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Mr. Wayne Coy, Liaison Officer, Office of Emergency Management.

My dear Mr. Coy:

I have a letter dated December 12, 1942, from the Director, Office of Civilian Defense, as follows:

"The Office of Civilian Defense proposes to inaugurate a policy of granting of awards to individual members of the United States Civilian Defense Corps, United States Citizens Service Corps, or other civilian defense workers for heroism or distinguished or outstanding service.

"These awards would take the form of medals and other suitable insignia and would be inexpensive. The idea and purpose behind the making of such awards is to encourage by example the active participation of volunteer workers in the civilian defense program designed to aid the war effort and to grant recognition to exceptional merit displayed by such volunteer workers.

"It is well recognized that a potent incentive to volunteer effort (on which the civilian defense program must rest in large measure) is the recognition of outstanding service and heroism in the line of duty. This can best be accomplished by a system of awards of the nature described above.

"It is believed that a system of granting such awards should be an integral part of the program of civilian defense and that the result will be a stimulation of constructive civilian participation in the defense program.

"The Office of Civilian Defense was established by Executive Order No. 8757 signed by the President May 20, 1941, amended by Executive Orders No 8799 of June 20, 1941, No 8822 of July 16, 1941 and No. 9134 of April 15, 1942. It is established within the Office for Emergency Management of the Executive Office of the President.

"Executive Order No 9134 of April 15, 1942 states, in the preamble, that it is issued 'By virtue of the authority vested in me by the Constitution and statutes of the United States, and in order to define further the functions and duties of the Office for Emergency Management of the Executive Office of the President, with respect to the state of war declared 'to exist by Joint Resolutions of Congress, approved December 8, 1941, and December 11, 1941, respectively, to assure effective coordination of Federal relations with State and local Governments engaged in the furtherance of the war program, to provide for

necessary cooperation with State and local governments with respect to measures for adequate protection of the civilian population in emergency periods, and to facilitate constructive participation in the war program,...'

"The Order directs that at the head of the Office of Civilian Defense there shall be a Director. Among the duties and responsibilities with which the Director of Civilian Defense is charged are the following:

"(a) To 'Sponsor and carry out such civilian defense programs, as may be necessary to meet emergency needs, including the recruitment and training of civilian auxiliaries...'

"Subparagraph 'd' of Paragraph 3

"(b) To 'Consider proposals, suggest plans, and promote activities designed to mobilize a maximum civilian effort in the prosecution of the war, and provide opportunities for constructive civilian participation in the war program; assist other Federal agencies in carrying out their war programs by mobilizing and making available to such agencies the services of the civilian population; review and approve all civilian defense programs of Federal agencies involving the use of volunteer services so as to assure unity and balance in the application of such programs; and assist State and local defense councils or other agencies in the organization of volunteer service units and in the mobilization of community resources for the purpose of dealing with community problems arising from the war.'

"Subparagraph 'e' of Paragraph 3

"Paragraph 5 of said Executive Order No. 9134 reads as follows:

"'Within the limitation of such funds as may be appropriated or allocated to the Office of Civilian defense, the Director may employ necessary personnel., maintain the necessary fiscal and property records, and make provision for the necessary supplies, facilities, and services.'

"Public Law 678 entitled 'An Act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes' reads in part as follows:

"'OFFICE FOR EMERGENCY MANAGEMENT'"

"'Par 1. For all necessary expenses of the constituent agencies of the Office for Emergency Management in paragraphs 2 to 12, inclusive, in performing their respective functions and activities...'

"'Par. 4. Office of Civilian Defense: For the Office of Civilian Defense, including salary of the Director at not to exceed $10,000 per annum, $7,447,075.'

"It is respectfully submitted that the granting of the proposed awards is a necessary function and activity of this Office within the scope of the duties and responsibilities with which it is charged.

"In this connection, we call attention to Decision A-92382, Decisions of the Acting Comptroller General, Volume 17, page 674 (July 1, 1937 to June 30, 1938).

"In view of all the foregoing, your decision is requested as to the availability of the appropriation hereinabove mentioned for such amount as may be found necessary to purchase the necessary medals and insignia for use under the circumstances set forth above."

The decisions of the accounting officers of the Government generally have been to the effect that the purchase of medals, trophies, insignia, etc., is not authorized under appropriations made in general terms unless such purchase has been specifically authorized by law. On the other hand, there is no law specifically prohibiting such purchases, and in decision 17 Comp. Gen. 674, referred to in the submission, it was said:

"The words 'accident prevention' appear for the first time in the current appropriation item 'Vehicle Service', act of May 14, 1937, 50 Stat. 162. The hearings, committee reports, etc., do not disclose any specific plan or program of accident prevention proposed to be adopted. The decisions of the accounting officers of the Government have held that appropriations in general terms are not available for purchase of medals, trophies, insignia, etc., in the absence of specific statutory authority for making such awards (5 Comp. Gen. 344; 10 id. 453; 15 id. 278). In the instant matter the term 'accident prevention' is largely a matter of administration as to the form it should take. The award of medals or insignia for safe driving is a generally recognized means of appreciation and encouragement in the preventing of accidents. It is in the nature of a physical demonstration, probably more effective that written or printed approbation, warnings or admonitions. The awarding of some form of merit for safe driving or the imposition of some form of demerit for reckless driving has been recommended by courts, traffic officers and others interested in or responsible for improvement of traffic conditions as a means of discouraging reckless driving and decreasing the appalling number of accidents and deaths throughout the country.

"You are informed that if the administrative experience supports the conclusion it would encourage 'accident prevention,' the appropriation in question may reasonably be viewed as available for purchase of the medals and insignia to be awarded mail truck operators, it being understood, however, that no monetary reward may be made under said appropriation.***"

If, in connection with the present matter, it be administratively determined that awarding medals, insignia, or other token of recognition aside from a monetary payment as a reward for heroism or distinguished or outstanding service in Civilian Defense work is necessary "to mobilize a maximum civilian effort in the prosecution of the war," one of the functions for which the Office of Civilian Defense was created, the appropriation for that Office may be considered available for the purchase of such medals or insignia for awarding as an incident of the discharge of such function.

Respectfully,

(Signed) Lindsay C. Warren Comptroller General of the United States