

CIVIL AIR PATROL HISTORICAL NOTE

CONSTITUTION AND BYLAWS

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1941-1944

Civil Air Patrol under its wartime role, first established under the office of Civil Defense in 1941, and later with its transfer to the War Department and the U. S. Army Air Force in 1943, as a military structured organization CAP had no need for a Constitution & Bylaws

1945

That all changed, when on 3 January 1945, General Hap H. Arnold Commanding General of the Army Air Forces sent a letter to the Commanding General Army Air Forces Training Command (AAF-TC) CAP's parent command, outlining the discontinuance of services and support for the Civil Air Patrol.

On 22 Aug 1945 a confidential Letter to the Commanding General of the AAF-TC, from General H. H. Arnold, stated that with the cessation of hostilities with Germany and Japan, that the service's of CAP were no longer needed, and with the returning troops, and most unit's were slated for disbanding, combined with proposed reduction of the AAF, that this parent command develop a orderly, and expeditious, withdrawal of AAF participation. The letter went on to state "*The withdrawal of AAF funds and direct support from Civil Air Patrol should be undertaken in such a manner as to indicate AAF appreciation for services rendered by Civil Air Patrol during the emergency and to make certain, so far as possible, the continuance of Civil Air Patrol on a self-sustaining basis.*"

The confidential letter from General Hap Arnold, to the Commanding General of the AAF Training Command, information about this found its way into the hands of Civil Air Patrol's National Commander Colonel Earl L. Johnson, and his Deputy, Colonel Harry H. Blee, USAAC. Colonel's Johnson and Blee discussed the pending situation with CAP leaders, one of which was Lieutenant Colonel George A. Stone, CAP Commander of the Ohio Wing, and a long time friend and confidant of Colonel Johnson the National Commander, and the other was Lieutenant Colonel D. Harold Byrd, Commander Texas Wing, and South West Area Director of CAP.

Since Colonel's Johnson and Blee were active Military Officers and forbidden to make and or direct action that would prohibit or delay orders directed from superiors. Action was needed by its' members immediately or CAP would ceased to exist.

A number of special organizations were already started, one was called the *Air Power League*, and the other was *CAP Veterans*, both organization were made up of current and past CAP Members and in a short time of existence, had built up a number of influential and well to do friends both in and out of the government.

Plans about the USAAF proposed reduction in strength was talked about, records indicate that the 1945 peak strength had about 2,282,259 in uniform, and the plans discussed was to reduce that number to about 600,000 all by the end of 1946.

Once the recommendations of General Arnold, and the Reduction in Force (RIF) program was started it was felt by many that CAP would cease to exist and, along with any and all lessons learned by the build up and development of CAP, its missions and concepts during wartime were about to foolishly be terminated.

This was not going to happen, if some key members had their say and way!

One of the first things that occurred was Lt. Col. D. Harold Byrd, CAP contacted a long time friend, supporter and influential member of the U.S. Congress, Mr. Hatton W. Sumner of Texas, asking him to help, CAP would write and develop a plan of action but it need his support. Congress was well acquainted with Civil Air Patrol's wartime accomplishments, what was needed was to capitalize on this support.

Concurrent with this key political action to Incorporate Civil Air Patrol, Lt. Col. George A. Stone was tasked with the responsibilities to develop a "Constitution & Bylaw's" for Civil Air Patrol, one that was strong, definitive, directed and can easily followed and adhered too. Plus had the flexibility and ability to conform, reflect the changing times and provide actions, directions that would be needed to assure the future for Civil Air Patrol.

Mean while, it took a steady hand on the helm to weather the storms that buffeted CAP the winter of 1945, it required endless work in the field to prevent weaker squadrons and flights from folding. Members were crying for flyable planes, more training aids, and additional support from the Air Forces. Some of the CAP wing commanders expressed grave concern over what they considered AAF Apathy toward their program. Colonel Blee devoted most of the winter to an air tour of the wings, conferring with wing commanders and their staffs, and helped them to meet this difficult situation.

1946

Word of the efforts put forth by CAP to save it's self, was filtering back to the Army Air Force. On January 11, 1946 a hastily called conferences with CAP's 48 Wing Commanders, held in AAF Headquarters in Washington DC. After the meeting a *press release* was issued by the USAAF, announcing the additional support based upon General Spaatz, address to the conferees in which he outlined continued support for CAP, by **a.)** Establishing a liaison office in AAF HQ, **b.)** Providing qualified instructors upon request, **c.)** Providing training publications, **d.)** Supporting the use of surplus equipment, **e.)** Attempting the paper transfer of aeronautical property to CAP with the exception of flyable aircraft. **f.)** Providing legal aid to CAP to incorporate under a Federal Charter as a non-profit membership organization establish for patriotic and educational purposes. And **g.)** Continue such arrangements as may be possible to conduct CAP summer encampments at Air Force stations.

