

PENSION LEGISLATION

"I have become convinced that the dollar-a-day bill now in committee can not be enacted into law at this session of Congress. I have determined, therefore, to support the pending measure as the best alternative that can be secured.

"This bill is a substantial improvement over existing law, and it will afford needed relief to thousands of worthy soldiers who are denied additional benefits under the present statute. 'Of all that is good, they are entitled to the best.'"

SPEECH

OF

HON. WILLIAM J. CARY

OF WISCONSIN

IN THE

HOUSE OF REPRESENTATIVES

JANUARY 10, 1911



WASHINGTON

1911

73931—9495

SPEECH
OF
HON. WILLIAM J. CARY.

GENERAL PENSION BILL.

Mr. FULLER. Mr. Speaker, by the direction of the Committee on Invalid Pensions, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 29346, and pass the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, \$15 per month; 65 years, \$20 per month; 70 years, \$25 per month; 75 years or over, \$35 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895,

and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

Mr. CARY. Mr. Speaker, this is the time for all of us who would give to the old soldier all that he needs when he is needy and deserving. We should give it to him. Therefore, I shall vote for this bill because I think it is in the right direction. I favor the dollar-a-day bill perhaps a little more than I do this one. And I believe we will have fewer special pension bills, and it will be cheaper to the Government in the end by the passage of this bill.

It appears to me that it is now high time that we do something for the old soldier. Very few of us can really appreciate what he has done for the Nation—when the crisis of antagonism for many years came to a climax in the great Civil War—how he, pervaded with the American spirit of freedom, volunteered to go forth on the battle field to offer his life to the country; not alone his life, but the happiness of his dearest ones and his friends, should his life be sacrificed. If we could but take ourselves back into the days of 1861 to 1865 and picture the scenes of hardship, the horrors of bloody conflict, and the terrible sacrifices of his wife and family at home when he was on the field of battle fighting to preserve the Nation! Think of the number who never returned to their respective domiciles; think of those who for months lingered between life and death in the hundreds of hospitals throughout the land; think of the many who were brought back maimed and crippled for life through the loss of a leg or an arm; think of those whose physique could not withstand the trials of the war and who returned unfit for any occupation, due to the ravages of disease; think of those who suffered the torture of imprisonment in Libby and other prisons. We, who were not present to know of the conditions, can not comprehend them. Thousands of accounts have been written which interest us, describing the incidents of the war, but even

these vivid descriptions can not make an impression on us such as would actual participation in the conflict. So, I say, let us give the old boys their just dues for their services.

Let us see what Congress has done for the old soldier. First we had what is known as the "general law." This provided for the payment of a pension to an enlisted soldier, regardless of the length of his service, but only for wounds, disabilities, or diseases incurred in the line of duty.

The Pension Bureau has adopted certain rules by which it is guided in weighing the evidence and determining the merits of these claims. This law was undoubtedly adequate for a while. But in construing the section that the alleged wounds, disabilities, or diseases were incurred in the line of duty, the Pension Bureau is very strict, and conclusive evidence is required. The decisions are based largely on the medical records of the War Department. So if a claimant did not have a medical record, he was obliged to go to a great deal of trouble and expense in securing evidence from his comrades as to the incurrence of his alleged injury or disease. Often his comrades, with whom he associated intimately, were killed, had died, or removed to another locality. In many such cases he was denied relief, because he could not get the required proof. It is conceded that the Army medical records of the Civil War were not complete. Many were destroyed in battle, lost, or stolen. So an enlisted man was often denied his just dues. Similarly, many of the soldiers upon returning home associated again with their families, who were of the middle or better class, and they did not then need a pension, although they were entitled to it under the law. So they did not prosecute their claim at once, and in the course of years, when their financial condition possibly may have grown worse or their physical condition was impaired from the service in the Army to such an extent as to render them unfit for manual labor, then when they did attempt to get a pension under the general law they could not prove their claim at such a late date, and their claims were consequently rejected. While this general law was very liberal in one sense—that seriously injured or disabled men received liberal amounts and was granted pension according to the degree of their disa-

bilities—yet in another sense, before many years, it was seen that it was not adequate to meet the demands, because so many who were entitled to a pension had been deprived of it either by misfortune of not knowing the law, or neglecting to enter their claim immediately, or being unable to prove it sufficiently.

The act of June 27, 1890, was the next act of primary importance passed by Congress, which was done to meet some of these conditions which I have just stated. It provided that a soldier who has served at least 90 days, and who shall have any disabilities, diseases, or wounds of a ratable degree, shall be pensioned according to the degree of his disabilities, diseases, or wounds, the maximum rate being \$12 per month. This immediately was a great relief to thousands and thousands of soldiers who sought its benefits. Many are to-day pensioners under it, because it eliminated the necessity of proving that the disabilities were of service origin—that almost insurmountable difficulty under the general law where a claim had been neglected.

This act sufficed for some time, but now it became apparent that death was thinning the ranks of the old boys. Many of them were growing feeble, and on account of their age ought to have received more than \$12, to which they were entitled under the act of June 27, 1890.

So Congress passed the act of February 6, 1907, which was met with great favor. It granted \$12 per month at the age of 62 years, \$15 per month at 70 years, and \$20 per month when the age of 75 had been attained.

Other bills were passed besides the ones mentioned already, granting relief to widows and orphans.

Now, after a lapse of almost four years, during which a marked decrease in the number of old soldiers has been more apparent than ever, it behooves us that we consider this matter, which is not one so much of dollars and cents as it is of justice to those who made it possible to have the great country we have to-day. Let us look at the bill we have before us. It provides that any soldier of the Mexican or Civil War who has served 90 days or more, who shall have reached the age of 62 years, shall

receive \$15 per month; 65 years, \$20 per month; 70 years, \$25 per month; 75 years and over, \$36 per month.

The old soldiers are crying for additional relief. While I think that probably the dollar-a-day bill would meet with more favor among them, yet I believe that this is a stride toward further relief for the old boys, and should be passed at this time. The Northwestern Branch of the National Home for Disabled Volunteer Soldiers is located in my district, and has 2,200 members. I can safely say that I have 3,500 old soldiers in my constituency. I have handled many of their claims before the Pension Bureau, and receive on the average no less than 10 cases every day for attention. Not that I feel in the least that I do not wish to be burdened with these matters, but with the feeling that additional relief is necessary, am I giving this measure my support. I have spent many hours in the soldiers' homes talking to the old boys, and helping them in their claims, because many being hopelessly disabled, are not able to provide for themselves sufficiently out of their meager pension for "extras" they need, and out of the balance, for there usually is none, to provide for getting the proper evidence necessary. In some exceptionally worthy cases I have succeeded in having Congress pass a special act, and I have always assured the old boys that I, as an American citizen, would be loyal to them when they needed a friend in Washington, and I believe that the people of my district are unanimously in accord with these sentiments, that we should pay these soldiers a slight remuneration now when they are old and needy, for the great service and the brave work they rendered for our country's sake.