by the Chief Executive (See McClendon, Unification, App. G p 139)

rogatives was contrary to the desire of the Army to limit severely the amphibious functions of the Marine Corps.⁵

Following the President's letter of 15 June to its chairman, the Senate Committee on Military Affairs revised the Thomas Bill, S. 2044. No agreement was reached on the bill, however, and, as Mr. Truman said he would not press the measure further at that session, it was not brought up on either floor of Congress.⁶

In July 1946 two events which gave a boost to the program to unify the services occurred. The events were the Bikini tests and the report to the President of the United States Strategic Bombing Survey.

On 1 July 1946 a B-29 dropped an atomic bomb on a target fleet at Bikini Atoll. Despite the fact that the bomb was reported to have missed the bullseye and to have exploded at a different level than intended, the blast damaged or sank 59 of the 73 ships; ships a mile from the center of the blast were burned and blackened. The second test, an underwater atomic explosion, was even more destructive. Although only 12 ships were sunk, radioactivity made the vessels near the center of the target area unapproachable for 5 days after the explosion. Yet, according to aeronautical engineers present, radioactivity failed to affect the characteristics of radio-controlled planes in flight over the area. One result of the Bikini tests was, at the least, to diminish confidence in the effectiveness of surface fleets in future wars and to enhance the importance of air power and its role as the first line of defense.⁷

The program to unify the armed forces was given an additional boost on 25 July 1946 by the report of the United States Strategic Bombing Survey. The commission's report to President Truman indorsed the proposal to set up a single cabinet department to have jurisdiction over the Army, the Navy, and a separate Air Force. It advocated that the Air Force

should be given primary responsibility for passive and active defense against long-range attack on our cities, industries and

other substantial resources, for strategic attack, whether by airplane or guided missile; and for all air units other than carrier air and such land-based air units as can be more effective as component parts of the Army or Navy.⁸

In the fall and winter of 1946-47 the War and Navy Departments finally worked out a plan of unification. In a joint letter to the President on 16 January 1947, Forrestal and Patterson announced the program of unification legislation on which they had agreed.⁹ This program was to be incorporated in the National Security Act of 1947.

The Forrestal-Patterson agreement was implemented when General Lauris Norstad and Admiral Forrest P. Sherman, working with representatives from the Office of the President, drew up the actual text of a proposed law. On 27 February 1947, Secretary Forrestal sent to each house of Congress a copy of the completed draft, entitled the "National Security Act of 1947." President Truman gave it his approval, noting that it had been endorsed by the Secretary of War, the Secretary of Navy, and the Joint Chiefs of Staff. It was shortly afterwards introduced in the Senate and House of Representatives as S.758 and H.R. 2319 respectively.¹⁰

The administration-sponsored bills had some competition from three other unification bills presented in this session of Congress, but these soon dropped by the wayside. H.R. 2319 and S. 758 were subjected to extensive committee hearings, and their underlying principles were favored by a majority of those who testified at the hearings.

S. 758 was subjected to some sharp criticism, however, by members of Congress who felt that the proposed Secretary of Defense was given almost dictatorial powers. Some naval aviation and Marine Corps personnel were dissatisfied because, although it affirmed the continued existence of these two units, the bill did not prescribe their missions. They felt that the missions of all the services should be written into the law as a safeguard. General Alexander A. Vandegrift, Marine Corps Commandant, also wanted to have the Marine Corps specifically represented on several of the joint

boards and agencies including the Joint Staff.*

Some members objected to the bill on the ground that it did not define the authority and functions of the Central Intelligence Agency, leaving too much power to the President in determining its duties and functions. They preferred a civilian director for the Agency and felt that its powers should be rigidly defined and limited.¹¹

The majority of the provisions of the bill went through as originally drawn, or at most with only slight changes in phraseology. There were, however, several important provisions of the original bill which were considerably altered or modified before they became law. These should receive at least passing mention.

Whereas the original S. 758 only required that the Secretary of Defense must be a civilian, the House bill in its original form declared anyone who had ever held a commission ineligible for that office. The final act disqualified only those who within the past 10 years had been on active duty as commissioned officers. The final act also cut the number of special assistants allowed to the Secretary from four down to three and considerably curtailed his power—especially in regard to the budgetary and administrative affairs of the three subsidiary departments.

As finally enacted this legislation also contained amendments defining in considerable detail the functions and missions of the Navy, including naval aviation, and those of the Marine Corps with its air arm. The United States Navy was given general responsibility for naval reconnaissance, antisubmarine warfare, and the protection of shipping—a responsibility which was to be defined at the Key West Conference as one of the primary functions of the Navy.

The proposed National Security Council and the Central Intelligence Agency also came in for a good deal of modification during the legislative process. The Senate added the Chief Executive to the membership of the National Security Council as

the presiding officer. The House concurred and also expressed its preference for a civilian as executive secretary of the Council. These changes were accepted in the conference committee which also authorized the appointment to membership on the Council of the other members of the President's cabinet (in addition to the Secretaries of Defense and State).

That section of the proposed bill dealing with the Central Intelligence Agency was virtually rewritten by the lower house. The House insisted that civilians as well as commissioned officers of the armed forces should be eligible for the directorship of the CIA, and it specified that in the performance of his duties with the Agency a military officer appointed as Director should be subject to no controls not also applicable to a regular civilian, nor should he exercise any special control with respect to the armed services or any personnel connected therewith. Also the powers of the CIA and its Director were carefully limited so as to prevent this organization from constituting a threat to the liberties of the American people.

Both the Senate and the House favored an amendment to the original legislation setting up a new budgetary procedure for the National Military Establishment. Although the House and Senate amendments on the subject were identical, they were both eliminated by the conference committee.†

Despite these rather important modifications of its original provisions the National Security Act of 1947, once reported out of committee, went through the legislative processes in a relatively short time. It finally became law on 26 July 1947.¹²

Congress prefaced the National Security Act of 1947 with a policy declaration which clearly stated the intentions of the lawmakers. It stated that it was the intent of Congress to provide a comprehensive program for the security of the United States; to provide for the establishment of integrated policies and procedures for defense organizations; to provide three military de-

*On 28 June 1952, President Truman signed a bill which provided that the commandant of the Marines should have a voice on the JCS whenever that group considered policies or strategic matters that "directly concern the Marine Corps" (New York Times, 29 June 1952).

†Less than two years later Congress adopted a detailed elaborate system of principles and procedures to be followed in the preparation of a military budget.

partments, separately administered, for the operation and administration of the Army, the Navy (including naval aviation and the U.S. Marine Corps), and the Air Force, to provide for their coordination and unified direction under the civilian control of the Secretary of Defense, but not to merge them; and to provide for their operation under unified control and their integration into an efficient team of land, naval, and air forces.

To implement this policy the act first of all set up a National Security Council. It consisted of the President, who was to preside over its meetings; the Secretary of State; the Secretary of Defense; the Secretaries of the Army, the Navy, and the Air Force; the chairman of the National Security Resources Board; and other officers named, with the advice and consent of the Senate, by the President from the following: the secretaries of the executive departments, the chairman of the Munitions Board, and the chairman of the Research and Development Board. The chief functions of the National Security Council were to assess and appraise the objectives, commitments, and risks of the United States in relation to its actual and potential military power and to advise the President accordingly. It was also to consider policies on matters of common interest to departments and agencies of the government concerned with national security and to advise the President accordingly.

There was established under the National Security Council a Central Intelligence Agency headed by a director appointed by the President. The main duty of the CIA was to coordinate the intelligence activities of the several departments and agencies of the government in the interest of national security, and to advise with the National Security Council thereon.

The National Security Act also provided for the establishment of the National Security Resources Board. Its personnel was to consist of a chairman and such heads of executive departments or agencies as the President might designate. The main function of this board was to advise the President concerning the coordination of mili-

tary, industrial, and civilian mobilization.

The new unified armed services organization set up under the act was called the National Military Establishment. It was to be headed by the Secretary of Defense and was to consist of three departments, the Department of the Army, the Department of the Navy, and the Department of the Air Force, each with its own Secretary. The Secretary of Defense was to be appointed by the President with the advice and consent of the Senate. The Secretary was to establish the general policies of the National Military Establishment and was to have general supervision and control over the departments and agencies set up under the National Security Act. It was required that the President should appoint the Secretary of Defense from civilian life, by and with the advice and consent of the Senate.

It was provided that the Department of the Air Force was to be headed by a civilian Secretary appointed by the President; there were also to be an Under Secretary and two Assistant Secretaries of the Air Force similarly appointed from civilian life. The several officers of the Department of the Air Force were to perform such functions as its Secretary prescribed.

Those functions of the Secretary of the Army and of the Department of the Army, including those of any officer of the department assigned to or under the control of the Commanding General, Army Air Forces, and those judged by the Secretary of Defense to be necessary or desirable for the operations of the Department of the Air Force or the United States Air Force, were to be transferred to and vested in the Secretary of the Air Force. The National Guard Bureau was to perform the same functions for the Department of the Air Force that it performed for the Department of the Army, and was to act as a channel of communication between the Department of the Air Force and the states in matters pertaining to the National Guard. Arrangements were to be made for an orderly transfer of personnel, records, property, and functions from the Department of the Army to the Department of the Air Force. The Department of the Air Force was to have

its own seal which the Secretary was to cause to be made from a design approved by the President.

The Army Air Forces, the Air Corps, United States Army, and the General Headquarters Air Force (Air Force Combat Command), were to be transferred to the United States Air Force now established. There was to be a Chief of Staff, USAF, to be appointed by the President, from among the general officers of the Air Force, for a term of four years. Under the Secretary of the Air Force the Chief of Staff was to exercise command over the United States Air Force; to him were to be transferred the functions of the Chief of the Air Corps, the commanding general of the GHQ Air Force, and the commanding general of the Army Air Forces. When the transfer became effective, the offices of the Chief of the Air Corps and his Assistants, and of the Commanding General, GHQ Air Force, were to cease to exist. The Chief of Staff of the USAF was to hold a grade and receive allowances equivalent to those of the Chief of Staff, United States Army.

All commissioned officers, warrant officers, and enlisted men of the Air Corps and the AAF were to be transferred to the USAF. All others belonging to any component of the Army of the United States and who were under the authority or command of the Commanding General, AAF, were to be continued under the authority of the Chief of Staff, USAF, and under the jurisdiction of the Department of the Air Force. Personnel whose status was affected by these changes were to retain their commissions, warrants, or enlisted status, and were not to lose any of the rights, benefits, or privileges to which they were legally entitled. A period of two years from the date of the enactment of this legislation was allowed for transfers of personnel, property, records, installations, agencies, activities, and projects between the Department of the Air Force and the Department of the Army.

The USAF was to include both combat and service forces. It was to be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air

operations. The USAF was to be responsible for the preparation of those air forces necessary for successful prosecution of war; and, working in accordance with integrated mobilization plans, it was also responsible for the expansion of the peacetime components of the Air Force to meet the needs of war.

The National Security Act also provided for the creation of a War Council composed of the Secretary of Defense, acting as chairman with the power of decision; the Secretaries of the three services; the Chief of Staff, USA; the Chief of Naval Operations; and the Chief of Staff, USAF. The War Council was to advise the Secretary of Defense on matters of broad policy relating to the armed forces, and to consider and report on such other matters as directed by the Secretary of Defense.

It was provided under the act that the Joint Chiefs of Staff was to be the highest staff organization in the military establishment. It was to consist of the Chief of Staff, USA; the Chief of Naval Operations; the Chief of Staff, USAF, and the Chief of Staff to the Commander in Chief, if there should be one. The Joint Chiefs of Staff was to act as the principal military adviser to the President and the Secretary of Defense, and as the high-level planning group for the National Military Establishment. Under the Joint Chiefs of Staff there would be a Joint Staff of not over 100 officers, to be comprised of approximately equal numbers of officers from each of the three services. The Joint Staff, under a director appointed by the Joint Chiefs of Staff, was to perform such duties as the JCS directed.

The Security Act also set up a Munitions Board consisting of a civilian chairman, appointed by the President, and an Under Secretary or an Assistant Secretary from each of the three military departments. The major functions of the Munitions Board were 1) the coordination of the production, procurement, and distribution plans of the departments and agencies in the National Military Establishment; 2) planning for the military aspects of industrial mobilization; 3) the standardization of procurement procedures; 4) making production, procure-

ment, and personnel estimates for use in logistic planning; 5) determining relative priorities in military procurement; 6) promoting efficiency and economy in the organization of production, procurement, and distribution facilities; and 7) performing other functions in connection with materiel.

A Research and Development Board was established to advise the Secretary of Defense on matters of scientific research relative to the national security and to assist him in assuring adequate provision for research and development on scientific problems relating to the national security. The board was to consist of a chairman appointed from civilian life and two representatives each from the Departments of the Army, Navy, and Air Force.

Provision was also made for the Secretary of Defense, the chairman of the National Security Resources Board, and the director of the Central Intelligence Agency, to appoint such advisory committees and personnel as they considered necessary in carrying out their respective functions and those of agencies under their control.

Finally, the Act authorized the appropriation of such funds as were necessary to carry out its provisions.¹³

SETTING UP THE NATIONAL MILITARY ESTABLISHMENT

On 26 July 1947, immediately after approving the National Security Act, President Truman signed an executive order setting forth the functions of the armed forces. Then he nominated James Forrestal as the first Secretary of Defense. On the following 17 September Forrestal took the oath of office.

Kenneth C. Royal became the first Secretary of the Army under the new setup, John H. Sullivan the first Secretary of the Navy, and W. Stuart Symington, who had served as Assistant Secretary of War for Air since early in 1946, the first Secretary of the Air Force.

There was little change in the composition of the Joint Chiefs of Staff, except that the title of General Carl Spaatz changed from Commanding General, AAF, to Chief

of Staff, USAF. Admiral Nimitz remained as Chief of Naval Operations, and General Eisenhower as Army Chief of Staff. T. J. Hargroves became chairman of the Munitions Board, and Dr. Vannevar Bush, chairman of the Research and Development Board.¹⁴

As the Army Air Forces was already largely an independent and self-sufficient organization, the task of setting up the third branch of the military service was a relatively easy one. The greatest problem was the simple realignment of ultimate departmental control and jurisdiction.¹⁵ Anticipating the enactment of the National Security Act, the Army and the Air Force began in July to prepare their plan for an orderly transfer from the Army to the Air Force of those functions necessary to the establishment of the Department of the Air Force and the United States Air Force (USAF) in an independent status.¹⁶

Their plan was based on some 200 Army-Air Force agreements submitted to the Secretary of Defense in September 1947 and approved by him as a basis for formal transfers of functions. On 26 December 1947 the Secretary of Defense approved Transfer Order Number 1 which brought the personnel of the Army Air Forces into the Department of the Air Force and the United States Air Force. This constituted the first substantive act in creating the new department, and was followed by other transfer orders. By 30 June 1948, 60 per cent of these transfer projects were completed.¹⁷ Finally, Transfer Order No. 40, dated 22 July 1949, consigned to the Air Force what were regarded as the remaining necessary and appropriate powers, functions, and duties, thus completing the process of transfer within the two-year period specified by the National Defense Act.¹⁸

The Army-Air Force transfer agreements, although framed primarily for the purpose of separating the Air Force from the Army, were in many instances significant unification measures. For example, it was agreed that the Army Chief of Engineers would act as the construction contracting agent and real estate dealer for the two services. General provisions were made for the Army

to continue to perform for the Department of the Air Force common services in such fields as finance, hospital facilities, quartermaster administration, and transportation.¹⁹ Although the Directorate of the Budget of the Air Force was completely reorganized in fiscal year 1948 in order to segregate the funds for the operation of the Air Force from those of the Army, and to have separate appropriations, complete segregation of funds was not achieved until fiscal year 1950.²⁰

Despite the Army-Air Force agreements the unification of the three services proceeded slowly. The loosely coordinated system which Forrestal advocated failed, in practice, to unify. This was partly because of the lack of real authority given to the Secretary of Defense under the National Security Act, partly because of differences in interservice positions. In 1948 the Air Force had already begun to manifest its dissatisfaction with the restricted budget, feeling that the Navy was being provided with a disproportionately large share of the available funds and that the plant, weapons, and ships of the Navy were already far out of line with the existing material strength of the Air Force.²¹

One of the most difficult problems relating to the unification of the armed forces was the question of the specific roles and missions of the different branches of the service; and the emergence of the atomic bomb as the real core of American military strength had the unfortunate effect of increasing differences of opinion between the services.²²

Executive Order 9877, 26 July 1947, in which President Truman outlined the functions of the armed services was couched in such general terms that the three services were able to interpret it differently. Spurred on by the critical reports of the Congressional Aviation Policy Board and the President's Air Policy Commission, Secretary of Defense Forrestal held two series of conferences with the chiefs of the armed forces. At the first series of conferences held at Key West, Florida, 11-14 March 1948, and concluded by a final session at Washington one week later, the principle of primary and

collateral activities was adopted, each service being assigned its primary functions. A primary function of the Air Force was to be the conduct of strategic air warfare. In the field of collateral activities the Air Force was allowed to participate in antisubmarine warfare and the protection of shipping. On the other hand, among the Navy's primary functions were antisubmarine warfare, the protection of shipping, and mine-laying. In the field of collateral activities the Navy could conduct close support for land operations [although this was primarily an Air Force function]. The Navy was not to develop a separate strategic air force, this function being reserved to the USAF; but it could launch air attacks on inland targets in the carrying out of its primary functions. The Air Force recognized the right of the Navy to carry on the development of weapons it considered necessary to its functions, and recognized the right and need for the Navy to participate in an all-out air campaign. The Army was also assigned its primary and collateral functions.²³

Because the decisions made at Key West did not settle all the problems involved in defining the specific roles and missions of each of the services, and their respective functions in the field of strategic planning, particularly insofar as the Navy and Air Force were concerned, a second series of meetings was held, 20-22 August 1948, at the Naval War College, Newport, Rhode Island, where several important decisions were made.* It was agreed, as an interim measure, that the Chief of the Armed Services Special Weapons Project, which handled the atomic bomb, would report to the Chief of Staff, USAF—a decision which gave the Air Force operational control of the atomic bomb for the time being. Another important decision clarified the term "primary mission." In the fields of its primary missions (such as strategic bombing by the Air Force) each service was to have exclusive responsibility for planning and programming, but in the execution of that mission all available resources (in-

*The Secretary of Defense issued a revision of the "Key West Agreement" on 1 October 1952. For the text of this revision refer to Department of the Air Force, Air Force Bulletin No. 9, Functions of the Armed Forces and the Joint Chiefs of Staff, Washington, 9 July 1954.

general respects in which he felt the Act required strengthening.²⁷

Forrestal's suggestions, and the proposals made by the Hoover Commission, were in general supported by President Truman on 5 March 1949, when he recommended to Congress certain modifications of the National Security Act of 1947 which he considered essential to meet changing conditions. The President recommended that the National Security Act should be amended

to accomplish two basic purposes; First to convert the National Military Establishment into an executive department of the Government, to be known as the Department of Defense, and, second, to provide the Secretary of Defense with appropriate responsibility and authority, and with civilian and military assistance adequate to fulfill his enlarged responsibilities.²⁸

Already, on 2 February 1949, a bill had been submitted to Congress providing for an Under Secretary of Defense who would perform such duties as might be prescribed by the Secretary and act for him in case of absence or disability. This bill sped through Congress and was approved on 2 April 1949 as Public Law 36, 81 Cong., 1 Sess. A month later Stephen T. Early, formerly press secretary to President Franklin D. Roosevelt, became the first Under Secretary of Defense.²⁹

The National Security Act was amended a second time in the summer of 1949 when Congress enacted Public Law 110, 81 Cong., 1 Sess. (approved 20 June 1949), which gave the Central Intelligence Agency sufficient authority for its proper administration. This law also protected the confidential nature of the CIA's functions.³⁰

Later in the summer of 1949 Congress still further amended the National Security Act. A bill, S. 1269, reflecting the recommendations made by the President in his speech of 5 March, had been introduced in the Senate on 16 March. After holding extensive hearings and discussions on this bill, the Senate Committee on Armed Services reported its own bill, S. 1843, which was also in close agreement with the President's recommendations and in general accord with those made by the Hoover Commission.³¹

The original measure, S. 1269, including those amendments which curtailed the powers of their offices in favor of the office of the Secretary of Defense, was supported by the Secretaries of the Army and the Air Force. The members of the Joint Chiefs of Staff—General Bradley, Admiral Denfield, and General Vandenberg also favored the measure as a whole. Gen. Clifton B. Cates of the U.S. Marine Corps was the only witness generally to oppose the bill. Ferdinand Eberstadt, chairman of the Committee on the National Security Organization, was opposed to the consolidation of the three military departments into one executive department; he objected to the creation of three Assistant Secretaries of Defense; and he did not wish to give the highest military rank to the proposed chairman of JCS.³²

Secretary of Defense Forrestal gave his support to the proposed amendments which would give broad authority to the Secretary. He admitted that, as a result of his experience of the past 18 months as Secretary, he had changed his position on the question of giving broad powers to the Secretary of Defense, saying that he believed the proposed changes would make possible effective organization and management of the Department of Defense and that he regarded these proposals as essential for continued progress toward unification.³³

The Senate committee decided to redraft S. 1269 in order to embody some of the views expressed by the witnesses who had testified and to meet some objections made by them. The revised version had added to it Title IV, dealing with the establishment of uniform fiscal procedures and organizations in the Defense Department. There were a few other verbal changes which made S. 1843, the committee's bill, a more conservative measure than S. 1269.³⁴

S. 1843 provided for six major changes in the National Security Act, as well as for several minor ones.* The six major items were:

1. The removal of the three service secretaries from the National Security Council.
2. The conversion of the National Mil-

*These changes are not discussed in detail as S. 1843 was considerably modified in the legislative process. The changes contained in the amending act as finally passed by Congress (P.L. 216, 81 Cong., 1 Sess.) are given a more detailed treatment in pp. 63-64 following.

cluding those of all three services) were to be used. Hence, exclusive responsibility in a given field was not to mean exclusive participation. This decision settled for the remainder of Forrestal's tenure of office the difficulties which had arisen in delineating the respective functions and missions of the Air Force and the Navy.²⁴ These conferences did not, however, bring to an end all the difficulties involved in securing complete agreement between the services; nor were all the problems of unification solved as, indeed, they have not been to this day.

AMENDMENTS TO THE NATIONAL SECURITY ACT

Although the National Security Act of 1947 brought about a timely reorganization of the nation's military establishment and provided a sound basis for progress toward complete unification, it had not long been in effect before it became evident that certain changes must be made in the law in order to make the reorganization of the armed forces more effective.

The Commission on Organization of the Executive Branch of the Government (known as the Hoover Commission after its chairman, former President Herbert Hoover) was set up by statute in the summer of 1947 to make a study of the organization and operations of the federal government. It appointed a "task force" group, the Committee on the National Security Organization, headed by Ferdinand Eberstadt, to make a study of the military establishment. The committee's report, released on 16 December 1948, was incorporated into the report of the parent organization which was made public on 28 February 1949.²⁵

The report recommended numerous changes, some of which could be effected by executive order and administrative procedures; others would require legislative enactment. Those recommendations which would necessitate legislative changes in the basic act included: more unified civilian control for the National Military Establishment; relieving the Secretary of Defense of excessive routine duties; improving the coordination and teamwork of the whole

military organization; and more effective budgetary control.²⁶

These recommendations were similar to the views expressed by Secretary of Defense Forrestal in his First Report, released 29 December 1948. In this report Secretary Forrestal suggested that several changes in the National Security Act would be desirable in the light of the experience gained in the first year of its operation. The changes he suggested were as follows:

1. That provision should be made for an Under Secretary of Defense who should perform such duties as were assigned to him by the Secretary of Defense. The Under Secretary would be the *alter ego* of the Secretary and should serve as acting Secretary in his absence.

2. The statutory authority of the Secretary of Defense should be materially strengthened by making it clear that the Secretary of Defense had the responsibility for exercising "direction, authority, and control" over the departments and agencies of the National Military Establishment. The word "general" should be deleted from the act where used in such a manner as to limit the Secretary's authority.

3. Changes should be made in the provisions of the National Defense Act dealing with the Joint Chiefs of Staff. That provision naming the Chief of Staff to the Commander in Chief as a member of the JCS should be deleted. Provision should be made for the designation of a responsible head for the JCS.

4. The limitation on the size of the Joint Staff should be removed or raised.

5. Provision should be made for clarifying the Secretary's authority with respect to personnel.

6. The statutory membership of the National Security Council should be changed to provide that the Secretary of Defense should be the only representative of the National Military Establishment on the Council.

Secretary Forrestal stated that, while there were many other changes which had been suggested in the course of experience, the above-enumerated items indicated the

tary Establishment into a Department of Defense, and the conversion of the service departments (Army, Navy, and Air) into "military departments" in lieu of executive departments.

3. Clarification of the powers of the Secretary of Defense.

4. Creation of a chairman of JCS.

5. A change in the relationship of the Munitions Board and the Research and Development Board to the Secretary of Defense.

6. The establishment of comptrollers in the Office of the Secretary of Defense and the three military departments, and a revision of the budgetary and fiscal systems of the departments.³⁵

It should be noted that Louis Johnson, who succeeded Forrestal as Secretary of Defense on 28 March 1949, took substantially the same position in support of the proposed amendments to the National Security Act as that taken by his predecessor. Johnson, although approving S. 1843 as a whole, urged the restoration of a provision creating three Assistant Secretaries which had been deleted by the Senate Committee on Armed Services. He also urged that supervision over the functions performed by the JCS be vested in the Secretary of Defense, and that the duties of the comptroller of the Department of Defense be made discretionary with the Secretary of Defense, thus preserving the principle of clear control by top management.³⁶

When S. 1843 went to the Senate, it was amended to authorize the transfer of officers holding permanent commissions from one department to another, and to add Under Secretaries of executive departments to the list of those eligible for membership in the National Security Council. The bill met considerable opposition in the House, and further consideration was postponed until the completion of the hearings on the B-36 bomber program. Finally, the House discarded the Senate bill and passed a bill of its own dealing with changes in the National Military Establishment. This House bill, called the Short bill, was drastically amended by the Senate (the amended bill was a reproduction of S. 1843) and finally

a compromise bill was agreed upon. This measure, called the "National Security Act Amendments of 1949," became law on 10 August 1949.³⁷

This compromise differed considerably from the bill framed by the Senate. It set up the basic principles that the military departments should be separately administered and stated that it was not the intent of Congress to establish a single chief of staff over the armed forces, nor to create an armed forces general staff. It also reduced considerably the broad powers which the Senate bill would have given to the Secretary of Defense; the service secretaries were even permitted to present to Congress their own recommendations concerning the Department of Defense after informing the Secretary of Defense of their intent. The Deputy Secretary of Defense (now substituted in place of the Under Secretary) was not to take precedence over the secretaries of the military departments as in the Senate bill; it was simply provided that the Deputy Secretary should have precedence in the Department of Defense second after the Secretary. The Deputy Secretary was to be a member of the Armed Forces Policy Council (set up in lieu of the War Council).

The compromise bill also showed the distrust of concentration of military power, evidenced by some House members, in that provision which designated the chairman of the Joint Chiefs of Staff as the "presiding officer" of that group rather than its head. Unlimited reappointments of the chairman of JCS could be made only in time of war "declared by Congress." The whole JCS, not just the chairman, was to act as chief military adviser to the President, the Secretary of Defense, and the National Security Council. The revised statute deprived the Secretary of Defense of the prerogative of approving the selection by the Joint Chiefs of Staff of the director of the Joint Staff.

