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Most Veterans Are Men, but that Does Not Mean that Veterans' Preference in Government Employment Is Unconstitutional Sex Discrimination.

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8.0—Veterans' preference
10.2—Other Supreme Court decisions

As I have explained in Law Review 21039 (July 2021) and other articles, an individual who served on active duty for at least 181 consecutive days during a "war" period[3] is entitled to a five-point preference in

[1] I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2,000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses' Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

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[3] The most recent "war" period expired on 8/31/2010.

hiring for federal civilian positions. An individual who served on active duty at any time and who suffered a service-connected disability rated at 30% or more is entitled to a ten-point preference.

This law, the Veterans' Preference Act of 1944, applies to the Federal Government. It does not apply to state and local governments, but most of the states have state laws mandating veterans' preference in hiring by the state and its political subdivisions (counties, cities, school districts, and other units of local government). Some of those state laws are more generous to veterans than the federal law.

Massachusetts

The pertinent Massachusetts law is as follows:

> The names of persons who pass examinations for original appointment to any position in the official service shall be placed on eligible lists in the following order: (1) disabled veterans, in the order of their respective standings; (2) veterans, in the order of their respective standings; (3) widows or widowed mothers of veterans who were killed in action or died from a service connected disability incurred in wartime service, in the order of their respective standings; (4) all others, in the order of their respective standings. Upon receipt of a requisition, names shall be certified from such lists according to the method of certification prescribed by the rules.
>
> The spouse or single parent of a veteran who was killed in action or died from a service connected disability incurred in wartime service, upon presenting proof from official sources of such facts,

satisfactory to the administrator, and proof that such spouse or parent has not remarried, shall be entitled to the preference provided for in this section.

The administrator may require any disabled veteran to present a certificate of a physician, approved by the administrator, that his disability is not such as to incapacitate him from the performance of the duties of the position for which he is eligible. The cost of a physical examination of such veteran for the purpose of obtaining such certificate shall be borne by the commonwealth.

Notwithstanding the administrator's right to require a physician's certificate in the case of a disabled veteran, an appointing authority shall not require, request or accept an individual's military medical record or military personnel service record for the purpose of employment; provided, however, that an appointing authority may require, request or accept the individual's DD-214 form. An appointing authority shall not impose a term or condition on an individual as a condition of obtaining or retaining employment if compliance with the term or condition would require the individual to present the individual's military medical record or military personnel service record as set forth in this paragraph; provided, however, that an appointing authority may impose a term or condition requiring the individual to present the individual's DD-214 form. Nothing in this section shall prohibit an appointing authority to require military service records if the condition stated on the individual's DD-214 form is other than honorable.

A person who has received a congressional medal of honor, distinguished service medal or silver star medal may apply to the administrator for appointment to or employment in a civil service position without examination. In such application he shall state under penalties of perjury the facts required by the rules. Age, loss of limb or other disability which does not, in fact, incapacitate shall not disqualify him for appointment or employment under this section. Appointing officers may make requisition for the names of any or all such persons and appoint or employ any of them. A person who has received a distinguished service cross or navy cross may, upon the recommendation of the administrator and with the approval of the commission, be appointed under the same conditions provided in this paragraph for a person who has received a medal of honor.

An appointing authority shall appoint a veteran in making a provisional appointment under section twelve, unless such appointing authority shall have obtained from the administrator a list of all veterans who, within the twelve months next preceding, have filed applications for the kind of work called for by such provisional appointment, shall have mailed a notice of the position vacancy to each of such veterans and shall have determined that none of such veterans is qualified for or is willing to accept the appointment.

A disabled veteran shall be retained in employment in preference to all other persons, including veterans.

Notwithstanding this chapter or any other general or special law to the contrary, a son or daughter of a firefighter, police officer or

correction officer who passes the required written and physical examination for entrance to the fire, police, or correction service or a son or daughter of a firefighter who passes the required written and physical examination for appointment as a fire alarm operator shall have the son's or daughter's name placed in the first position on the eligible list or, where applicable, in the first position on the reserve roster for appointment to such fire, police or correction service or fire alarm service if: (i) in the case of a firefighter, such firefighter while in the performance of the firefighter's duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire was killed or sustained injuries which resulted in the firefighter's death; or (ii) in the case of a police officer, such police officer while in the performance of the police officer's duties and as a result of an assault on the police officer's person was killed or sustained injuries which resulted in the police officer's death; or (iii) in the case of a correction officer, such correction officer while in the performance of the correction officer's duties and as a result of an assault on the correction officer's person was killed or sustained injuries resulted in the correction officer's death.

