

Frankfurt am Main, Germany  
26 November 1947

MEMORANDUM FOR PRESIDENT OF GI COUNCIL OF FRANKFURT, GERMANY

Request was made for opinion as to status of the GI Council in relation to existing Army regulations. In arriving at the following opinion, Army regulations, Headquarters EUCOM regulations, and the Constitution of the GI Council, dated 7 May 1947, were considered.

I. Nature and History of Organization

The GI Council of Frankfurt, Germany, was organized as an informal group under the guidance of Chaplain Joseph Miller, the Jewish chaplain assigned to Chaplains' Section, Headquarters Command, EUCOM, in the Spring of 1946. Its members were composed principally of U. S. Military personnel and U. S. and Allied civilian personnel working for the U. S. Army in and around Frankfurt. It had and has as its principal objective the assistance of Jewish persons in Germany, both those in the Displaced Persons Camps and those without. It came into being because it was realized that those persons who had been deprived of everything but life itself (and, in most cases, almost that but for the entry of Allied troops in 1945) were in great and dire need. It was realized that the U. S. Army was doing an extraordinary job in providing for the essential basic needs, assisted by UNRRA and its affiliated agencies, such as AJDC, but it was also realized that there were many things that a group of soldiers could do in their spare time that the larger organizations could not do. At first, the activities consisted largely of collecting such things as excess PX candy and other supplies from the members and others who attended Jewish religious services and cultural and recreational activities at the Synagogue Center of the Jewish Welfare Board in Frankfurt.

Arrangements were made to visit nearby Displaced Persons Camps and picnics or parties were held for the children thereof. Such supplies were distributed in that manner, or through the camp officials. From time to time many members would receive packages of clothing and supplies sent by interested relatives and friends. Those were put into a common pool, sorted, and also taken to the camps for distribution. Frequently there were "drives" whereby the members would concentrate on bringing as donations such things as canned milk, towels, etc.; fairly easy to obtain by the members but inaccessible to those in the camps who needed them most.

It was gradually realized that sometimes special occasions arose when it was easier and more practical for committees of the group to buy supplies than to wait for contributions in kind. This was particularly true of ice cream and doughnuts which soon became a standard feature of the parties and picnics held at the camps. To facilitate this, some members made contributions of money and this fund, which rarely exceeded \$100.00 at any one time, was on several occasions augmented by the proceeds of dances or other social affairs held at the JWB Synagogue Center under the sponsorship of the group.

Other activities of the group consisted of such things as assisting Displaced Persons in locating relatives in all parts of the world, in writing letters for them, in encouraging cultural activities among them, such as play productions, in assisting in their program of education by providing school supplies and books.

One unique characteristic of the group was that no dues were required; its work was carried on entirely by the contributions of supplies. This custom still obtains. [Its funds are kept by a treasurer who keeps an account in a Council Book.]

As the original personnel of the group began to leave Frankfurt, either by virtue of reassignment, termination of tour of duty in Germany or termination of military service, it became obvious that something more than the informal character of the group was necessary if it was to have continuity and continued existence. This was accentuated by the reassignment of Chaplain Miller to Austria in the early part of 1947. Thus on 7 May 1947, a formal constitution was adopted and shortly thereafter election of officers was held.

At present, the group engages in activities substantially as outlined above, governed by its duly elected officers. The character of its membership is substantially as when organized, but supplemented now by some wives (dependents) of military and civilian personnel stationed in Frankfurt.

It should be noted that since the beginning all of the activities of the group have been under the guidance and counsel of the Jewish chaplains serving the Frankfurt area. It is believed that this work of the chaplains has been not only an aspect of their customary duties and responsibilities but also by virtue of the efforts of the Jewish chaplains in Germany to assist the Jewish Displaced Persons in every possible way, in addition to their normal duties in their units, and which ultimately resulted in the establishment of a special mission of that kind. By enlisting the aid and sympathy of the personnel in their area, they were able to carry out their fine work to a much greater extent than if unassisted. Throughout the theater they generally called upon personnel in their units and upon members of their congregations, particularly to so assist, and as a practical matter a committee or group was perforce formed to actually coordinate the necessary work. It is this sort of a committee or group that the GI Council is.