Title IV of the amending act, as revised in conference committee, also reflected the reluctance of members of the House to vest broad powers in the Secretary of Defense. In the revised version, as enacted into law, the provision permitting the Secretary of Defense, with the approval of the President,

to transfer appropriations within the military departments was eliminated. Also eliminated were two other provisions: one requiring requests for legislative appropriations for the military departments to be approved by the Secretary of Defense before transmittal to the President, the Bureau of the Budget, or Congress; and another provision giving the Secretary of Defense authority to incur deficiencies in time of emergency when it was in the public interest or necessary for the national security.³⁸

Despite these modifications, however, the National Security Act Amendments of 1949, as enacted into law, Public Law 216, 81 Cong., 1 Sess. (approved 10 August 1949), in large measure carried out the recommendations made by President Truman, Secretary Forrestal, and the Hoover Commission. It changed the composition of the National Security Council so that the secretaries of the three military departments would not be *ex officio* members (although they could serve when appointed by the President); it set up the Department of Defense as an executive department (in lieu of the National Military Establishment), and its three coordinate branch departments of Army, Navy, and Air as military departments; it gave the Secretary of Defense direct and definite authority over the Department of Defense and the heads of the three military departments; it provided for a Deputy Secretary and three Assistant Secretaries of Defense to aid the Secretary in carrying out his duties; it provided for a chairman to preside over the Joint Chiefs of Staff; it made the Munitions Board and the Research and Development Board subject to the authority of the Secretary of Defense. Title IV of the act established uniform budgetary and fiscal procedures in the Department of Defense and the military departments, making provisions for a comptroller of the Department of Defense as well as one for each of the military departments. Finally, the National Security Act Amendments of 1949 contained a provision which invalidated the President's Reorganization Plan No. 8 of 1949 relating to the National Military Establishment (now

the Department of Defense) and other agencies created by the National Security Act of 1947.³⁹

A fourth legislative measure making change in the provisions of the National Security Act, as amended, was enacted into law on 15 October 1949. This was Public Law 359, 81 Cong., 1 Sess. which increased the salaries of the Deputy Secretary of Defense, the Secretaries of the service departments, and other officials in the national defense set-up.⁴⁰

In effect, the National Security Act was amended a fifth time in 1949 when Congress approved the President's Reorganization Plan No. 4. By this plan, the National Security Council and the National Security Resources Board were transferred to the Executive Office of the President.⁴¹

Public Law 779, 81 Cong., 2 Sess. (approved 9 September 1950) amended Section 202 of the National Security Act by authorizing the Secretary of Defense to transfer medical officers between the services. Presidential approval was required for such action.⁴² Certain provisions of the Air Force Organization Act of Public Law 150, 82 Cong., 1 Sess. and the Mutual Security Act of 1951, Public Law 165, 82 Cong., 1 Sess. (approved 19 September and 19 October 1951 respectively) made further changes in the basic unification act. These laws and the changes they made are, however, to be discussed later.⁴³

It should be noted here that the attainment of complete unification and the creation of a completely satisfactory organization for national defense had not yet been realized despite the numerous amendments to the National Security Act of 1947. Experience indicates that many improvements are still needed in the organization of the Defense Department and its agencies.*

In a letter written to the President on 18 November 1952, Robert A. Lovett, the retiring Secretary of Defense, pointed out that "since 'unification' is necessarily evo-

*The National Security Act was also amended in 1952 by Public Law 418, 82 Cong., 2 Sess., 28 June 1952; and again in 1953 by Reorganization Plans 3, 6, and 7 of 1953. For the substance of these amendments see Committee Report No. 3, National Security Act of 1947, printed for the use of the Committee on Armed Services, 83 Cong., 1 Sess., United States Printing Office, Washington, 1953.

lutionary, improvements should be made as experience is gained." Acting on the basis of his experience as Secretary of Defense, Lovett made a formidable list of recommendations for the improvement of the military establishment—recommendations which, if acted upon, will necessitate extensive amendments of the National Security Act.⁴⁴

ARMY AND AIR FORCE AUTHORIZATION ACT OF 1949

The National Security Act gave the Air Force equal status with the Army and Navy, setting it up as a separate and coordinate military service with its own departmental organization and secretary and its own chief of staff. It was evident, however, that this legislation was insufficient to meet the operational and organizational needs of the newly constituted USAF. For nearly three years after the passage of the National Security Act the USAF had no statutory authorization for carrying on its operations other than that stemming from various laws pertaining to the Army, except for the Act of June 24, 1948 which authorized the Secretary of the Air Force (as well as the other two service secretaries) to establish and fix the compensation for 13 positions in his department to be used for the purpose of carrying on research and development functions.⁴⁵

By the enactment of the Army and Air Force Authorization Act of 1949, Public Law 640, 81 Cong., 2 Sess., which actually became law on 10 July 1950, Congress took action to clarify the legal situation of the Air Force, and at the same time to revise certain outmoded statutes pertaining to the Army.⁴⁶ This measure, which was designed to create a legal framework for the Army and the Air Force as regarding their military strength, their composition, their procurement authority, their research and development authority, and their appropriation authority, was passed by the House on 22 March 1949 as H.R. 1437. On 22 August 1949 the Senate passed H.R. 1437, but with numerous amendments. The final enactment of H.R. 1437 into law was delayed

until the differences between the House and the Senate versions could be ironed out in conference committee and a compromise measure framed which would be acceptable to both houses.⁴⁷

As enacted into law in the summer of 1950, Title II of the Army and Air Force Authorization Act of 1949, which dealt entirely with the Air Force, established the composition of the Air Force of the United States as consisting of the Regular Air Force (the USAF), the Air National Guard of the United States, the Air National Guard while in the service of the United States, and the United States Air Force Reserve. The Air Force of the United States was to include all personnel inducted, enlisted, or appointed into the Air Force of the United States, and all those Air Force units and organizations and all Air Force personnel necessary to form the basis for a complete and immediate mobilization in time of national emergency. The strength of the Air Force of the United States was set at not more than 70 USAF groups plus such squadrons, reserve groups, and supporting and auxiliary USAF and reserve units as might be necessary.⁴⁸

This legislation authorized for the USAF an active-duty personnel strength of 502,000 officers, warrant officers, and enlisted men. This did not include one-year enlistees, officer candidates, aviation cadets, and personnel of the Air National Guard and the USAF Reserve. A personnel strength of 150,000 officers, warrant officers, and enlisted men was authorized for the Air National Guard and the Air National Guard of the United States, *excluding* those on active duty in the Air Force of the United States; and a personnel strength of 500,000 officers, warrant officers and enlisted men for the USAF Reserve, *including* those Reservists on active duty with the Air Force of the United States.⁴⁹

Section 203 of Title II of the Act of 1949 authorized the Air Force of the United States to have 24,000 serviceable aircraft or 225,000 airframe tons aggregate of serviceable aircraft. Guided missiles were *not* to be included within the number of aircraft

or airframe tons herein permitted to the Air Force. In section 204 the Secretary of the Air Force was given the authority to procure the number of aircraft or airframe tons provided for above and to replace un-serviceable or obsolete aircraft. He was also given the authority to procure guided missiles, spares, spare parts, and the equipment and facilities necessary for the operation and maintenance of the Air Force.

Section 205 authorized the Secretary of the Air Force to carry on research and development programs related to Air Force activities and to procure the facilities, equipment, services, and supplies necessary for such work.⁵⁰

Title III of the act stated that its provisions should be subject to the duties and authority of the Secretary of Defense and the various organizations of the Department of Defense as provided in the National Security Act of 1947 and its amendments. It was specified also that the whole act would not be rendered invalid should a part thereof be invalid.

Of great importance to the Air Force was the provision in Title III authorizing the appropriation of funds to carry out the provisions of the act and specifically stating that moneys appropriated to the Department of the Air Force "for procurement of technical military equipment and supplies, the construction of public works, and for research and development" should remain available until expended unless it was otherwise provided in the appropriation act concerned.⁵¹ This legislation was of importance to the Air Force, as it established in law the composition and basic authorities of the Air Force, and gave it a firm legal base for carrying on its activities. No longer was the Air Force solely dependent on Army legislation for authority to carry on its basic activities. It should be pointed out, however, that the practice of securing detailed authorizing legislation in procurement matters, as exemplified in sections 203 and 204 of this act, sets up statutory limitations which tend to create psychological blocks. These, in turn, may hamper the expansion of the Air Force when the

exigencies of the world situation demand such expansion.⁵²

THE AIR FORCE ORGANIZATION ACT OF 1951

This legislation was followed in 1951 by another act which provided a statutory basis for the internal organization of the Air Force and the Department of the Air Force. This was accomplished when Congress passed the Air Force Organization Act of 1951, Public Law 150, 82 Cong., 1 Sess. (approved 19 September 1951).⁵³ This measure was introduced in the House of Representatives on 19 January 1951 by Representative Paul J. Kilday (Democrat, Texas) as H.R. 1726, "A bill to provide for the organization of the Air Force and for other purposes"⁵⁴

This bill was, in general, acceptable to the Air Force. The House Committee on Armed Services reported it back to the House without amendment on 22 January. It was referred to the Committee of the Whole House on the State of the Union and was passed by the House on 24 January 1951.⁵⁵

H.R. 1726 was then sent to the Senate and referred to the Senate Committee on Armed Services, which referred it back to the Senate with amendments on 18 June 1951.⁵⁶ The amended version of H.R. 1726 which the Senate passed on 21 June 1951 differed in several respects from the bill passed by the House and it had to go to conference committee for revision into a form acceptable to both Houses.⁵⁷

In the conference report (House Report No. 973) and statement the conference managers from both Houses agreed to make certain concessions. The Senate was to recede from nine amendments it had made to the original bill, and the House was to recede from its disagreement with six other amendments made by the Senate. The conference committee agreed on a compromise measure which was substantially the House bill. The major change was in the matter of the command authority of the Chief of Staff of the Air Force. In the House bill the Chief of Staff had been given

only supervision of the Air Force, while the Senate bill gave him command of the Air Force. The conference report provided that the Chief of Staff should, under the direction of the Secretary of the Air Force, exercise command over the Air Defense Command, the Strategic Air Command, and the Tactical Air Command, and such other major commands as might be established by the Secretary of the Air Force during a period of war or national emergency declared by the President or Congress. He was to have supervision over all other portions of the Air Force.⁵⁸

The House bill had provided for three major commands (ADC, SAC, and TAC) and such other commands, forces, and organizations as the Secretary of the Air Force might from time to time provide; it also made provision for the establishment of new major commands or the discontinuance or consolidation of the three above-named major air commands for the duration of any war or national emergency declared by Congress. The Senate amendment would have deleted all this from the House bill. As finally agreed on in conference, the bill provided that the Air Force should consist of the three afore-mentioned major commands, and such other commands and organizations as might be established by the Secretary of the Air Force in the interest of economy and efficiency. These were not to be major commands, however. New major commands were to be established or existing major commands consolidated or abolished only for the duration of any national emergency or war declared by the President or Congress.

The Senate bill contained a provision for the appointment of an officer charged with Air Reserve functions. The conference report retained that provision. There were other changes made in the original House bill but they were minor in nature.⁵⁹ The conference report was accepted by both houses and the enrolled bill, H.R. 1726, embodying the provisions agreed upon in conference committee, was signed in both Houses on 18 September 1951.⁶⁰ On the next day, 19 September 1951, this measure, officially cited as the Air Force Organiza-

tion Act of 1951, was signed by the President.⁶¹

Section one of the act gave its short title and section two consisted of definitions of Air Force terms. The terms "United States Air Force" and "Air Force" were stated to be synonymous and to mean the United States Air Force as established by the National Security Act of 1947, including all its components and personnel. The terms "members of the Air Force," "officers of the Air Force," and "airmen" were defined. The term "Air Force Establishment" was defined to mean all the commands, organizations, forces, agencies, installations, and activities, including the Department of the Air Force, all members of the Air Force,* all the property, and all civilian personnel, which were under the control or supervision of the Secretary of the Air Force. The term "Department of the Air Force" was defined to mean the executive part of the Air Force Establishment at the seat of government.⁶²

The remainder of the act was broken down into four titles. Title I, pertaining to the Secretary and his principal civilian assistants, made the Secretary responsible for all Air Force affairs and gave him the authority commensurate with that responsibility. He was also authorized to delegate powers and duties to his assistants. His principal assistants, as designated by the act, were the Under Secretary of the Air Force and two Assistant Secretaries. These officials were to be appointed by the President, by and with the advice and consent of the Senate. Provision was made for the succession to the post of Secretary in case of the incumbent's death, resignation, removal, absence, or disability. In such case his duties were to be taken over (until the President could make a new appointment) in the following order, by: 1) the Under Secretary; 2) the Assistant Secretaries in the order fixed by their length of service as such; and 3) the Chief of Staff.⁶³

Title II dealt with the Chief of Staff and the Air Staff. It provided for a staff organization to be known as the Air Staff, and consisting of the Chief of Staff (USAF), a

*This included members of Reserve components of the Air Force

Vice Chief of Staff, and not over five Deputy Chiefs of Staff. In additions, there were to be assigned or detailed to the Air Staff such other members of the Air Force and civilian officers and employees as the Secretary of the Air Force should see fit. The organization of the Air Staff and the duties and titles of its members were to be determined by the Secretary. It was required, however, that there should be on the Air Staff a general officer to assist and advise the Secretary and the Chief of Staff on all affairs relating to the reserve components of the Air Force.

The number of Air Force officers assigned to permanent duty in the Department of the Air Force was limited to 2,800 in times of peace. Only in time of war or national emergency, or when it was considered by the President to be in the national interest, could this number be increased. In order to keep check on this item it was provided that the Secretary should make a quarterly report to Congress on the number of officers in his Department. An officer's tour of duty with the Department of the Air Force was limited to four years except in special cases.⁶⁴

The Chief of Staff was to be appointed by the President, by and with the advice and consent of the Senate, from among the general officers of the Air Force. He was to serve during the pleasure of the President, but his term was not to exceed four years unless he was reappointed. The Chief of Staff, while holding office as such, was to have the grade of general, without vacation of his permanent grade, and was to be counted as one of the officers authorized to serve in grade above lieutenant general under the provisions of the Officer Personnel Act of 1947.⁶⁵ The Vice Chief of Staff and the Deputy Chiefs of Staff were to be general officers of the Air Force detailed to these positions. In case of a vacancy in the office of the Chief of Staff or his absence or disability, the Vice Chief of Staff, or the senior Deputy Chief of Staff who was available, in this order, was to act as interim Chief of Staff.

The command authority of the Chief of Staff, and his supervisory authority, both

exercised under the direction of the Secretary of the Air Force, have already been discussed in that part of this study dealing with the conference report on H.R. 1726.* The Chief of Staff was to perform those duties prescribed for him by the National Security Act of 1947, as amended, and by other laws. In addition he was to perform such other military duties as might be assigned to him by the President. The Chief of Staff was to preside over the Air Staff and was to be directly responsible to the Secretary of the Air Force for the efficiency of the Air Force, its state of preparedness for military operations, and its plans for such operations. Upon the approval of the Air Staff's plans and recommendations by the Secretary of the Air Force, the Chief of Staff was to act as the agent of the Secretary in implementing such plans. These duties, except as otherwise provided by law, were to be carried out under the direction of the Secretary of the Air Force.

Title II also prescribed the duties of the Air Staff. It was to provide professional aid and assistance to the Secretary, Under Secretary, and Assistant Secretaries of the Air Force, and to the Chief of Staff. The Air Staff was to prepare plans concerning the use of the Air Force for national security, to investigate and report on questions concerning the efficiency of the Air Force and its state of preparedness, to prepare detailed instructions for the execution of approved plans and to supervise their execution, to act as agents of the Chief of Staff and the Secretary in the coordination of all organizations of the Air Force Establishment, and to perform such other duties as might be prescribed by the Secretary of the Air Force.⁶⁶

Title III provided for the composition and organization of the Air Force. Section 301, which listed the components of the Air Force, was practically the same as the statement of the composition of the Air Force found in Title II, Section 201, of the Army and Air Force Authorization Act of 1949. It stated that the United States Air Force consisted of the Regular Air Force, the Air Force Reserve, the Air National

*See above, pp 60-67

Guard of the United States, and the Air National Guard while in the service of the United States; and was to include all persons, enlisted or appointed in the Air Force, and all persons serving in the Air Force under call or conscription (including all members of the Air National Guard while in the service of the United States) pursuant to call as provided by law.⁶⁷

The Regular Air Force was defined in section 302, a counterpart of section 302 of the Army Organization Act of 1950 which defined the Regular Army. It also specified which persons should be considered as members of the Regular Air Force.⁶⁸

Sections 303 and 304 of Title III dealt with the Air Force Reserve and the Air National Guard of the United States as reserve components of the Air Force. Section 305 dealt with those units, organizations, and personnel of the Air National Guard for which federal responsibility had been invested by law in the Secretary of the Air Force or the Department of the Air Force. Section 306 provided that Air Force personnel should retain the same military status with the implementation of this act that they had held when it went into effect. Section 307 provided that specially qualified members of the Air Force should be designated, under regulations prescribed by the Secretary of the Air Force, to perform the special services for which they were trained. There followed a list of the laws setting forth the qualifications for the respective types of duties.⁶⁹

Section 307 (d) authorized separate promotion lists for the various categories of duties within the Air Force. These lists were to be set up at the discretion of the Secretary of the Air Force, and they were to conform to the provisions of the Officers' Personnel Act of 1947.⁷⁰

Section 308 of Article III provided that there should be "within the Air Force" three major air commands, ADC, SAC, and TAC. The Secretary of the Air Force was also empowered to establish other commands and organizations in the Air Force in the interest of efficiency and economy of operation. The three major commands named above could be abolished or consoli-

dated, or new major commands created by the Secretary for the duration of any national emergency or war declared by the President or Congress.⁷¹ By establishing only three commands on a statutory basis, and by giving the Secretary of the Air Force broad discretionary powers in setting up other commands and organizations in the Air Force, Congress wisely guarded against setting up a rigid organizational structure for the Air Force and made possible a flexible organization which could be changed and strengthened as changing situations demanded.

Section 309 provided that for Air Force purposes the United States, its territories and possessions, and other territory in which elements of the Air Force might be stationed or operated, could be divided into such areas as the Secretary of the Air Force might direct.⁷² Section 309 also provided that the Air Force should continue to have its own Judge Advocate General, who was to be appointed for a four year term by, and with the consent of, the Senate; the term could be extended or terminated by the President at any time. Although the Judge Advocate General was not to be a chief of an arm, branch, or service within the meaning of section 513 of the Officer Personnel Act of 1947, he was told to hold the grade of permanent major general in the Regular Air Force—he was to be appointed in this grade if he did not already hold that rank.⁷³ Although provision was not made for a separate Judge Advocate General's Corps in the Air Force, the act did not preclude the establishment of such a corps. Nor did it mean that the Air Force was to establish a separate and individual code of military justice. A new uniform code of justice had recently been put into operation for all three branches of the armed services; this new code, of course, would be applied by the Air Judge Advocate General.⁷⁴

Title IV of the act contained repeals, amendments, and saving provisions. Certain legislation which was no longer applicable to the Air Force now that it had a firm statutory basis for its organization, and all other laws and parts of laws incon-

sistent with the provisions of the Air Force Organization Act of 1951, were repealed.⁷⁵

Section 402 of Title IV is worthy of note in that it contained the only provision included in the Air Force Organization Act for the express purpose of amending the National Security Act of 1947. It provided that the National Security Act should be amended by striking out the words "command over the United States Air Force" in Section 208 (b) thereof, and substituting for them the words "command over the air defense command, the strategic air command, the tactical air command, and such other major commands as may be established by the Secretary under section 308-(a) of the Air Force Organization Act of 1951, and shall have supervision over all other members and organizations of the Air Force."⁷⁶ The amendment was, of course, for the purpose of removing any conflict between the two acts in defining the command authority of the Chief of Staff of the USAF. Section 407 of Title III provided that no other part of the Air Force Organization Act other than section 402 should be construed as amending, repealing, or in any way changing any provision of the National Security Act of 1947 as amended.⁷⁷ As for the remainder of Title III, it consisted of the usual saving provisions.

The Air Force Organization Act of 1951 can be said to have completed the process of creating a separate air arm with a self-sufficient organizational structure established on a sound statutory basis. This act supplemented the National Security Act in that it provided the Air Force with a much more detailed organizational structure than that prescribed by the National Security Act. The Air Force Organization Act also closed a legal gap which had resulted from the fact that under the terms of the National Security Act the Secretary of Defense had not had the authority to transfer laws from the Army to the Air Force. Actually, the Air Force Organization Act in large measure confirmed the Air Force set-

up as it had developed under the transfer orders.⁷⁸

Although the Air Force Organization Act provided a more detailed organizational set-up for the USAF, it allowed for sufficient administrative flexibility. The number of statutory officers, both military and civilian, was held to a minimum. Only three statutory commands were set up and the Secretary of the Air Force was given authority to set up other commands as the situation demanded in time of war. Consequently, the Air Force did not have its freedom of action limited by a rigid organizational structure enforced by statutory law. The USAF concept is one of a fluid organization rather than of a rigid statutory organization which cannot easily be reshuffled for greater efficiency.⁷⁹

There were also some other significant features of this act which are worthy of mention. It reaffirmed the authority of the Secretary of the Air Force to administer the Department and the Air Force, subject to the provisions of the National Security Act as amended, and to the constitutional powers of the President. It firmly maintained the principle of civilian control over the military forces.⁸⁰ That provision of the act establishing the Tactical Air Command answered to those who questioned whether or not the USAF was making sufficient provision for the aerial support of ground troops on the front lines. Although a tactical command already existed, it was without legal status. It was hoped that this legislation which required the USAF to maintain a tactical air command would sidetrack dispute over aerial support of the ground forces.⁸¹

Thus, by the fall of 1951, the process of unification and reorganization had resulted in the establishment of a separate and coordinate USAF with complete statutory authorization for its organization and operation. The USAF had been recognized as one of the three essential components of our modern military establishment.

CHAPTER 5

BUILDING THE POSTWAR AIR FORCE -
LEGISLATIVE BACKGROUND

The most important Air Force legislation in the post-World War II period, from the legal and organizational points of view, is to be found in the three major acts discussed in the preceding chapter. These were the National Security Act of 1947 (better known as the Unification Act), the Army and Air Force Authorization Act of 1949, and the Air Force Organization Act of 1951.

Yet this legislation, important as it was in that it recognized the vital role of air power and established the foundation upon which a strong separate Air Force could be built, constituted only a small fraction of the total amount of post-war legislation pertaining to the Air Force. It had to be supplemented by a great body of legislation to provide the personnel, the research and development facilities, and the aircraft and materiel, the installations, and the various other facilities necessary to build up and operate a United States Air Force strong enough to defend the United States and to gain air supremacy over enemies in time of war. In addition, there were enacted by Congress during this period a great many laws which did not pertain directly to the Air Force but which nevertheless affected it.

Another factor which contributed to the increase in Air Force legislation was the increasing importance of the Air Force itself as a separate military service and as one of the major sources of military strength on which our postwar policy of "containing" Communism rested. Indeed, during most of the period under discussion the major deterrent to overt Communist military aggression in Western Europe was the threat of the delivery of the atomic bomb by the USAF. Consequently, there was necessity for additional legislation to

enable the Air Force to take advantage of postwar developments in new types of planes, weapons, and other materiel.

In December of 1946, Gen. Carl Spaatz, Commanding General, AAF, acting in compliance with a memorandum from the War Department Legislation and Liaison Division, submitted to that organization a list of legislative proposals the AAF desired to have presented to the 80th Congress. This list contained 21 items. Many of these items were divided into several subsections, each of which could itself be the subject of special legislation. One of these items was General Spaatz's foremost legislative recommendation, the introduction of legislation unifying the armed forces of the United States and establishing the Air Force on a coequal basis with the Army and the Navy. The accomplishment of this particular legislative objective has already been discussed in the preceding chapter.

The other recommendations covered a wide range of legislation dealing with such subjects as the elimination and retirement of officer personnel and the equalization of retirement benefits, the continuance of a program of military collaboration with other American republics (in military training and equipment), the Reserve components, insurance benefits for ROTC students, the establishment of an Air Academy, the establishment of an Air Engineering Development Center, amendment and revision of the National Defense Act, appropriations, procurement, etc.¹ As might be expected, some of the recommended legislation was enacted in the 80th Congress (i.e., the National Security Act of 1947 and the Officer Personnel Act of 1947) Some of it was enacted in later Congresses, such as the Air Engineering Development Act of

1949 enacted in the 81st Congress; and some of the suggested legislation has not yet been enacted.*

The increasingly wide scope of post-World War II Air Force legislation can be seen in a list of selected legislation of interest to the Deputy Chief of Staff for Personnel and Administration, USAF, which was prepared by the Budget and Legislative Branch of the Executive Office, DCS/-PA, about 19 June 1948. This list, which covered just a part of the second session of the 80th Congress, included 32 public laws enacted, 14 bills awaiting the President's signature, and 106 bills which were introduced but failed to pass.² This list, of course, contained just a small sample of the number and type of bills directly or indirectly concerning the Air Force introduced in Congress every year. Many of these bills never reached the floor in either House of Congress; they were killed in committee, often on the advice or recommendation of Air Force officials. Other bills were aided in their passage by the recommendations of Air Force officials, or by their favorable testimony before the committees and subcommittees concerned. A great deal of the legislation enacted in behalf of the Air Force was drafted in the Air Force itself and, after receiving the proper approvals, was transmitted to Congress for introduction and reference to the proper committee. The USAF maintained close liaison with Congress when it was in session and was active in framing its own legislative program and in seeing that it came to the attention of Congress.

REORGANIZATION OF THE LEGISLATIVE SERVICES OF THE POSTWAR AIR FORCE

The handling of Air Force legislative affairs grew large and became such an important responsibility that it became necessary for the Air Force Establishment to reorganize and expand those staff organizations which handled its legislative program. In 1946 the Legislative Services Section, Office of the Air Judge Advocate, AC/AS, Personnel, with its staff of approxi-

mately 13 military and civilian personnel, was transferred to the Office of the Director of Information and redesignated the Office of Legislative Services.³

This office was charged with the responsibility of preparing drafts of proposed AAF legislation, the accompanying letters of transmittal, and all other correspondence pertaining thereto; securing the coordination of the Air Staff-offices concerned; and forwarding the legislative recommendations to the Legislation and Liaison Division of the War Department Special Staff. This division, in turn, secured the concurrence of the War Department and transmitted the legislative proposals to the Bureau of the Budget and to Congress.⁴

When the Air Force became a separate department in the National Military Establishment, the Office of the Director of Information, along with its subordinate organization, the Office of Legislative Services, was transferred to the Office of the Secretary of the Air Force. Soon thereafter the Office of the Director of Information was reorganized as the Directorate of Public Relations and its three subordinate offices were redesignated as divisions; the Air Information Division, the Legislative Services Division (formerly the Office of Legislative Services), and the Civil Liaison Division. But this organization was short-lived. Late in 1947 the Legislative Services Division and the Civil Liaison Division were combined to form the Legislative and Liaison Division with two branches, the Legislative Services Branch and the Civil Liaison Branch. Later a third branch was added, the Congressional Liaison Branch.⁵

As soon as the Air Force had become a separate department, negotiations had been started to transfer to the equivalent Air Force organization certain legislative and Congressional functions that were being performed by the Legislative and Liaison Division of the Department of the Army. By July 1948 both functions and personnel of the Army office had been transferred to the Legislative and Liaison Division of the Directorate of Public Relations, Department of the Air Force, which now had a total of approximately 61 per-

*It was not until the spring of 1954 that Congress enacted legislation providing for the establishment of an Air Academy.

sonnel—33 military and 28 civilian.⁶

During the fiscal year 1948 an advisory group called the Air Force Legislative Policy Board was established to help the Secretary of the Air Force in the formulation of legislative policy. The Board had for its chairman the Assistant Secretary of the Air Force for Management. The other members were the Director of Public Relations, the Director of Legislation and Liaison, the General Counsel, and the Vice Chief of Staff, USAF. This Board provided authoritative policy decisions to the Directorate of Legislation and Liaison (the Division of Legislation and Liaison had become a directorate in August 1948) in the period immediately following the creation of the Air Force as a separate and equal military department. After the Policy Board had furnished the basic policy determinations, the Directorate of Legislation and Liaison prepared the first separate Department of the Air Force legislative program and coordinated it with the other members of the National Military Establishment for presentation to the 81st Congress.⁷

In connection with this Air Force policy-making board it should be pointed out that Congress had established the Congressional Aviation Policy Board by the passage of Public Law 287, 80 Cong., 1 Sess. (approved 30 July 1947). This congressional board also formulated aviation policy, although on a broader scope and in a higher echelon. The purpose of this legislation was to provide for the development of an air policy adequate to meet the needs of national defense, of commerce, and of the postal service; and to facilitate the formulation of policies relative to the maintenance of an adequate aviation industry.

This board was to consist of 10 members; 5 appointed from the Senate by the President *pro tempore* of the Senate, and 5 appointed from the House of Representatives by the Speaker of the House. It was the duty of this board to study the current and future need of American aviation, including the utilization of aircraft by the armed services and the nature and extent of aircraft and air transportation industries desirable or essential to our national se-

curity. This board was to report to Congress by 1 March 1948, making such recommendations as it deemed desirable.⁸

The Air Force Legislation and Liaison Division increased so much in size and in the number and importance of its functions that it was decided to separate it from the Directorate of Public Relations, and to redesignate it as the Directorate of Legislation and Liaison, OSAF. This was done in August 1948. The Civil Liaison Branch was transferred to the Directorate of Public Relations. The Legislative Services Branch and the Congressional Liaison Branch became, respectively, the Legislative Division and the Congressional Liaison Division of the new directorate.

In September 1948 the process of transferring personnel and functions from the Army Directorate of Legislation and Liaison to the Directorate of Legislation and Liaison, OSAF, was completed. In 1949 certain Congressional correspondence functions, and military and civilian personnel to perform them, were transferred from the Directorate of Military Personnel, Headquarters, USAF, to the Congressional Liaison Division, Directorate of Legislation and Liaison, OSAF. This year also saw the formation of the Special Liaison Group in the Directorate of Legislation and Liaison. The Special Liaison Group consisted of the White House Liaison Office, the Senate Liaison Office, and the House Liaison Office. In January of 1950 the Congressional investigation functions were transferred from the Congressional Liaison Division to the Legislative Division. By July 1950 the Directorate of Legislation and Liaison had 48 officers, 7 enlisted men, and 71 civilians on duty; 126 persons in all.⁹

By the spring of 1951 the directorate had undergone further organizational changes. It now consisted of the Office of the Director, the Congressional Division, the Legislative Division, the Analysis Division (which had taken over Congressional investigation functions from the Legislative Division), and the Liaison Division (which replaced the Special Liaison Group). The Director was immediately responsible to the Secretary of the Air Force for legislative

and liaison matters, and acted in an advisory capacity to the Chief of Staff, USAF on legislative and liaison matters.¹⁰ The functions of the directorate, as set forth in OSAF Office Memorandum 20-9, 9 April 1951, were as follows: 1) to assume responsibility for the formulation, coordination, and general supervision of the Air Force legislative program, with the exception of appropriation bills, which were the responsibility of the Deputy Chief of Staff, Comptroller; 2) to supervise the preparation of proposed legislation and executive orders affecting the Department of the Air Force and to provide reports and studies and conduct projects incident thereto; 3) to monitor and prepare replies to Congressional inquiries, correspondence, and investigations; and 4) to maintain liaison with Congress, the Executive Office of the President, the Secretary of Defense, and other governmental agencies in connection with the matters mentioned above.¹¹

The Legislative Division of the Office of the Judge Advocate General, USAF, also performed certain functions pertaining to Air Force legislative matters. JAG was not concerned with Air Force policy, but only with certain legal and technical aspects of legislation affecting the Air Force. It was the responsibility of JAG to draft legislation which would accomplish a purpose recommended by either the Air Staff or the Office of the Secretary, and approved for inclusion in the Air Force legislative program. Legislation thus drafted was combined with other pertinent documents and transmitted by the Directorate of Legislation and Liaison to the Office of the Secretary of Defense. Then, after coordination with the Departments of the Army and the Navy, it was sent to the Bureau of the Budget. Coordination with other Government agencies concerned was normally accomplished by the Bureau of the Budget before it gave final approval for the Department of Defense to submit the proposed legislation to Congress.

