

**OPINION NO. 84-081****Syllabus:**

Where an organization of veterans receives two hundred dollars for Memorial Day expenses from a board of county commissioners pursuant to R.C. 307.66, that organization's congressionally chartered auxiliary, composed of veterans' spouses and relatives, is not entitled to receive an additional two hundred dollars.

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**To: W. Allen Wolfe, Muskingum County Prosecuting Attorney, Zanesville, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, December 19, 1984**

I have before me your request for my opinion on the following question: "Under [R.C. 307.66], where a qualifying veterans' organization requests and receives \$200.00 from the Board of County Commissioners, is that organization's congressionally chartered women's auxiliary, comprised of veterans' spouses and relatives, entitled to receive an additional \$200.00?"

The first paragraph of R.C. 307.66 reads:

The board of county commissioners, annually, shall appropriate, and advance upon application made no more than thirty days prior to memorial day, to each camp of the United Spanish War Veterans, to each garrison or naval branch of the Army and Navy Union, U.S.A., and to each chartered camp, post, or garrison, or naval branch of any organization of veterans recognized and chartered by the congress, upon request of the officials thereof, in the county, a sum of money not to exceed two hundred dollars to aid in defraying the expenses of memorial day.

It is apparent that the only organizations entitled to receive two hundred dollars for Memorial Day observance expenses under the first paragraph of R.C. 307.66 are "each camp of the United Spanish War Veterans. . .each garrison or naval branch of the Army and Navy Union, U.S.A., and. . .each chartered camp,

post, or garrison, or naval branch of any organization of veterans recognized and chartered by the congress." No other group or organization is entitled to receive two hundred dollars from the county. See State ex rel. Boda v. Brown, 157 Ohio St. 368, 372, 105 N.E.2d 643, 646 (1952) (under the doctrine of expressio unius est exclusio alterius, "the express mention of but one class of persons in a statute implies the exclusion of all others"). See also Dougherty v. Torrence, 2 Ohio St. 3d 69, 442 N.E.2d 1295 (1982) (in construing a statute, words used may not be deleted and words not used may not be inserted).

A women's auxiliary of a veterans' organization is clearly not a camp of the United Spanish War Veterans or a garrison or naval branch of the Army and Navy Union, U.S.A. See, e.g., 36 U.S.C. §56. This leads me to the question whether a congressionally chartered women's auxiliary of a veterans' organization is a chartered camp, post, garrison, or naval branch of an organization of veterans recognized and chartered by Congress, and thus entitled to receive a Memorial Day appropriation from the county. The term "veteran" is not statutorily defined for purposes of R.C. 307.66. Therefore, the term must be given its plain, common meaning in construing R.C. 307.66. See R.C. 1.42; Baker v. Powhatan Mining Co., 146 Ohio St. 600, 67 N.E.2d 714 (1946); Carter v. City of Youngstown, 146 Ohio St. 203, 65 N.E.2d 63 (1946). The term "veteran" is commonly understood to mean "any person who has served in the armed forces of a country, [especially] in time of war." Webster's New World Dictionary 1580 (2d college ed. 1978). Therefore, an organization of veterans is a group which is composed of persons who have served in the armed forces. Examples of organizations of veterans chartered by Congress are the American Legion, see 36 U.S.C. §§41, 45, the Grand Army of the Republic, see 36 U.S.C. §71, and Veterans of Foreign Wars of the United States, see 36 U.S.C. §§111, 115.

An auxiliary organization is "an assisting or supplementary group or organization [this club has a women's auxiliary]." Webster's New World Dictionary 95-96 (2d college ed. 1978). While auxiliaries of organizations of veterans may be established to assist and further the interests and goals of veterans, such auxiliaries are not organizations which must be composed of veterans. For example, the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic is composed of "women, who are the wives, mothers, daughters, and sisters of Union soldiers, sailors, and marines and other loyal women, who have not given aid or comfort to the enemies of the United States of America." 36 U.S.C. §1005. The purposes of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic include: "To perpetuate the memory of the Grand Army of the Republic. . . and of men who saved the Union in 1861 to 1865; [and] to assist. . . in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members." 36 U.S.C. §1003. Thus, an auxiliary of an organization of veterans is not an organization of veterans, and is not entitled to receive two hundred dollars where its veterans' organization has received two hundred dollars.

This conclusion is supported by the last paragraph of R.C. 307.66, which reads:

If any posts or camps have become extinct or unable to attend to memorial day services, then the appropriation by the board of county commissioners or the board of township trustees shall be made to a post or unit of the sons of union veterans of the civil war, woman's relief corps, daughters of veterans, or to any civic or patriotic organization willing and able to undertake and perform the work of commemoration and observance of memorial day. Where the appropriation by the board of county commissioners is made to a civic organization, it shall not exceed fifty dollars.

Thus, an auxiliary organization may be entitled to receive a Memorial Day appropriation under R.C. 307.66, but only when a post or camp of an organization of veterans has become extinct or unable to attend to Memorial Day services.

In conclusion, it is my opinion, and you are advised, that where an organization of veterans receives two hundred dollars for Memorial Day expenses

from a board of county commissioners pursuant to R.C. 307.66, that organization's congressionally chartered auxiliary, composed of veterans' spouses and relatives, is not entitled to receive an additional two hundred dollars.