Then General Spaatz announced that "*Because the AAF has been able to takeover the missions flown by the civilian volunteers of CAP, and because the necessity for budget economy, the AAF will discontinue financial assistance for CAP as of **March 31, 1946.***" A committee was appointed at today's meeting to seek advise from all State Wings of CAP and formulate plans for continuance as a civilian organization after the termination date.

COL Blee as CAP's Director of Operations, and Deputy Commander, sent the USAAF a letter further defining the commitment so stated by General Spaatz at the January 1946 meeting, thus establishing and clarifying a firm foundation on defined support.

Contingency plans were put into effect, on 11 January 1946, CAP Lt. Colonel Rex P. Hayes, Arkansas Wing Commander was appointed Chairman of the *CAP Committee on Post War Organization and Programs*. The committee presented its plans on 11-13 February 1946 to the National Commander and NHQ staff, after its review it was forwarded to Commanding General Army Air Forces for his comments and review. The committee went into details as how best to use CAP, its missions, its training requirements, its aircraft needs, and it stressed the need for continuous AAF support, and a return to the close knit relationship as in had in the past. In essence the report basically said "We CAP can't do it without you the AAF, and you the AAF can do it without CAP. So what's next"?

On 12 February 1946, in conference with the *CAP Committee on Post War Organization and Programs*. General Spaatz recapitulated and approved the following **a.)** CAP to retain its status as

AAF Auxiliary but without financial assistance, through the interim period between 31 March 1946 and the time of issuance of Federal charter. **b.)** Continued AAF-CAP liaison Officers on duty. **c.)** Official credit to be given by AAF for CAP Cadet training conducted in accordance with standards specified by AAF. **d.)** Air Corp. Reserve officer to receive credit for service as volunteer CAP instructors. **e.)** 32d AAF Base Unit (National Headquarters, Civil Air Patrol) to function under the supervision of *Brig. Gen Wm. E. Hall*, who has been announced as the Liaison Officer between the Commanding General, Army Air Forces, and the Civil Air Patrol, and **f.)** All AAF-CAP Liaison Officers to be assigned to and function under the supervision of the 32d AAF base Unit.

General Hall, answered a number of questions as the AAF Liaison on 12 February, confirming and detailing General Spaatz's commitment to Civil Air Patrol.

As stated above, in January, February and March 1946, the Army Air Forces went to great lengths to put across to the wing commanders and the rank and file of CAP Members that, in spite of the reverses that the auxiliary organization had suffered during the confused period following the war's end, the CAP was destined to play an important role in peacetime America's plans.

CAP, playing politics to the best advantage, the crowing event of the Wing Commanders Conference held in Washington late February and Early March, 1946, the 48 state CAP leaders gave a dinner in honor of the President of the United States, the 79th Congress, and the Commanding General of the Army Air Forces. It was one of the most illustrious turnouts the capital had seen in a long time. President Harry S. Truman, Speaker of the House Sam Rayburn, some 300 members of Congress and more than 50 AAF generals attended. Colonel Johnson CAP National Commander who was about to complete his assignment with the Foreign Liquidation Commission served as the toastmaster.

Among the honored guest was the newly appointed Assistant Secretary of War for Air, the Honorable W. Stuart Symington. A table was set for each of the 48 states, with the wing commander as host to his congressional delegation and to one of the AAF Generals.

When the dishes had been cleared that evening. President Truman on behalf of the people of the United States thanked Civil Air Patrol for its wartime service. That was the first of many glowing tributes paid to the volunteer organization.

One of the most encouraging speeches came from General Carl Spaatz, the new commander of the Army Air Force, who compared the CAP of the early days to the volunteer bucket-brigades that once safeguarded communities from fire. General Spaatz went on to say, *"There was also a time, not long ago, when America was in danger of something worse than fire,"* he said. *"The Air Force was not prepared to meet the danger, not equipped for the adequate defense of the country, much less for the offense overseas. It was then, in 1941, that the Civil Air Patrol was founded, some what as a firebucket project. That, too, was the volunteer sprit."*

Civil Air Patrol, didn't rest on its laurels and continued to push, using under lying actions with many wartime commitments, and favors earned, most if not all were call in, combined with much political maneuvering garnered by the Congressional Dinner, and a long line of supporters made up of present and past members of the CAP, military, and Government. CAP had clout, probability it was the first time that much pressure was in place, and in motion (the first PAC)

Actions and plans were defined, support in place for Congressman Sumner, that enabled him to introduced to the 79th Congress 2d Session H.R. 5744 in the House of Representatives on March 12, 1946 a bill which was referred to the Committee on the Judiciary *"To Incorporate the Civil Air Patrol"*.