Notwithstanding this chapter or any other general or special law to the contrary, a son or daughter of a firefighter, police officer or correction officer who passes the required written and physical examination for entrance to the fire, police, or correction service or a son or daughter of a firefighter who passes the required written and physical examination for appointment as a fire alarm operator shall have the son's or daughter's name placed on the eligible list or, where applicable, on the reserve roster for appointment to such fire, police, or correction service or fire

alarm service immediately below the names of disabled veterans as provided in the first paragraph; provided, however, that said firefighter, police officer, or correction officer has been retired at a yearly amount of pension equal to the regular rate of compensation which the firefighter, police officer or correction officer should have been paid had the firefighter, police officer or correction officer continued in said service at the grade held at the time of retirement, pursuant to a special act of the legislature in which said firefighter, police officer or correction officer is determined to be permanently or totally disabled; provided, further, that:

(A) in the case of a firefighter, such firefighter while in the performance of the firefighter's duties and as the result of an accident while responding to an alarm of fire or while at the scene of a fire sustained injuries which resulted in the firefighter being permanently and totally disabled or sustained injuries which resulted in his being permanently disabled;

(B) in the case of a police officer, such police officer while in the performance of the police officer's duties and as a result of an assault on the police officer's person sustained injuries which resulted in the police officer being permanently and totally disabled; or

(C) in the case of a correction officer, such correction officer while in the performance of the correction officer's duties and as a result of an assault on the correction officer's person sustained injuries which resulted in the correction officer

being permanently and totally disabled. Should more than 1 applicant be eligible for appointment pursuant to this paragraph, said applicants shall be ordered according to their respective standings.

For the purposes of determining the order of persons on eligible lists pursuant to this section, the presumptions created by sections ninety-four, ninety-four A and ninety-four B of chapter thirty-two, shall not be applicable to the death or disablement of any firefighter or police officer whose son or daughter is eligible for appointment.[4]

In Massachusetts, there is an *absolute preference,* in the following order:

a. Disabled veterans.
b. Veterans.
c. Spouses or single parents of service members killed in action.
d. All other candidates.[5]

If there is a vacancy to be filled, the hiring official must first look to the list of disabled veterans who have applied and have been found qualified and must fill the position from that list. If there is no qualified candidate on the disabled veteran list, or if the candidates on that list have declined employment offers, the hiring official then turns to the veterans list, then the spouses and parents list. A candidate who does not fall into one of these three categories can be hired only after these three lists have been exhausted.

[4] Massachusetts General Laws, Chapter 31, § 26.
[5] *See* https://www.mass.gov/info-details/eligibility-and-service-requirements.

This veterans' preference mandate applies to the Commonwealth (State) of Massachusetts and its political subdivisions (counties, cities, school districts, and other units of local government).

Any person who served honorably on active duty (not active duty for training) for at least 90 consecutive days starting on 8/2/1990 (when Iraq invaded and occupied Kuwait) and ending on a future date to be named later is entitled to this preference.[6]

Q: The vast majority of persons serving on active duty in our nation's armed forces are male, although the percentage is not as overwhelming as it was decades ago. Can it be argued that preference for veterans amounts to discrimination against women and is unconstitutional on that basis?

A: Half a century ago, that argument was made, and a three-judge federal district court struck down the Massachusetts law on that basis.[7] The United States Supreme Court agreed to hear the case and reversed by a 7-2 margin. On behalf of a 7-2 majority, Justice Potter Stewart wrote:

> The Federal Government and virtually all of the States grant some sort of hiring preference to veterans. The Massachusetts preference, which is loosely termed an "absolute lifetime" preference, is among the most generous. It applies to all positions in the State's classified civil service, which constitute approximately 60% of the public jobs in the State. It is available to

[6] Id.

[7] *See Anthony v. Massachusetts,* 415 F. Supp. 485 (D. Mass. 1976).