## II. Applicable Regulations.

Generally speaking, clubs and societies of personnel that are in Germany with the occupation forces may be organized with the same freedom as in the United States. (See Letter, for example, Hq. USFET, 12 February 1947, AG 123 GAP-AGO, Subject: "Funds of Clubs and Organizations Composed of Personnel not Subject to Military Law.") Also generally speaking, the off-duty activities of military personnel may take any form that does not violate existing regulations or bring discredit upon the service. In the United States the church and charitable activities of military personnel when off-duty are not generally subject to military control or jurisdiction.

However, in occupied Germany, such activities are usually under the supervision of Army chaplains and to that extent at least are the concern of the Army. Furthermore, ~~the~~ raising of funds by personnel subject to military law has been regulated in this theater by the Army.

There appears to be no regulation that specifies formalities governing the formation of such a group as the GI Council under the auspices of an Army chaplain in occupied Germany. Thus, it is believed that any form of organization with a constitution or articles of association, or otherwise, is permissible. This view is supported by the provisions of Section III, Circular 25, Headquarters USFET, 26 February 1946, as amended, which provides in pertinent part as follows:

- "2. Personnel in this theater subject to military law shall not participate in any organization nor campaign for new members or money in behalf of any private corporation, club, group or association interested in the collection of fees, dues or other funds from members of the US Forces, except as provided below. Neither will such personnel act as officers, agents or representatives in this theater for any such organization.
- "3. The following activities are except from the provisions of Par 2, above:
  - "a. The customary activities of chaplains or recognized and authorized religious groups in the collection of funds for legitimate religious or welfare purposes.\*\*\*\*"

As applied to the situation here at hand, the foregoing means that such personnel may participate in an organization interested in the collection of funds if the organization constitutes a customary activity of chaplains, or they may campaign for money in behalf of a group interested in such collection of funds if the group is a recognized and authorized religious group, and in both cases only if the funds are for legitimate religious or welfare purposes.

Thus, it would appear that the members of the GI Council come under said paragraph 3a in either or both of two ways: they may participate in its work (which, as has been seen, is a customary activity of chaplains in Germany), or they may be regarded as qualified to "campaign for money" for welfare purposes in behalf of the GI Council which is a group of members of the Jewish faith and which is recognized and authorized by the Jewish chaplain.

It should be noted that the activities specified in paragraph 3a, quoted above, are distinguished from other excepted activities, such as appropriated fund activities (par. 3b), collection of funds for charitable purposes upon express authorization of the theater or subordinate commander (par. 3c), and the operation of private clubs having parent units in the U.S. (par. 3d). In other words, the activities specified in the other exceptions are different from the activities specified in paragraph 3a and the rules governing the former do not apply to the latter. In order that this distinction may more clearly appear, it is proposed to consider the other exceptions in some detail.

"b. The collection of money for any welfare, revenue producing or sundry fund authorized and operated under the provisions of AR 210-50 and Cir 2, this headquarters, 3 January 1946."

Circular 2, Hq. USFET, 3 January 1946, has been superseded by Circular 159, Hq. USFET, 2 November 1946. Its scope is to supplement AR 210-50, 13 Dec 1945 ("Nonappropriated Funds") and to govern the nonappropriated funds of all organizations of the US Army and War Department civilians within the limits of the European Theater. (Par. 2) Nonappropriated funds are defined as those derived from cash investments, or other assets accumulated in the conduct of revenue-producing, welfare and sundry activities (Par. 3a) and are classified as "revenue-producing funds" (such as post exchanges), "welfare funds" (such as those used to defray the expense of providing athletic, recreational and welfare services and facilities for military or civilian personnel), and "sundry funds" (such as messes). (Par. 3b) The term "welfare fund" might at first sight be thought to apply here, however in US Army terminology it has a distinct meaning and applies to funds for the welfare of the soldier (or civilians serving with the Army) and not to charitable objectives or funds (See AR 210-50), nor is such a charitable activity listed among the welfare funds in this theater (Par. 4b). However, under "sundry funds" there are listed "chaplains' funds", and also "funds of associations of military personnel, such as officers' clubs, noncommissioned officers' clubs, enlisted men's clubs, civilian clubs, rest hotels, camp restaurants or similar activities."