Conversely CAP had offered the same level of support to help the Army Air Force, in its effort to break away from the U.S. Army and establish itself as a separate branch. The AAF was taken

back by the clout that CAP had mustered and put forth to stem the tide of disbanding and reduction of AAF support for CAP.

As history tells us, we were successful in our endeavors and on 1 July 1946, President Harry S. Truman signed (H.R. 5744) Public Law 476, 79th Congress 2d Session, titled "*An Act to Incorporate the Civil Air Patrol*", into law. CAP efforts and wartime accomplishments were outstanding and highly recognized. In fact the bill passed the House and Senate without a dissenting vote.

Once the signing took place, many actions were needed to grantee Civil Air Patrol the support of the Army Air Force, the Army whereas, was also going through the same difficulties that befell CAP but on a much larger scale, the development and the support for the National Security Act, the establishment of a separate but equal branch of the military service for the Air Force, was the main concern of HQ AAF and key Air Force leaders.

Now a CAP Colonel, George A. Stone, the Ohio Wing Commander, was diligently working to firm up a fully defined and well structured Constitution and Bylaws, the ever changing role of the Army Air Force, and yea's and nay's regarding support, difficulty to ascertain a positive direction.

1947

When in February 1947 Brigadier General Earl L. Johnson, Civil Air Patrol's wartime leader and the director of its peacetime programs was killed in air crash near Cleveland. General Johnson untimely passing nearly put the stops on CAP actions and efforts, if it wasn't for the stabilizing actions and influence by CAP's Deputy Commander Colonel Harry H. Blee, one would have to believe that CAP might have just folded.

The USAAF now appointed a New National Commander BG Frederic H. Smith Jr., General Smith replaced General Johnson, BG F.H. Smith was tasked with the responsibility to shut down the Civil Air Patrol, as directed by General Arnold and now the new Air Staff. As you can guess he ran into much opposition from the CAP Wing Commanders, and others. Many threat's would be put forth that CAP would further seek congressional support, if he continued with plans as directed by his superiors

Changes occurred in August 1947, when for a period of four months the command jurisdiction of CAP was now shifted to the Air Defense Command. General Spaatz agreed that BG F.H. Smith should retain direct command of the Patrol in Washington, but the AAF overall jurisdiction would now rest with Lieutenant General George E. Stratemeyer Air Defense Command Headquarters at Mitchel AFB, Long Island, New York.

When General Spatz, was advised of the on going conflicts between CAP, and General Smith, he told the CAP Leadership that General Smith was also disappointed regarding support from the CAP Leaders, and believed it was extremely hard to fill the shoes of General Johnson, but Gen. Smith was trying.

General Smith In August 1947 instituted a major change in CAP Policy when he appointed the Civil Air Patrol Board to act in advisory capacity on civilian aviation matters and in formulating broad policies on the Patrol. The board was made up of seven CAP Wing Commanders from various parts of the United States. Colonel George A. Stone of Ohio was named chairman. Other members were Colonel's Coffy-Oregon, Byrd-Texas, Davis-Idaho, Morris-Arizona, Thomas-Michigan and Welsh-New York. Judge Hatton W. Sumner, Texas Congressman of 34 years standing, was appointed Colonel, CAP and made General Consul for the CAP Board and for National CAP.

General Smith had also asked to be reassigned, General Spaatz, concurred and appointed him to the Air Staff, General Spaatz went on to say that he believed he had found the ideal candidate to become CAP's new National Commander. Brigadier General Lucas V. Beau, USAAF, was a well

respected aviation minded commander with long time associations and friends in the industry. In October 1947 BG Beau assumed Command of CAP. General Beau was a dynamic leader that quickly gained support and allegiance of the CAP Leaders, reviewed the work of Colonel Stone and the CAP Board and concurred, and continued to champion their work and efforts.

Meanwhile directed support was provided by CAP and the membership to firmly lock put in place the National Security Act of 1947. And the establishment of the Department of the Air Force, that took place on September 18, 1947.

1948

Colonel Stone efforts were magnificent, putting many hours to the task at hand, attending and holding meetings, at National Headquarters in Washington and other locations. According to the 21 March 1948 CAP Boards Minutes CAP Majors George Witney, and Wallace D. Newcomb, both attorneys from Philadelphia was requested to draft and review the ongoing Constitution and By-Laws. After much rewiring and restructuring, blending the right words and by April 1948 the CAP Constitution & Bylaws were ready for distribution and review by the Wing Commanders, or as it was to be known the "National Board".