"any person, male or female, including a nurse," who was honorably discharged from the United States Armed Forces after at least 90 days of active service, at least one day of which was during "wartime." Persons who are deemed veterans and who are otherwise qualified for a particular civil service job may exercise the preference at any time and as many times as they wish.

Civil service positions in Massachusetts fall into two general categories, labor and official. For jobs in the official service, with which the proofs in this action were concerned, the preference mechanics are uncomplicated. All applicants for employment must take competitive examinations. Grades are based on a formula that gives weight both to objective test results and to training and experience. Candidates who pass are then ranked in the order of their respective scores on an "eligible list." Chapter 31, § 23, requires, however, that disabled veterans, veterans, and surviving spouses and surviving parents of veterans be ranked -- in the order of their respective scores -- above all other candidates.

Rank on the eligible list and availability for employment are the sole factors that determine which candidates are considered for appointment to an official civil service position. When a public agency has a vacancy, it requisitions a list of "certified eligibles" from the state personnel division. Under formulas prescribed by civil service rules, a small number of candidates from the top of an appropriate list, three if there is only one vacancy, are certified. The appointing agency is then required to choose from among these candidates. Although the veterans' preference thus does not guarantee that a veteran will be appointed, it is obvious that

the preference gives to veterans who achieve passing scores a well-nigh absolute advantage.

The appellee has lived in Dracut, Mass., most of her life. She entered the work force in 1948, and for the next 14 years worked at a variety of jobs in the private sector. She first entered the state civil service system in 1963, having competed successfully for a position as Senior Clerk Stenographer in the Massachusetts Civil Defense Agency. There she worked for four years. In 1967, she was promoted to the position of Federal Funds and Personnel Coordinator in the same agency. The agency, and with it her job, was eliminated in 1975.

During her 12-year tenure as a public employee, Ms. Feeney took and passed a number of open competitive civil service examinations. On several she did quite well, receiving in 1971 the second highest score on an examination for a job with the Board of Dental Examiners, and in 1973 the third highest on a test for an Administrative Assistant position with a mental health center. Her high scores, however, did not win her a place on the certified eligible list. Because of the veterans' preference, she was ranked sixth behind five male veterans on the Dental Examiner list. She was not certified, and a lower scoring veteran was eventually appointed. On the 1973 examination, she was placed in a position on the list behind 12 male veterans, 11 of whom had lower scores. Following the other examinations that she took, her name was similarly ranked below those of veterans who had achieved passing grades.

Ms. Feeney's interest in securing a better job in state government did not wane. Having been consistently eclipsed by veterans, however, she eventually concluded that further competition for civil service positions of interest to veterans would be futile. In 1975, shortly after her civil defense job was abolished, she commenced this litigation.

The veterans' hiring preference in Massachusetts, as in other jurisdictions, has traditionally been justified as a measure designed to reward veterans for the sacrifice of military service, to ease the transition from military to civilian life, to encourage patriotic service, and to attract loyal and well-disciplined people to civil service occupations. See, *e. g., Hutcheson* v. *Director of Civil Service*, 361 Mass. 480, 281 N. E. 2d 53 (1972). The Massachusetts law dates back to 1884, when the State, as part of its first civil service legislation, gave a statutory preference to civil service applicants who were Civil War veterans if their qualifications were equal to those of nonveterans. 1884 Mass. Acts, ch. 320, § 14 (sixth). This tie-breaking provision blossomed into a truly absolute preference in 1895, when the State enacted its first general veterans' preference law and exempted veterans from all merit selection requirements. 1895 Mass. Acts, ch. 501, § 2. In response to a challenge brought by a male nonveteran, this statute was declared violative of state constitutional provisions guaranteeing that government should be for the "common good" and prohibiting hereditary titles. *Brown* v. *Russell*, 166 Mass. 14, 43 N. E. 1005 (1896).

