

MILITARIZATION OF THE PHS COMMISSIONED CORPS

The Commissioned Corps of the United States Public Health Service has played a role in supporting wartime health requirements throughout its history. Soon after the formal establishment of the Corps in 1889, it was called upon to assist the military in the Spanish-American War of 1898. All of the Service's Marine Hospitals were made available for the care of the sick and wounded of the Army and Navy. The Corps also was given the major responsibility for the prevention of the introduction of yellow fever into the United States by troops returning from Cuba and Puerto Rico. Medical officers of the Service were assigned to Cuban and Puerto Rican ports, and some Service officers were assigned to transports carrying troops home. The Service also operated a temporary quarantine station for returning troops. A medical officer of the Service was also on duty aboard the Revenue Cutter *McCullough* with the fleet of Commodore Dewey at the battle of Manila Bay.

The Spanish-American War emphasized the need for defining the functions and status of the Service in wartime. As a consequence, the act reorganizing the Service that was approved on July 1, 1902 contained the following provision:

“That the President is authorized in his discretion to utilize the Public Health and Marine Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgement promote the public interest without, however, in any wise impairing the efficiency of the Service for the purposes for which the same was created and is maintained.”

Using the authority of this 1902 Act, President Wilson militarized the PHS in anticipation of America's entry into World War I by an Executive Order issued on April 3, 1917. This order allowed the PHS to detail officers or other employees at the request of the Secretary of War or the Secretary of the Navy to the military and made PHS stations available for treating sick and wounded military personnel and related purposes in times of war or threatened war. With the issuance of this order, the Service was considered to be a part of the military forces. In addition, Congress passed a joint resolution approved July 9, 1917 fixing the rights and status of PHS officers when serving in the Coast Guard, Army, or Navy.

The Executive Order of April 3, 1917 by which President Wilson militarized the PHS was later overturned. An opinion issued by the Attorney General on October 29, 1921, held that the power to create a military force out of a civilian one was a duty residing in Congress alone. The opinion stated that under the existing law of 1902, the President could utilize but not convert the Service to a military force within the meaning of the definition “military or naval forces of the United States.”

During World War II, however, the President was given legislative authority for militarizing the PHS Commissioned Corps. The Act of Congress of November 11, 1943 that authorized military benefits for the commissioned officers of the PHS also gave the President the authority to declare the PHS Corps to be a military service in times of war. The Public Health Service Act of July 1, 1944, which repealed the 1943 Act, contained the same provision for militarization of the PHS Corps. On June 21, 1945, President Truman issued Executive order No. 9575 which declared “the commissioned corps of the Public Health Service to be a military service and a branch of the land and naval forces of the United States during the period of the present war.”

The official end of World War II did not take place until the coming into effect of the treaty with Japan on April 28, 1952, by which time the United States was already involved in the Korean conflict.

The official end of the war would have returned the PHS Corps, which was involved in supporting the military action in Korea, to a non-military status, but by interim legislation the Congress on April 14, 1952 continued certain wartime powers of the President, including the authority to declare the PHS Corps to be a military service. By Executive Order No. 10349, dated April 26, 1952, President Truman maintained the status of the PHS Corps as a part of the country's land and naval forces. By Public Law 450, approved July 3, 1952, the Congress again extended certain wartime powers of the President, but did not continue his authority to declare the PHS Corps to be a military service. In the absence of such authority, and in the absence of a formal state of war, the PHS Corps was no longer a military service. The Public Health Service Act was later amended to state that the President might declare the PHS Corps to be a military service not only in time of threatened or actual war, but also in "an emergency involving the national defense proclaimed by the President."

The PHS Commissioned Corps has also contributed support to more recent military operations of the United States, such as in Vietnam and the Persian Gulf. For example, the PHS organized surgical teams in Vietnam, consisting of both Corps and civilian personnel. PHS staff were also involved in efforts to control malaria and other infectious diseases in Vietnam. The Office of the PHS Historian, however, does not have any information on whether or not the President used his authority to declare the PHS Corps a military service during these conflicts. On July 6, 1988, the Department of Health and Human Services and the Department of Defense signed for the first time a Memorandum of Agreement which established a contingency planning relationship between the departments "for the mobilization and employment of U. S. Public Health Service (USPHS) Commissioned Corps Officers in DoD health care activities."

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