A Commanders meeting was called for 27-28 May 1948 in Washington, D.C., one item on the agenda was to review and ratify the CAP Constitution and Bylaws. The ratification occurred and was adopted **28 May 1948**.

The other was the announcement that the Civil Air Patrol was transferred from the Department of the Army to the Department of the Air Force effective noon EST 21 May 1948

Sadness and tragedy struck CAP once again, after one of the many planning meetings, Colonel George Andress Stone, CAP and his Liaison Office Capt. Harry Lee King, USAF was killed in an aircraft accident in August 1948 just outside of Washington DC after leaving CAP Headquarters and heading back to Ohio. Like General Johnson, CAP's Wartime Commander, and Colonel Stone the father of CAP's Constitution & Bylaws, both served as Ohio Wing Commanders, both were outstanding leaders, true Americans and firm supporters of Civil Air Patrol, they were both to missed by the membership.

Note: The original Constitution & Bylaws drafts with Colonel Stones crib notes is located at National Headquarters in a display case along with the pen used by President Harry S. Truman when he signed PL 476 into law. The author found them both and saved them from destruction.

1949-1959

CAP Constitution and Bylaws remained basically unchanged as written only with minor modifications in 1952 by the addition of Regional Directors, and again in 1954 regarding dues. Major General Beau remained our National Commander till December 1955, CAP under General Beau Command had tremendous developments and growth, with the addition of many program and activities. General Beau successor was Major General Walter R. Agee, who followed the same plans and CAP blossomed he retired in March 1959.

1960

Brigadier General Stephen D. McElroy, USAF CAP new National Commander came to CAP from the USAF Academy where he served as Commandant of Cadets. General McElroy assumed command during a very difficult situation and time frame. First of all, pressure was being brought on to CAP National HQ by the Southern contingent of CAP Commanders lead by Colonel D. Harold Byrd who was now the Chairman of the National Board, after General Spaatz stepped down, demanding more of the control of CAP. Secondly, further being compounded by the pending renovation of the Bolling AF Base Exchange, CAP Headquarters was located in offices above the Base Exchange. Colonel Byrd through Congressional influences had the USAF offer CAP a new Headquarters facility at Ellington AFB, Houston Texas.

Civil Air Patrol moved to Ellington AFB Texas in 1960, General McElroy had a trying time as CAP National Commander the influential Southern & Western CAP Commander and Leaders made all command decisions difficult. The USAF was aware of the ongoing difficulties when BG McElroy asked to be transferred to the USAF Airport, Airways, and Communications Division at Griffiths AFB Rome, NY. It was granted to General McElroy left CAP in December 1961. And was replaced by Colonel Paul C. Ashworth, USAF as the new National Commander, the USAF has ways for retribution. At the same time the new Chairman of the National Board COL William C. Whelen, CAP. And later COL Paul W. Turner, tasked COL Roy St. Lewis the National Legal Officer to review and rewrite a new CAP Constitution & Bylaws.

1962

The "New" CAP Constitution & Bylaws was written and approved at the National Board Meeting in Houston Texas 7-8 September 1962.

1983

CAP Constitution & Bylaws went through numerous changes and reiterations and was once again restructured, and rewritten and was approved at the 1983 National Board.

Reflections:

The original strong and dynamic CAP Constitution and Bylaws written when CAP was at the edge of termination, like a Phoenix, Civil Air Patrol had risen from the ashes of disbanding and termination to fight back. I believe that the original founding fathers had the best intentions, concept, ideals and interests of Civil Air Patrol at heart, and put it down on paper. It was approved on **28 May 1948**. In retrospect maybe we should have left it alone.

The numerous revisions over the years seem to dwell on titles, terms of office and Headquarters locations, whereas it leaves out some key points that Civil Air Patrol owns its insignias, emblems and original devices, in the beginning they were patented and copyrighted.

Furthermore, "The registered principal office of the corporation shall at all times be the City of Washington, District of Columbia, or such other locations as Congress may designate as the seat of the National Government of the United States or as the principal office of the corporation". As CAP successfully found out in 1946 till 1959 that the power base was Washington DC and now in 1994 it still is. Whereas, Montgomery, Alabama, was maybe, OK for the Confederacy, but that war was over in 1865 and they lost.

Like the motto on one of the original flags proposed by the Continental Congress that stated **"Don't tread on me"** CAP in 1945-46 had the grit, drive, determination and spunk when push came to shove, it kicked butt.

Suggest Reading

The "Flying Minute Men" by Robert E. Neprud
Historical Records, CAP, Albert W. Simpson Historical Research Center, Maxwell AFB, AL