JAG also advised the Air Staff as to the legal necessity for new legislation to accomplish desired ends (as opposed to suggested requirements which might be ac-

complished administratively or by Executive Order or even by placing a new construction on existing legislation). Its function in regard to non-Air Force program legislation which nevertheless affected the Air Force was to review this legislation from the legal and technical points of view. Legal consideration was also given to pertinent legislation by the Office of the General Counsel, OSAF, and by the attorney action officers of the Legislative Division of the Directorate of Legislation and Liaison.¹²

Actually, of course, the handling of a piece of Air Force legislation by the Directorate of Legislation and Liaison, OSAF, involved a much more complex procedure of routing legislative reports and correspondence to different offices and organizations in order to determine policy, and to achieve coordination and concurrence, than the preceding paragraphs would indicate. As an example of this procedure a proposed legislative measure originating with, or approved by, the Air Staff may be traced through the various steps of the process which would result in an act of Congress embodying the desired legislation. Starting as an idea, the proposed measure would be placed on a summary sheet and coordinated with the staff agencies involved, including JAG, USAF. The latter office determines that there is a legal requirement for such new legislation. The requirement is then submitted through the Vice Chief of Staff to the Directorate of Legislation and Liaison, OSAF, for action. The Legislative Division of that office then obtains approval or disapproval of the proposed measure by the Office of the Secretary and, if it is approved, requests JAG to prepare a draft bill and sectional analysis which will accomplish the purpose of the proposal. The draft bill and sectional analysis are combined by Legislation and Liaison with letters to the Director of the Bureau of the Budget, the Speaker of the House, and the President of the Senate. Legislation and Liaison prepares these letters in order to explain the purpose of the proposed legislation, the requirement of the Air Force, and the anticipated fiscal effect of the legislation if enacted. Next, the proposed bill

and its various accompanying documents are sent to the Air Force Legislative Policy Board.*

After approval by the Board the proposed legislation is then coordinated with the Departments of the Army and the Navy, and when these departments inform the Directorate of Legislation and Liaison of their concurrence or non-concurrence, the material is sent to the Office of the Secretary of Defense (OSD) whose Legislative Division goes to work on it. If approved by OSD, the proposal is submitted to the Bureau of the Budget and, on approval by that agency, is sent to Congress for introduction and reference to the proper committee. After the bill passes both houses of Congress it is enrolled and sent to the President for his signature or veto, the Bureau of the Budget, as executive agency for the President, sends the bill to the Department of Defense for its recommendation as to the appropriate Presidential action. Although the legislation was originally recommended by the Department of Defense it is conceivable that its substance may have been so modified during Congressional deliberation that the Department of Defense may wish to recommend veto rather than signature by the President. The Department of Defense sends the enrolled bill to the agency which made the original report on the legislation, in this case the Directorate of Legislation and Liaison, OSAF. Then Legislation and Liaison writes a report on the bill which may be a favorable report or a veto message for the President. This is coordinated with the other service departments and the OSD as before.† With the proper approvals the bill is sent to the President for his signature.¹³

It is evident, then, that the Directorate of Legislation and Liaison, OSAF, through its work in the formulation, coordination, and general supervision of the legislative program of the Air Force, and the Legislative Division of the Office of the Judge Advocate

*As of November 1954 the Office of Legislative Liaison (formerly the Directorate of Legislation and Liaison) no longer refers legislative matters to the Air Force Legislative Policy Board. It has been recommended that this board be abolished.

†Not only does the USAF coordinate its legislative program with the other two service departments—they, in turn, coordinate their legislative programs with the USAF. This inter-departmental coordination is unification in practice.

General, USAF, through its function of drafting Air Force legislation and giving legal advice and recommendations in legislative matters, have played a vital role in building up the postwar Air Force. The magnitude of this task is indicated to some degree by the fact that since the establishment of the Department of Defense an average of some 2,200 to 2,400 bills concerning the Air Force have been referred to the Office of the Secretary of Defense every Congressional year (2 calendar years).¹⁴ These bills are eventually referred to the Directorate of Legislation and Liaison, OSAF, for processing.

Obviously the legislative functions performed by the Legislative Division, JAG, USAF, and the Directorate of Legislation and Liaison, OSAF, are of vital importance to the Air Force. Under our system of government in which Congress holds the purse strings and makes the laws which determine the strength, composition, equipment, and operations of the armed services, it is not too much to say that the success of the AAF in attaining its legislative objectives in the time of peace is second in importance only to its success in attaining military objectives in time of war. A well-conceived legislative program supported by Congress is necessary for the building up and maintenance of a strong air arm adequate for national defense.

THE POSTWAR SLUMP IN AMERICAN AIR POWER

In 1946 the administration and the American people in general were not yet aware of the extent to which the security of the United States and of the whole free world was endangered by the threat of a resurgent and formidable Russian imperialism which intended to use communism as its ideological weapon for world conquest. Russia, victorious after a long and bitter struggle with the German invaders and firmly in control of Eastern and Central Europe, was determined to fill the power vacuum left by a totally defeated Germany and a seriously exhausted Great Britain.

Following V-J Day the U.S. motto was

"get the boys home"; there followed a rapid and almost disastrous demobilization which reduced the military services to a fraction of their wartime strength. One author said that demobilization was carried out in such haste that "our armed services were literally ripped apart," and that the AAF was so depleted that "it would be impossible to put a single B-29 squadron in the air . . ."¹⁵ The AAF, of course, was not willing to see this country placed in a position in which it would be at the mercy of enemy air power and had already framed a legislative program early in 1945 which would provide for a 70-group Air Force.* Despite the fact that this plan met wide approval in and out of Congress, it was not actually implemented until after the outbreak of the Korean conflict.

MISCELLANEOUS LEGISLATION 1946-1951

In 1946 several laws which vitally concerned the Air Force were enacted. The most important legislation, affecting the nation as a whole as well as the Air Force, was that dealing with atomic weapons and the governmental control of the development of atomic energy. In the early summer of 1946 Congress passed Public Law 442, 79 Cong., 2 Sess. (approved 25 June 1946), which authorized the use of naval vessels as targets in atomic weapons tests and experiments in order to determine the effect of atomic weapons on such vessels;¹⁶ this legislation, of course, made it possible to conduct the Bikini atomic bomb tests, which furnished such overwhelming evidence of the destructive power of airborne atomic weapons used against surface craft.

Of broader import was the Atomic Energy Act of 1946. On 3 March 1945 President Truman had sent to Congress a message requesting the enactment of legislation to fix a policy covering the use and development of atomic energy, including the atomic bomb. He emphasized the importance of reaching a decision in this matter as soon as possible because, due to uncertainty as to future national policy in this field, the vast World War II organization set up to

develop atomic weapons was about to lose its ablest personnel.

He also emphasized the necessity for insuring national control of the raw materials and research essential to the development of this form of power which had such tremendous capabilities for good or for evil.¹⁷ As passed by Congress, the Atomic Energy Act of 1946, Public Law 585, 79 Cong., 2 Sess. (approved 1 August 1946) set up an Atomic Energy Commission of five members, appointed by the President, to be in charge of atomic research. The commission was to administer government control of the production, ownership, and use of fissionable materials; in addition to its primary mission of assuring the common defense and security, the commission was charged to develop as far as possible the use of fissionable materials in the interest of the public welfare, for the improvement of the standard of living, and for the promotion of world peace. In addition to a General Advisory Committee of nine members to advise the commission on scientific and technical matters, there was created a Military Liaison Committee, consisting of representatives of the Departments of War and Navy. This committee, whose members were appointed by the Secretaries of War and Navy, was to advise and consult with the commission on all atomic energy matters relating to the military application of atomic energy, including the manufacture, use, and storage of atomic bombs, the allocation of fissionable materials for military research, and the control of information relating to the manufacture and use of atomic weapons.

The act also set a Joint Committee on Atomic Energy, composed of nine members of the House of Representatives and nine members of the Senate. All bills, resolutions, reports, and other materials referring to the commission or to the development, use, or control of atomic energy were to be referred to this committee.

Another feature of the Atomic Energy Act, characteristic of the new era, was its inclusion of strict security provisions governing the dissemination of atomic materials, data, and information. Heavy penal-

*See above, p 52

ties, including death and life imprisonment for violations with intent to injure the United States or to help a foreign nation, were provided for violation of the security provisions and certain prohibitions included in the act.¹⁸

The Military Appropriation Act, 1947, Public Law 515, 79 Cong., 2 Sess. (approved 16 July 1946), provided an appropriation of \$375,000,000 for "atomic service," and the First Supplementary Appropriation Act, 1947, Public Law 663, 79 Cong., 2 Sess. (approved 8 August 1946), provided for an increase of this appropriation to a sum set by the President.¹⁹ It is obvious that a large part of these funds went into atomic research and production connected with Air Force weapons.

At first, the Air Force was represented on the Military Liaison Committee by representatives named by the Army. Not until 1949 did Congress amend the Atomic Energy Act to give the Air Force, along with the Army and Navy, separate and equal representation on this committee.²⁰ However, it had been agreed at the Newport Conference in 1948 that the Chief of the Armed Services Special Weapons Project would report to the Chief of Staff, USAF. This decision gave the USAF operational control of the atomic bomb for the time being. Atomic energy became of extreme importance in Air Force planning, and the Air Force sponsored an extensive program of atomic research, a program directed by an Assistant for Atomic Energy in the Office of the Deputy Chief of Staff, Operations.²¹

Another measure of 1946 which was to be of great importance to the Air Force, as well as to the other two services, was the Legislative Reorganization Act of 1946. This legislation made rather sweeping changes in the standing committees of the House and the Senate. It did away with separate committees for naval and for military affairs, setting up instead a single armed services committee in each house of Congress to deal with the affairs of all the armed forces.²² This combination, in each House, of the separate committees which had dealt specifically with Army or Navy matters was

obviously in keeping with the increasing tendency toward the unification of the armed services. It also contributed to the effectiveness of Congress in dealing with matters pertaining to the armed services in that it partially corrected the "processes of diffusion" in Congress by which responsibility in such matters was divided between several different committees.

Of course there remained the difficulty of securing coordination and cooperation between the Senate and the House armed services committees on all service matters. Then too, there remained a diffusion of the responsibility for national security among other committees in both houses. Chief among these were the Atomic Energy Committee, the Committee on Expenditures in the Executive Departments, the Committee on Foreign Relations, the Appropriations Committee, the Rules Committee, and special committees such as the Truman Committee, whose investigative activities have already been discussed in a previous chapter.²³

The passage of an act incorporating the Civil Air Patrol, Public Law 476, 79 Cong., 2 Sess. (approved 1 July 1946), in the summer of 1946 was also of some significance to the Air Force. The Civil Air Patrol, established on 1 December 1941 by the executive order of Fiorello LaGuardia, the Director of Civilian Defense, had performed useful service in coastal (antisubmarine) patrol, border patrol, forest patrol, Army courier service, aviation cadet recruiting, and other activities during World War II.²⁴ About a year and a half later it became an auxiliary of the Army by Presidential order and was placed under the supervision and control of the Technical Services Division, AC/AS, Operations, Commitments, and Requirements.²⁵ By the above-mentioned incorporating act, 48 individuals from 48 states were incorporated as the Civil Air Patrol, which had as its objects: 1) encouraging and aiding American citizens who wished to contribute their efforts to the development of aviation and the maintenance of air supremacy; 2) providing aviation education and training; and 3) providing an organization of private citizens

with adequate facilities to aid in meeting local and national emergencies.²⁶ The enactment of this legislation was approved by the Secretary of War.²⁷

Two years later the Civil Air Patrol became the "official civilian auxiliary of the Air Force" as a result of the passage by Congress of Public Law 557, 80 Cong., 2 Sess. (approved 26 May 1948). Under this law the Secretary of the Air Force was authorized to give, sell, or loan surplus or obsolete aircraft or materiel to the CAP; to permit the CAP to use facilities of the Air Force Establishment in carrying out its mission; to furnish it gas and oil for carry-out its mission; to maintain USAF liaison offices at its national and state headquarters; and to detail military and civilian personnel of the USAF to assist the CAP training program.²⁸

In the first year after the war Congress also enacted legislation creating the National Air Museum. This measure, Public Law 722, 79 Cong., 2 Sess. (approved 2 August 1946), established a bureau which was to be known as a national air museum. This museum was to be administered by the Smithsonian Institution with the advice of a board composed of the Commanding General of the AAF, the Chief of Naval Operations, the Secretary of the Smithsonian Institution, and two American citizens appointed by the President from civilian life. The purpose of this museum was to memorialize the national development of aviation; to collect, preserve, and display aeronautical equipment of historical interest and significance; to serve as a repository for historically significant scientific equipment and data; and to provide educational material for the historical study of aviation.²⁹ The War Department and the AAF concurred in the passage of this legislation.³⁰

There was additional legislation enacted by Congress in 1946 which directly or indirectly affected the Army air arm. This included measures which amended the War Powers Act of 1941 and 1942, and an act which amended the Civil Aeronautics Act of 1938 in order to expand the functions of the Weather Bureau in collecting and

disseminating meteorological information of value to air navigation and in performing meteorological research.³¹

As the rift between Russia and the West widened in 1946-47 and the United States embarked on a foreign policy which was aimed at the containment of Communist imperialism, the passage of legislation dealing with economic aid and military assistance to countries resisting Communist aggression became of increasing significance to the Air Force. The very existence of such legislation pointed up the need for a greatly strengthened Air Force which could implement our new foreign policy in every part of the world.

The act providing for assistance to Greece and Turkey, Public Law 75, 80 Cong., 1 Sess. (approved 22 May 1947) falls in this category. This measure provided for financial, economic, and military aid to these countries in order to enable them to preserve their freedom and national integrity despite the pressure of Communist Russia and her satellites.³² Another act falling in the same category in that it promoted the national interest and the foreign policy of the United States was the Foreign Aid Act (approved 19 December 1947), which provided immediate aid for the peoples of Austria, China, France, and Italy to stave off want and economic retrogression.³³

By the passage of the Mutual Defense Assistance Act of 1949 Congress authorized the appropriation of funds and contract authority to furnish military assistance to the North Atlantic Treaty states, Greece, Turkey, Iran, the Republic of Korea, and to countries in the general area of China. The total amount involved was to be \$1,314,000,000; one billion of this sum was to be used to promote an integrated defense of the North Atlantic area and to facilitate the development of defense plans by the Council and Defense Committee established under the North Atlantic Treaty. Adequate safeguards were set up to protect the military reserves of the United States defense establishment.³⁴ This legislation, with all it implied in the way of global air strategy, logistics, and operations, was based on strategic considerations vital to American for-

eign policy, and was of great significance to the USAF.

The policy of containment was carried still further when Congress passed the Mutual Security Act of 1951. It was the purpose of this act

To maintain the security and to promote the foreign policy of the United States by authorizing military, economic, and technical assistance to friendly countries to strengthen the mutual security and individual and collective defenses of the free world, to develop their resources in the interest of their security and independence and the national interest of the United States and to facilitate the effective participation of those countries in the United Nations system for collective security.³⁵

This measure brought together in one place virtually all the foreign assistance to be considered by the 82d Congress in its first session. It authorized a total expenditure for all programs of not over \$7,535,750,000, over six billions being for military aid items.³⁶ Insofar as aviation materiel and the building up of friendly air power was involved this legislation was of great significance to the USAF.

Among the countries receiving jet trainers and fighters from the United States in 1951 were Turkey, France, England, Belgium, and the Netherlands. By the end of 1951 Mutual Defense Assistance (Aid) Program had committed the USAF for the delivery of more than 300 Republic F-84 fighters to friendly European nations, a figure which was programmed to exceed 800 by mid-fiscal 1953. England was scheduled to get 500 F-86 Sabres by mid-1952.³⁷ Such commitments would inevitably have their effect on the Air Force procurement situation.

It should also be pointed out that the formation of NATO, along with collateral agreements made with other key nations, created a situation which eased the pressure on intercontinental bomber buildup. By giving the USAF access to European air bases from which medium bombers could operate well behind the Iron Curtain, these new developments in foreign policy made a great change in the over-all strategic and operational situation of the USAF.³⁸

By the spring of 1951 the Air Force was building a tight chain of bases downward across western Europe and across the Middle Eastern perimeter of defense. It operated from 12 bases in England, 7 in Occupied Germany, and 1 in Occupied Austria. It also had bases in Tripoli and on the Persian Gulf, and was negotiating for bases in Morocco and Egypt, and for a base at Amman and one at Habbiniya, Iraq. Negotiations for a base at Cyprus had been completed. There were 20,000 officers and men of the Air Force stationed on these overseas lines of defense.³⁹

Congress had already made provision for defense at home by the enactment of Public Law 30, 81 Cong., 1 Sess. (approved 30 March 1949). Under the provisions of this legislation the Secretary of the Air Force was authorized to establish land-based air warning and control installations within and without the continental limits of the United States for its defense against air attack. Not more than \$85,500,000 was authorized to be appropriated for the construction of buildings, facilities, utilities, etc., to meet the needs of this program.⁴⁰ Authority already existed for the purchase of necessary radar and communications equipment (\$26,000,000 worth), and World War II surplus radar equipment valued at \$42,250,000 was also to be allocated to the system. This legislation was based on a plan and program which the Air Force had evolved after several years studying of the problem of establishing an aircraft warning and control system to defend this country. This program was reviewed and approved by the Joint Chiefs of Staff and the Secretary of Defense. It was the minimum program acceptable from a military point of view; also it was economically feasible, and it would give the United States a modest degree of protection which would otherwise be wholly nonexistent.⁴¹

Another significant defense measure was enacted by Congress in the following year. This was the Federal Civil Defense Act of 1950. This legislation provided for a Federal Civil Defense Administration headed by a Federal Civil Defense Administrator appointed by the President from civilian

life. Acting with the advice of an appointive Civil Defense Advisory Council, the Civil Defense Administrator was to act through and with state and local governments to organize and develop a program of civil defense for the protection of life and property in the United States.⁴² Obviously this legislation concerned the Air Force, as well as the other two armed services, because of the importance of an adequate civil defense program in maintaining civilian (and military) morale and war production in the event of any large-scale attack on the continental United States.*

Besides the legislation discussed above there were enacted miscellaneous measures of interest to the Air Force. Among these were the International Aviation Facilities Act, Public Law 647, 80 Cong., 2 Sess. (approved 16 June 1948), which authorized any department of the National Military Establishment to transfer certain airport or airway property to the Civil Aeronautics Administrator; and Public Law 889, 80 Cong., 2 Sess. (approved 2 July 1948), which authorized the Secretary of the Air Force to donate excess and surplus property to be used for educational purposes.⁴³

In addition to the legislation already discussed there was, of course, a great body of legislation enacted in the six years following World War II which directly concerned the Air Force and its members, and which lends itself to classification under the main headings of personnel legislation, materiel and related legislation, and appropriations. Some of this was enacted while the air arm was still a part of the Army (although an autonomous part); the first separate Department of the Air Force legislative program was prepared by the Air Force Legislative Policy Board for the fiscal year 1948. As has been previously pointed out, the responsibility for the Air Force legislative programs thereafter lay with the Directorate of Legislation and Liaison, OSAF.

PERSONNEL LEGISLATION

One of the major personnel problems facing the AAF at the end of World War II

*Unfortunately little progress in setting up an adequate civil defense program seems to have been made yet. This could well be disastrous in the event of atomic attack.

was that of procuring officers in sufficient numbers and of high enough quality to meet the postwar requirements of the AAF. This problem had been foreseen as early as 5 June 1944 when General Arnold was warned that the end of the war and demobilization would cause the AAF to lose many of its best officers. It was pointed out that there was an imperative need for legislation to commission into the regular service the best combat leaders and commanders who had been or were being developed.⁴⁴ These officers were to be drawn from those AAF officers who held commissions in the Army of the United States. In the fall of 1945, Lt. Gen. Ira C. Eaker submitted to the Chief of Staff and the Secretary of War a draft of proposed legislation authorizing such commissioning of additional officers.⁴⁵ Shortly afterward Congress passed Public Law 281, 79 Cong., 1 Sess. (approved 28 December 1945), which, making no special reference to the AAF, provided for the appointment as officers in the Regular Army of a limited number of persons whose outstanding service as temporary officers of the Army of the United States demonstrated their fitness to hold commissions in the Regular Army. The number of appointments to be made by the President under the terms of this act was not to bring the total commissioned strength of the Regular Army to over 25,000 officers. The additional appointments were to be made only in the grades of second lieutenant through major, inclusive.⁴⁶ Congress passed further legislation in 1946 which amended this act to increase the limit on the number of Regular Army officers, including additional officers appointed, from 25,000 to 50,000.⁴⁷

Legislation was also enacted in 1946 authorizing the President, by and with the advice and consent of the Senate, to appoint as permanent brigadier generals of the line in the Regular Army, the following AAF general officers: Lt. Gen. (temporary) Hoyt S. Vandenberg; Lt. Gen. (temporary) James H. Doolittle; Maj. Gen. (temporary) Curtis LeMay, and Maj. Gen. (temporary) Lauris Norstad.⁴⁸ Another act of Congress, Public Law 333, 79 Cong., 2 Sess. (approved 23 March 1946), authorized

making permanent the appointment of Gen. Henry H. Arnold, Commanding General of the AAF, to the grade of General of the Army.⁴⁹

In the spring of 1946 the War Department informed the AAF that legislation would be requested to implement two War Department plans. One would modify existing law and procedure governing the retirement of personnel for causes other than physical disability and effect the elimination of inefficient officers of the Regular Army. The other plan would create a new promotion system by combining automatic seniority promotions, selective promotion, and forced attrition.⁵⁰

The AAF did not favor such legislation at this time, since it felt that revisions of personnel policies should be delayed until a separate Air Force was set up and the Air Force could submit its own plans for legislation drawn up to meet needs peculiar to the Air Force. Several features of the War Department plans were not acceptable to the air arm.⁵¹

The proposed legislation for the retirement, promotion, and elimination of Regular Army officers was submitted by the War Department in a draft drawn up on 20 January 1947, and was largely embodied in H. R. 2536, introduced in the House of Representatives on 13 March 1947 by Walter G. Andrews (Republican, New York).⁵² It was greatly modified by Congress and was combined with similar legislation concerning the promotion of naval officers in a bill, H. R. 3830, introduced in the House of Representatives by Dewey Short (Republican, Missouri), on 13 June 1947.⁵³ This legislation, as proposed by the War Department, was adopted after conferences in which some of the major points of disagreement between the Army and the AAF were ironed out. In AAF circles it was felt, however, that the commanding general of the AAF was not given sufficient administrative control in that part of the proposed legislation dealing with the air arm, and that too much discretionary power was left to the Secretary of War.⁵⁴

As finally enacted into law, this legislation, the Officer Personnel Act of 1947,

Public Law 381, 80 Cong., 1 Sess. (approved 7 August 1947), was a long and very detailed measure. Covering nearly 118 pages in the *United States Statutes at Large*, it is divided into 5 titles, 4 of which deal with officer personnel of the Navy. Title V, divided into 23 sections (sections 501-523), and covering only 30 pages out of the 118, deals with the officer personnel of the Army and the Air Force.⁵⁵

This act provided a promotion system for the officer personnel of the Army and the Air Force (referred to in the act as the Air Corps) which was entirely new and different in concept for these services; the new system involved a transition from promotion by seniority to promotion by selection. The first four titles of the act set up for the Navy its own procedures for promotion, elimination, and retirement—a rather elaborate and detailed system which had evolved through the years and was embodied in this legislation with little change.⁵⁶

Title V of the act made provision for the elimination and retirement of officer personnel of the Regular Army and Regular Air Force as well as for their promotion. It also made provision for the procurement of officer personnel and set the stage for a separate Air Force by providing for the Army Air Corps an independent basis of promotion to meet its own requirements.⁵⁷

The Officer Personnel Act provided that the promotion of Regular Army (and Regular Air Force) officers for all grades above first lieutenant up to and including the grade of major general should be by selection. The selection of these officers for promotion was to be accomplished by selection boards consisting of not less than five senior officers appointed by the Secretary of War and convened from time to time in such numbers and under such directions as the Secretary might direct. It was provided that a majority of the total membership of any selection board must agree on the promotion of each officer recommended for promotion by that board. The President was authorized to remove from the recommended list the name of any officer whom

he did not consider qualified for promotion.⁵⁸

It was provided that promotion-list officers in the permanent grade of second lieutenant should be automatically promoted to the grade of first lieutenant after three years service. If found not to be fully qualified for this promotion second lieutenants were to have their commissions revoked and were to be discharged. If vacancies in the grade of first lieutenant occurred in any promotion list, officers of that list in the grade of second lieutenant could be promoted to fill those vacancies before completion of three years service.⁵⁹

Elimination of officers in excess of the number authorized for any branch or service was provided for by Section 509 of the act which set up a system whereby promotion list officers in the permanent grades of first lieutenant, captain, and major should be considered by selection boards for promotion to the permanent grade of captain, major, and lieutenant colonel on the completion of the required number of years of service (7, 14, and 21 years respectively). Those officers who were considered by two consecutive selection boards for promotion to the next grade and failed to be recommended both times were to be eliminated from the active list of the Regular Army and retired or separated as the case might be.

It was also provided that vacancies occurring in the number of officers authorized in any specific grade in a promotion list could be filled by promotion from the lower grades in the list without consideration of number of years in service. Special provision was made for the promotion of officers on the Air Corps promotion list to fill vacancies occurring in the grades of captain, major, or lieutenant colonel where there were special qualifications required for the vacant position.⁶⁰

Special selection boards were to be set up by the Secretary of War to select officers for promotion to fill existing and anticipated vacancies in the grade of colonel. In the case of Air Corps vacancies in the grade of colonel, provision was made for the requirement of special qualifications for pro-

motion to fill these vacancies. Provision was also made for the appointment of selection boards to recommend colonels for promotion to fill brigadier general vacancies, and for the promotion of brigadier generals by the same process to fill vacancies in the grade of major general.

The act also contained provisions for the retirement of lieutenant colonels, colonels, and brigadier generals who went too long without promotion to the next grade. It specified the procedure by which officers were to be recommended by five-officer boards for appointment by the President to be chiefs or assistant chiefs of branches, arms, or services.⁶¹

The Officer Personnel Act also contained many other provisions, all of which it would be hardly feasible to enumerate or discuss in a study chiefly concerned with the overall picture of Air Force legislation. It provided for the temporary appointment of officers of the Regular Army (and Air Force), officers of the Reserve components, and other persons to commissions in the Army of the United States; it laid down definitive rules for the granting of service credits; made special provision for the rank, pay, and retirement of professors of the United States Military Academy; amended the retirement laws; and established various other regulations and procedures concerning officer personnel.⁶²

This legislation remained in effect for the rest of the period under consideration, although there was further legislation enacted dealing with the elimination of officer personnel. With the setting up of the National Military Establishment under the National Security Act of 1947 a central selection board was set up by the Secretary of Defense, with the prescribed one year limit on its tenure. Later it became the practice to appoint four boards yearly to select officers for promotion to captain, major, lieutenant colonel, and colonel respectively. The promotion system established under this legislation undoubtedly had many advantages over the old seniority system but after it had been in operation for a few years many Air Force officers

came to feel that certain changes could be made to improve the law.⁶³

The Officer Personnel Act of 1947 was soon amended by the passage of Public Law 804, 80 Cong., 2 Sess. (approved 28 June 1948). It specified that the laws requiring retirement of Regular Air Force officers because of age should not apply to those officers appointed in the grade of General of the Army pursuant to the Act of March 23, 1946. Any such officer on the retired list could be restored by the President to the active list if he so requested. Nor were such officers to be counted in the limited number of officers authorized to serve on active duty in grades above lieutenant general as had been provided in section 503 of the Officer Personnel Act. Also it was specified that certain other generals could be continued in their grades until 1 July 1950 unless sooner retired.⁶⁴

In June 1948 the President approved the passage of the Army and Air Force Vitalization and Retirement Equalization Act of 1948. This legislation established a permanent and more expeditious method of eliminating substandard officers from the Regular Army and the Regular Air Force. Up to this time the elimination of substandard officers had been provided for by temporary wartime legislation—Public Law 190, 77 Cong., 1 Sess (approved 29 July 1941). Under the new elimination procedure set up in Title I of this measure the Secretary of the Army and the Secretary of the Air Force were each to convene annually a selection board of not less than five general officers. These boards, each in its respective service, were to review the records of all officers on the active list and to determine which ones should be required to show cause for retention on the active list, selecting those who failed to meet the standards of performance prescribed by the Secretaries. Each officer thus selected was to have a fair and impartial initial hearing before a board of inquiry. This board could recommend retention or removal of the officer concerned. The case was automatically closed in those instances in which retention on the active list was recommended. When it was recommended

by the board of inquiry that an officer be removed from the active list, the proceedings were to be reviewed by a board of review which could recommend retention or removal. If retention was recommended by this review board the case was closed. When the board of review recommended the removal of an officer from the active list, this recommendation was to be referred to the Service Secretary concerned for final action.⁶⁵

Title II of the Army and Air Force Vitalization and Retirement Equalization Act placed the personnel of the Army and the Air Force on a par with Navy personnel in regard to years of service required for voluntary longevity retirement and in regard to the right to retire in the highest temporary rank held. This title also contained provisions for the retirement of warrant officers, enlisted men, and members of the Army Nurse Corps.⁶⁶

It was provided that each service should have a single officers' retired list. Also provision was made for the voluntary retirement, at the discretion of the Secretary of the service concerned, of Regular Army and Regular Air Force officers, and Army of the United States Reserve and Air Force Reserve officers who had completed not less than 20 nor more than 30 years of active service. At least 10 years of such service must have been commissioned service. In retirement an officer was to receive annual pay equal to 2½ per cent of his annual base pay and longevity for the rank in which he was retired, multiplied by the number of years of service credited for longevity pay purposes. In no case was this to exceed 75 per cent of such annual active duty base and longevity pay. Similar provision was made for warrant officers and enlisted men. Warrant officers and enlisted men who retired after 20 years of service were not to be advanced to the highest temporary rank until active service plus time on the retired rolls totaled 30 years.⁶⁷

Title III established a new principle governing retirement for Reserve components of the Army and the Air Force. Previously, reservists had received retirement benefits only on grounds of physical disability; now

retirement was given for longevity based on service on extended active duty, plus limited credit for other duty. To qualify for retirement benefits a reservist had to attain 60 years of age, complete 20 years service as a member of the Reserve, and satisfy the standards of performance established for his Reserve component. These standards were based on a point system under which a reservist was required to earn 50 points a year in order to qualify for retirement. These points were based on active duty, drill attendance, training duty, etc. After 20 years of service the points earned by the reservist were converted into the number of years of service credited for retirement purposes, and this number, multiplied by 2½ per cent of the pay received by the reservist when he held his highest rank, determined the amount of retirement pay he would receive starting at the age of 60.⁶⁸ This legislation, of course, offered some real incentive to induce eligible individuals to join the Air Force Reserve, and to encourage those who were already in the Reserve to keep on with their training and maintain their Reserve status.

In 1948 there were still serious deficiencies in the Air Force personnel procurement program, especially in the procurement of officers and cadets. Only 64 per cent of the programmed requirement for Regular Air Force officers was attained, and recalls of nonflying Reserve Air Force officers fell far short of the goal. Although, by dint of intensive recruiting, the year's quota for aviation cadets was filled, there was no backlog of applicants at the year's end: there was a critical need for prompt legislative action to insure that the expanding need for Air Force officers and cadets would be met.

Among factors adversely affecting the procurement of Air Force officers and cadets were: 1) the comparatively low income possibilities of a military career; 2) the low pay of aviation cadets, which at this time was approximately that received by privates; and 3) a lack of decent living conditions caused mainly by a housing shortage.⁶⁹ Congress took action to remedy these conditions, at least in some measure, by the

passing of the Career Compensation Act and the Wherry Act.