The current veterans' preference law has its origins in an 1896 statute, enacted to meet the state constitutional standards

enunciated in *Brown* v. *Russell*. That statute limited the absolute preference to veterans who were otherwise qualified. A closely divided Supreme Judicial Court, in an advisory opinion issued the same year, concluded that the preference embodied in such a statute would be valid. *Opinion of the Justices*, 166 Mass. 589, 44 N. E. 625 (1896). In 1919, when the preference was extended to cover the veterans of World War I, the formula was further limited to provide for a priority in eligibility, in contrast to an absolute preference in hiring. See *Corliss* v. *Civil Service Comm'rs*, 242 Mass. 61, 136 N. E. 356 (1922). In *Mayor of Lynn* v. *Commissioner of Civil Service*, 269 Mass. 410, 414, 169 N. E. 502, 503-504 (1929), the Supreme Judicial Court, adhering to the views expressed in its 1896 advisory opinion, sustained this statute against a state constitutional challenge.

Since 1919, the preference has been repeatedly amended to cover persons who served in subsequent wars, declared or undeclared. See 1943 Mass. Acts, ch. 194; 1949 Mass. Acts, ch. 642, § 2 (World War II); 1954 Mass. Acts, ch. 627 (Korea); 1968 Mass. Acts, ch. 531, § 1 (Vietnam). The current preference formula in ch. 31, § 23, is substantially the same as that settled upon in 1919. This absolute preference -- even as modified in 1919 -- has never been universally popular. Over the years it has been subjected to repeated legal challenges, see *Hutcheson* v. *Director of Civil Service, supra* (collecting cases), to criticism by civil service reform groups, see, *e. g*., Report of the Massachusetts Committee on Public Service on Initiative Bill Relative to Veterans' Preference, S. No. 279 (1926); Report of Massachusetts Special Commission on Civil Service and Public Personnel Administration 37-43 (June 15, 1967), and, in 1926, to a

referendum in which it was reaffirmed by a majority of 51.9%. See *id*., at 38. The present case is apparently the first to challenge the Massachusetts veterans' preference on the simple ground that it discriminates on the basis of sex.

The first Massachusetts veterans' preference statute defined the term "veterans" in gender-neutral language. See 1896 Mass. Acts, ch. 517 § 1 ("a person" who served in the United States Army or Navy), and subsequent amendments have followed this pattern, see, *e. g*., 1919 Mass. Acts, ch. 150, § 1 ("any person who has served . . ."); 1954 Mass. Acts, ch. 627, § 1 ("any person, male or female, including a nurse"). Women who have served in official United States military units during wartime, then, have always been entitled to the benefit of the preference. In addition, Massachusetts, through a 1943 amendment to the definition of "wartime service," extended the preference to women who served in unofficial auxiliary women's units. 1943 Mass. Acts, ch. 194.

When the first general veterans' preference statute was adopted in 1896, there were no women veterans. The statute, however, covered only Civil War veterans. Most of them were beyond middle age, and relatively few were actively competing for public employment. Thus, the impact of the preference upon the employment opportunities of nonveterans as a group and women in particular was slight.

Notwithstanding the apparent attempts by Massachusetts to include as many military women as possible within the scope of the preference, the statute today benefits an overwhelmingly

male class. This is attributable in some measure to the variety of federal statutes, regulations, and policies that have restricted the number of women who could enlist in the United States Armed Forces, and largely to the simple fact that women have never been subjected to a military draft. See generally Binkin and Bach 4-21.

When this litigation was commenced, then, over 98% of the veterans in Massachusetts were male; only 1.8% were female. And over one-quarter of the Massachusetts population were veterans. During the decade between 1963 and 1973 when the appellee was actively participating in the State's merit selection system, 47,005 new permanent appointments were made in the classified official service. Forty-three percent of those hired were women, and 57% were men. Of the women appointed, 1.8% were veterans, while 54% of the men had veteran status. A large unspecified percentage of the female appointees were serving in lower paying positions for which males traditionally had not applied. On each of 50 sample eligible lists that are part of the record in this case, one or more women who would have been certified as eligible for appointment on the basis of test results were displaced by veterans whose test scores were lower.

At the outset of this litigation appellants conceded that for "many of the permanent positions for which males and females have competed" the veterans' preference has "resulted in a substantially greater proportion of female eligibles than male eligibles" not being certified for consideration. The impact of the veterans' preference law upon the public employment

opportunities of women has thus been severe. This impact lies at the heart of the appellee's federal constitutional claim.

The sole question for decision on this appeal is whether Massachusetts, in granting an absolute lifetime preference to veterans, has discriminated against women in violation of the Equal Protection Clause of the Fourteenth Amendment.