A chaplains fund is not defined or otherwise referred to in Circular 159, however by reference to AR 210-50 it is evident that the term applies to "religious funds" which are to be administered by a chaplain as custodian. Revenues of religious funds (other than those established by the Chief of Chaplains and by the senior chaplain of an installation) "will consist only of voluntary contributions made in connection with religious observance or services. Such religious funds may be established according to denominations." (Par. 12c) From this it is concluded that such fund consists of donations made when the charity box is passed at religious services. Further, religious funds may accept contributions and donations of property or money without the scrutiny by commanders as is required in the case of other sundry funds. (Par. 17b) The disposition of a chaplain's fund or religious fund is not specified. However, in keeping with the concept that sundry funds are to be used only for the benefit of the military and civilian personnel serving with the Army, it seems reasonable to suppose that the uses to which such fund is put must have some relation to the welfare of such personnel and not to other persons outside of that circle who may be worthy objects of charity. It is noteworthy also that by Circular 25 the activities of chaplains contemplated in paragraph 3a thereof do not coincide with the activities contemplated under a chaplain's fund that is established as a sundry fund mentioned in paragraph 3b. This would indicate that it was not intended to prescribe any of the nonappropriated fund procedures to the activities set out in paragraph 3a.

There remains to consider whether the GI Council may properly be classified as an enlisted men's club or civilian club or similar activity within the category of "sundry funds". Such clubs are well-known and generally consist

of places to which the members may retreat for a sociable evening of cards, drinks and snacks. (Their operation is governed by SOP No. 93, Hq. USFET, 6 Nov 1946.) They are created solely for the welfare of the members, not for charitable purposes and the money in the treasury or fund is spent for the members and not for things that are to be given away to others. Not only is this the general conception of the function of such organizations but the regulations themselves bear this out. For example, "the funds accumulated (from sundry activities) will be dispersed solely for the benefit of military personnel." (Par 1, AR 210-50, emphasis added.) "Nonappropriated funds are: (1) Primarily for the welfare and recreation of the military and civilian personnel stationed at a War Department installation, and (2) Secondarily for the welfare and benefit of the entire Army, or all civilian employees of the War Department." (Par. 5b, Cir. 159.) Examples of sundry funds, groups established by civilians are "Bowling leagues, basketball team, glee clubs, etc." (Par. 6a, AR 210-100) Furthermore, "Activities and funds authorized in these regulations are government instrumentalities and are entitled to the immunities and privileges of such instrumentalities, except as otherwise directed by the War Department." (Par 5g, Cir. 159) It is not likely that the concept of a government instrumentality was intended to apply to organizations such as the GI Council.

"c. The solicitation and collection of funds for any welfare, charitable or other purpose when such collection is expressly authorized or permitted by the Theater Commander or subordinate commander."

This provision was undoubtedly intended to cover those activities performed by such organizations as the Red Cross or March of Dimes which could not qualify under paragraph 3a as a chaplain's activity or the activity of a religious group. Very likely the Theater Commander's permission was to be required in cases of theater-wide charitable drives by such organizations. Although the activities of the GI Council are believed to be controlled by said paragraph 3a, nevertheless, no objection is seen to requesting specific authorization for a community wide "drive" in which every person is to be approached for a contribution. In fact, such permission would be most desirable in such a case to reassure subordinate commanders that all men in their unit may be approached, such as at the pay table, and to avoid the need to explain in each instance the nature and functions of the organization. However, such specific authorization is not believed necessary (in view of paragraph 3a) in order to accept the voluntary contribution of members or those interested in the work, or the admission charge to a dance, etc. conducted for the purpose of raising money for the activities of the organization.

"d. Private corporations, clubs, groups or fraternal associations regularly organized and charters in the US and operating in this theater under dispensation of the parent organization."

Such organizations as are described in paragraph 3d are required to observe certain other formalities which apply only to them. (Par. 4) They must have the specific approval of the commanding general of the major command concerned, they may not use the Army finance service for transmission of funds,

they must be governed by by-laws which must be approved by the commander concerned and must administer funds in accordance with Circular 2, Hq. USFET, 3 January 1946 (now superseded by Cir. 159, Hq USFET, 2 Nov 1946, "Nonappropriated Funds.") It is evident that the GI Council does not come within this category since it has no parent organization in the US.

### III. Conclusion

From the foregoing, it is concluded that the GI Council is properly organized and that the regulations of the Army governing the operation of various types of clubs and associations specifically exempt from their purview activities of the kind in which it is engaged. However, as a matter of practice, it is recommended that the rules contained in such regulations concerning the collection and handling of funds, although not necessarily controlling, should be followed insofar as it is possible and consistent with the character of the organization.

*Doris Shippert*