Recommendations for an increase in the pay and allowances of aviation cadets had been made in 1946, and legislation for this purpose had been drafted by the Procurement Branch, Air Corps, for consideration by Congress in 1947.⁷⁰ In 1947 Maj. Gen. Hugh J. Knerr, Secretary General of The Air Board, submitted to the Chief of Air Staff suggestions to be used as a point of departure in designing the framework of a more realistic pay structure for the military establishment. This pay structure was to set up for officers new pay standards which would 1) be in line with the increased incomes in civilian life and the higher costs of living; 2) provide an adequate standard of living to guarantee the maintenance of a competent officer corps; 3) attract to the service officers of the high moral caliber essential to securing public support of the military establishment; and 4) set up a simple pay structure for the service which could be effectively and economically administered.⁷¹

Out of these proposals and suggestions grew the idea of an Air Force pay bill to be submitted to Congress. However, Brig. Gen. J. E. Upston, Acting Assistant Chief, Air Staff, recommended that such a bill should not be proposed. He felt that any revision of the existing pay structure, particularly since the enactment of the National Security Act of 1947, should be on a joint basis and applicable to all the armed services. The Secretary of War and the Secretary of the Navy had agreed to request the President to appoint a congressional committee to study the entire question of pay of the armed services. In anticipation of this the joint Army-Navy Personnel Board had designated a committee to study the question, also a working committee had been established in the War Department to assist the joint committee.⁷² In an R&R to the Air Comptroller, dated 23 July 1947, Col. W. E. Carpenter, Chief of the Legislative Services Division, Directorate of Information, AAF, concurred with the views of General Upston.⁷³

Late in 1947 the Secretary of Defense

appointed the Advisory Commission on Service Pay, better known as the Hook Commission, to investigate the adequacy of the compensation received by members of the armed services and the general soundness of pay structures. This was a four-man commission with Charles R. Hook, ARMCO steel executive, acting as chairman. After completing the most comprehensive study that had ever been made of this subject, the commission submitted its final report to the Secretary of Defense in December 1948.⁷⁴

The Hook Commission's report recommended the first comprehensive overhaul of service pay schedules and principles since 1908. Since that date the structures and missions of the armed forces had undergone radical changes. A greater need had developed for technicians in a wide range of skills (particularly was this true in relation to the Air Force); certain inequities had developed among the services, and between grades within the services; the value of the dollar and the cost of living had radically changed. These factors were recognized in the report and it attempted to deal with them.⁷⁵

The Pay Readjustment Act of 1942 had granted increases in the pay and allowances of the personnel of the armed services.⁷⁶ In 1946 this legislation was amended to grant further increases in the pay of officers and enlisted personnel in the armed services and in certain other branches of the uniformed services.⁷⁷ Another amendment in 1947 increased the pay of cadets and midshipmen in the military and naval academies.⁷⁸ None of this legislation, however, made any thoroughgoing changes in the system of military pay or in the principles upon which it was based. Nor did it bring the pay of military personnel up to a level commensurate with the great rise in the cost of living or comparable with civilian professional and industrial pay.

The findings of the Hook Commission, based on painstaking research by the commission itself, and on studies which had been in progress for two years within the services, were recognized as a stable basis on which to develop legislation providing

a career compensation plan for the uniformed services. In February 1949 a subcommittee of the House Committee on Armed Services began hearings on H. R. 2553, a bill drawn to implement the recommendations of the Hook Commission. These hearings lasted three months. The resulting bill was then reported to the full committee, and ultimately to the House of Representatives. After critical scrutiny on the floor of the House the bill was referred back to the Committee on Armed Services, which reexamined the bill and reported another bill, H. R. 5007, back to the House. This bill was passed on 15 June 1949.

This bill was supported by the Hook Commission although it did not conform to the recommendations of the Commission in several respects. After consideration by the Senate Committee on Armed Services H. R. 5007 was reported favorably to the Senate on 20 July 1949.⁷⁹ The Senate added a few amendments to the bill and passed it on 26 September; it was accepted by the House the next day. The House accepted the Senate's amendments, consequently it was not necessary to send the bill to conference committee.⁸⁰ The bill was signed by the President on 12 October 1949, and became effective retroactive to 1 October 1949.⁸¹ Thus was enacted the Career Compensation Act of 1949.

The purpose of this legislation was to establish for the uniformed services a compensation pattern which would tend to attract and retain first-class personnel in the armed services, and in the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. It also provided for a complete revision of the laws which governed compensation given to persons retired because of physical disability.

Three major changes were made in the pay structure. The first was in the matter of "longevity" increases. Previously an individual remaining in the same grade received a pay increase amounting to 5 per cent of his base pay for each 3 years of service, up to a total of 30 years. This principle was considered unsound and a new one was established whereby in-grade increases leveled off after a reasonable

period of service in grade and the individual received no added compensation until he was promoted.

The second change was in the matter of retirement for physical disability. Formerly officers retired for physical disability were retired on pay equal to 75 per cent of their base and longevity pay, with no differentiation as to actual degree of disability. Nor were retirement practices extended to the enlisted grades as a whole. The new legislation related the amount of disability pay to the degree of disability and established an incapacity of 30 per cent as the minimum which would qualify an individual for retirement. A less degree of incapacity, or less than eight years of service, was to be compensated by granting lump-sum "severance pay." The principle of retirement for physical disability was also extended to the enlisted grades on the same relative basis as to the commissioned grades. Obviously the application of this principle had the effect of reducing retirement pay in many cases.

The third major change involved the granting of a quarters allowance in lieu of the family allowance provided as a necessary wartime measure under the Servicemen's Dependents' Allowance Act of 1942. The family allowance had been a measure geared specifically to wartime conditions and now was considered too expensive for the permanent peacetime establishment. Therefore it was replaced with a permanent quarters allowance payable to all members of the uniformed services entitled to base pay, except as otherwise provided by law.⁸²

The Career Compensation Act not only met a long felt need by placing the pay structure of the military establishment on a more realistic basis, it also increased the pay and certain allowances of the personnel of the armed services, both officers and enlisted men, so as to put them more in line with the rapidly rising cost of living, thereby tending to attract more first-class personnel to the Air Force and the other armed services, and to keep them there. Although service publications classed the pay increases as moderate and pointed out that

they were less than those proposed by the Hook Commission, they were gratefully received and had a very beneficial effect on morale in the armed services.⁸³ For all the services the act increased the total active duty pay by \$409,000,000, retired pay (physical disability) by \$40,000,000, and quarters allowances by \$145,000,000.⁸⁴ It contained provisions for the pay of the reserve components of the armed forces and extended to the reserves the right to receive incentive pay for hazardous duty.⁸⁵

Of particular interest to the USAF was section 528 of Title V of the act which amended the Aviation Cadet Act to raise the pay of aviation cadets from \$75 to \$105 a month.⁸⁶ Section 204(a) and (b) of Title II of the act contained provisions dealing with flying pay. It was provided that crew member duty which involved frequent and regular aerial flight entitled qualified members of the armed services to incentive pay on a sliding scale according to pay grade. This ranged from \$100 a month for officers in pay grade 1 to \$150 for those in pay grade 8; it was set at \$100 a month for all four grades of warrant officers; for enlisted men this type of incentive pay ranged from \$30 a month for those in pay grade 1 to \$75 for those in pay grade 7. For duty involving frequent and regular participation in aerial flights, *not* as a crew member, the incentive pay was to be paid at the rate of \$100 a month for officers and \$50 a month for enlisted men.⁸⁷ These new and reduced rates of flying pay replaced the old rate based on 50 per cent of base pay.

In 1950 it became necessary to amend those provisions of the Career Compensation Act of 1949 dealing with dependents' allowances. The extensive expansion of the armed forces following the outbreak of hostilities in Korea resulted in thousands of National Guardsmen and reservists being called into active duty without their consent, and thousands of men were drafted under the provisions of the Selective Service Act of 1948. Many of the enlisted men thus ordered to active duty had families, and it was anticipated that it might become necessary in the future to draft men with dependents.⁸⁸

In order to prevent widespread hardship for the families of enlisted men whose military pay alone would not be sufficient to support their immediate dependents Congress felt that it was necessary to provide allowances for the families of service men during the mobilization. This was accomplished through the enactment of Public Law 771, 81 Cong., 2 Sess. (approved 8 September 1950), and entitled the Dependents' Assistance Act of 1950. This measure amended the compensation act on a temporary basis to provide dependency allowances for those lowest grade enlisted men who had dependents not receiving such allowances under the 1949 act and slightly increasing the allowances to other personnel with more than two dependents.

The existing basic allowance for quarters for personnel with two or less dependents in grades E-4 through E-7 were continued at \$67.50, monthly, and when there were over two dependents it was increased to \$75.00. The lower enlisted grades, E-1 through E-3, which were not entitled to quarters allowances under the 1949 act, were authorized a quarters allowance of \$45 in cases where there was one dependent, \$67.50 for two, and \$75 for more than two. The payment of these allowances was made contingent on the individual receiving the allowance making an allotment to his dependents of not less than the amount of the allowance plus \$40 from his pay in the case of personnel in grades E-1 through E-3; \$60 for personnel in grades E-4 and E-5; and \$80 for personnel in grades E-6 and E-7.⁹⁰

The Career Compensation Act did not solve the problem of providing adequate pay as the cost of living continued to rise, and shot up to new heights after the United States became involved in the Korean conflict. The Consumers Price Index of the Bureau of Labor Statistics increased nearly 10 per cent between October 1949 and August 1951.⁹⁰ In the fall of 1951 hearings were held by a subcommittee of the House Committee on Armed Services on H. R. 5664, a bill authorizing an increase in the pay and allowances for members of the armed services. Secretary of Defense Robert A.

Lovett, Gen. Hoyt Vandenberg, and other distinguished civilian and military leaders testified in favor of such an increase of pay. General Vandenberg urged an increase on the grounds of increasing cost of living and the necessity to counteract the effect of the relaxation of rental control and of the tendency to curtail the fringe benefits of the armed services. Vandenberg felt that pay increases were necessary in order to compensate for these developments and to make it possible to maintain the Air Force on a practically all-volunteer basis and at a high stage of morale.⁹¹ It was also felt that the pay of the personnel of the military establishment should be increased to keep in line with the recent 10 per cent increase in the pay of civilian employees of the federal government. Finally on 19 May 1952 legislation was enacted which amended the Career Compensation Act of 1949 to increase the pay and allowances of members of the uniformed services.⁹²

In the summer of 1949, before the final enactment of the legislation intended to improve the pay structure of the armed services, Congress also took action to relieve the situation which existed as a result of the shortage of housing for military personnel and their families. By the passage of the Wherry Act, approved 8 August 1949, Congress created a Military Housing Insurance Fund to be used to insure mortgages under the FHA supervision, so as to facilitate the financing of private enterprise in the construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Force installations.⁹³

The Wherry Act was amended early in 1950 to make it easier for air bases to arrange for housing construction with private funds. By the end of the fiscal year 1951, 6,364 of 24,888 family units certified to the FHA for Air Force housing had been completed. The expansion of the Air Force was so rapid and the consequent need for housing was so great, however, that even these measures were to prove insufficient.⁹⁴

It was not sufficient, of course, to enact such legislation as the Career Compensation Act and the Wherry Act, which were intended to encourage officers and enlisted

men to seek careers in the USAF and the other services; it was necessary to supplement these with peacetime draft legislation in order to keep the armed forces supplied with recruits and to have a pool of manpower ready to draw on in emergency. Immediately after World War II Congress had to enact legislation extending the Selective Service Act of 1940 in order to provide the armed forces with the manpower they needed. Such measures were enacted into law on 14 May and 29 June 1946.⁹⁵ The enactment of the Selective Service Act of 1948 and the Universal Military Training Act of 1951 were also important to the Air Force as it began to expand again.⁹⁶ These measures helped to meet the manpower needs of the Air Force by stimulating volunteering. In the spring of 1948 Secretary of the Air Force W. Stuart Symington testified before the Senate Committee on Armed Services that the Air Force could secure all the additional personnel it needed through volunteer enlistments. The Air Force, however, joined the Army and Navy in asking for the quick enactment of a universal military training law as essential to build-up the national defense team: the Air Force depended on an adequately armed and manned Army for technical services and for troop support.⁹⁷

In 1946 the personnel strength of the Air Force was 455,515.⁹⁸ The Selective Service Act of 1948 authorized a military personnel strength of 502,000 officers and enlisted men for the Air Force, plus 15,000 one-year enlistees.⁹⁹ There was, however, a considerable drop in the personnel strength of the Air Force, and the other armed services, as a result of President Truman's cut in the military budgets in the fall of 1948. The Air Force personnel goal was cut from 502,000 to 412,000 by 1 July 1949, and volunteering, stimulated by the draft threat, now met the needs of the armed services.¹⁰⁰ The outbreak of fighting in Korea sharply reversed this downward trend. From a starting position of 48 regular wings and an authorized military personnel strength of 416,314 the Air Force was authorized by a series of decisions made in July 1950 and January 1951

to expand to a total of 95 wings and 1,061,000 military personnel by 30 June 1952. By the end of fiscal year 1951 the Air Force reached a strength of 87 wings and 788,381 personnel. This included 22 wings of the Air National Guard and 10 wings of the Air Force Reserve called to active duty, as well as over 100,000 Air Force reservists called to duty as individuals.¹⁰¹

Another contribution to the military personnel strength of the Air Force was made by the Women in the Air Force (WAF). The Women's Armed Services Integration Act of 1948, approved 12 June 1948, established the Women's Army Corps (WAC) in the Regular Army and authorized the enlistment and appointment of women in the Regular Air Force, Regular Navy and Marine Corps, and in the reserve components of the Army, Navy, Air Force, and Marine Corps.¹⁰² Title III of the Act dealt specifically with the enlistment and appointment of women in the Regular Air Force. Under this act women, with a few exceptions, were integrated into the Air Force on the same basis as men; and the laws applicable to male personnel of the Regular Air Force were to be equally applicable to female personnel, except as "otherwise specifically provided." One exception was in Section 303(c) of the act which specifically provided that female officers should "be permanently commissioned in the Regular Air Force in grades from second lieutenant to lieutenant colonel, inclusive." Another exception was the provision that Section 509 of the Officer Personnel Act of 1947 was not to be applicable to the promotion of female officers to the grade of lieutenant colonel. Another was that there was not to be more than one female officer at any given time on duty serving in the temporary grade of colonel. The WAF personnel were not to exceed in strength 2 per cent of the authorized Regular Air Force strength. The husbands of WAF personnel were not to be considered dependents unless in fact dependent on their wives for their chief support; the children of WAF personnel were not to be considered as dependents unless the father were dead. These and other exceptions and special provisions made in the

act were framed to adapt the law to the special needs of female personnel. Provision was also made for the appointment of female warrant officers, for the recruiting of female enlisted personnel, and for the integration of female officers and enlisted personnel in the Air Force Reserve. For the first two years following the date of this act the number of female personnel in the Air Force was not to exceed 300 commissioned officers, 40 warrant officers, and 4,000 enlisted women.¹⁰³ In May 1951 a greatly expanded WAF program, calling for a proposed ultimate strength of 48,000 was announced.¹⁰⁴

Unification made apparent the need for a uniform code of military justice applicable to personnel of all the armed services. After discussion of the question with the respective secretaries and the chairman of the Senate Armed Services Committee, a committee was appointed by the Secretary of Defense in 1948 to draw up such a code.¹⁰⁵ This committee, headed by Dr. Edmund Morgan, Jr., of the Harvard Law School, and supplemented by a working group of 15 persons, made a 7-month study of the project. The end result of this combined effort was S. 857, a bill to provide a Uniform Code of Military Justice. This was a companion bill to H.R. 4080, as amended and passed in the House of Representatives.

After extensive committee hearings, the House bill, H.R. 4080, was accepted by the Senate with certain amendments agreed on in conference committee. So enacted into law on 5 May 1950, Public Law 506, 81 Cong., 2 Sess. established a Uniform Code of Military Justice, for the government of the Armed Forces of the United States.¹⁰⁶ The purpose of the uniform code was to provide a single, unified, consolidated, and codified system of criminal law and judicial procedure equally applicable to all of the armed forces of the United States.¹⁰⁷ This measure constituted an important contribution to the real unification of the armed services.

In the five years after World War II Congress also enacted many other laws dealing with such military personnel matters as insurance, leave, disability compensation, dependents' allowances, etc. This legisla-

tion, of course, was as pertinent to Air Force personnel as it was to those of the other armed services.

In this five-year period Congress passed several measures amending the National Service Life Insurance Act of 1940, and in 1951 it radically changed the government life insurance program by enactment of the Servicemen's Indemnity Act of 1951. Under the 1940 act service personnel could take out national service life insurance in amounts of not less than \$1,000 or more than \$10,000. There were seven different plans available, similar to those of commercial companies. The insured paid premiums with the exceptions already noted in the case of aviation cadets and students.¹⁰⁸

The National Service Life Insurance Act of 1940 was amended by the Insurance Act of 1946 to liberalize several of its provisions and to authorize a new benefit for National service life insurance policyholders in the form of a total disability income provision which could be added at any time to any NSLI policy for a small premium. It provided for payments to the insured of \$5.00 per month for each \$1,000 of insurance in force whenever he was totally disabled for six consecutive months or longer.¹⁰⁹ Public Law 5, 80 Cong., 1 Sess. (approved 21 February 1947) further amended the insurance act of 1940 to make persons commissioned and ordered into active service eligible for national service life insurance upon application made within 120 days after entrance into such active service.¹¹⁰

Another amending act, Public Law 838, 80 Cong., 2 Sess. (approved 29 June 1948), permitted the renewal of a NSL five-year level premium term policy, issued prior to 1 January 1948, for an additional five years without medical examination and at the premium rate for the attained age. Provision was also made that such insurance should be automatically renewed for totally disabled persons for a five-year period unless they elected insurance on some other plan.¹¹¹ The National Service Life Insurance Act of 1940 was further amended by Public Law 69, 81 Cong., 1 Sess. (approved 23 May 1949), to clarify the provision re-

lating to the payment of lump-sum insurance settlements to beneficiaries.¹¹²

The most significant change in the government's program of insurance for servicemen came with the passage of Public Law 23, 82 Cong., 1 Sess. (approved 25 April 1951). Part I of this measure was entitled the Serviceman's Indemnity Act of 1951, and Part II was entitled the Insurance Act of 1951. The Serviceman's Indemnity Act provided \$10,000 free life insurance coverage for all members of the armed forces serving on or after 27 June 1951. Under this new insurance plan all servicemen on active duty, including cadets and midshipmen, were automatically covered by a \$10,000 government indemnity (less any NSLI or United States government life insurance in force) in case of death. The coverage was in effect for 120 days after leaving active duty. Upon death payment was to be made to the beneficiaries in 120 monthly installments of \$92.90 each. Payment was to be made only to certain classes of close relatives. An individual already insured under a permanent plan of national service or United States government life insurance might elect to surrender his contract for its cash value, in which case he would have coverage under the indemnity act while in active service and would also be eligible to purchase postservice insurance on the same plan, not in excess of the amount of the insurance he had surrendered for cash.¹¹³

The Insurance Act of 1951 provided that servicemen could no longer purchase new national service life insurance policies. However, an individual could purchase postservice insurance from the United States government within 120 days after leaving active service. This would be five-year term insurance, renewable, nonparticipating, and nonconvertible. The premium payments were to be based on attained age and lower than the premium payment rates for NSLI on the five-year level term plan. An individual uninsurable as a result of service connected disability could purchase a new type of nonparticipating postservice insurance. Premiums could be waived in case of total disability.¹¹⁴

This insurance plan was obviously of advantage to servicemen on active duty in that it gave them life insurance protection at no expense to themselves for the duration of their period of active service. When they left the service they could still purchase government insurance at a reasonable cost and they had the assurance of insurance protection in case of disability. The indemnity act also had the advantage of effecting substantial savings for the government, savings which would increase as the amount of national service life insurance in force and the amount of administrative work in connection therewith diminished.¹¹⁵

In 1951 Congress also enacted two other laws amending the insurance act of 1940. Public Law 36, 82 Cong., 1 Sess. (approved 18 May 1951) provided that dividends on national service life insurance should be applied in the payment of premiums unless the insured requested payment in cash.¹¹⁶ Public Law 104, 82 Cong., 1 Sess. (approved 2 August 1951) authorized renewals of level premium term insurance for successive five-year periods.¹¹⁷

Finally, in connection with insurance coverage and related government benefits for servicemen it should be pointed out that the so-called veteran's amendments to the Social Security Act passed in 1950, 1952, and 1953, have in effect made service in the armed forces since 16 September 1940 "covered employment" with all that means in terms of Social Security survivor benefits.¹¹⁸

In addition to the legislative provisions for disabled military personnel, included in the insurance acts, Congress enacted other legislation dealing with disability resulting from service in the armed forces. Public Law 680, 80 Cong., 2 Sess. (approved 19 June 1948) provided for the retention in service of disabled Army and Air Force personnel until their recovery had reached a point where they would no longer be benefited by treatment in a military hospital or retention in the service.¹¹⁹ Another act, Public Law 877, 80-Cong., 2 Sess. (approved 2 July 1948), increased the rate of compensation for veterans who had service connected disabilities and dependents and

whose disability was rated at not less than 60 per cent.¹²⁰ The next year Congress enacted Public Law 108, 81 Cong., 1 Sess. (approved 20 June 1949), which provided benefits for reservists who suffered disability or death while engaged in active duty for periods of less than 30 days, or while engaged in inactive-duty training. It was specified that such reserve personnel or their beneficiaries were to receive the same pensions, compensation, death gratuities, retirement pay, hospital benefits, and pay and allowances as those received by personnel of the regular components. This provision for equal benefits also applied to the National Guard of the United States, ground and air, and to the federally recognized National Guard of the states, territories, and the District of Columbia.¹²¹ This legislation was beneficial in that it removed one of the major inequities existing in the personnel regulations dealing with the reserve components and the National Guard. It also created greater incentive for service in the reserve and the National Guard, particularly in the Air Reserve and the Air National Guard in which service was likely to present more hazards.*

The major post-war personnel legislation of the postwar years dealing with leave was the Armed Forces Leave Act of 1946. This legislation was for the purpose of giving all personnel in the armed forces equal treatment in the matter of leave. It provided that each member of the armed forces was entitled to leave at the rate of 2½ calendar days per month of active service, excluding periods of absence without leave. Such leave was not to be accumulated in an amount of over 120 calendar days. After 31 August 1946, however, no member of the armed forces was to be permitted to accumulate leave in excess of 60 days. On discharge enlisted members of the armed forces were to be compensated for accumulated leave in excess of 60 days on the basis of their base and longevity pay as of the date of their discharge if discharged before 31 August 1946, or on 31 August 1946 if discharged at a later

date. There was to be additional compensation on the basis of subsistence and allowances. Settlement and compensation was to be in cash or in United States bonds. In the event of the death of a serviceman with accumulated leave these payments were to be made to the immediate survivors. Such payments were to be exempted from taxation.¹²² This measure was amended several times in the next three years to liberalize and clarify its provisions.¹²³ The generous leave privileges and terminal leave bonuses granted by this legislation offered added incentives for service in the Air Force and the other armed services.

Some other fields in which Congress enacted personnel legislation for the benefit of members of the armed forces include absentee voting, free postage, and extension of the time limit for filing income tax returns. During World War II Congress enacted two measures to facilitate absentee voting by service personnel. Public Law 712, 77 Cong., 2 Sess. (approved 16 September 1942) provided that no person in the armed forces should be denied the opportunity to vote for members of Congress and for Presidential electors because of absence or failure to comply with state laws prescribing registration or payment of poll tax.¹²⁴ Public Law 277, 78 Cong., 2 Sess., which became law on 1 April 1944 without the President's signature, required the Secretaries of War and Navy to make postcard ballot application forms available to those serving in the armed forces. It also repealed all of the 1942 law except those provisions waiving registration and poll tax requirements for voting. It urged the states to liberalize their own election laws and allow the Federal postcard to serve as a registration form and as a request for a ballot. It also provided for a special Federal war ballot to be used in voting for United States Representatives, Senators, and Presidential electors. By 15 July 1944 the governors of all the states could report that they had set up procedures for absentee voting, all but four of them had accepted the use of the Federal postcard as suggested. Undoubtedly this legislation contributed to the fact that nearly one-third of the eligible service per-

*The air reservist who flew only on week-ends was more likely to continue his service in the reserve when assured the same death and disability benefits as Regulars.

sonnel (29.1 per cent) voted in the 1944 elections.¹²⁵

In 1945 the United States War Ballot Commission, composed of the Secretaries of War and Navy and the Administrator of the War Shipping Administration, made a report on the operation of the Soldier Voting law in 1944. Their proposals for amendments to the existing law were incorporated in Public Law 348, 79 Cong., 2 Sess. (approved 19 April 1946). This act eliminated the Federal ballot and reduced the role of the Federal government in the voting process to that of furnishing postcard applications for state ballots. It also made a series of recommendations to the states for facilitating and liberalizing absentee voting procedures. This legislation was intended to be permanent in nature and not a wartime expedient—it would enable servicemen who were stationed outside their home states, whether in this country or overseas, to exercise their voting rights in peacetime as well as during time of war. Many states acted on the recommendation embodied in this law, and by 1952 at least 14 states had enacted legislation liberalizing their laws on absentee voting.¹²⁶ In 1950 Congress made two minor amendments to the absentee voting law of 1942. One required that the postcard ballot applications be distributed to all eligible persons; previously the law had required only that the ballots be made available. The other amendment provided that free airmail postage should be supplied for balloting materials regardless of weight.¹²⁷ Doubtlessly the fact that the absentee voting legislation enabled increasingly large numbers of Air Force personnel to become active voting constituents had had an effect on the attitudes and action of many members of Congress in regard to Air Force legislation, although the influence of such a factor is hard to judge. Certainly the effect on morale of legislation protecting the voting rights of service personnel was good, and such action was in accordance with American democratic tradition.

The development of hostilities in Korea in 1950 resulted in the passage of Public Law 609, 81 Cong., 2 Sess., (approved 12 July 1950). Under the provisions of this act

free mailing privileges were granted to members of the armed forces of the United States on active duty in Korea or in such other areas as the President of the United States might designate as combat zones or theaters of military operations. This legislation was to be effective until 30 June 1951.¹²⁸ The continuance of hostilities in Korea beyond that time resulted in the passage of Public Law 54, 82 Cong., 1 Sess. (approved 26 June 1951). This law extended the free mailing privilege for two more years.¹²⁹

The sending and receiving of mail is an exceedingly important morale factor among military personnel in the field, and the free mailing privileges are particularly desirable under combat conditions which might make it very difficult or impossible for military personnel to get stamps. This privilege was similar to that granted to members of the armed forces in previous wars.¹³⁰

There were several other personnel measures enacted in 1950-51 which, for the most part, grew out of the Korean emergency. These concerned members of the Air Force and of the other armed services. One of these was Public Law 779, 81 Cong., 2 Sess. (approved 9 September 1950), which amended the Selective Service Act of 1948 to make provision for the induction into the armed forces of medical, dental, and allied specialists to meet the personnel needs of the three services. Those persons eligible for induction under this act were placed in four priority groups. Those who had been deferred to complete their professional training in World War II and those who had been trained in Army and Navy programs relating to these specialties were to have first priority for induction.¹³¹

Another measure was framed to give military personnel in combat zones necessary leeway in the matter of filing income tax estimates. Public Law 908, 81 Cong., 2 Sess. (approved 2 January 1951), permitted for service personnel in a combat zone an extension of the time limit for filing amended declarations of estimated tax (necessary because of the 1950 income tax increase).¹³²

Minor benefits for members of the armed services included Public Law 1, 82 Cong.,

1 Sess. (approved 21 February 1951), which amended an act of 5 December 1942 permitting the free importation of bona-fide gifts from members of the armed forces on duty abroad. The amending act extended this importation privilege for two years. Another was Public Law 124, 82 Cong., 1 Sess. (approved 24 August 1951), which provided that there would be no tax imposed on free-of-charge admissions for service personnel in uniform.¹³³

Significant of a development arising from the long service overseas of so many members of the armed forces was Public Law 6, 81 Cong., 2 Sess. (approved 19 March 1951), which amended Public Law 717, 81st Congress, to extend the period for the admission into the United States (with non-quota immigration visas) of alien spouses and minor children of American citizens who were members of the armed services.¹³⁴ The importance of this legislation to those members of the Air Force who had married foreign nationals while serving overseas is obvious.

The least satisfactory part of the postwar program of personnel legislation was that dealing with the reserve components of the Air Force. The members of the Air Force Reserve probably had better reason to complain of inadequate legislation for the organization and financial support of their activities than did those of any other component of the Air Force. After World War II ended, the services were anxious to build up ample reserve strength; hence reserve status was offered to all honorably discharged personnel. Out of the demobilizing millions, 234,000 officers and 196,000 enlisted men joined the AAF Reserve.¹³⁵

The plans for a large reserve program did not materialize at this time, however, because of manpower and budgetary deficiencies. At first the program for the Air Reserve was geared to 130 bases and tactical and training aircraft; by 1947 only 70 bases were active. The economy program of 1948-49 resulted in a shortage of manpower and funds for bases and equipment; this shortage forced a cut to 41 bases and finally to 23.¹³⁶

The National Security Act of 1947 trans-

ferred all the Army's air assets, including the Air Reserve, to the USAF.¹³⁷ The Army-Navy Nurse's Act of 1947 and the Women's Armed Services Act of 1948 made nurses and women of the WAC, the Air Force contingent of which had become the WAF, eligible to join the Air Force Reserve.¹³⁸ Public Law 460, 80 Cong., 2 Sess., (approved 25 March 1948) gave the Air Force Reserve the incentive of drill pay; and Title III of the Army and Air Force Vitalization and Retirement Act (approved 29 June 1948) gave Air Reserve personnel the incentive of retirement pay based on extended active duty and on credits given for other duty.¹³⁹ As previously stated, Public Law 108, 81 Cong., 1 Sess., (approved 20 June 1949) provided benefits for Air Force Reserve members who became disabled or died while engaged in active duty for periods of less than 30 days, or while engaged in active duty training. The benefits were to be the same as those received by regulars.¹⁴⁰ The three last-mentioned laws also pertained to the Air National Guard, which had been re-established in 1946 for all 48 states and was soon extended to Puerto Rico and Hawaii.¹⁴¹

The Army and Air Force Authorization Act of 1949 specified that the Air National Guard (the Air National Guard of the United States, and the Air National Guard while in the service of the United States) and the United States Air Force Reserve, along with the Regular Air Force, were components of the Air Force of the United States. It authorized for the Air National Guard and the Air National Guard of the United States a personnel strength of 150,000 officers, warrant officers and enlisted men; and for the United States Air Force Reserve a strength of 500,000. This did not include those Air National Guard personnel on active duty in the Air Force of the United States.¹⁴² The Air Force Organization Act of 1951, making some changes in nomenclature and organization, specified that the United States Air Force should consist of the Regular Air Force, the Air Force Reserve, the Air National Guard of the United States, and the Air National Guard while in the service of the United States. The Air

Force Reserve and the Air National Guard of the United States referred to in the Army and Air Force Authorization Act of 1949 were both to be reserve components of the Air Force and were to provide reserves for military service. The organization act also provided that there should be on the Air Staff a general officer to assist and advise the Secretary of the Air Force and the Chief of Staff on all matters relating to the reserve components of the Air Force.¹⁴³

Other laws also helped the reserves, but there continued to be a need for legislation reorganizing the reserve components of all the services; in 1948 an interservice committee recommended that each service should have a single reserve component instead of two or more competing groups. This would mean, in the case of the Army and the Air Force, that the National Guard would be merged with the existing reserve organizations. The Department of Defense was currently recommending such legislation for the Air Force.¹⁴⁴

However, no such legislation was enacted during the period covered by this study. Not until 1952 was legislation enacted which would remove inequities and discrepancies, and place all reserve components, insofar as it was possible, on an equal basis. This legislation was the Armed Forces Reserve Act of 1952, which had as its primary purpose the bringing together in one statute, to the greatest extent practicable, of the great number of laws relating to the reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard. Its secondary purpose was to correct certain existing defects in policies and practices relating to the reserves and to the individual members thereof.¹⁴⁵

It is evident from the foregoing discussion that personnel legislation occupied an important part in the congressional legislative program dealing with the national military establishment in the period 1946-51. This legislation dealt with a wide range of subjects, and in such measures as the Army and Air Force Vitalization and Retirement Equalization Act, the Career Compensation Act, and the act providing for the Uniform Code of Military Justice, re-

flected the development of the unification of the services. The main purpose of this personnel legislation was to increase the strength of the national military establishment by providing for the procurement of sufficient personnel to man the armed services and by taking measures to promote their efficiency and morale. Such measures include the improvement of the system of promotion and elimination of officer personnel; the equalization and liberalization of retirement and other benefits; increases in pay and allowances; improvement of housing conditions; generous insurance provisions; and various acts granting minor benefits. If the purpose of this legislation was not always fully attained, especially in regard to the reserve components, it can be said, nevertheless, that Congress' personnel program did a great deal to increase the strength and effectiveness of the Air Force and the other services at a time when a strong military establishment was becoming increasingly important for national security and the preservation of world peace.