The equal protection guarantee of the Fourteenth Amendment does not take from the States all power of classification. *Massachusetts Bd. of Retirement* v. *Murgia*, 427 U.S. 307, 314. Most laws classify, and many affect certain groups unevenly, even though the law itself treats them no differently from all other members of the class described by the law. When the basic classification is rationally based, uneven effects upon particular groups within a class are ordinarily of no constitutional concern. *New York City Transit Authority* v. *Beazer*, 440 U.S. 568; *Jefferson* v. *Hackney*, 406 U.S. 535, 548. Cf. *James* v. *Valtierra*, 402 U.S. 137.

The calculus of effects, the manner in which a particular law reverberates in a society, is a legislative and not a judicial responsibility. *Dandridge* v. *Williams*, 397 U.S. 471; *San Antonio School Dist*. v. *Rodriguez*, 411 U.S. 1. In assessing an equal protection challenge, a court is called upon only to measure the basic validity of the legislative classification. *Barrett* v. *Indiana*, 229 U.S. 26, 29-30; *Railway Express Agency* v. *New York*, 336 U.S. 106. When some other independent right is not at stake, see, *e. g., Shapiro* v. *Thompson*, 394 U.S. 618, and when there is no "reason to infer antipathy," *Vance* v. *Bradley*, 440 U.S. 93, 97, it is

presumed that "even improvident decisions will eventually be rectified by the democratic process . . . ." *Ibid*.

Certain classifications, however, in themselves supply a reason to infer antipathy. Race is the paradigm. A racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification. *Brown* v. *Board of Education*, 347 U.S. 483; *McLaughlin* v. *Florida*, 379 U.S. 184. This rule applies as well to a classification that is ostensibly neutral but is an obvious pretext for racial discrimination. *Yick Wo* v. *Hopkins*, 118 U.S. 356; *Guinn* v. *United States*, 238 U.S. 347; cf. *Lane* v. *Wilson*, 307 U.S. 268. *Gomillion v. Lightfoot*, 364 U.S. 339. But, as was made clear in *Washington* v. *Davis*, 426 U.S. 229, and *Arlington Heights* v. *Metropolitan Housing Dev. Corp*., 429 U.S. 252, even if a neutral law has a disproportionately adverse effect upon a racial minority, it is unconstitutional under the Equal Protection Clause only if that impact can be traced to a discriminatory purpose.

Classifications based upon gender, not unlike those based upon race, have traditionally been the touchstone for pervasive and often subtle discrimination. *Caban* v. *Mohammed*, 441 U.S. 380, 398 (STEWART, J., dissenting). This Court's recent cases teach that such classifications must bear a close and substantial relationship to important governmental objectives, *Craig* v. *Boren*, 429 U.S. 190, 197, and are in many settings unconstitutional. *Reed* v. *Reed*, 404 U.S. 71; *Frontiero* v. *Richardson*, 411 U.S. 677; *Weinberger* v. *Wiesenfeld*, 420 U.S. 636; *Craig* v. *Boren,*

supra; Califano v. *Goldfarb*, 430 U.S. 199; *Orr* v. *Orr*, 440 U.S. 268; *Caban* v. *Mohammed, supra*.

Although public employment is not a constitutional right, *Massachusetts Bd. of Retirement* v. *Murgia, supra*, and the States have wide discretion in framing employee qualifications, see, *e. g., New York City Transit Authority* v. *Beazer, supra*, these precedents dictate that any state law overtly or covertly designed to prefer males over females in public employment would require an exceedingly persuasive justification to withstand a constitutional challenge under the Equal Protection Clause of the Fourteenth Amendment.

The cases of *Washington* v. *Davis, supra*, and *Arlington Heights* v. *Metropolitan Housing Dev. Corp., supra*, recognize that when a neutral law has a disparate impact upon a group that has historically been the victim of discrimination, an unconstitutional purpose may still be at work. But those cases signaled no departure from the settled rule that the Fourteenth Amendment guarantees equal laws, not equal results. *Davis* upheld a job-related employment test that white people passed in proportionately greater numbers than Negroes, for there had been no showing that racial discrimination entered into the establishment or formulation of the test. *Arlington Heights* upheld a zoning board decision that tended to perpetuate racially segregated housing patterns, since, apart from its effect, the board's decision was shown to be nothing more than an application of a constitutionally neutral zoning policy.
Those principles apply with equal force to a case involving alleged gender discrimination.

