

**SOLDIERS' BONUS - S.A.T.C. (Student Army Training Corps) not
disqualified from receiving Missouri State
Soldiers' Bonus.**

June 15, 1938

Honorable Lewis M. Means
The Adjutant General
Jefferson City, Missouri



Dear General:

You have asked the Attorney General's opinion on
the following question:

"Are the Members of the Student Army
Training Corps, who were enlisted
during the period of the World War,
that is, between April, 1917 and
November, 1918 entitled to receive
the State Bonus under the two con-
stitutional amendments authorizing
issuance and sale of Nineteen Mil-
lion and Six Hundred Thousand Dol-
lars of Missouri State Bonds, adopted
by vote of the People in 1921 and
1924 respectively for the purpose
of paying to each bona fide resident
of the State of Missouri, who served
honorably in the military or naval
forces of the United States between
the sixth of April, 1917, and the
eleventh of November, 1918, a Bonus?"

The training of enrollees in the Student Army Train-
ing Corps was undertaken pursuant to authority conferred by
Sections 1, 2, 8 and 9 of the Selective Service law ap-
proved May 18, 1917 (40 Stat. L, Pt. 1, p. 76.)

We do not quote the provisions of the Selective
Service law, but note that said Federal law and the General
Orders and Bulletins of the War Department pursuant thereto
obligated enrollees in the Student Army Training Corps (S.A.T.C.)
to perform the identical and same military duties required
of any soldier of the World War, and for said military ser-

vice they were enlisted and discharged as any other United States soldier of the World War, and with the same ceremony. At the conclusion of their service, their discharge showed whether their army service was honorable or dishonorable, based upon their service record.

Article IV, Section 44b of the Missouri Constitution provides a Missouri soldiers' bonus as follows:

" ** the General Assembly shall have power, for the purpose of paying to each bona fide resident of the State of Missouri who served honorably in the military or naval forces of the United States of America at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, a bonus of ten dollars for each and every month or major fraction of a month, that such resident was in active service, *** The Legislature shall enact such laws as may be necessary to carry into effect this amendment. *** "

Student Army Training Corps soldiers are not mentioned in the constitutional provision. The legislative act carrying into effect the constitution on Missouri Soldiers' Bonus, is found at pages 7 and 8, Missouri Laws, 2d Special Session 1921. Section 1 of said legislative act follows closely the language of the constitution, and reads as follows:

"Each person, hereinafter called the 'soldier', who was a bona fide resident of the State of Missouri at least during the twelve months just prior to the 6th day of April, 1917, and who served honorably in the military or naval forces of the United States, including army nurses, at any time between the 6th day of April, 1917, and the 11th day of November, 1918, shall be entitled to receive from the State of

Missouri, out of funds created by this act, as a bonus, the sum of ten dollars per month for each month or major fraction of a month that such soldier was in active service: ** "

Section 2 of said legislative act reads as follows:

" ** Provided, that the word 'soldier' shall not be construed to mean or include persons who served as students in school or college training corps, who, in addition to military training, received some general educational instruction, unless such person shall have also had service of other character in the military or naval service of the United States, and then the time so spent as students in such school or college training corps shall be counted in computing service under this act: *** "

CONCLUSION.

The people intended and voted a bonus to those soldiers who served honorably, as shown by the constitutional amendment above quoted, and it was not within the constitutional power of the Legislature to eliminate Student Army Training Corps soldiers as beneficiaries of the Missouri soldiers' bonus by defining the word "soldier", thereby excluding them from constitutional benefits. That portion of the legislative act quoted from Section 2, supra, which purports to exclude Student Army Training Corps soldiers from the benefits of a Missouri Soldiers' Bonus, this department believes to be unconstitutional and of no force and effect.

In Section 1, supra, the Legislature followed the exact language of the Constitution, and gave to every

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person who served honorable in the military or naval forces of the United States, a bonus. The bonus was for honorable service in military and naval forces of the United States and should not be defeated by any legislative definition of the word "soldier."

It is the opinion of this office that Missouri boys who served honorably in the Student Army Training Corps, as shown by their army discharge, and who are otherwise qualified to receive the constitutional soldiers' bonus, are not disqualified by reason of the fact that they served as soldiers in the Student Army Training Corps. These claims should be paid as any other soldier's claim is paid. The people by the constitutional amendment so intended.

Respectfully submitted

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APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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