LEGISLATION DEALING WITH MATERIEL, APPROPRIATIONS, AND RELATED MATTERS

Although the procurement of materiel was not the pressing problem for the Air Force in 1946 that it had been in the period of great expansion prior to and during World War II, Air Force planners were, nevertheless, interested in securing procurement legislation which would prevent a repetition of mistakes made during the war. A comment from Headquarters, AAF to the Research and Development Division in November 1946, listed as desirable at least 15 revisions of H.R. 7209, a procurement bill which the War Department was then considering for submission to Congress.¹⁴⁶

After the end of the war procurement activities sank to a low level. Public Law 615, 79 Cong. 2 Sess. (approved 7 August 1946) discontinued the reports to Congress of aircraft procurement contracts in excess of \$150,000 formerly required of the Secretary of War.¹⁴⁷ There was no other significant

procurement legislation enacted in 1946 with the exception of the Strategic and Critical Materials Stockpiling Act (approved 23 July 1946), which amended the Act of June 7, 1939, and was intended to provide for the acquisition and retention of stocks of certain strategic and critical materials necessary to the national defense.¹⁴⁸ Some of these materials were needed in the construction of military aircraft.

Section 213(a) in Title II of The National Security Act of 1947 contained important provisions in regard to procurement. It provided that the Munitions Board, which was established by the act as a part of the National Military Establishment, should coordinate the procurement plans of the National Military Establishments' departments and agencies, recommend assignments of procurement responsibilities among the several military services, plan for standardization of specifications and the allocation of purchase authority on a single procurement basis, and perform a variety of administrative controls in procurement matters.¹⁴⁹

The trend, indicated in the National Security Act, to consolidate and unify, as far as possible, the procurement activities of the armed services was continued in the Armed Services Procurement Act of 1947, which became law on 19 February 1948. This act made uniform all the laws and rules covering purchase procedures for the armed forces and repealed many obsolete and diverse laws. The Armed Services Procurement Act provided for a return to normal purchasing procedures through the advertising-bid method on the part of the armed services, including, of course the USAF. It capitalized on the lessons learned in wartime purchasing and in 17 exceptions to the advertising-bid system provided authority for procurement through negotiation. These exceptions were made in certain specific and limited categories, for instance in the procurement of certain classified materiel and equipment. It restated the rules governing advertising and making awards of contracts, and fixed the types of contracts which could be used.

The procurement act gave the Secretary of the Air Force and the Secretary of the Army authority to make emergency purchases of war material abroad, an authority which the Secretary of the Navy had been given under the Act of June 20, 1914. At its conclusion, the procurement act stated that it was the intent of Congress to see that the interests of small business concerns should be considered in the making of government purchases and the awarding of contracts for supplies and services.¹⁵⁰

The USAF did not have a legislative program of its own at the beginning of the 80th Congress in 1948. However, a program, containing several important measures relating in various ways to procurement, was formulated during this session. They were: H.R. 6247, the Organic Air Act, providing for a 70-Group Air Force, S. 2644, Prototype Transport and Cargo Aircraft, a proposed bill to authorize construction at military installations and for other purposes (1949 construction); S. 1560, to facilitate performance of experimental work by and in behalf of the Army and Navy Departments; S. 2760, Radar Land-Based Warning and Control Installations; S. 2761, Joint Long-Range Proving Ground for Guided Missiles; and S. 2762, Air Engineering Development Center.¹⁵¹

In 1948 the Department of the Air Force assisted the President's Air Policy Board and the Congressional Aviation Policy Board in formulating a four-year program designed to provide the size and type of Air Force in being which would meet the minimum requirement for national security. Aimed at creating by 1952 an Air Force which would be capable of meeting any international crisis, the program was built around 70 groups of combat aircraft. Stimulated by a realistic view of the international situation, which had become threatening now that Russia had shown her hand in bringing pressure to bear on Greece and Turkey and had instituted the Berlin Blockade, such a great expansion of the Air Force, from 55 to 70 groups, was very expensive and entailed a tremendous pro-

curement program.¹⁵² Congress agreed to the 70-group plan and, in the Army and Air Force Authorization Act of 1949, stated that the Air Force of the United States should have "an authorized strength of not to exceed seventy United States Air Force groups."¹⁵³ However, this program very soon after its inception was cut back to 48 groups by an economy-minded administration and the original plan was not implemented until the Korean crisis arose.*

Meanwhile Congress enacted legislation which was to be of considerable importance to the Air Force procurement program, although several of the bills listed on the aforementioned legislative program for enactment by the 80th Congress were to be delayed in passage until later sessions of Congress. One measure of significance to the Air Force procurement program was the Renegotiation Act of 1948 which provided for the insertion in defense contracts and subcontracts of renegotiation clauses, thereby making it possible to re-examine the terms of the contracts in order to eliminate excessive profits made at the expense of the government.¹⁵⁴ The Second Deficiency Appropriation Act, 1948, authorized the Secretary of Defense to invoke the Renegotiation Act of 1948 in any contract for the procurement of ships, aircraft, aircraft parts, and the construction of facilities or installations outside the United States by the Department of the Air Force. This invocation involved funds made available for obligation in the fiscal year 1949.¹⁵⁵ Some changes were made in renegotiation procedures by the Renegotiation Act of 1951, approved 23 March 1951. This legislation provided that contracts on which the amounts received or accrued during the fiscal year amounted to not over \$250,000, and subcontracts amounting to not more than \$25,000 in the fiscal year, should not be subject to renegotiation. It also provided that contracts or subcontracts involving agricultural products and products of mines, oil wells, and gas wells; contracts of

subcontracts for transportation and power made with a common carrier; contracts or subcontracts made with certain tax exempt organizations; and contracts or subcontracts not having a direct or immediate connection with national defense all should be exempt from renegotiation procedures. A Renegotiation Board, composed of five members, was set up as an independent executive agency to see that the provisions of this act were carried out.¹⁵⁶

In the summer of 1949 USAF procurement activities were made the subject of an investigation by the House Committee on Armed Services. The investigation was sparked by charges made by Representative James E. Van Zandt (Republican, Pennsylvania), who questioned the methods by which the B-36 heavy bomber was procured and expressed doubt of its value in the case of war. The use of the B-36, its combat efficiency, and the methods by which it was procured were thoroughly vindicated after the committee heard the testimony of Secretary of the Air Force Symington, General Vandenberg, other leading USAF officers, and prominent aircraft manufacturers.¹⁵⁷

In reference to this investigation, and the entire controversy over strategic bombing which rose out of it, the House Armed Services Committee, in its final report on unification, reached the unanimous conclusion that the USAF had the primary responsibility for conducting strategic bombing. This report also stated that the nation must rely upon the professional judgment of the leaders of the USAF that the B-36 was its foremost weapon for carrying out its strategic bombing mission and was capable of doing the job.¹⁵⁸

The Senate also took action to secure full information on the armed services and their state of preparedness in July 1950 when it established the Preparedness Investigating Subcommittee of the Senate Armed Services Committee by the authority of a Senate Resolution. The Preparedness Subcommittee sought to find solutions to national defense problems rather than to simply expose them. Hence it aided the Senate Armed Services Committee by providing information and reports on which it and Congress

*By AFR 26-15, Organization of Air Force Combat Wings, 13 Dec 1948, the wing rather than the group was designated as the basic operational unit of the USAF in peace and war. Actually a wing normally consisted of one combat group with its supporting units. Henceforth Air Force planning and programming was done in terms of wings rather than groups.

could base some of its legislation dealing with the USAF and the other armed services.¹⁵⁹

International developments taking place in 1949 and 1950 had the effect of tremendously stimulating and complicating the USAF procurement program which had begun to diminish as a result of budgetary cuts forced by the administration's economy program in 1949. The United States signed the North Atlantic Treaty in 1949 and launched the Mutual Defense Assistance Program. Under the MDAP the United States obligated itself to furnish military aid to those countries participating in this collective security pact. This aid was to take the form of weapons, equipment and training. By the end of the fiscal year 1950 some 200 military aircraft in addition to other military and naval equipment had been delivered to our allies. This equipment was taken from our reserves and had to be replaced. This replacement, together with the production of new equipment to be sent to nations receiving aid under MDAP, involved new military production by American industry and broadened the basis of American industrial mobilization.¹⁶⁰ This, of course, with the sharp increase in orders for aircraft and other aviation materiel which came when the outbreak of hostilities in Korea caused a great expansion of the Air Force, created a procurement problem—that of speeding up production so as to have enough aircraft and other materiel available to meet our own needs and those of our allies.

The National Industrial Reserve Act of 1948, approved 2 July 1948, had established statutory authority for a program whereby an essential nucleus of government-owned industrial plants and a national reserve of machine tools and industrial equipment was to be maintained so as to be available for the national defense and war production in time of emergency.¹⁶¹ In order to put American industry in readiness to meet the new national emergency after the outbreak of war in Korea, Congress took action by passing the Defense Production Act of 1950. This measure established a system of priorities and allocations for mate-

rials and facilities needed for defense purposes; authorized the requisition of such materials and facilities; provided financial assistance for the expansion of productive capacity; provided for wage and price stabilization and the settlement of labor disputes; and set up credit controls.¹⁶²

Because of the Chinese intervention the Korean conflict lasted longer than was expected and it became necessary to extend the provisions of the Defense Production Act of 1950, which was due to expire 30 June 1951. By the passage of Public Law 69, 82 Cong., 1 Sess. (approved 30 June 1951) the provisions of the act were extended to 31 July 1951 (and in one instance to 1 August 1951). This temporary extension gave Congress time to enact more comprehensive legislation in the form of Public Law 96, 82 Cong., 1 Sess. (approved 31 July 1951), which extended the life of the act for approximately 11 months, created a small Defense Plants Administration to promote the utilization of small business concerns for national defense and essential civilian production, and amended those provisions setting up economic controls of various kinds.¹⁶³ President Truman denounced the so-called anti-inflation provisions of the amended measure as being "gravely deficient" and economic stabilization officials predicted another round of price increases which would send the post-Korea inflation spiral higher.¹⁶⁴ Regardless of its effect on economic inflation this defense production legislation was of considerable importance in facilitating the procurement of aircraft and other materiel by the USAF which was now in the process of sudden expansion.

In 1951 Congress enacted additional legislation dealing with procurement procedures Public Law 921, 81 Cong., 2 Sess. (approved 12 January 1951) reactivated for the national emergency declared by the President on 16 December 1950 Title II of the First War Powers Act, 1941, which contained the contracting provisions in effect in World War II. It was also provided that contracts entered into or changed under the authority of this law should include a clause to the effect that the books and rec-

ords of the contractor or subcontractors involved should be open to examination by the Comptroller General of the United States or his assistants.¹⁶⁵ Public Law 30, 82 Cong., 1 Sess. (approved 15 May 1951) facilitated the financing of defense contracts by banks, and Public Law 245, 82 Cong., 1 Sess. (approved 31 August 1951) amended Section 4 of the Armed Services Procurement Act of 1947 to provide that in the case of all contracts negotiated without advertising the Comptroller General of the United States should have the authority to examine the books or records of the contractor or subcontractors concerned.¹⁶⁶

A significant development in procurement occurred in 1951 as a result of the aforementioned Mutual Defense Assistance Program, under which the United States furnished military equipment and other forms of military assistance to those nations which had signed the North Atlantic Pact and to other friendly powers. The United States was committed to this program by the Mutual Defense Assistance Act of 1949, implemented by a foreign aid bill appropriating \$1,314,010,000, which was signed by the President on 28 October 1949. The military equipment thus made available was to be taken from excess stocks on hand, from service stock not in current use, or it was to be new materiel obtained through regular procurement channels. The procurement of the aircraft and related materiel to implement this program became the responsibility of the USAF which assigned the job to the Air Materiel Command.¹⁶⁷

More billions were appropriated for mutual defense assistance in 1950 and 1951.¹⁶⁸ Procurement for this program was slowed down, despite generous grants of funds, by the slowness with which our aircraft production program got under way and by the development of industrial bottlenecks. Then, too, American involvement in Korea brought about a rapid expansion of the USAF and a multiplication of procurement demands. These factors, plus the fact that American dollars spent abroad for aircraft and related materiel would strengthen the economic condition of our

allies and help them to develop facilities for supplying their own military needs, caused the USAF to resort to foreign procurement. On 15 February 1951 the authority of the Air Materiel Command to direct overseas procurement became effective.¹⁶⁹

Arrangements were made in August 1951 for the Off-Shore Procurement Program to serve USAF requirements in the European region. This included the off-shore manufacture of spare parts, arrangements for the use of patent rights held by U.S. manufacturers, and the licensing of European manufacturers. An example of the way off-shore procurement operated was the substitution of British-built Avon engines for J-35 jet engines as a solution to the bottleneck in NATO aircraft production resulting from insufficient jet engine production.¹⁷⁰

Air Force appropriations for aircraft and related procurement, including funds granted for expanding and mobilizing production facilities, also reflected the USAF expansion program. In 1949 Congress granted \$3,092,755,000 in cash and contract authorizations to be used for aircraft and related procurement in fiscal 1950.¹⁷¹ By the Defense Appropriation Act, 1951, approved 6 September 1950, provision was made for the establishment of a 1951 aircraft procurement program which was to cost \$1,711,440,000, part of the cost being paid out of the sum of \$2,510,000,000 in cash and contract authority granted in this act, and part from unused contract authority granted in the National Military Establishment Appropriation Act, 1950.¹⁷² Subsequent supplemental appropriation legislation enacted in 1950-1951 brought the total of appropriations for aircraft and related procurement made by Congress for fiscal 1951 up to \$8,102,000,000.¹⁷³ Appropriations granted for the purpose of aircraft and related procurement reached a new high in 1951. Before the end of the year Congress enacted the Department of Defense Appropriation Act, 1952, approved 18 October 1951, which granted the Air Force a total of \$12,990,800,000 (\$11,215,800,000 cash and \$1,775,000,000 in contract authority) to be used for this type of procurement.¹⁷⁴ This

represents a four-fold increase in appropriations for aircraft procurement. There was a similar trend in legislation authorizing and granting the Air Force appropriations for the purchase of land and the construction of air bases and facilities in the United States and overseas, for special procurement, for research and development, and for other purposes related to procurement.

Research and development had played an important part in the building up of American air power during World War II. Scientific and technological advances during and after the war in such fields as atomic weapons, jet propulsion, and electronics revolutionized military aviation and made research and development more important than ever to the Air Force, particularly to those Air Force leaders and organizations concerned with the procurement of aircraft and related materiel. In 1945 General Arnold had emphasized "the necessity for continuous scientific research to ensure the maintenance of our national security and the peace of the World." He pointed out that this required the achievement of a high degree of organization of post-war research, both within and outside of the services, in order to ensure preparedness along technical lines and supremacy in the development of new weapons. Indeed, General Arnold said that he considered pre-eminence in research to be the first essential of adequate air power.¹⁷⁵

The Air Force planners emphasized the importance of such research and supported legislation for research purposes. As mentioned above, the Air Force in its program for the 80th Congress had proposed legislation creating an Air Engineering Development Center. This research and development center was to be devoted to research, development, and evaluation studies in connection with every conceivable aspect of the operation of aircraft, guided missiles, and their components in supersonic flight. Ultimate plans called for a center (to be located at Camp Forrest in Tennessee) comparable in magnitude with Wright Field and patterned after such German research centers as Peenemunde and Oetzel. Also to

be built were a large number of wind tunnels and a series of laboratory facilities for carrying on all research, development, and evaluation studies pertaining to the operation of aircraft and guided missiles in the supersonic range. There was an urgent need for these facilities since American aeronautical research in the fields of jet propulsion and high speed flight had lagged dangerously behind that of Germany before and during World War II. Although the NACA was doing valuable work for the Air Force in this field, it could not be depended upon to do all this work alone.¹⁷⁶

The importance of research and development, not only for the Air Force, but for the entire military establishment, was recognized in the National Security Act of 1947, which provided for a Research and Development Board made up of a chairman, appointed by the President, and two representatives from each of the Departments of the Army, Navy, and Air Force, who were appointed by the secretaries of their respective departments. Working under the direction of the Secretary of Defense, this board was to prepare a complete and integrated program of research and development for military purposes, and to perform various advisory, coordinating, and policy-making functions with regard to research and development.¹⁷⁷

In 1949 Congress acted on that part of the Air Force legislative program which called for an air engineering development center; it passed a "double-barreled" act which authorized a unitary plan for the construction of transonic and supersonic wind tunnel facilities and the establishment of an Air Engineering Development Center. This legislation was approved as Public Law 415, 81 Cong., 1 Sess. on 27 October 1949 and consisted of two parts; Title I which was entitled the "Unitary Wind Tunnel Plan Act of 1949," and Title II which constituted the "Air Engineering Development Center Act of 1949."¹⁷⁸ Under Title I the NACA and the Secretary of Defense were authorized to work together in the development of a plan for the construction of wind tunnel facilities to be used for the solution of research, development, and

evaluation problems in aeronautics. This included the construction of aeronautical research facilities at educational institutions. The Secretaries of the Army, Navy, and Air Force were authorized to proceed with the construction and equipment of facilities for implementation of the unitary plan. Under Title II the Secretary of the Air Force was authorized to establish an Air Engineering Center, and to construct, install, and equip it with all its wind tunnels, laboratories, and other research facilities, and the necessary housing and community facilities. A \$100,000,000 appropriation was authorized for the establishment and for initial construction, installation, and equipment costs of the Air Engineering Development Center (AEDC).¹⁷⁹

In the Second Supplemental Appropriation Act, 1950, approved 28 October 1949, Congress granted \$6,000,000 in cash and \$24,000,000 in contract authority to enable the Secretary of the Air Force to acquire the necessary land and begin construction of the Air Engineering Development Center.¹⁸⁰ The Deficiency Appropriation Act, 1950, approved 29 June 1950, granted an additional \$20,000,000 in cash and \$35,000,000 in contract authority for the AEDC.¹⁸¹ A part of the \$164,784,000 granted to the Department of the Air Force by the Defense Appropriation Act, 1951, for the acquisition and construction of real property, was earmarked for the Air Engineering Development Center. Public Law 799, 81 Cong., 2 Sess. (approved 21 September 1950) increased the appropriation authorization in the original engineering development act from \$100,000,000 to \$157,500,000.¹⁸² The Supplemental Appropriation Act, 1951, approved 27 September 1950, granted \$25,000,000 in cash and \$32,500,000 in contract authority for use in connection with the construction of the AEDC, and the Second Supplemental Appropriation Act, approved 6 January 1951, allocated for the AEDC a part of the \$807,000,000 appropriated for the Air Force to use in the acquisition and construction of real property.¹⁸³

In 1949 Air Force appropriations made specifically for research and development purposes amounted to \$233,000,000, and

Congress granted the Department of the Air Force the authority to transfer \$7,500,000 from any other available appropriations for research and development.¹⁸⁴ When Congress enacted the National Defense Act, 1951, it appropriated \$182,611,000 to be used by the Air Force for research and development, and granted it an additional \$115,000,000 for this purpose in the Second Supplemental Appropriation Act, 1951,¹⁸⁵ a total of \$297,611,000 for fiscal 1951 as compared with \$240,500,000 for the previous fiscal year. In the Department of Defense Appropriation Act, 1952, approved 18 October 1951, Congress granted the Air Force an appropriation of \$425,000,000 for research and development.¹⁸⁶ This was the greatest allocation of funds that had ever been made to the Air Force for research and development, amounting to almost 3 times as much as the World War II peak amount of \$146,228,471 appropriated for this purpose in 1945.¹⁸⁷ From fiscal year 1946 through fiscal year 1950, the Air Force had expended a total of \$673,000,000 for research and development.¹⁸⁸ This was approximately \$73,000,000 more than had been appropriated for Air Force research and development during the whole of World War II. The expenditures for fiscal year 1951 and the first half of fiscal year 1952, of course, made the total for the calendar period 1946-1951 considerably higher. The huge Air Force appropriations (and expenditures) for research and development in this period not only indicated the cost of the great advances in the science of aeronautics—such as the development of guided missiles—and the increasingly important role of research and development as an essential factor in maintaining air supremacy, they also reflected a growing sense of urgency, which developed as the Korean crisis brought to the people of the United States a realization of the grim threat of Communist aggression. The increasing costs of research, and the great cost and complexity of modern military aircraft and equipment—costs which were further boosted by inflation—were also indicated by the size of these appropriations and expenditures.

In addition to providing for wind tunnel and other research in 1949, and for the establishment of the Air Engineering Development Center, Congress also enacted Public Law 60, 81 Cong., 1 Sess., (approved 11 May 1949), which authorized the Secretary of the Air Force to establish a joint long-range proving ground for guided missiles and other weapons. It was to be located within or without the continental limits of the United States, and was to be used for scientific study, testing, and training purposes by the Departments of the Army, Navy, and Air Force; \$75,000,000 was authorized to be appropriated for the purposes of this act. By the Supplemental Appropriation Act, 1950, (approved 14 October 1949) Congress granted \$5,000,000 to be used under the terms of Public Law 60 for the "Acquisition and Construction of Real Property."¹⁸⁹ Additional funds were appropriated for this purpose in 1950 under the subheading "Acquisition and Construction of Real Property."¹⁹⁰

The joint long-range proving ground project was the result of a study initiated in 1946. An interservice committee was set up with Brig. Gen. W. L. Richardson, AC, as chairman. This committee determined first that there was an urgent requirement for such a facility—one which would have a suitable launching site and the necessary technical and administrative facilities, a flight test range at least 3,000 miles long, and a suitable climate for year-round operations. Existing facilities such as those at White Sands, Alamogordo, New Mexico, were unable to handle the testing of the longer range missiles (ranges over 150 miles) and already had maximum workloads. Hence, it was determined to establish a joint long-range proving ground for guided missiles. In proposing the project to the Secretary of Defense the Research and Development Board recommended that the Air Force should have sponsorship of the project which was to be for the use of all three of the armed services. The project was vigorously supported by the Army and the Navy and had the approval of the Secretary of Defense and the Secretary of the Air Force.¹⁹¹ Congress acted favorably on the

project in the spring of 1949 and by 1950 the necessary facilities were under construction at Banana River, Florida. The Air Force, working with the Department of State, had made an agreement with the British government for facilities in the Bahama Islands to be used in connection with those at Banana River.¹⁹² The Long-Range Proving Ground, located at Patrick Air Force Base on Banana River, came under the control of the Air Research and Development Command, which was established by the end of the fiscal year 1951 as a major command in charge of all USAF field research and development facilities.¹⁹³

Because the funds appropriated in 1950 were not adequate, new funds had to be provided to complete the construction of joint long-range proving ground for guided missiles. The Military Construction Act of September 28, 1951 authorized the use of \$38,000,000 by the Secretary of the Air Force to establish or develop joint military installations, and the Second Supplemental Appropriation Act, 1952, approved 1 November 1951, provided additional funds for the construction and equipment of the long-range proving ground.¹⁹⁴

Any discussion of legislation dealing with the USAF research and development program must take into account the National Advisory Committee for Aeronautics, which did basic research for the USAF and cooperated with it in the unitary plan for the construction of wind tunnels. Total appropriations for the NACA for fiscal 1946 came to \$38,516,893, of which the sum of \$11,835,000 was for the construction and equipment of research facilities.¹⁹⁵ Public Law 301, 79 Cong., 2 Sess. (approved 18 February 1946) reduced NACA appropriations for the fiscal year 1946 by \$2,000,000.¹⁹⁶ Congress appropriated only \$29,673,000 to the NACA for carrying on research and development work in fiscal 1947.¹⁹⁷

NACA appropriations for the fiscal year 1948 rose to \$45,592,000 with an additional allocation of unexpended funds for the construction of a wind tunnel at Moffett Field, California. Also included were funds for the equipment and operation of the Langley Memorial Aeronautical Laboratory at Lang-

ley Field, Virginia, and the Flight Propulsion Research Laboratory at Cleveland, Ohio, as well as for other laboratory construction and equipment.²⁰³ The fiscal year 1949 appropriations granted to NACA were even larger than those for the previous fiscal year, reaching a total of \$66,105,000 of which \$28,200,000 was in cash and contract authority for the construction and equipment of laboratories and research stations. Again certain additional unexpended funds were made available for laboratory construction and equipment.²⁰⁰ For both fiscal years (1948 and 1949) NACA appropriations were larger than they had been during 1943 when they reached the wartime peak of \$42,235,215.²⁰⁰

Significant changes were made in the organization of the NACA by the passage of Public Law 549, 80 Cong., 2 Sess. (approved 25 May 1948). The major changes were: 1) an increase of the membership of the committee from 15 to 17, 2) the inclusion of two representatives of the Department of the Air Force as members of the committee (in place of two of the representatives of the War Department) in order to be in accord with the National Security Act of 1947, and 3) the inclusion of the chairman of the Research and Development Board of the National Military Establishment as a member in his official capacity.²⁰¹

During the fiscal year 1950 even greater appropriations were made for NACA purposes. The Independent Offices Appropriation Act, 1950, approved 24 August 1949, granted an appropriation of \$63,000,000 for the NACA, and by the Deficiency Appropriation Act, 1950, approved 29 June 1950, Congress appropriated \$75,000,000 to be used by the NACA for enlarging the Langley Aeronautical Laboratory and to construct certain utilities necessary to implement the Unitary Wind Tunnel Plan Act of 1949.²⁰² This brought NACA appropriations for the fiscal year 1950 up to \$138,000,000.

The Unitary Wind Tunnel Plan Act of 1949 also contained provisions authorizing contract authority for the NACA to the amount of \$10,000,000 and cash appropriations to the amount of \$136,000,000 for the

purpose of implementing the act. As previously stated, the NACA was to work with the USAF in carrying out the provisions of the wind tunnel act.²⁰³

An additional appropriation of \$16,500,000 was authorized for the acquisition of additional land for the expansion of existing NACA laboratories and research stations, and to finance additional construction and equipment for these installations, by the passage of Public Law 672, 81 Cong., 2 Sess. (approved 8 August 1950).²⁰⁴

The General Appropriation Act, 1951, approved 6 September 1950, granted \$69,000,000 to the NACA in cash and contract authority; \$26,500,000 of this was allocated to be used in the construction and equipment of laboratories and research stations.²⁰⁵ Finally the Independent Offices Appropriation Act, 1952, approved 31 August 1951, appropriated a total of \$67,250,000 in cash and contract authority to be used by the NACA in its research and development work and in the construction and equipment of laboratories and research stations for that purpose.²⁰⁶

The marked increase in the size of NACA appropriations in the six-year period after World War II was an indication of the growing importance of research and development in the various fields of aeronautical science, particularly as applied to military aviation, in an age of jet propulsion, guided missiles, and supersonic speeds. It also reflected the growing costs of research and the feeling of urgency which kept the USAF and the other services constantly on the alert to keep their weapons and equipment up-to-date. Although the Air Force now had its own Research and Development Command, the work done by the NACA continued to be important to the USAF.

After 1949 there was a significant increase in the appropriations authorized for the construction of Air Force installations and facilities in the continental United States and overseas. The Military Construction Act of June 12, 1948 authorized the Secretary of the Army and the Secretary of the Air Force to proceed with construction at military installations at some 71 locations in the continental United States and some 45 loca-

tions outside the continental United States (Alaska, Hawaii, the Marianas, the Philippines, the Canal Zone, Puerto Rico, Iceland, Newfoundland, Canada, and Bermuda). The authorization for such appropriations within the United States was limited to \$92,846,000 for fiscal 1948, and the appropriation authorization for construction outside the continental United States was limited to \$122,200,000. This was for the Army and Air Force combined.²⁰⁷ This legislation did not meet Air Force needs. At the end of fiscal 1948 the Air Force had only two-thirds of those base facilities necessary for its existing units. Its base requirements would inevitably increase under the four-year program,* and half of the existing bases were overage and needed rehabilitation.²⁰⁸ Title III of Public Law 420, 81 Cong., 1 Sess. (approved 27 October 1949 authorized the Secretary of the Air Force to establish or develop installations and facilities outside the continental United States costing a total of \$59,232,775. This authorization included such items as \$300,000 for aircraft warm-up shelters in Alaska; \$19,292,000 for facilities of various kinds at Eilson Air Force Base, Alaska; \$28,518,208 for facilities at Okinawa; \$3,200,000 for low cost family housing units, etc. The Second Supplementary Appropriation Act, 1950, appropriated \$20,000,000 in cash and granted contract authority to the amount of \$28,834,770 for carrying out the purposes of Public Law 420, a total of \$48,834,770.²⁰⁹

Title III of another military construction act, Public Law 564, 81 Cong., 2 Sess. (approved 17 June 1950), authorized the Secretary of the Air Force to establish or develop installations and facilities at a large number of locations within and outside the continental United States. The inclusion of such locations as Wheelus Field, Libya, and Dhahran Air Transport Station, Saudi Arabia, indicate the growing geographical spread of USAF bases and facilities to back the global commitments of the United States in the "cold war." Title IV of this act authorized the appropriation of \$159,006,593 to be spent by the Air Force for public works thus authorized (in Title III) inside

*See above, p. 85

the continental U.S., and the appropriation of \$56,469,162 for those authorized outside the continental United States. The General Appropriation Act, 1951, provided funds for carrying out the purposes of this act.²¹⁰ The Supplemental Appropriation Act, 1951, appropriated an additional \$169,700,000 for the "Acquisition and construction of real property, including construction authorized by law."²¹¹

At the beginning of fiscal year 1951 the USAF still did not have enough modern bases to meet the needs of the 48-Group Air Force then in existence and the later adoption of the 95-Wing program greatly increased the need for modern bases. Hence, it was necessary to reactivate many World War II bases which needed rehabilitation and remodeling in order to meet the requirements of modern heavy bombers and high speed jet aircraft. Many other base facilities were also required to meet the new demands on the Air Force.

