

To the Honorable Board of Estimates (cont'd)

my opinion, be entitled to the benefits of the provisions of Ordinance No. 956, approved January 31, 1927, for the reason that the President will be calling into active military service the National Guard of the United States and not the National Guard of Maryland.

Although the personnel of the National Guard of Maryland and of the Maryland Unit of the National Guard of the United States are the same, the organizations are separate. When a person joins the National Guard of Maryland he also joins the National Guard of the United States, which is a component of the Army of the United States. An officer receives two separate commissions - one from the President of the United States as an officer in the National Guard of the United States and the other from the Governor as an officer in the National Guard of Maryland. An enlisted man signs an enlistment contract as a soldier in the National Guard of the United States and as a soldier in the National Guard of Maryland.

Section 81 of Title 32 of the United States Code Annotated and Section 40 of Article 65 of the Annotated Code of Maryland provide that those members of the organized militia of the State of Maryland who are ordered into the active military service of the United States shall, from the date of such order, stand relieved from duty in the National Guard of Maryland so long as they remain in the active military service of the United States.

Ordinance No. 956, approved January 31, 1927, relates to municipal employees who are engaged in active military duty within the State of Maryland as members of the National Guard of Maryland and would not relate to municipal employees engaged in federal military service as members of the National Guard of the United States. The question of the status of such employees during their federal military service is a matter to be determined when and if the President of the United States orders such employees into active federal service.

Very truly yours,

(signed) CHARLES C. C. EVANS

City Solicitor

CCCE/RRS