

LAW REVIEW¹ 26054
September 2026
The 25th Anniversary of the Date which
Will Live in Infamy for our Time.
By Captain Samuel F. Wright, JAGC, USN (Ret.)²

1.0—USERRA generally.

In September 2013, the Reserve Officers Association (now doing business as the Reserve Organization of America) published Law Review 13119, to mark the 12th anniversary of the terrorist attacks of 9/11/2001. Today, we are republishing that article to mark the 25th anniversary of that terrible Tuesday morning.

¹ I invite the reader's attention to [Law Center | ROA](#). 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), the title 38 chapters that provide for veterans' benefits administered by the Department of Veterans Affairs (VA), 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.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. I have dealt with USERRA and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the federal reemployment statute) for 44 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an "of counsel" role. You can reach me by e-mail at samuel@maherlegalservices.com or by telephone at (708) 468-8155.

LAW REVIEW 13119

September 2013

**Reflections on the 12th Anniversary of our
Generation's Date which Will Live in Infamy.**

By Captain Samuel F. Wright, JAGC, USN (Ret.)

Today we commemorate the 12th anniversary of our generation's date which will live in infamy, when 19 terrorists commandeered four airliners and crashed them into three buildings and a field, killing almost 3,000 Americans. Let us all be thankful that in this dozen years we have avoided another major terrorist attack within our country.

Freedom is not free, and it is not a coincidence that we have avoided repetition of the tragic events of September 11, 2001. Our freedom from annihilation has been bought by the sacrifices of our nation's military personnel. In military operations during the last 12 years, there have been 5,311 killed in action and another 51,480 wounded in action.

The military operations necessitated by the September 11 disaster have had a major impact on the Reserve Component (RC) as well as the Active Component (AC) of our nation's armed forces. The transformation of the "strategic reserve" (available only for World War III) to the "operational reserve" (routinely called for intermediate military operations like Iraq and Afghanistan) has been completed. In the dozen years since 9/11/2001, 882,226 RC personnel have been

called to the colors, including more than 300,000 who have been called up more than once.

In the last 12 years, the vast majority of the American people have made no sacrifices (beyond the payment of taxes) to support these necessary military operations. Almost the entire cost has been borne by that tiny sliver of our population who serve our country in uniform. AC and RC military personnel account for only $\frac{3}{4}$ of 1% of our nation's population.

This year also marks the 40th anniversary of the end of the draft and the establishment of the All-Volunteer Military. The All-Volunteer Military has been a great success, and when Representative Charles Rangel of New York introduced legislation to reinstate the draft, he could not find a single co-sponsor. Our nation has the best-motivated, best-led, best-equipped, and most effective military in the world, and perhaps in the history of the world. I hope that we never need to return to the draft.

Having said that, let me quickly add that I believe that those who benefit from our nation's liberty should be prepared to stand up and defend that liberty. ROA supports the continuation of required Selective Service registration of young men, and the extension of draft registration to include young women. Requiring young men and women to serve when needed is neither unreasonable nor unconstitutional, and those who do not serve (for whatever reason) should recognize the debt that they owe to those who serve or have served in their place.

In 1783, shortly after our nation achieved independence from Great Britain, General George Washington said, “Each citizen of a free government owes his services to defend it.” Here at ROA headquarters, in the treasured Minuteman Memorial Building, those words are inscribed on the pedestal of “The Lexington Minuteman” statue. Through most of our nation’s history, major wars have called for conscription, and the constitutionality of the draft has never been in doubt. Almost a century ago, the Supreme Court unanimously (9-0) upheld the constitutionality of the draft during World War I. *See Selective Draft Law Cases*, 245 U.S. 366 (1918). *See also Perpich v. Department of Defense*, 496 U.S. 334 (1990).

The end of the draft by no means marks the end of our nation’s need for military personnel, in the AC and the RC. Congress recognized in 1973 and recognizes today that in the absence of conscription our nation needs to provide incentives and to mitigate disincentives to military service, so that a sufficient quality and quantity of young men and women will volunteer to serve our country in uniform.

Congress has enacted many laws to provide such incentives and to minimize such disincentives. One of the most important laws is the Uniformed Services Employment and Reemployment Rights Act (USERRA), enacted in 1994 to replace with Veterans’ Reemployment Rights Act (VRRA), which was enacted in 1940 as part of the Selective Training and Service Act (STSA). The STSA is the law that led to the drafting of millions of young men, including my late father, for World War II.

End of reprint of Law Review 13119.

Q: Where can I find a lawyer or law firm that fully understands laws like the Servicemembers Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Uniform Code of Military Justice (UCMJ), and other laws that are especially pertinent to those who serve our country in uniform?

A: As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. This firm has a great team, headed by attorneys John Maher and Kevin Mikolashek, both of whom have served as Army judge advocates for many years. These attorneys and this firm have a great record, and I am proud to join their team.

Here is a link to the Maher Legal Services website:

<https://www.lawyersdefendingwarriors.com/about>.

Join the Organization That Fights for You.

This article is one of more than 2,000 "Law Review" articles available at [Law Center | ROA](#)— a free legal resource that the Reserve Organization of America (ROA) has built and maintained since 1997, adding new articles every month.

ROA is the only national military organization dedicated exclusively to America's reserve components — all eight of them. From the 6,179 members of the Coast Guard Reserve to the 329,705 soldiers of the Army National Guard, ROA exists to serve the nearly 773,000 men and

women who answer the call while maintaining civilian lives. No other organization does what we do for the people we serve.

Our roots run deep. On October 2, 1922, veterans of the Great War gathered at Washington's historic Willard Hotel — at the invitation of General of the Armies John J. Pershing — to build something lasting. One of the junior officers in that room was Captain Harry S. Truman, who, as President, signed ROA's congressional charter in 1950. That charter gives us a clear mission: advocate for policies that ensure adequate national security. For more than a century, we've made the case that America's Reserve Components and National Guard are among the most cost-effective pillars of our national defense.

Beyond this library of legal resources, ROA files *amicus curiae* ("friend of the court") briefs in the Supreme Court and other courts, and actively educates service members, military spouses, attorneys, employers, legislators, and others about the legal rights of those who serve — and how to enforce them. We provide this information to all service members, regardless of membership. But it's ROA members — through their dues and contributions — who make it possible.

Your membership makes the mission possible.

If you are currently serving, or have ever served, in any of America's eight uniformed services, you are eligible to join ROA — and membership starts at just \$20 for a full year, or \$450 for life. Officers and enlisted personnel alike qualify, whether your service was in the Active Component, the National Guard, or the Reserve. ROA has also recently expanded eligibility to include ancestors and lineal

descendants and spouses, widows, and widowers of past or present service members, so families can stand with those who serve. Join online at [Reserve Organization of America - ROA](#) or call 800-809-9448.

If you are not eligible for membership but believe in this mission, your financial contribution directly funds this resource and the advocacy work that protects those who serve. Donations may be mailed to:

Reserve Organization of America
1 Constitution Ave. NE
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