After the Korean conflict began the Air Force initiated an emergency construction program to provide facilities in the combat area and to anticipate future needs elsewhere. At the same time a long-range construction program was set up.²¹² By the passage of Public Law 910, 81 Cong., 2 Sess. (approved 6 January 1951) Congress authorized \$885,604,000 for public works construction within and outside the continental United States. Of this sum, \$451,467,000 was for the establishment and development of USAF installations and facilities within the continental United States; \$367,150,000 for USAF installations and facilities outside of the Continental United States; and \$66,987,000 for the construction of aircraft control and warning system facilities.²¹³ Public Law 911, 81 Cong., 2 Sess. (approved 6 January 1951) appropriated \$807,000,000 to finance the program of public works construction being carried on by the Air Force.²¹⁴ The Fourth Supplemental Appropriation Act, 1951, approved 31 May 1951, made \$281,664,000 more available for the Air Force public works program.²¹⁵ This made a total of \$1,422,148,000 granted to the USAF for its public works program for fiscal 1951.

The Air Force requested an authorization of \$3,580,000,000 and an appropriation of \$2,400,000,000 dollars for the fiscal year 1952. This was to provide the minimum number of bases required for a 95-Wing Air Force.²¹⁶ General Vandenberg said, in a statement to the subcommittee of the Senate Committee on Appropriations, on 15 August 1951, that it was in its base-construction program that the USAF had had the greatest difficulty in meeting its needs. He pointed out that the increasing size of modern planes and the complexity of their electronic equipment had greatly increased the size and complexity of the bases from which they must operate. Most of the bases existing were of temporary wartime construction, and were inadequate in size, number, and equipment for the expanding Air Force of 1951-52. Finally General Vandenberg pointed out that an effective air force consisted of three things, modern planes, bases on which these planes could be used, and trained people who could use them. Among these three essential elements the one in the most crucial need for attention was the planning and implementation of an adequate program of base construction.²¹⁷

In the fall of 1951 Congress took action to grant practically all of the public works authorizations requested by the Air Force. The Military Construction Act of September 28, 1951 reflected the expansion of the USAF and the other two services resulting from the outbreak of the Korean War. This legislation was necessary in order to provide the armed forces with adequate installations and facilities to meet the operational requirements of the approved forces, and to permit the utilization of the new types of equipment now coming off the production lines. Congress had authorized military public-works items to the amount of \$1,861,000,000 in the fiscal year 1951 to meet the operational requirements of the armed services. This legislation included most of the additional operational facilities required to support and make effective the 3,500,000-man force provided for in the 1952 budget.²¹⁸

In testifying before the Senate Committee on Armed Services the Secretary of the

Air Force stated that the specific projects listed in Title III, the Air Force section of the bill, represented the minimum facilities needed by the Air Force for the 95-Wing program (which had been approved after the outbreak of hostilities in Korea). As already pointed out the USAF requested an appropriation of \$2,400,000,000 out of the approximately \$3,500,000,000 authorized in this title in order to proceed with those projects in the fiscal year 1952. The installations to be provided by these authorizations were to be utilized for strategic air operations, air defense operations, and tactical air operations.

The Strategic Air Command's base structure, being built up at this time, required bases within the continental United States and in foreign countries. These bases were necessary for the development of the capability of SAC to carry out retaliatory attacks and to neutralize the enemy's war potential. Air Defense Command installations and facilities included the construction of interceptor aircraft bases at strategic locations and the installation of high-speed refueling and readiness facilities. Another defense item was the extension of the radar fence. As the Tactical Air Command supports ground forces in their operations, the authorization for its installations and facilities was closely tied in with the North Atlantic Treaty Organization, particularly with respect to bases in foreign countries.²¹⁹

As finally enacted by Congress and approved by the President on 28 September 1951, Title III of this defense public-works legislation authorized the expenditure of \$3,480,661,800 for the construction of Air Force installations and facilities at more than 130 locations in the zone of the interior and overseas. Of this sum \$1,993,603,800 was authorized for public works inside the continental United States, \$415,420,000 for public works outside the continental United States, and \$1,071,638,000 for classified facilities. Title IV authorized up to \$38,000,000 for Air Force construction or development of joint military installations and facilities and up to \$25,000,000 for post exchanges, theaters, cafeterias and other facilities intended primarily for mo-

rale or welfare purposes. The Air Force received the larger share of the public works' authorizations in this act; the Army was authorized to construct public works to the amount of \$1,418,025,528, and the Navy public works authorization came to \$831,847,850.²²⁰ This was the largest authorization for public works that had ever been granted to the Air Force by Congress.

The Department of Defense Appropriation Act, 1952, was approved 18 October 1951, about 20 days after the enactment of the Military Construction Act discussed above. It appropriated only \$187,000,000 for the Air Force public works program, making no reference to the act of 28 September 1951. The major part of this appropriation was to be used for projects previously authorized.²²¹ However, the enactment of the Second Supplemental Appropriation Act, 1952, which was signed by the President on 1 November 1951, gave the Air Force an appropriation of \$2,071,200,000 to be used for its public works program. These funds were to be used to carry out construction projects authorized in the Act of 28 September 1951, Public Law 155, 82 Cong., 1 Sess., as well as the public works authorized in previous acts.²²² Thus by the end of 1951 the appropriations for the Air Force public works program for the fiscal year 1952 had risen to the peacetime record height of \$2,258,200,000. The appropriation of such a huge sum evinced several developments: 1) The expansion of air bases and of air defense facilities in the Zone of Interior; 2) the American policy for containing Communism and defending the continental United States from attack by building a global system of bases in strategically located friendly countries from which USAF medium bombers could operate behind the Iron Curtain; 3) the commitment to build and maintain bases for the protection of the NATO area; and 4) the great expansion of USAF research and development installations and facilities. This huge 1952 public works appropriation, (as compared with the \$1,422,148,000 for 1951) signalized the complete reexamination and revision of the Air Force construction program necessitated by the adoption of the 143-wing objec-

tive to replace the current program for the attainment of a 95-wing strength by mid-1952.²²³

The over-all trend of legislative appropriations for the Air Force in the years 1946-51 presents a pattern even more uneven than that of public works appropriations. Immediately after World War II Air Force (AAF) appropriations suffered a tremendous cut. By the passage of the First Supplemental Surplus Appropriation Rescission Act, 1946, approved 18 February 1946, Congress provided that \$11,799,313,000 in unreverted surplus funds appropriated for the AAF, 1942-46, should revert to the Treasury. Another \$1,000,000,000 of unreverted Air Force appropriations reverted to the Treasury with the passage of the Second Supplemental Surplus Appropriation Rescission Act, 1946. The Third Deficiency Appropriation Act, 1946, deprived the Air Force of yet another \$1,507,959,000 in unreverted appropriations for the fiscal years 1942-46.²²⁴ The appropriation of \$1,199,500,000 for AAF by the Military Appropriation Act, 1947, approved 16 July 1946, obviously did not compensate for the reversion to the Treasury of the unexpended appropriated funds.* And even this grant of funds was reduced by the First Deficiency Appropriation Act, 1947, approved 1 May 1947, which authorized the transfer of not more than \$135,000,000 of the above funds to other Army appropriations.²²⁵ Hence, the AAF was on very slim financial fare in the fiscal year 1947, especially as compared to the war years.

In the fiscal year 1948 obligational authority under appropriations made for the Air Force amounted to \$1,259,272,100. However, as the process of separating the Air Force from the Army was not yet complete, a sum of approximately \$1,500,000 was included in Army appropriations for Air Force support. This brought Air Force funds appropriated for the fiscal year 1948 close to \$3,000,000,000, representing 27 per cent of the total available to the three service departments.

*Congress granted \$2,481,050,000 for Navy aviation in fiscal year 1946 and \$709,760,000 in fiscal year 1947. See Navy Department Appropriation Bill for 1948, Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 80th Cong., 1st Sess., Table I, p. 1785.

For fiscal year 1949 new obligational authority granted directly to the Air Force totaled \$2,941,911,000. In addition, approximately \$2,040,000,000 was provided under Army appropriations for the Air Force. This total of \$4,981,911,000 represented approximately 37 per cent of the total appropriated for the Army, Navy, and the Air Force.* These ratios point up the growth of the importance of the Air Force in the defense of the United States.²²⁶

The big battle over Air Force appropriations came during Congressional debates over the military budget for fiscal year 1950. In its 1948-49 Air Force authorizations and appropriations, Congress had followed the recommendations of the Finletter Commission† and the Congressional Aviation Policy Board: \$2,806,982,571 in cash and contract authority for fiscal year 1949, plus \$1,749,314,570 brought forward from previous years, was made available for expanding the Air Force to the 70-Group level. By December 1948 the Air Force had a total of 59 groups, and it planned to reach authorized strength early in fiscal year 1950.²²⁷ But the administration became economy-minded. Carl Vinson, Chairman of the House Military Affairs Committee, demanded a 70-group Air Force, and the House succeeded, by taking funds from Army and Navy appropriations, in passing a measure granting funds sufficient to realize Vinson's demands. The Senate concurred despite strong opposition from the economy bloc. President Truman effectively countered this move by impounding the extra funds, some \$822,000,000, after Congress had adjourned. Louis A. Johnson, who was appointed Secretary of Defense when Forrestal's resignation was announced on 3 March 1949, vigorously enforced the administration's economy policy. Evidently 22 Air Force groups were part of the fat which Secretary Johnson said he would pare from the National Military Es-

tablishment, for instead of expanding to 70 groups the Air Force was forced to contract to 48.²²⁸

Although the Air Force was cut back in 1949 to its lowest level since the panic of the 1946 demobilization, this state of affairs did not last long. On 25 June 1950, just before the end of the fiscal year, the North Korean Communists invaded the Republic of Korea and soon the United States was engaged in a shooting war to stop Russian-inspired Communist aggression. This action resulted in the abandonment of the strangling economy program. By the end of the fiscal year 1950, Air Force appropriations in cash and contract authority had risen to \$7,286,975,770. The increasing emphasis on air power as a major factor in the national defense was indicated by the fact that during the fiscal year 1950 Air Force appropriations again exceeded those granted to either of the other two services. Army appropriations for this period totaled \$4,461,007,998 and the total for 1950 Navy appropriations was \$5,977,468,546.²²⁹

Soon the Air Force was authorized, by a series of decisions occurring July 1950 and January 1951, to expand by not later than 30 June 1952 to a total of 95 wings and 1,061,000 military personnel. From 48 regular wings and an authorized personnel strength of 416,314, the Air Force had reached a strength of 87 wings and 788,381 personnel by the end of the fiscal year 1951.²³⁰

To finance the great increases in personnel, planes, and bases necessary for this new expansion program Congress granted direct appropriations and contract authorizations to the Air Force to the amount of \$18,231,439,770 for fiscal year 1951.†† This plus the unexpended balance from the prior year and certain transfers made the sum of \$19,635,536,270 available to the Air Force for the fiscal year 1951.²³¹

In submitting the Air Force budget estimates for the fiscal year 1952 to the subcommittee of the Senate Appropriations

*Cash appropriations and new obligational authority provided for the Army in fiscal year 1949 came to \$4,217,101,025, the Navy's share of the national defense budget for fiscal 1949 came to \$4,924,670,880. See Department of Defense, Second Report of the Secretary of Defense for the Fiscal Year 1949, p. 83.

†In 1947 the President had appointed an Air Policy Committee, under the chairmanship of Thomas K. Finletter, to make a civilian review of the whole question of aviation policy.

†The Air Force appropriations for fiscal year 1951 greatly exceeded the \$13,755,496,646 granted to the Navy and did not fall far short of the \$19,318,393,934 in cash and contract authority granted to the Army. See DD, Semiannual Report of the Secretary of Defense, January 1 to June 30, 1951, pp. 139, 192, 250.

Committee, Lt. Gen. C. B. Stone, III, Deputy Chief of Staff, USAF (Comptroller), stated that this was an interim budgetary request aimed at a 95-wing Air Force. It was not sufficient to put such a force in complete battle-readiness—this was to be deferred, pending further review of the world situation. Nor did this budget attempt to cover the costs of the Korean operation. The total new obligating authority requested was approximately \$19,784,000,000 of which over 65 per cent was for the procurement of aircraft and other equipment.²³²

General Vandenberg told the subcommittee that an Air Force of 95 wings could not be considered sufficient to win a major war by defeating superior strength both in the air and on the ground. Such a force was intended primarily as a deterrent, and it was hoped that it might be able to stave off defeat in case the enemy decided to risk all-out war.²³³ These statements implied the necessity for taking under consideration further expansion of the USAF. In 1952 Congress took action in this matter by authorizing a 143-wing Air Force.²³⁴

Congress took favorable action on the Air Force budgetary request and by the end of fiscal year 1952 had granted the Air Force \$22,238,985,000 in direct appropriations and authorizations, an amount closely approaching the wartime peak of \$23,665,481,000.²³⁵ These huge appropriations, together with an unexpended balance of \$13,293,605,627 brought forward from the previous year, minus certain transfers, made a total of \$35,501,988,802 available to the Air Force. Congress granted the Army \$21,599,668,330 in direct appropriations and authorizations in fiscal year 1952, and gave the Navy \$15,618,511,392.²³⁶

The tremendous sum which became available to the Air Force at this time must, however, be evaluated in relation to the situation in which the Air Force found itself in the years after World War II. There had

been a steady build-up of the Air Force (Air Corps and AAF) from 1939 through 1943 while the reverse was true from 1946 through the first half of 1950. Thus the appropriation of over \$22,000,000,000 for the fiscal year 1952, and the unexpended balance carried over from the previous year, had to make up the deficit of the lean years since World War II. It was very difficult to make up this deficit insofar as it pertained to aircraft production because of the existence of a time-lag of about two years between the date of ordering a plane and the date of delivery.

There was also the declining purchasing power of the dollar to be considered. This, plus the greater weight of modern jet planes, their multiplicity of complicated devices, and their high fuel consumption, made aircraft much more expensive to build and operate than they had been during World War II.²³⁷ Then, too, the USAF was now a truly global Air Force with the responsibility for constructing and maintaining bases in nearly every country outside the Iron Curtain, and it furnished the planes and personnel to keep these bases in a state of readiness.

Nevertheless the authorization of the 95-wing Air Force in 1951 (followed by a period of program readjustment, and a reappraisal of military needs which resulted in the approval of the 137-wing program in December 1953) and the generous appropriations to begin the implementation of the 95-wing program, presaged the end of the old and erroneous concept of the "balanced force" as a military establishment in which the three armed services received approximately equal shares of the military funds and were kept at roughly equal strength. Now, as a new and strategically sound concept of "balanced power"—the realization that the United States really had balanced forces when its military budget was allocated on the basis of calculating the strength of its forces in relation to the top priority tasks they had to perform—came to have increasing weight the Air Force was accorded its proper place as the key arm of our military establishment. Of these top priority tasks the most important was that

²³²Early in 1953 there was a shift to a program calling for 120 wings by December 1955. As a result of the reappraisal of strategy and requirements by the Joint Chiefs of Staff in the fall of 1953 the President in December of that year approved a 137-wing program. Under the new program the Air Force was to build up to 127 wings by the end of June 1956 and to 137 wings by the end of June 1957. Most of the increase was to be in fighter wings. (The Semiannual Report of the Secretary of the Air Force, Fiscal Year 1954, Preliminary Draft, p. 1)

of delivering available atomic weapons—a task which could best be accomplished by air power. The USAF was recognized, through its power to effectively deliver atomic weapons, as the United States' first line of defense and of offense.

SUMMARY

The United States Air Force originated as a minor activity of the United States Army's Signal Corps on 1 August 1907, when the Aeronautical Division was established in the Office of the Chief Signal Officer. The first direct statutory reference to airplanes was contained in the Appropriations Act of March 3, 1911; prior to this time appropriations for Army aerial activity was under the heading "war balloons."

In 1914 Congress enacted legislation creating the Aviation Section of the Army Signal Corps and appropriated the unprecedented sum of \$600,000 for aeronautical development. Because of the war in Europe, Congress in 1916 appropriated \$13,881,666 for Army aviation and provided for the training of reserve officers and enlisted men, and for the development expense of an aviation engine, the famous Liberty engine.

In 1917 Congress appropriated \$640,000,-000, a huge sum at that time, to build up a great Army air arm which was to bring the war to a quick close. The great expectations of Congress and the country at large were doomed to disappointment as our infant aircraft industry could not meet the challenge. Nor was the Army air arm adequately organized for such a task.

The weakness of our air arm, thus revealed, instigated the first Congressional investigations of the air arm and the passage of the Overman Act of May 20, 1918. Acting under the authority of this act, President Wilson removed Army aviation from the jurisdiction of the Signal Corps and made a sweeping reorganization. The air arm of the Army now became the Air Service, and was formally recognized as a combatant arm by the Army Reorganization Act of 4 June 1920. The act created a

Chief of the Air Service with the rank of major general.

During the year 1916 the first of a long series of bills proposing a Department of Aviation was introduced in Congress. A strong sentiment for an independent air arm had developed among officers of the air arm during World War I, and there was considerable public and Congressional support for such an organization of military aviation. Nevertheless, it was to be 31 years before Congress finally passed legislation creating a separate air arm with its own departmental organization. In military circles the leader in the fight for independence was Brig. Gen. William Mitchell, Assistant Chief of the Air Service from 1919 to 1925. His views were bitterly opposed by those in authority in the Army and the War Department, and of course, the Navy. Mitchell's vehement crusade for an independent air force brought about a situation which resulted in his dismissal as Assistant Chief of the Air Service, and finally led in 1925 to a court-martial which drove him from the service.

For a long time the opinions held by those authorities who regarded the air arm simply as an auxiliary to the Army and Navy were to prevail. The growing public sentiment for an independent or separate air arm availed little as long as these men were in power. Over 50 measures proposing to give the air arm more autonomy were introduced in Congress in the period between World War I and World War II but none of them were passed. Congress did, however, pass the Air Corps Act of 1926, which changed the name Air Service to Air Corps and emphasized the role of the air arm as a striking force rather than as a mere auxiliary to the other branches.

During the period between the wars the Air Corps suffered from insufficient funds, a state of affairs for which those high in military and administrative circles were more responsible than Congress. This fact did not dawn on the country until the air mail episode in 1933-34. The poor equipment of the Air Corps became only too evident when a large number of the Air Corps pilots flying the mail became victims of aircraft accidents. This disaster resulted in investigations and subsequent legislation which benefited the Air Corps. However, all activities aimed at the creation of a separate air force continued to be thwarted, and when World War II came on there was a tacit agreement to drop the discussion for the duration.

In 1941, by administrative reorganization, the Air Corps became the Army Air Forces. Even before this the outbreak of World War II and the threatening situation abroad had led Congress to increase appropriations for the air arm. By 1939 the so-called "Air Corps Expansion Program" was gotten under way.

Franklin D. Roosevelt urged large appropriations for the air arm in 1939, placing great emphasis on the importance of strengthening our air power for national defense in view of the threat to American liberties posed by changing conditions abroad. Congress responded quickly and generously to the President's requests. In the emergency national defense act passed in the spring of 1939 Congress laid the basis for the first large scale procurement of aircraft and other aviation materiel, made the greatest increase in Air Corps personnel allotments hitherto granted, and provided for the first large-scale flying-training program. Over \$260,000,000 was appropriated for aircraft procurement and for other needs of the Air Corps in 1939, and in 1940 appropriations made specifically for the Army air arm reached a new high—over \$2,400,000,000. In the first eight months of 1941 Congress appropriated over \$6,000,000,000 for the Air Corps (which became the Army Air Forces by administrative action in June 1941), thus exceeding all previous records. During the war years Congressional

grants to build up air power reached a peak with the appropriation of over \$23,000,000,000 for the AAF in the fiscal year 1944.

During the period 1939-45 Congress also concerned itself with other legislation of vital importance to the AAF. It enacted a long list of laws dealing with the expediting of aircraft production, research and development, procurement, personnel, etc. Also, acting through such bodies as the Truman Committee, Congress exercised a large measure of supervision over the expansion program of the AAF and played a vital part in the attainment of the production goals set by the program.

The record of the AAF in World War II and its vital contribution to victory served to strengthen the widespread opinion in favor of a separate air force. In his message to Congress on 19 December 1945, President Truman spoke forcefully in favor of unification of the armed services and the placing of air power on a parity with land and sea power. This gave considerable stimulus to the movement for consolidation of the services and establishment of an air force on an equal basis with the ground forces and the Navy. Legislation for this purpose was introduced in the Senate in 1946. There was some strong opposition on the part of the Navy, but with the general support of the Army and some prodding by the President, the armed services agreed on a plan of unification, and a bill based on this inter-service agreement became law on 26 July 1947 as the National Security Act of 1947. This act created a separate air force (the United States Air Force) as one of three coordinate branches of the National Military Establishment. The National Military Establishment was to be composed of three departments, the Department of the Army, the Department of the Navy, and the Department of the Air Force, each with its own Secretary. Provision was made for the transfer, from the Department of the Army to the Department of the Air Force, of those personnel, functions, and records as well as that property and materiel which might be necessary or desirable for the operations of the Department of the Air Force or the

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USAF. This process of transfer was finally completed in the summer of 1949.

Although later it was found necessary to amend and revise the National Security Act of 1947, and despite the fact that disagreements arose between the services over their specific roles and missions under unification, this legislation marked a turning point in the legislative history of the Air Force. Placed on an equal basis with the Army and Navy, the Air Force could now frame its own legislative program and plead its own case before Congress—and it could submit its own budgetary estimates and requests instead of having these treated as an adjunct of the Army budget. The Air Force was also in a much better position to secure legislation framed to meet its own particular needs and to press the case for the build-up of strategic air power which had become a particularly urgent concern of the Air Force with the development of atomic weapons and the rising tide of Communist aggression.

The Army and Air Force Authorization Act of 1949 and the Air Force Organization Act of 1951 also represented important steps in the development of the USAF. The authorization act created a legal framework for the Air Force in regard to its composition, its strength in military personnel, its procurement authority, research and development authority, and certain authority in regard to the expenditure of appropriated funds. This act placed the USAF on a firm legal basis in regard to its operations. The organization act was important in that it provided a statutory basis for the internal organization of the USAF. This legislation completed the process of creating a separate air arm with a self-sufficient organizational structure based on a sound legal foundation.

Despite progress made in the organization of a separate and coordinate air arm, appropriations for the USAF fell to a low level after World War II, and in 1949 an

administration sponsored economy drive stopped the program to build up a 70-group Air Force and brought about a reduction of the USAF to 48 groups. However, the Korean crisis of 1950 changed the trend of legislation, and by 1951, appropriations for increasing the strength of the Air Force were approaching World War II levels. The legislation enacted by Congress to encourage aircraft production so as to meet the needs of the expanding USAF and to implement military aid to those countries participating in the Mutual Defense Assistance Program was reminiscent of legislation enacted in World War II to expedite production and make sufficient aircraft and other materiel available to supply the wartime needs of the AAF and send lend-lease equipment to Allied and friendly powers.

The policy of containing Communist expansion by creating a world-wide system of air bases in friendly countries, and the recognition that the atomic bomb delivered by air power was the major strategic weapon upon which the United States could rely as a deterrent to Communist attack, led Congress to a new concept of the vital importance of air supremacy and of the major role of the Air Force in our military establishment. This trend in the legislative policy of Congress is illustrated by the magnitude of the authorizations and appropriations made by Congress for the Air Force in 1950 and 1951.

In conclusion it is evident that the development of the USAF and the creation of American air power sufficiently strong to meet global defense requirements were and are, in the last analysis, dependent on the will and action of the United States Congress. The success of the USAF in gaining and maintaining air supremacy for the preservation of world peace, and for victory in the event of war, is in a very large measure dependent on long and careful legislative planning and liaison work by the USAF in order to keep Congress advised as to its immediate and long-range needs.

NOTES

CHAPTER I

1. Fred Hamlin and Arthur Clawson, et al, eds, *The Aircraft Yearbook for 1951* (Washington, 1952) [hereinafter cited *Aircraft Yearbook*, 1951, etc.], p. 371.
2. United States Armed Forces Information School, *The Army Almanac, A Book of Facts Concerning the Army of the United States* (Washington, 1950) [hereinafter cited *The Army Almanac*], p. 211.
3. 36 U.S. Statutes at Large, 1038 [hereinafter cited 36 Stat. 1038, etc.] See also Maj Guido R. Perera, "Legislative History of Aviation in the United States and Abroad" [hereinafter cited Perera, Legislative History], pp. 1-2.
4. 37 Stat. 705.
5. R. Earl McClendon, *The Question of Autonomy for the United States Air Arm, 1907-1945*, AU Doc. Res. Study, [hereinafter cited McClendon, *Autonomy for the Air Arm*], Part I, pp. 28-31.
6. *The Army Almanac*, p. 211.
7. 38 Stat. 514-15. See also Perera, Legislative History, p. 88.
8. Perera, Legislative History, p. 88.
9. 38 Stat. 930.
10. 39 Stat. 174.
11. 39 Stat. 622.
12. McClendon, *Autonomy for the Air Arm*, I, 48. See also *Congressional Record*, 76 Cong., 2 Sess., p. 5054 (28 Mar 1918).
13. Perera, Legislative History, pp. 16-18.
14. 40 Stat. 243; W. F. Craven and J. L. Cate, eds, *The Army Air Forces in World War II*, I, (Chicago, 1948), [hereinafter cited Craven and Cate, *The AAF in World War II*, I, etc.], 6-7.
15. Perera, Legislative History, p. 18.
16. Perera, Legislative History, pp. 18-20, Craven and Cate, *The AAF in World War II*, I, p. 9.
17. 41 Stat. 129.
18. 41 Stat. 768.
19. 41 Stat. 953.
20. Craven and Cate, *The AAF in World War II*, I, 21-22.
21. McClendon, *Autonomy for the Air Arm*, I, 84-85, 99-100; Craven and Cate, *The AAF in World War II*, I, 24.
22. McClendon, *Autonomy for the Air Arm*, I, 102-3.
23. John W. Mulkin, "A Legislative History of the Struggle of the Air Force for Independent Status" (unpublished M.A. thesis, Southern Illinois University, Carbondale, Illinois, June 1952) [hereinafter cited as Mulkin, *Air Force Struggle*], pp. 41-44.
24. McClendon, *Autonomy for the Air Arm*, I, 104-5.
25. *Ibid.*, p. 72.
26. R. Earl McClendon, *Unification of the Armed Forces: Administrative and Legislative Developments, 1945-1949* [hereinafter cited as McClendon, *Unification*], p. 2.
27. 41 Stat. 780. It should also be mentioned that the Air Corps Act authorized the presentation of the soldiers' medal and the distinguished flying cross to military personnel.
28. Craven and Cate, *The AAF in World War II*, I, 29. The Air Corps Act in its main provisions leaned heavily on the recommendations of the Morrow Board appointed by President Coolidge, himself an opponent of an independent air force. Its report was a vindication of the *status quo*.
29. Perera, Legislative History, pp. 54-55.
30. AHS-22 (Revised), *Legislation Relating to the AAF Materiel Program 1939-1945*, p. 1; see also Appendix I, Appropriation for Army Air Corps for Fiscal Years, 1926-1939, for examples showing how Air Corps requests for funds were pared down.
31. McClendon, *Autonomy for the Air Arm*, II, 151. As Assistant Secretary of the Navy during Wilson's administration, Mr. Roosevelt had been a pioneer in the development of naval aviation. He was the first flying Chief Executive.
32. AHS-25, *Organization of Military Aeronautics, 1907-1935* (Congressional and War Department Action), p. 92.
33. 48 Stat. 508.
34. AHS-25, p. 92.
35. William Bradford Huie, *The Case Against the Admirals, Why We Must Have a Unified Command* (New York, 1946), 25. Hereinafter cited as Huie, *The Case Against The Admirals*.
36. Craven and Cate, *The AAF in World War II*, I, 30.
37. AHS-25, pp. 93-94. Apparently the proposal of the Baker Board for a reorganization of the Air Force was intended to weaken the demand for an independent air force—see McClendon, *Autonomy for the Air Arm*, II, 163.
38. 38 Stat. 936-38.
39. AHS-25, pp. 97-98.
40. *Ibid.*, pp. 98-100.
41. 49 Stat. 610.
42. 49 Stat. 1524.
43. AHS-22, p. 1; 49 Stat. 1907.
44. Craven and Cate, *The AAF in World War II*, I, 66-67.
45. McClendon, *Autonomy for the Air Arm*, II, 196.
46. AHS-10 (Revised), *Organization of the Army Air Arm, 1935-1945*, pp. 4-14.
47. *Ibid.*, pp. 14, 17.
48. McClendon, *Autonomy for the Air Arm*, II, 205-13.
49. AHS-22, p. 1.
50. Elias Huzar, *The Purse and the Sword, Control of the Army by Congress through Military Appropriations, 1938-1950*, (Ithaca, N.Y., 1950) [hereinafter cited as Huzar, *Purse and Sword*], p. 147.

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51. *Ibid.*, pp 143-147.52. Craven and Cate, *The AAF in World War II*, II, 128, 150.

CHAPTER II

1. *Congressional Record*, 76 Cong., 1 Sess., p. 218 (12 January 1939).