When a statute gender-neutral on its face is challenged on the ground that its effects upon women are disproportionably adverse, a twofold inquiry is thus appropriate. The first question is whether the statutory classification is indeed neutral in the sense that it is not gender based. If the classification itself, covert or overt, is not based upon gender, the second question is whether the adverse effect reflects invidious gender-based discrimination. See *Arlington Heights* v. *Metropolitan Housing Dev. Corp., supra*. In this second inquiry, impact provides an "important starting point," 429 U.S., at 266, but purposeful discrimination is "the condition that offends the Constitution." *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 16.

It is against this background of precedent that we consider the merits of the case before us.

The question whether ch. 31, § 23, establishes a classification that is overtly or covertly based upon gender must first be considered. The appellee has conceded that ch. 31, § 23, is neutral on its face. She has also acknowledged that state hiring preferences for veterans are not *per se* invalid, for she has limited her challenge to the absolute lifetime preference that Massachusetts provides to veterans. The District Court made two central findings that are relevant here: first, that ch. 31, § 23, serves legitimate and worthy purposes; second, that the absolute preference was not established for the purpose of discriminating against women. The appellee has thus acknowledged and the District Court has thus found that the distinction between veterans and nonveterans drawn by ch. 31, § 23, is not a pretext for gender discrimination.

The appellee's concession and the District Court's finding are clearly correct.

If the impact of this statute could not be plausibly explained on a neutral ground, impact itself would signal that the real classification made by the law was in fact not neutral. See *Washington* v. *Davis*, 426 U.S., at 242; *Arlington Heights* v. *Metropolitan Housing Dev. Corp., supra*, at 266. But there can be but one answer to the question whether this veteran preference excludes significant numbers of women from preferred state jobs because they are women or because they are nonveterans. Apart from the facts that the definition of "veterans" in the statute has always been neutral as to gender and that Massachusetts has consistently defined veteran status in a way that has been inclusive of women who have served in the military, this is not a law that can plausibly be explained only as a gender-based classification. Indeed, it is not a law that can rationally be explained on that ground. Veteran status is not uniquely male. Although few women benefit from the preference, the nonveteran class is not substantially all female. To the contrary, significant numbers of nonveterans are men, and all nonveterans -- male as well as female -- are placed at a disadvantage. Too many men are affected by ch. 31, § 23, to permit the inference that the statute is but a pretext for preferring men over women.

Moreover, as the District Court implicitly found, the purposes of the statute provide the surest explanation for its impact. Just as there are cases in which impact alone can unmask an invidious classification, cf. *Yick Wo* v. *Hopkins*, 118 U.S. 356, there are

> others, in which -- notwithstanding impact -- the legitimate noninvidious purposes of a law cannot be missed. This is one. *The distinction made by ch. 31, § 23, is, as it seems to be, quite simply between veterans and nonveterans, not between men and women.*[8]

Although more men than women benefit from veterans' preference laws, those laws are not unconstitutional.

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ROA is more than a century old—on 10/2/1922 a group of veterans of "The Great War," as World War I was then known, founded our organization at a meeting in Washington's historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had

[8] *Personnel Administrator of Massachusetts v. Feeney,* 442 U.S. 256, 261-276 (1979) (emphasis supplied).
[9] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

commanded American troops in the recently concluded "Great War." One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

Through these articles, and by other means, including amicus curiae ("friend of the court") briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) volunteers, federal and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights. We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

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[10] Congress recently established the United States Space Force as the eighth uniformed service.
[11] Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join.

you are eligible for ROA membership, please join. You can join on-line at https://www.roa.org/page/memberoptions.

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In 2025, we will add 54 new articles to the "state laws" section of our website, one for each of the 50 states plus the District of Columbia, Guam, Puerto Rico, and the United States Virgin Islands. Each article will summarize the veterans' preference law of that state or territory, with respect to employment by state, territorial, and local governments. When a state does not have a veterans' preference law, the article will urge the state to enact such a law.

[12] You can also contribute on-line at www.roa.org.