

## **Opinion No. 57-322**

December 17, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

**TO:** Mr. Manuel Armijo, Director, Veterans' Service Commission, Santa Fe, New Mexico

### **QUESTION**

#### QUESTIONS

1. Is service during the Phillipine Insurrection such as to entitle a veteran thereof to a veteran's exemption?
2. The termination date of the Spanish - American War?

#### CONCLUSIONS

1. Yes.
2. April 11, 1899.

### **OPINION**

#### ANALYSIS

Both of your questions are answered in Opinion of the Attorney General, dated June 14, 1929, and were it not for certain intervening statutory changes, we would offer no comment.

In said opinion, the Honorable M. A. Otero, Jr., held in part as follows:

"In reply thereto will state that I have made inquiry and have ascertained that the War Department at Washington released a memorandum on this proposition giving a list of all wars engaged in by the United States since 1897, as recognized by the government.

This said list reads as follows:

Spanish American War from April 21, 1898 to April 11, 1899; Phillipine Insurrection from April 11, 1899 to July 4, 1902; (With the exception of hostilities in the Moro Province which terminated June 15, 1903) Boxer Rebellion from June 20, 1900 to May 12, 1901; Cuban Pacification from October 6, 1906 to April 1, 1909; Nicaraguan Campaign from August 28, 1912 to November 2, 1913; Vera Cruz Expedition from April 21, 1914 to

November 26, 1914; Punitive Expedition in Mexico from March 10, 1916 to February 5, 1917; World War from April 6, 1917 to July 2, 1921.

We are cognizant that in 1929 the applicable statute employed the language ". . . officially engaged in any war . . .", whereas after the 1953 Amendment, armed conflict . . ." was the criterion. However, we think the effect of the 1953 amendment was to liberalize the law, and in any event, even under the statute prior to the said amendment, the veterans exemption was not restricted to service during declared wars. Opinion of the Attorney General No. 5660, dated February 4, 1953.