2. AHS-7, Legislation Relating to the AAF Training Program, 1939-1945, pp. 9-20.

3. 53 Stat. 555-56. In January 1939 the War Department had approved a procurement objective of approximately 3,000 planes designed to bring the operating strength of the Air Corps to 5,500 planes by 1 July 1941. See Notes for Statistical Section, ODC/S from Col Grandison Gardner, AC, Eng. Sec., Mat. Div., 16 Mar. 1942, in DRB 321.9, Air Corps Expansion Program.

4. 53 Stat. 605-7.

5. 53 Stat. 995.

6. AHS-22, p. 14. See pp. 5-18 for a detailed treatment of the appropriations made in 1939 to implement the Air Corps expansion program.

7. 53 Stat. 1327.

8. 54 Stat. 25.

9. AHS-22, pp. 19-21.

10. Department of State, Publication 1983, *Peace and War, United States Foreign Policy, 1931-1941* (Washington, 1943) [hereinafter cited State Dept. Pub., *Peace and War*], pp. 527-32.11. *Ibid.*, pp. 542-44. At this time thoughtful Americans realized the great peril in which we would be if Britain was conquered and Hitler took over or destroyed the British fleet. Then the United States, with its one-ocean Navy concentrated in the Pacific to watch Japan, would be in danger of attack from the Atlantic. In such circumstances a large air force would be of vital importance in the national defense.

12. AHS-22, pp. 22-23; 54 Stat. 364-66.

13. 54 Stat. 602.

14. 54 Stat. 713.

15. AHS-22, pp. 25-26.

16. AHS-22, pp. 26-27.

17. 54 Stat. 965, 968. By this legislation Congress also appropriated \$178,000,000 to expedite aircraft production—a phase of materiel legislation which will be discussed in another part of this chapter.

18. AHS-22, Table, Appropriations for the Army Air Corps, Fiscal Years 1939-1948, Inclusive, ff. p. 44.

19. 55 Stat. 123, 126; AHS-22, p. 29.

20. AHS-22, pp. 30-31. The Secretary of War was in favor of the 12,000-plane program and ordered that plans be made for the procurement of 12,000 planes.

21. *Ibid.*, p. 31.

22. 55 Stat. 366, 378-79, AHS-22, p. 32.

23. AHS-22, p. 33. Public Law 703 76 Cong., 3 Sess. (approved 2 July 1940), which had removed limitations on the number of aircraft which could be procured in fiscal year 1941, expired on the day the 1942 military appropriation

bill became law, hence the provision removing the limitation established by Public Law 18 76 Cong., 1 Sess. Later, by the passage of Public Law 580, 77 Cong., 2 Sess. (approved 5 June 1942) all limitations were effectively dealt with by providing that the Air Corps was authorized to procure and operate all the aircraft deemed necessary to carry on the war and for which money could be secured.

24. 55 Stat. 669-70.

25. AHS-22, p. 34; Table ff. p. 44.

26. *Congressional Record*, 76 Cong., 1 Sess., p. 218 (12 January 1939).

27. 53 Stat. 560. This section was an amendment to Public Law 639, 75 Cong., 3 Sess. (approved 16 June 1938), which authorized the Secretary of War to place educational orders with competent firms in order to facilitate the procurement of certain military materiel in time of war. See 52 Stat. 707.

28. AHS-22, pp. 51-54; 54 Stat. 353. There were only two educational orders allotted to the Air Corps in fiscal year 1940; one for \$100,000 worth of propeller hubs and one for \$265,000 worth of bombsights.

29. AHS-22, pp. 53-54.

30. 54 Stat. 377. The \$66,000,000 cash was to be available until 30 June 1942.

31. 54 Stat. 602-3.

32. 54 Stat. 712-14.

33. AHS-22, pp. 54-56; 54 Stat. 603, 874. Congress appropriated \$200,000,000 for expediting defense production by the first supplemental appropriation act and \$325,000,000 by the second.

34. AHS-22, pp. 55-57; 54 Stat. 965, 970.

35. AHS-22, pp. 57-58; 55 Stat. 124.

36. Unsigned document, "Steps in the Expansion of the Air Corps, Changing Concepts of the Expansion Program," in DRB 321.9, Air Corps Expansion Program.

37. AHS-22, pp. 58-59; 55 Stat. 366.

38. *Ibid.*, pp. 63-64.

39. AHS-22, pp. 67-68; 53 Stat. 555-60.

40. 54 Stat. 1000. Drafts of a proposed bill of this nature were sent to the Speaker of the House and the Vice President by the Secretary of War on 18 January 1939. It had Air Corps support. See AHS-22, p. 68.

41. 54 Stat. 45-46.

42. AHS-22, p. 71.

43. *Ibid.*, p. 72. The minimum time for advertising for bids, evaluating them, and drawing up the final contract under the competitive system was 120 days. Sometimes this process took 210 days.

44. 54 Stat. 676-77. This law specifically gave the Secretary of the Navy the authority to negotiate contracts. The eight per cent limitation applied to profits on both Army and Navy aircraft.

45. 54 Stat. 712-13.

46. AHS-22, pp. 74-75, 54 Stat. 872.

47. Unsigned document, "Steps in the Expansion of the Air Corps, Changing Concepts of the Expansion Program," in DRB 321.9, Air Corps Expansion Program; 54 Stat. 998-1003.

48. AHS-22, p. 75, 55 Stat. 366. These authorities and the removal of profit limitations were extended for the duration of the war and six months thereafter by Public Law 530, 77 Cong., 2 Sess. (approved 5 June 1942). See 36 Stat. 316-17.
49. W. F. Craven and J. L. Cate, eds., *The AAF in World War II*, I, (Chicago, 1948) 106-8.
50. 54 Stat. 811. Rubber is an example of a critical material which the United States needed to stockpile. On account of inadequate stockpiling the United States was caught short on this item when Japan cut off the major sources of natural rubber by taking over the Dutch East Indies and Malaya.
51. 55 Stat. 610-12.
52. AHS-22, pp. 79-81. General Arnold, had stressing in Committee hearings the importance of research, noted that Germany had five research centers comparable to the one at Langley Field.
53. *Twenty-Seventh Annual Report of the National Advisory Committee for Aeronautics*, 1941, pp. 1-7. Construction of the Ames Aeronautical Research Laboratory was begun with an initial appropriation of \$1,890,980 made under the Third Deficiency Appropriation Act, fiscal year 1939, and the First Supplemental National Defense Appropriation Act, 1941, provided \$2,000,000 for the planning, etc. of the airplane engine research laboratory and authorized contractual obligations for its construction, the whole project not to exceed \$8,400,000 in cost. See 54 Stat. 134, 599-600.
54. AHS-22, p. 163, App. 2. The greater portion of the funds were for expansion and development.
55. *Ibid.*, Table I, ff. p. 44. Of considerable significance, in view of the widespread and very successful use of helicopters in the armed services today, was the provision of the Second Deficiency Appropriation Act, (approved 2 May 1939), which granted the Air Corps \$300,000 to be used in research and development work dealing with rotary-wing aircraft. See 53 Stat. 641.
56. AHS-22, p. 9. For a detailed study of research and development in the period 1939-41, and of legislation relating to it, see AHS-22, pp. 79-96.
57. E. R. Stettinius, *Lend-Lease, Weapons for Victory* (New York, 1944), pp. 19-20 [hereinafter cited as Stettinius, *Lend-Lease*]; 54 Stat. 4-12. It should be noted that France began ordering planes in this country before the war began and prior to the passage of this act.
58. Craven and Cate, *The AAF in World War II*, I, 128-29.
59. Stettinius, *Lend-Lease*, pp. 18-19. On 6 December 1939, President Roosevelt appointed a liaison committee, headed by the Secretary of Treasury, Henry Morgenthau, to watch over the foreign purchasing program. Representatives of the War and Navy Departments were among the members of the committee. The committee helped the purchasing agents of the Allies to find and purchase war materials and kept an eye on the dollar balances of the purchasing powers.
60. Craven and Cate, *The AAF in World War II*, I, 129. See Stettinius, *Lend-Lease*, pp. 11-56 for a more detailed study of British and French purchases of American aircraft, etc.
61. Stettinius, *Lend-Lease*, p. 60.
62. On 27 March 1941 the negotiation of the famous "Destroyer Deal" was completed. By this agreement the United States transferred 50 over-age destroyers to Great Britain in return for a 99-year lease on sites for naval and air bases at eight strategic points in Britain's American possessions, stretching from Newfoundland to British Guiana. Thus the United States obtained outlying bases for the defense of the Western Hemisphere. See Craven and Cate, *The AAF in World War II*, I, 121.
63. Stettinius, *Lend-Lease*, pp. 63-85.
64. 55 Stat. 31-33. Money to be used for the purposes of this act out of funds already appropriated was limited to \$1,300,000,000.
65. 55 Stat. 53-55. The funds thus appropriated were to remain available until 30 June 1943.
66. 55 Stat. 745-47.
67. 55 Stat. 236. This act amended the Act of June 28, 1940, entitled "An Act to Expedite the national defense and for other purposes."
68. Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York, 1948), p. 362.
69. Extract of Statement of Hon. Henry L. Stimson, Secretary of War, Hearings before the Committee on Foreign Relations, U.S. Senate, 77th Cong., 1 Sess.—on S.275 (*Lend-Lease Act*), 1-29-41, in DRB 321.9, Air Corps Expansion Program.
70. Memo for S/W Stimson from R. A. Lovett, AS/W for Air, in DRB 211-C, Pilots.
71. Craven and Cate, *The AAF in World War II*, I, 126-36. See this reference for a more detailed account of lend-lease policies and their effect on the AAF expansion program.
72. Louis Smith, *American Democracy and Military Power, A Study of Civil Control of Military Power in the United States* (Chicago, 1951) [hereinafter cited as Smith, *American Democracy and Military Power*], pp. 213-14.
73. Stephen K. Bailey and Howard D. Samuel, *Congress at Work* (New York, 1952), [hereinafter cited as Bailey and Samuel, *Congress at Work*], p. 295.
74. Senate Resolution No. 71 [Senate Report No. 64], 77 Cong., 1 Sess. (22 Feb. 1941), in DRB 032-N-Legislation; *Cong. Rec.* [77 Cong., 1 Sess.], LXXXVII, Pt. 2, pp. 1265 (22 Feb. 1941), 1615 (1 Mar. 1941).
75. Smith, *American Democracy and Military Power*, p. 215.
76. Bailey and Samuel, *Congress at Work*, pp. 311-16.
77. Smith, *American Democracy and Military Power*, p. 216.
78. Bailey and Samuel, *Congress at Work*, p. 320.
79. *Ibid.*, p. 313-17. A sample case of a Truman committee investigation which uncovered and corrected bad production practices was the investigation of engine testing at the Lockland, Ohio, plant of the Wright Aeronautical Corporation in 1943-44. The investigations found evidence of improper testing and inspection of aircraft engines with the connivance of Air

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- Corps personnel As a result of the investigation these conditions were corrected and the War Department instituted court martial proceedings against the officers involved in these irregularities See Smith, *American Democracy and Military Power*, p 220, and *Additional Report of the Special Committee Investigating the National Defense Program*, (Senate Report No. 10 [78 Cong, 1 Sess.], Pt 16, pp. 110-11)
80. Smith, *American Democracy and Military Power*, pp 244-45
 81. AHS-16, Legislation Relating to the AAF Personnel Program, 1939-1945, p. 1.
 82. AHS-16, p 10, 53 Stat 557-59
 83. AHS-16, pp 14-16. None of these bills originated in the War Department.
 84. 53 Stat. 855-56
 85. 53 Stat. 1213.
 86. AHS-16, pp 11, 17-18.
 87. AHS-16, pp. 17-20; 54 Stat. 713. This authority was indefinitely extended in 1942. See 56 Stat 314
 88. AHS-16, pp 20-21, 35; Craven and Cate, *The AAF in World War II*, I, 110; 54 Stat, 963, 885-87
 89. AHS-16, pp 11-13.
 90. *Ibid.*, p 13
 91. AHS-7, pp. 20-21, 53 Stat 555-56 On 3 July 1941 Section 2 of Public Law 18, 76 Cong., 1 Sess. was amended to permit the detail of personnel of the Army of the United States to the Air Corps as well as Regular Army personnel.
 92. AHS-7, pp 10-22.
 93. AHS-7, pp 24, 35-36. In 1941 Brig Gen. Davenport Johnson, Chief of the Training and Operations Division, OCAC, stated that only 12 per cent of the civilian pilot training program graduates were eliminated in Air Corps elementary schools as against 39 per cent for those without such training.
 94. 53 Stat 1302-27.
 95. 54 Stat. 114-16
 96. AHS-7, p 34; 54 Stat. 599.
 97. AHS-7, p 39.
 98. 54 Stat. 25. This was at contract cost plus cost of packing and handling
 99. AHS-69, Development of AAF Base Facilities in the United States, 1939-1945, p. 54.
 100. *Ibid.*, p 55-56
 101. *Ibid.*, p. 59
 102. *Ibid.*, pp 47-48, 60
 103. *Ibid.*, p. 39; 54 Stat 1039, 55 Stat., 281, 689. In connection with the securing of sites for airfields, it should be mentioned that Public Law 205, 77 Cong., 1 Sess (approved 16 August 1941) increased the acreage limit on public lands leased for use as public aviation fields from 640 to 2,560 (55 Stat. 621.)
 104. AHS-69, pp 39, 66; 55 Stat. 825.
 105. AHS-69, p 51.
 106. Ltr, Brig Gen B K. Yount, AC/AC to TAG, 20 Aug. 1940, subj.: Legislation to place Air Corps Aviation Cadets on a parity with Naval Aviation cadets, in DRB, 032-K, Legislation
 107. Memo from Col Warren S Ege, Chief Legislative Services, to C/AS, undated, subj.: Proposed Aviation Cadet Legislation, in DRB 032, Legislation
 108. AHS-16 (revised), pp. 36-39.
 109. 55 Stat 239-40
 110. AHS-16, pp 32-42, AHS-7, pp 58-67
 111. 55 Stat. 241.
 112. AHS-7, p 67
 113. R&R Mil. Pers Div to Plans Div., 24 June 1941, in DRB 032-N, Legislation
 114. AHS-16, pp. 46-53 Only 65 Reserve officers out of 172 who were eligible took the examination, and only 11 of these obtained commissions
 115. Ltr., S/W Henry Stimson to Hon. Harold D Smith, Director, Bureau of the Budget, 25 Sept. 1941, in DRB, 032-R Legislation
 116. Ltr., S/W Henry Stimson to Rep. Andrew J. May, Chairman, Com. on Mil. Affairs, H. of R., 5 May 1942, in DRB 032-N, Legislation
 117. AHS-16, pp. 30-31.
 118. AHS-16, pp 7-8. In 1938 enlisted men of the Air Corps had been placed on flying pay at the discretion of their squadron commander, receiving 50 per cent of their base pay as extra compensation. Enlisted men of other arms and services attached to the Air Corps received no flying pay Reserve officers and officers and enlisted men of the National Guard received flying pay when on flying status in the course of active duty and in training periods
 119. 53 Stat 596
 120. 545 Stat 354 Prior to this time flight surgeons and nonflying officers were required to make 30 or more flights totaling 9 hours per month or to be in the air at least 12 hours in order to draw flying pay. See AHS-16, p. 87
 121. AHS-16, pp 85-88.
 122. 54 Stat. 963
 123. 54 Stat 1008-14
 124. 54 Stat. 1116
 125. AHS-16, pp 76-77 Public Law 72, 77 Cong, 1 Sess (approved 29 June 1945), provided that any officer who served 4 years as chief or assistant chief of a branch or as a commanding general in the GHQ Air Force should be retired with the prerequisites allowed him by law for the highest grade held by him as such chief, assistant chief, or commanding general
 126. R Earl McClendon, *The Question of Autonomy for the United States Air Arm 1907-1945*, AU Doc Res Study, II, 185-87 See AHS-10, pp 2-13, for a more detailed study of organizational changes in the air arm.
 127. Ltr to Sen Robert R. Reynolds, Chairman, Committee on Military Affairs, United States Senate, undated, prepared from draft by Gen. George C Marshall, in USAF HD 145 91-36 General Marshall also took the position that the recent reorganization of the Air Corps as the AAF gave the Army air arm sufficient autonomy.

128. William D Hassett, "The President Was My Boss," *Saturday Evening Post*, Vol. 226 (24 October 1953), 33 The President said that our system whereby the air force was attached to that area of the defense under which it could best operate was much better than an independent air arm like the RAF. He felt that our system made possible a much more elastic and efficient instrument of air power than would be the case with an air force under a single command
129. R&R, A-1, AAF, to C/AS, AAF, subj.: Senate and House Bills, 10 October 1941, in DRB 032-N, Legislation.
130. McClendon, *Autonomy for the Air Arm*, II, 214-15.
131. McClendon, *Autonomy for the Air Arm*, II, 191-92; Craven and Cate, *The AAF in World War II*, I, 115.

CHAPTER III

1. W. F. Craven and J. L. Cate, eds., *The AAF in World War II*, I, (Chicago, 1948), 150.
2. *Ibid.*, pp. 135-50 See this reference for a more detailed discussion of strategic plans It should be noted that the growing tension in our relations with Japan in 1941 caused a modification of RAINBOW No 5 and a greater emphasis on building up our air power in the Philippines. *Ibid.*, pp. 184-85.
3. *Ibid.*, p. 151.
4. 55 Stat. 795-97, 799.
5. 55 Stat. 838-41 It was provided that no cost-plus-a-percentage-of-cost contracts were to be used.
6. AHS-22, Legislation Relating to the AAF Materiel Program, 1939-1945, p. 35; 55 Stat 812-13.
7. H. Doc. 501, *Cong. Rec.*, 77 Cong., 2 Sess., pp. 33-34 (6 Jan. 1942).
8. H. Doc 528, *Cong. Rec.*, 77 Cong., 2 Sess., p. 37 (7 Jan. 1941).
9. 56 Stat. 37, 128, 226, 611 The Seventh Supplemental National Defense Appropriation Act, approved 23 June 1942, made additional funds available for the Navy including an appropriation of \$1,068,000,000 for naval aviation.
10. AHS-22, pp. 59-60.
11. 56 Stat. 37-38.
12. AHS-22, Table, Appropriations for Army Air Corps, Fiscal Years 1939-1946 Inclusive, II, p. 44.
13. 56 Stat. 128-29; AHS-22, p. 60
14. 56 Stat. 228. Section 403(b) of this act provided for the insertion of renegotiating clauses in contracts for amounts in excess of \$100,000 and return to the U.S. Government of amounts found to represent excessive profits
15. 56 Stat 619-20.
16. AHS-22, p 60.
17. *Ibid.*, Table, Appropriations for Army Air Corps, Fiscal Years 1939-1946 Inclusive, II, p. 44.
18. 56 Stat. 176-87.
19. 56 Stat. 314-17
20. AHS-22, p. 61; 56 Stat. 347. About 61 per cent of government expenditures for facilities under AAF cognizance, in the years 1940-44, were for machinery and equipment, 35 per cent for constructing and altering buildings, 4 per cent for land, land improvements, and miscellaneous items The most crucial item and the first bottleneck was the problem of securing sufficient machine tools The facilities employed at the end of 1944 in producing AAF materiel were approximately 55 per cent government-owned and 45 per cent privately owned (AHS-40, p. 229).
21. 57 Stat. 357.
22. AHS-22, p 41. In terms of airframe poundage aircraft production was to be increased to 1,417,000,000 pounds for 1944, approximately five times the production of 1942
23. *Ibid.* There was a phenomenal expansion of aircraft production between September 1940 when the government began to expand aircraft production and the end of 1944. In terms of money value of machinery and equipment it was about 700 per cent, in terms of ability to turn out planes it was about 1,900 per cent. In September 1940, for instance, the rate of our aircraft production per month was 260 tactical planes and 9 bombers; in June 1944 it was 5,210 tactical planes and 1,523 bombers (AHS-40, pp. 219-21).
24. AHS-22, p 42.
25. 58 Stat 574, 582-83; AHS-22, pp 61-62 The Army estimated its needs for expediting purposes to be \$958,400,000 with \$62,500,000 of this to go to the AAF. The Army got \$958,389,-900 in unallocated funds
26. AHS-22, p 43
27. *Ibid.*, p 44, and table on following page; 59 Stat. 384, 393-94. By the end of the fiscal year 1946 total appropriations for the air arm (1938-1945) had reached \$62,059,270,542 and the total number of planes to be procured came to 271,730.
28. 59 Stat. 384, AHS-22, p 62.
29. AHS-22, Table following p 44.
30. AHS-22, Table following p 44.
31. AHS-22, App. 2, p. 162.
32. 55 Stat. 746.
33. 55 Stat. 813
34. 56 Stat. 38.
35. AHS-22, pp 113-15.
36. Ltr., "A.W." to Brig. Gen O. A. Anderson, 29 Apr. 1943, in AF HD 154.96-85, AAF Expansion Program.
37. Memo for C/S (Attn.: AC/S OPD) from Gen Arnold, 22 Mar. 1943, subj.: Flash Plan Reference Our Present 273 Group Program, in AF HD 145.96-85, AAF Expansion Program.
38. AHS-22, p 114.
39. *Ibid.*, 118
40. AHS-10, Organization of the Army Air Arm, 1935-1945, pp. 14-15.
41. R. Earl McClendon, *The Question of Autonomy for the United States Air Arm 1907-1945*, II, AU Doc Res. Study, 218-20.
42. *Ibid.*, pp. 221-25; AHS-10, pp 19-20.
43. McClendon, *Autonomy for the Air Arm*, II, 226; AHS-10, p 20.

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44. McClendon, *Autonomy for the Air Arm*, II, 227
45. AHS-10, p 21; McClendon, *Autonomy for the Air Arm*, II, 228-31
46. The War Department directed that the command of air elements in a theater of operations was to be exercised through the air force commander, and air units were not to be attached to ground units except under certain unusual circumstances (See AHS-10, pp. 21-22).
47. McClendon, *Autonomy for the Air Arm*, II, 215-33. Senator Pat McCarran wrote President Roosevelt on 20 August 1943, urging immediate action to provide a "unified, coordinated, autonomous air force." Roosevelt replied that his recognition of the increasing importance of the air arm was indicated by the inclusion of General Arnold on the Joint Chiefs of Staff and the Combined Chiefs of Staff. Roosevelt said the matter was under careful consideration and that he felt the ultimate had not yet been reached in organizing the military machine. He feared, however, that to make any drastic changes at this time "might result in serious disruption of the war effort."
48. *Ibid.*, pp 236-39.
49. *Ibid.*, p 239.
50. *Ibid.*, pp 240-41; William Millis, ed, *The Forrestal Diaries*, (New York, 1951), p 9.
51. McClendon, *Autonomy for the Air Arm*, II, 241-45.
52. Millis, ed., *The Forrestal Diaries*, pp 64-88, 114, 117; McClendon, *Autonomy for the Air Arm*, II, 247-50.
53. Hearings before the Committee on Military Affairs, United States Senate, 79 Cong., 1 Sess., on S 84 . . . [and] S. 1482. . . Department of Armed Forces [and] Department of Military Security [Washington, 1945], pp 1-4.
54. *Ibid.*, pp 98-101, 383-403, 411-12, 537-44.
55. R. Earl McClendon, *Autonomy of the Air Arm* (Air University Documentary Research Study, MAFB, Ala., January 1954), p. 140
56. McClendon, *Autonomy for the Air Arm*, II, 247
57. *Cong. Rec.*, 79 Cong., 1 Sess., pp. 12, 398-400 (19 December 1945)
58. AHS-16, Legislation Relating to the AAF Personnel Program, 1939-1945, p 42.
59. Memo from C/S from Lt Col. Guido R. Perera, Dir. of Legislative Planning, AAF, subj.: Legislation Creating the Grade of "Flight Officer," 4 Apr. 1942, in DRB 032-0, Legislation
60. Ltr., S/W Stimson to Speaker of the House of Representatives, 19 May 1942, in DRB 032-0, Legislation. A similar letter was sent to Senator Robert R. Reynolds, Chairman of the Senate Military Affairs Committee.
61. AHS-16, pp. 44-45.
62. 55 Stat 239; 56 Stat 649-50.
63. 56 Stat 650. See AHS-16, pp. 103-8 for a full discussion of this change in policy.
64. 56 Stat. 310.
65. 56 Stat. 796 This legislation was passed despite War Department opposition on the ground that it was discriminatory. It applied to only two Army flying cadets. See AHS-16, pp 102-3
66. 1st ind (ltr., Hq AAF to CG Flying Tng. Comd, 23 May 1942), in DRB 032-0, Legislation; 56 Stat. 310.
67. 56 Stat. 310.
68. 56 Stat. 704
69. AHS-7 Legislation Relating to the Army Air Forces Training Program, 1939-1945, pp. 46-48
70. AHS-16, pp. 59-60; 55 Stat. 728-29.
71. AHS-16, pp 60-64; 56 Stat. 94.
72. AHS-16, pp. 69-70, 55 Stat 733
73. 59 Stat. 263.
74. 56 Stat. 612, 368-9.
75. AHS-16, pp. 89-90; 56 Stat. 736.
76. AHS-16, p 94 The Act of April 3, 1939 extended to all officers, warrant officers, and enlisted men the same pensions, compensation, retirement pay, and hospital benefits provided for military personnel of the Regular Army. See 53 Stat 557
77. AHS-16, p. 95
78. 56 Stat 381 At this time numerical designations of pay grade ran from 1 (master sergeant) down to 7 (private).
79. AHS-16, pp. 95-97. An act amending the Servicemen's Dependents and Allowances Act stated that aviation cadets were included in the terms "men" and "enlisted men" as used in the act. This made them eligible for dependents' allowances and benefits
80. AHS-16, pp 97-100.
81. 56 Stat. 278. This legislation was approved 14 May 1942
82. 57 Stat. 371
83. Interview by author with Mrs. E. W. Moore, Executive for Legislative Research, Office of Legislative Liaison, OSAF, 17 Nov. 1954.
84. Hq. Off Instr. No 20-9, Hq, AAF, 11 Dec. 1943, in USAF HD 145 041 A-6.
85. Memo, C/AS from Hq. AAF, subj: Initial Post-war Air Force, 29 Apr 1944, in USAF HD 145.041 A-6. In 1940, prior to the reorganization of the Army air arm as the AAF, the First Section of the Plans Division of the OCAC prepared legislation desired by the Air Corps and handled other legislative matters pertaining to the air arm. See Office Memo 10-10A: Miscellaneous-Organization of the Plans Division of the Office of the Chief of the Air Corps, 16 Apr. 1940, signed by Col. Carl Spaatz, Chief, Plans Division, in USAF HD 145.91-297.
86. Memo, DC AAF from Hq. AAF, subj: The Post-war Air Force, no date, in DRB 27, Plans (8 June 1945-1 May 1946).

CHAPTER IV

1. John W. Mulkin, "A Legislative History of the Struggle of the Air Force for Independent Status," (unpublished M.A. thesis, Southern Illinois University, Carbondale, Illinois, June 1952), pp 87-97.
2. William Millis, ed., *Forrestal Diaries*, (New York, 1951), pp. 159-62.
3. *Ibid.*, pp 162-63 Millis contends that Forrestal's opposition forced a sounder and broader analysis of the unification problem and resulted in a better unification plan.

4. *Ibid.*, p 167; memo for Mr. W. Stuart Symington, AS/W for Air, from Col. William E. Carpenter, C/Office of Legislative Services, AAF, subj: Mr. Truman's 12-Point Program of Unification, 2 Aug 1946, in DRB, Legislation, 1 Aug 010-46
5. Mills, ed., *Forrestal Diaries*, pp. 165-67; memo cited in n. 4.
6. R. Earl McClendon, *Unification of the Armed Services. Administrative and Legislative Developments, 1945-1949* (MAFB, 1952), pp 25, 29, 71. Hereinafter cited as McClendon, *Unification*. See McClendon's study for a detailed treatment of unification.
7. Memo cited in n. 4.
8. *Ibid.*
9. Ltr, Secretaries Forrestal and Patterson to Pres Truman, 16 Jan 1947, in DRB, OCS, Folder 3, Assignment and Career Planning Br.
10. McClendon, *Unification*, pp 32-33.
11. *Ibid.*, pp. 39-43.
12. *Ibid.*, pp. 45-49
13. 61 Stat. 495-510, McClendon, *Unification*, pp. 45-50 Truman's first choice for Secretary of Defense was Patterson, who was then Secretary of War. Patterson, however, wished to retire from public life and Truman appointed Forrestal.
14. McClendon, *Unification*, pp. 45-51.
15. *Ibid.*, p 54.
16. Nat. Mil. Estb., *Annual Report of the Secretary of the Air Force, 1948*, p. 21
17. *Ibid.*
18. McClendon, *Unification*, p 56
19. *Ibid.*, p 57.
20. Nat. Mil. Estb., *Annual Report of the Secretary of the Air Force, 1948*, pp. 34-36 The Air Force administered only \$3.7 billion of the \$4.98 billion appropriated for its benefit in fiscal year 1949.
21. Mills, ed., *Forrestal Diaries*, p. 373.
22. McClendon, *Unification*, p. 71, Mills, ed., *Forrestal Diaries*, p. 462.
23. McClendon, *Unification*, pp. 71-72; Mills, ed., *Forrestal Diaries*, pp 392-93
24. Mills, ed., *Forrestal Diaries*, p 477. It was to break out again when Secretary Louis Johnson, Forrestal's successor, halted the construction of the Navy's big "atomic" aircraft carrier.
25. 61 Stat. 346; McClendon, *Unification*, pp. 94-95.
26. McClendon, *Unification*, pp. 95-97.
27. Nat. Mil. Estb., *First Report of the Secretary of Defense, 1948*, pp. 3-4.
28. *U.S. Code, Congressional Service, 81st Congress, First Session, 1949* [hereinafter cited as *U.S. Code, Cong. Ser., 81 Cong., 1 Sess., 1949*], II, 1773-74.
29. 63 Stat. 30; McClendon, *Unification*, p 99
30. 63 Stat. 208-13.
31. *U.S. Code, Cong. Ser., 81 Cong., 1 Sess., 1949*, II, 1774.
32. *National Security Act Amendments of 1949: Hearings Before the Committee on Armed Services, United States Senate, Eighty-first Congress, First Session, on S. 1269 and S. 1843, passim.*
33. *Ibid.*, pp 9-10
34. McClendon, *Unification*, p 106.
35. *House Committee Report No. 95. Full Committee Hearings on S. 1843, To Convert the National Military Establishment into an Executive Department of the Government, to be Known as the Department of Defense, to Provide the Secretary of Defense With Appropriate Responsibility and With Civilian and Military Assistants Adequate to Fulfill His Enlarged Responsibility*, pp. 2684-85.
36. *Ibid.*, pp. 2683-84.
37. McClendon, *Unification*, pp 109-13.
38. *Ibid.*, pp 113-16.
39. 63 Stat. 578-92 It will be noted that this legislation provided that the Secretaries of the service departments and the members of the JCS could present recommendations to Congress on their own initiative (see section 202, subsection b, par. 6, 63 Stat. 58). This provision would appear to have been wisely conceived, as it gives the service departments an opportunity to appeal to Congress in cases where they felt that their interests or the national security might be endangered by the policies and actions of the Secretary of Defense or the administration he represents.
40. 63 Stat. 880.
41. Digest of Public Laws Affecting the Air Force Enacted in First Session, 81st Congress, prepared by the Analysis Presentation Branch (now Legislative Research), Directorate of Legislation and Liaison, OSAF, 20 November 1949, Section A, Title X, p 2. See also 63 Stat. 1067
42. 64 Stat. 828.
43. 65 Stat. 333, 378 For a detailed record of the various amendments of the National Security Act see *Committee Print No. 2, National Security Act of 1947, 8 January 1952*, printed for the use of the Committee on Armed Services.
44. Ltr, Robert A. Lovett, S/AF, to Pres. Truman, 18 Nov 1952, in AFSHO files
45. 62 Stat. 604.
46. 64 Stat. 321; *U.S. Code, Cong. Ser., 81 Cong., 2 Sess., 1950*, II, 2696.
47. *U.S. Code, Cong. Ser., 81 Cong., 2 Sess., 1950*, II, 2705-9.
48. 64 Stat. 323.
49. *Ibid.* In 1948 the Secretary of the Air Force had recommended a statutory military personnel authorization for the Air Force in the interest of efficient and effective planning and programming (see Nat. Mil. Estb., *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, pp. 13-14).
50. 64 Stat. 324. Title II also contained a saving provision which maintained the existing status of the Air National Guard as a reserve component of the Air Force, and a provision repealing earlier laws which had severely limited the strength of the Air Arm in personnel and in aircraft (see 44 Stat. 780 and 53 Stat. 555).

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51. 64 Stat 324-25. The removal of time limits on the expenditure of appropriated funds, although not absolute, was very significant in that it would permit better planning and programming in Air Force expenditures and would facilitate long-range planning in procurement affairs.
52. Interview by author with Lt. Col. Chester W. Wilson, USAF, Chief, Legislative Div., Office of the Judge Advocate General, 18 June 1952.
53. *U.S. Code, Cong. Ser.*, 82 Cong., 1 Sess., 1951, II, 2192; 65 Stat 326-34.
54. *Cong. Rec.*, 82 Cong., 1 Sess., p. 470 (19 Jan. 1951).
55. *Ibid.*, pp. 553, 652 (24 Jan. 1951).
56. *Ibid.*, p. 6640.
57. *Ibid.*, pp. 6863-64, 11481; *U.S. Code, Cong. Ser.*, 82 Cong., 1 Sess., 1951, II, 2206-8.
58. *Congressional Record*, 82 Cong., 1 Sess., pp. 11481-82 (17 Sept. 1951). Gen. Hoyt Vandenburg, Chief of Staff of the Air Force, in testifying before the Senate Armed Services Committee on 23 April, had objected to the use of the term "supervision" in the House bill. He said the term "command" should be used to give the Chief of Staff clear authority; otherwise, he said we might "be dropping A-bombs or something at some place where we don't want it to happen" (*New York Times*, 24 Apr. 1951), p. 7.
59. *Congressional Record*, 82 Cong., 1 Sess., pp. 11481-82 (17 Sept. 1951).
60. *Ibid.*, pp. 11509, 11572.
61. 65 Stat 326.
62. *Ibid.*
63. *Ibid.*, 327.
64. *Ibid.*, 327-28.
65. *Ibid.*; 61 Stat. 386.
66. 65 Stat. 328-29.
67. 64 Stat. 323; 65 Stat. 329.
68. 64 Stat. 268; 65 Stat. 329-30.
69. 65 Stat. 330-32. Section 307 resolved the confusion over the Medical Corps, the Quartermaster Corps, etc., by specifying that certain persons should be assigned special duties.
70. *Ibid.*, 332.
71. *Ibid.*, 333.
72. *Ibid.*
73. *Ibid.* It should be noted that by the Act of June 25, 1948 (P.L. 775, 80 Cong., 2 Sess.) there had been established in the USAF the Office of Judge Advocate General (See 62 Stat. 1014-15).
74. *Congressional Record*, 82 Cong., 1 Sess., p. 6864 (21 June 1951).
75. 65 Stat. 333.
76. *Ibid.*
77. 65 Stat. 334.
78. Interview by author with Lt. Col. Chester W. Wilson, USAF.
79. *Ibid.*
80. *U.S. Code, Cong. Ser.*, 82 Cong., 1 Sess., 1951, II, 2192.
81. "TAC Act," *N.Y. Times*, 18 Sept. 1951, p. 14.

CHAPTER V

1. Memo for Leg. and Ln. Div., WD Special Staff, from Gen. Carl A. Spaatz, CG AAF, 13 Dec. 1946, subj.: WD Legislative Program, 80th Cong., in DRB, 010-46, Legislation, 10 Aug. 1946.
2. Status of Selected Legislation of Interest to the Deputy Chief of Staff for Personnel and Administration, Department of the Air Force, Last Prepared by the Budget and Legislative Branch, Executive Office, DCS/P&A, 19 June 1948, in DRB, Pending Legislation (15 May-27 July 1948).
3. Analysis Presentation Branch, Dir. Leg. & Ln., OSAF, "Historical Background of the Directorate of Legislation and Liaison," pp. 1-2, in files of Office of Legislative Liaison, OSAF, Washington, D.C.
4. *Ibid.*, p. 2.
5. *Ibid.*, pp. 3-4.
6. *Ibid.*, p. 4.
7. National Military Establishment, *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, p. 305; Memo for the Record, Major Charles L. Lutz, Executive, Legislative Division, Office of Legislative Liaison, OSAF, 3 Nov. 1954, subj.: Legislative Division Review of the Monograph "Legislative History of the AAF and the USAF, 1941-1951" [a draft of the present study], p. 1.
8. 61 Stat. 676-77.
9. Analysis Presentation Branch, Dir. Leg. & Ln., OSAF, "Historical Background of the Directorate of Legislation and Liaison," pp. 5-7.
10. Off. Memo 20-9, Orgn., L/Leg. and Ln., from OSAF, Washington, 9 April 1951, p. 1.
11. *Ibid.*, pp. 1-2.
12. Interview by author with Maj. Charles L. Lutz, Executive, Legislative Division, Office of Legislative Liaison, OSAF, 17 Nov. 1954; Memo for the Record, Maj. Charles L. Lutz, Executive, Legislative Division, Office of Legislative Liaison, OSAF, 3 Nov. 1954, subj.: "Legislative History of the AAF and the USAF, 1941-1951" [a draft of the present study], pp. 1-2.
13. Interview by the author with Capt. James T. Ashworth, Asst. Exec., Legislative Div., Dir. Leg. & Ln., OSAF, 19-20 June 1952; Memo for the Record, Maj. Charles L. Lutz, Exec., Legislative Div., Office of Legislative Liaison, OSAF, 3 Nov. 1954, subj.: "Legislative History of the AAF and the USAF, 1941-1951" [a draft of the present study], pp. 2-3.
14. Interview with Capt. James T. Ashworth, Asst. Exec., Legislative Div., Dir. Leg. & Ln., OSAF, 18 June 1952.
15. Lamotte Cohu, "Paper Bag' Air Force," *Air Force* (March 1947), pp. 12-13.
16. 60 Stat. 308-9.
17. *Atomic Energy—Hearings Before the Committee on Military Affairs, House of Representatives, Seventy-ninth Congress, First Session, on H. R. 4280, An Act for the Development and Control of Atomic Energy—October 9 and 18, 1945*, pp. 1-3.
18. 60 Stat. 755-75.

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- 19 60 Stat 561, 916-17. Public Law 663, 79 Cong., 2 Sess., also authorized the President to transfer the unexpended balance of the funds made available for the Manhattan Engineer District the wartime atomic bomb project) to be used for achieving the purposes of the Atomic Energy Act of 1946 (60 Stat., 613)
- 20 63 Stat. 762 This amending legislation, Public Law 347, 81 Cong., 1 Sess., approved October 11, 1949, also made retired officers of the USAF (as well as of the Army and Navy) eligible for service as chairman of the Military Liaison Committee.
21. William Millis, ed., *Forrestal Diaries*, (New York, 1951), p. 477; National Military Establishment, *Annual Report of the Secretary of the Air Force for the Fiscal year 1948*, pp. 81, 112.
22. 60 Stat 812.
- 23 Smith, *American Democracy and Military Power*, pp 248-250.
24. AHS-19, Civilian Volunteer Activities in the AAF, pp. 54-110. See this reference for a detailed account of the CAP and its activities in World War II. In USAF Hist. Div. Archives
25. *Ibid.*, p. 72.
26. 60 Stat 346-47.
27. Ltr., S/W to Hon. Paul Appleby, Actg. Dir., BOB, Washington, D.C., 19 June 1946, in DRB, Legislation 010, 1 June 1946, Pt. III
- 28 62 Stat. 274-75. As constituted in 1953 CAP was composed of volunteer, dues-paying members organized into wings, groups, and squadrons like the USAF organizations. At the head of the corporation was the National Executive Board under the chairmanship of Gen. Carl A Spaatz, Ret. Aiding the board administratively was a National Headquarters staffed entirely with USAF personnel. Each wing was also staffed with USAF personnel. The USAF personnel performed no command functions, only liaison and advisory duties. Final liaison with the USAF was furnished through the latter's Directorate of Training, Professional Education Division. Also the National Executive Board, CAP, had access to the Office of the Secretary of the Air Force (Maj. Gen. Lucas V Bean, National Commander, CAP, "Civilians Patrol the Skies," *Army Information Digest* [May 1953], pp 3-10)
29. 60 Stat. 997-98.
- 30 Sum. Sheet, Brig Gen Reuben C. Hood, DC/AS to S/W and C/S, 11 Mar. 1946, subj.: H R 5144, a bill "To establish a national air museum and for other purposes," in DRB, 010-46, Leg., 1 Jan.-4 Apr. 1946, Pt I
31. 60 Stat. 345, 925, 941.
32. 61 Stat. 103-105.
33. *Ibid.*, 934-40.
34. *U.S. Code and Cong. Ser.*, 81 Cong., 1 Sess., 1949, II, 1991-95, 63 Stat. 714-21.
35. 65 Stat. 373.
36. *U.S. Code & Cong. and Admin. Serv.*, 82 Cong., 1 Sess., 1951, II, 2250-51.
37. "NATO Jets," *Aviation Week*, V. 54 (12 Mar. 1951), 17.
38. "A Policy for the Present," *Aviation Week*, V. 56 (25 Feb. 1952), 24.
39. "NATO Jets," *Aviation Week*, V. 54 (12 Mar. 1951), 17.
40. 63 Stat. 17-18.
41. *U.S. Code & Cong. Serv.*, 81 Cong., 1 Sess., 1949, VI, 1137-38.
42. 64 Stat. 1245-46.
43. 62 Stat. 450-55, 1233-34.
44. Incl: "For General Arnold's Eyes Alone," in memo for Arnold from AFAAP-3, 5 June 1944, in DRB, OCS, Folder 2, 5 Aug. 1941-1 Jan. 1949.
- 45 Sum. Sheet for C/S and S/W from Lt. Gen. Eaker, DC AAF, subj: Draft of Proposed Legislation "To amend the National Defense Act, as amended so as to authorize the commissioning of additional officers in the Regular Army, Air Corps," 2 Oct. 1945, in DRB, Leg. 010, Aug. 1945.
46. 59 Stat. 663-65
47. 59 Stat. 925. Public Law 281, 79 Cong., 1 Sess was further amended by Congress in 1947 to determine the official date of appointment of persons commissioned in the Regular Army under this act. See 61 Stat. 95.
- 48 60 Stat. 56
- 49 60 Stat. 59-60
50. Memo for the CG AAF from Maj Gen. W. S Paul, AC/AS, G-1 subj.: Plans, 8 Mar. 1946, in DRB 27 Plans (8 June 1945-1 May 1946).
51. Memo for DC AAF from Maj. Gen. F. L. Anderson, USA, AC/AS-1, subj.: Plans, 19 Apr. 1946, in DRB 27 Plans (8 June 1945-1 May 1946).
- 52 *A Bill to Provide for the Procurement, Promotion, and Elimination of Regular Army Officers and for Other Purposes*, 80th Cong, 1st Sess, H.R. 2536 (5.904), . . . , a printed bill in DRB, OCS, Folder 1 (31 Dec. 1946-13 Mar. 1947).
53. *Cong. Rec.*, 80th Cong, 1 Sess., 7003 (13 June 1947).
54. Memo for Gen Spaatz from Maj. Gen. F. L. Anderson, AC/AS-1, 11 Jan 1947, in DRB, OCS, Folder 1.
55. 61 Stat. 795-913. The act did not refer to the Air Force as such—it still used the term "Air Corps" despite the recent enactment of the National Defense Act of 1947 which provided for a separate Air Force.
56. Rpt of Subcom. of Mil. Pers. Policy Com., subj.: Study and Revision of Officer Personnel Act of 1947, 18 Nov. 1949, in DRB, OCS, Folder 4, Comparative Study of Off. Pers. Act of 1947.
57. 61 Stat. 883-914; Lt Col George E. Baya, "New Promotion Law for Officers," *Army Information Digest*, II (Sep. 1947), 13.
58. 61 Stat 892-93
- 59 *Ibid.*, 894
- 60 *Ibid.*, 894-97.
61. *Ibid.*, 897-902.
- 62 *Ibid.*, 902-13
63. Col. Wilson H. Banks, USAF, "How the USAF Permanent Promotion System Affects Duty Performance" (A Research Paper Submitted to the Faculty of the Air War College, Air Uni-

- versity MAFB, Ala., Jan 1952), pp 4-6, 15-17. In the period between the inception of the Officer Personnel Act and 1 January 1952, a total of 234 officers of the USAF were passed over for the second time by their selection boards and either removed or scheduled for removal from the active list.
64. 62 Stat 1069-70. Title I and III of the Officer Personnel Act were amended by Congress in 1950 but this concerned only officers of the Navy and the Marine Corps, 64 Stat 250-54
 65. 62 Stat. 1081-84
 66. U.S. Code & Cong Ser., 80 Cong., 2 Sess., 1948, II, 2162.
 67. *Ibid.*, 2166; 62 Stat 1084-1086.
 68. U.S. Code & Cong Ser., 80 Cong., 2 Sess., 1948, II, 2168-9; 62 Stat 1087-91.
 69. Nat. Mil. Estb., *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, p 16.
 70. Memo for Chief, Military Personnel Division, from Col. Robert H. Warren, AC, Procurement Branch, subj.: Legislative Recommendations (3 Apr 1947), in DRB, Legislation, 1947.
 71. Memo for the Chief of Air Staff from Maj Gen. Hugh J. Knerr, USA, Secretary General, The Air Board, subj.: Proposed Officer Pay Structure for the Air Forces Within the National Military Establishment (4 June 1947), in DRB, Officer Candidate School, Folder 5, Proposed Officer Pay Structure for the Air Forces Within the National Military Establishment, 1947.
 72. R&R from AC/AS-1 to Deputy Chief of Air Staff, subj.: Air Force Pay Bill (7 Aug. 1947), in DRB, Officer Candidate School, Folder 5, Proposed Officer Pay Structure for the Air Forces Within the National Military Establishment, 1947. General Kneer's study was made available to these committees studying the officers' pay question for their use and information
 73. *Ibid.*
 74. "Background of the Report," *Army Information Digest*, IV (Feb. 1949), p. 38
 75. "Career Compensation for the Services," *Army Information Digest*, IV (February 1949), p. 39
 76. 56 Stat. 359-69. The provisions of this act also applied to personnel of the Coast Guard, the Coast, and Geodetic Survey, and the Public Health Service
 77. 60 Stat. 343-45.
 78. 61 Stat. 134
 79. U.S. Code & Cong. Ser., 81 Cong., 1 Sess., 1949, II, 2090-91.
 80. "Congress Completes Action on Pay Bill; President to Sign Next Week; Plans Ready," *Army and Navy Journal*, LXXXVII (1 Oct. 1949), p. 105.
 81. "President Signs Pay Act; Effective 1 Oct.," *Army and Navy Journal*, LXXXVII (15 Oct 1949), p. 165.
 82. U.S. Code & Cong. Ser., 81 Cong., 1 Sess., 1949, II, 2089-92; 63 Stat. 802-41
 83. *Army and Navy Journal*, LXXXVII (8 Oct 1949), 147.
 84. *Ibid.*, (12 June 1949), p. 105.
 85. 63 Stat. 825-27.
 86. 55 Stat. 240; 63 Stat. 837.
 87. 63 Stat. 108 This act also provided that aviation cadets were not to receive incentive pay. It actually reduced flying pay from 50 per cent of base pay to a sliding scale which ranged from 41 per cent of base pay for second lieutenants to 18 per cent for generals. The Military Functions Act of 1948 had provided that non-flying officers should not receive flying pay in excess of \$720 per annum. It had also specified that flight surgeons and commissioned or warrant officers undergoing flight training were to be defined as flying officers.
 88. U.S. Code & Cong. Ser., 81 Cong., 2 Sess., 1950, II, 3672
 89. *Ibid.*, 3762-74, U.S. Stat 794-97
 90. *Hearings before the Committee on Armed Services of the House of Representatives on Sundry Legislation Affecting the Naval and Military Establishment, 1951*, 82 Cong., 3 Sess. (Washington, 1951), 2235
 91. *Ibid.*, 2250.
 92. 66 Stat. 79-81.
 93. 63 Stat. 570-77.
 94. *The Aircraft Yearbook, 1950*, p. 130; Thomas K. Finletter, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30 1951*, pp 226-27.
 95. 60 Stat. 181, 341-43.
 96. 62 Stat. 601-44; 65 Stat. 75-89
 97. *Hearings Before the Senate Committee on Armed Service, 80 Cong., 2 Sess.*, (25 Mar 1948), pp 381-82.
 98. *Army Air Forces Statistical Digest, 1946*, p. 13.
 99. 62 Stat. 605.
 100. U.S. News & World Report, XXVI (25 Mar. 1949), p. 16.
 101. Thomas K. Finletter, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30 1951*, pp 198-99.
 102. 62 Stat. 317
 103. 62 Stat 371-75
 104. Department of Defense, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1951*, p. 233.
 105. Nat. Mil. Estb., *First Report of the Secretary of Defense, 1948*, p. 56. Public Law 775. 80 Cong., 2 Sess (approved 25 June 1948) granted authority to the USAF for the administration of military justice similar to that given the Army and Navy. See 62 Stat. 1014.
 106. U.S. Code & Cong. Ser., 81 Cong., 2 Sess., 1950 II, 2222-26; 64 Stat. 107-8.
 107. Brig Gen James Snedeker, *Military Justice Under the Uniform Code* (Boston, 1953), p. 4.
 108. Associates in the Social Sciences, Department of the Social Sciences, United States Military Academy, *Principles of Insurance and Related Benefits for Service Personnel* (Harrisburg, 1953), pp. 75-7 [hereinafter cited as USMA, *Principles of Insurance*].
 109. 60 Stat. 781-89; Maj. James C. Ballagh, "Shall I Convert My Insurance," *Army Information Digest*, II (Oct. 1948), p. 40.

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110. 61 Stat. 5-7.
111. 62 Stat. 1109-10.
112. 63 Stat. 74-75.
113. 65 Stat. 33-35.
114. 65 Stat. 36-38; *USMA, Principles of Insurance*, pp. 77-78.
115. *U.S. Code & Cong. Ser.*, 82 Cong., 1 Sess., 1951, II, 1390.
116. 65 Stat. 43-44.
117. 65 Stat. 153.
118. *USMA, Principles of Insurance*, pp. 84-99.
119. 62 Stat. 489.
120. 62 Stat. 1219-20. Today's servicemen are tomorrow's veterans.
121. 63 Stat. 201-2.
122. 60 Stat. 963-67.
123. 61 Stat. 748-49; 62 Stat. 506-7; Stat. 611; 64 Stat. 88, 194-95, 427, 978-79.
124. 56 Stat. 753-57.
125. Maj. Jack McKinley Hertzog, "Soldier Voting—Then and Now," *Army Information Digest*, VII (Nov. 1952), pp. 41-46.
126. *Ibid.*, pp. 48-49; 60 Stat. 96-103.
127. 64 Stat. 1082-83.
128. 64 Stat. 336.
129. 65 Stat. 90.
130. *U.S. Code & Cong. Ser.*, 81 Cong., 2 Sess., 1951, II, 2705-10.
130. *U.S. Code & Cong. Ser.*, 81 Cong., 2 Sess., 1951, II, 2705-10.
131. 64 Stat. 826-8.
133. 65 Stat. 3, 198.
134. 65 Stat. 5-6.
135. Maj. Gen. Robert L. Copey, "The USAF Begins," *The Air Reservist* (June 1953), p. 4.
136. *Ibid.*
137. 61 Stat. 504.
138. 61 Stat. 46-47; 62 Stat. 374.
139. 62 Stat. 87-91, 1087-91.
140. 63 Stat. 201-202.
141. Copey, "The USAF Begins," *The Air Reservist*, (June 1953), p. 4.
142. 64 Stat. 323. Those personnel of the Air National Guard who were on active duty with the Air Force of the United States were not to be included in the authorized strength of the Air National Guard.
143. 65 Stat. 328-30.
144. Nat. Mil. Estb., *First Report of the Secretary of Defense, 1948*, 162-63.
145. *U.S. Code, Cong. & Admin. News*, 82 Cong., 2 Sess., 1952, II, 2005.
146. Comment 2, Hq AAF to R&D Div, WDGS, 12 Nov. 1946, in R&E, Dir. of Info., AAF to C/AS, subj.: Study of H.R. 7209, 5 Nov. 1946, in DRB, Legislation, August 1946.
147. 60 Stat. 867.
148. 60 Stat. 596-660.
149. 61 Stat. 506.
150. 62 Stat. 21-6; *U.S. Code & Cong. Ser.*, 80 Cong., 2 Sess., 1948, II, 1048-72.
151. Nat. Mil. Estb., *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, pp. 316-17.
152. *Ibid.*, pp. 3-7; DD, *Annual Report of the Secretary of the Air Force for the Fiscal Year 1949*, p. 240. The Congressional Aviation Policy Board was a 10-man board made up of five senators and five representatives. Its function was to study the current and future needs of American aviation including military aviation. Congress provided for the establishment of this board by the enactment of Public Law 287, 80 Cong., 1 Sess. (approved 30 July 1947). See 61 Stat. 676-7.
153. Natl. Mil. Estb., *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, p. 3; 64 Stat. 323.
154. 62 Stat. 260.
155. 62 Stat. 1049-50.
156. 65 Stat. 7-25.
157. *The Aircraft Year Book, 1949*, pp. 147-9.
158. "Final Report on Unification, Full Text of House Armed Services Committee Conclusions," *U.S. News & World Report*, XVIII (10 Mar. 1950), 47.
159. Edward B. Gibson, Jr., Commander, USN, "The Role of Congress in Naval Affairs" (A Research Paper Submitted to the Faculty of the Air University War College, MAFB, March 1953), pp. 6-8. By February 1953 this subcommittee had completed 44 special investigations and had made reports on them, including Report No. 39, *Interim Report of Defense Mobilization Adequacy of Our Air Power*, dated 17 June 1952.
160. DD, *Semiannual Report of the Secretary of the Air Force, 1 January to 30 June 1950*, pp. 12-14.
161. 62 Stat. 1225-8; *U.S. Code & Cong. Ser.*, 80 Cong., 2 Sess., 1940, II, 2290.
162. 64 Stat. 798-822.
163. 65 Stat. 110-11, 131-44.
164. "Prices Rising - and So are Tempers," *Newsweek*, XXXVIII (13 August 1951), p. 61.
165. *U.S. Code & Cong. Ser.*, 81 Cong., 2 Sess., 1950, II, 4347-8; 64 Stat. 1257-8.
166. 65 Stat. 41-2, 700.
167. Dr. M. Maurer, Historian, AMC, History of USAF Activities in Support of the Mutual Defense Assistance Program, Part I - to July 1950, pp. 5-10. In Archives, USAF Historical Division.
168. 64 Stat. 759; 65 Stat. 113, 730.
169. Hist Air Materiel Command, 1 January-30 June 1951, I, 216-17. In Archives, USAF Hist Div.
170. Hq., United States Air Forces in Europe, USAF and the MDAP, 1951, pp. 70-71, 100. In Archives, USAF Hist. Div.
171. 63 Stat. 1013.
172. 64 Stat. 748.
173. 64 Stat. 1062, 1232-3; 65 Stat. 50.
174. 65 Stat. 441-2.

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175. Statement by General Arnold, CG AAF, at Joint Hearings of Subcommittee on War Mobilization of the Senate Military Affairs Committee and Two Subcommittees of Senate Commerce Committee, in DRB, Legislation, 910, August 1945
- 176 *U S Code & Cong Ser., 81 Cong., 1 Sess, 1949, II, 2301-2.*
- 177 61 Stat 506-7
- 178 63 Stat 936-7
- 179 *Ibid.*
180. 63 Stat. 980.
181. 64 Stat. 288.
182. 64 Stat. 748, 895.
183. 64 Stat. 1062, 1233.
184. 63 Stat 876, 1015
- 185 64 Stat 750, 1235.
- 186 65 Stat. 443
187. See p. 96 above.
- 188 *Department of Defense Appropriations for 1952, Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, Eighty-second Congress, First Session (Washington, 1951), p. 768.*
189. 63 Stat. 66, 876.
190. 64 Stat. 748, 1233.
- 191 *U S. Code & Cong. Ser., 81 Cong, 1 Sess., 1949, II, 1233-36*
- 192 DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30 1950*, p 153, DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30 1949*, p 246.
193. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30 1951*, p. 209
194. 64 Stat 363, 765. The total amount appropriated for the acquisition and construction of real property under the Act of November 1, 1951 was \$2,071,200,000. There was no breakdown of how much was to be expended on each of the several projects authorized by law, however, the proving ground as authorized by the Act of May 11, 1949 was specifically included.
- 195 59 Stat 82, 120.
196. 60 Stat. 8. The Third Deficiency Appropriation Act, 1946, however, made certain unexpended funds available to NACA for the construction of a wind tunnel at Moffett Field, California.
197. 60 Stat. 613 Public Law 25, 80 Cong, 1 Sess (approved 29 March 1947), made an additional \$1,040,000 available to NACA for salaries and other purposes in fiscal year 1947. See 61 Stat 28.
198. 61 Stat 599.
- 199 62 Stat 189, 1034. The Second Deficiency Appropriation Act, 1949, made an extra \$747,000 available to NACA for salaries and other expenses 63 Stat. 254.
200. See p. 96 above.
201. 62 Stat. 266
202. 63 Stat. 254, 64 Stat. 286.
203. 63 Stat. 936-37
- 204 64 Stat. 418-19
205. 64 Stat 711-12. A deficiency appropriation, Public Law 911, 81 Cong., 2 Sess. (approved 6 January 1951), granted an additional \$3,250,-000 for salaries and other expenses in fiscal year 1951.
206. 65 Stat 278 A supplemental appropriation act approved 5 June 1952, made \$1,400,000 available to the NACA for salaries and other purposes in fiscal year 1952 See 65 Stat 113.
207. 62 Stat 375-81 However, there is no evidence of appropriations for this authorized Air Force construction in fiscal year 1948.
- 208 Nat. Mil. Estb, *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, p 11
- 209 63 Stat 944, 980.
- 210 64 Stat. 243-44, 748 The funds appropriated were an undesignated portion of the sum of \$164,784,000 granted to the Air Force for the acquisition and construction of real property.
- 211 64 Stat. 1062.
212. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1951*, p. 224.
- 213 64 Stat. 1221-23.
214. 64 Stat. 1233
215. 65 Stat 50.
- 216 DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1951*, p 225.
217. *Department of Defense Appropriations for 1952, Hearings, 82 Cong., p 1273.*
218. *U S Code, Cong. & Admin. Ser., 82 Con, 1 Sess, 1951, II, 2214*
219. *Ibid.*, 2225.
- 220 65 Stat. 350-65
- 221 65 Stat 442. These funds were to be used for the construction of four projects authorized by Public Law 410, 81st Congress, and Public Law 43, 82 Cong, 1 Sess. and for the liquidation of previous contract obligations.
222. 65 Stat. 765-66. This part of the Second Supplemental Appropriation Act, 1952, was contained in chapter VI of the act, which chapter was to be cited as the "Military Public Works Appropriation Act, 1952 "
223. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1952*, p 229.
224. 60 Stat. 13, 224, 625.
225. 60 Stat. 550-51; 61 Stat. 71.
226. Natl Mil. Estb., *Annual Report of the Secretary of the Air Force for the Fiscal Year 1948*, pp 34-36 As complete segregation of funds was not effected until fiscal year 1950, the Air Force administered only \$3,700,000,000 of the approximately \$4,980,000,000 appropriated for its benefit in fiscal 1949
- 227 DD, *Annual Report of the Secretary of the Air Force for the Fiscal Year 1949*, pp. 274-75, 314.

228. Bailey, Stephen K. and Samuel, Howard D, *Congress at Work* (New York, 1952), pp 558-81. See also Millis ed *The Forrestal Diaries*, pp. 551-53
229. Aircraft Year Book, 1950, p 127; DD, *Semiannual Report of the Secretary of Defense, January 1 to June 30, 1950*, pp. 193, 199, 201.
230. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1951*, pp 198-99.
231. *Ibid.*, pp. 250-51.
232. *Department of Defense Appropriations for 1952, Hearings 82 Cong.*, pp. 1279-81.
233. *Ibid.*, pp 1272-3.
234. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1952*, p. 201. In making its appropriations for fiscal year 1952, Congress granted an extra \$666,666,000 to be used by the Air Force for expansion beyond the 95-wing level. See *the Aircraft Year Book*, 1951, p 171.
235. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1952*, p. 242. Congress appropriated \$23,655,481,000 for the AAF for fiscal year 1944. See page 93 of this study.
236. DD, *Semiannual Report of the Secretary of the Air Force, January 1 to June 30, 1952*, pp. 141, 196, 242
237. According to Mr. John McCone, Under Secretary of the Air Force, a modern B-47 bomber weighed 181,000 pounds and cost \$3,476,000; whereas a World War II B-17 weighed only 52,000 pounds and cost only \$402,000. See *Department of Defense Appropriations for 1952, Hearings, 82 Cong.*, pp. 36-39.

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