

AUTHORIZING THE PRESIDENT TO APPOINT AND RETIRE CERTAIN PERSONS FIRST LIEUTENANTS IN THE MEDICAL CORPS

FEBRUARY 21, 1927.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. WAINWRIGHT, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany S. 2597]

The Committee on Military Affairs, to which was referred the bill (S. 2597) authorizing the President to appoint and retire certain persons first lieutenants in the Medical Corps, United States Army, having considered the same, report thereon with the recommendation that it do pass.

Reports received from the War Department on bills introduced of a similar nature explain the purposes of this proposed legislation and are accordingly made a part of this report, as follows:

JANUARY 27, 1926.

Hon. JOHN M. MORIN,
*Chairman Committee on Military Affairs,
House of Representatives.*

MY DEAR MR. MORIN: Pursuant to your request of the 18th instant for a report by the War Department on H. R. 194, a bill amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps or contract surgeons, I am pleased to submit the following:

H. R. 194 is identical with H. R. 3917 introduced in the first session of the Sixty-eighth Congress.

My predecessor, the Hon. John W. Weeks, submitted a report on that bill to the chairman of your committee under date of February 8, 1924, a copy of which is inclosed. He stated that the War Department offered no objection to the enactment of that bill, pointing out, however, that in taking this stand, the War Department must not be understood to surrender, in any wise, its positive conviction, many times expressed to committees of Congress, reference the purpose and use of the retirement system for the Regular Army.

I find myself in full accord with the views of my predecessor reference the proposed legislation carried by H. R. 3917, and since, as stated, H. R. 194 is identical with H. R. 3917, I recommend that H. R. 194 be favorably considered by your committee and be enacted into law.

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The War Department will be glad to furnish any further information relative to the measure which your committee may desire.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

FEBRUARY 8, 1924.

HON. JULIUS KAHN,
*Chairman Committee on Military Affairs,
House of Representatives.*

MY DEAR MR. KAHN: In conformity with your request of January 26, 1924, report is made upon H. R. 3917, a bill to confer the rank and obligations of retired officers upon certain retired contract surgeons.

The act approved July 9, 1918, authorized contract surgeons and Medical Reserve officers of more than 12 years' service in the permanent Military Establishment to be appointed first lieutenants of the Medical Corps if found qualified. The act further provided that those who failed in the physical examination by reason of disability incurred in line of duty be retired with the pay and allowances of a first lieutenant.

There are now 17 persons who are in receipt of retired pay under the law referred to. It has been held that these persons are not officers and I understand it to be the purpose of H. R. 3917 to make them retired officers in fact; that is, to give them the same status as officers of the Regular Army retired for disability incident to service.

Were I being consulted concerning the basic proposal to extend the privilege of retirement to these individuals I would not favor such proposal. The retirement system is operated for the two-fold purpose of attracting competent personnel to the military service of the Government and of vitalizing the active list of the Army. Its benefits should not be conferred upon any individuals except such as have adopted the military profession as a life career. Though the beneficiaries of H. R. 3917 gave many years of service to the country as a part of the permanent Military Establishment, they did not have a status of being officers of the Army and there appears no sound reason for extending to them the benefits of retirement. However, the mistake, for such I conceive it to be, of extending the privilege of retirement to these individuals has been made and the question is now whether an omission in the law which retired them shall be remedied.

These individuals must necessarily be paid from funds appropriated for the pay of retired officers. They are now in receipt of retired pay and other privileges of retired officers but have not the obligations of retired officers. Conferring rank upon them will be without any expense to the Government and will subject them to the obligations that should accompany the privileges already extended.

Thus, while disagreeing as to the wisdom of the law which conferred the benefits of retirement upon these few individuals, I am of the opinion that, in the interests of all concerned, the deficiency of the law in not conferring retired rank and imposing the obligations of retired officers should be overcome. As such would be the effect of H. R. 3917, the War Department offers no objection to its enactment.

The War Department will gladly furnish any further information your committee may desire concerning this measure.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

MARCH 10, 1924.

HON. JAMES W. WADSWORTH, JR.,
*Chairman Committee on Military Affairs,
United States Senate.*

MY DEAR SENATOR WADSWORTH: In conformity with your request of February 29, 1924, report is made upon S. 1931, a bill to confer the rank and obligations of retired officers on certain retired contract surgeons.

The act approved July 9, 1918, authorized contract surgeons and Medical Reserve officers of more than 12 years' service in the permanent Military Establishment to be appointed first lieutenants of the Medical Corps if found qualified. The act further provided that those who failed in the physical examination by reason of disability incurred in line of duty be retired with the pay and allowances of a first lieutenant.

There are now 17 persons who are in receipt of retired pay under the law referred to. It has been held that these persons are not officers, and I understand it to be the purpose of S. 1931 to make them retired officers in fact; that is, to give them the same status as officers of the Regular Army retired for disability incident to service.

Were I being consulted concerning the basic proposal to extend the privilege of retirement to these individuals, I would not favor such proposal. The retirement system is operated for the twofold purpose of attracting competent personnel to the military service of the Government and of vitalizing the active list of the Army. Its benefits should not be conferred upon any individuals except such as have adopted the military profession as a life career. Though the beneficiaries of S. 1931 gave many years of service to the country as a part of the permanent Military Establishment, they did not have the status of being officers of the Army, and there appears to be no sound reason for extending to them the benefits of retirement. However, the mistake, for such I conceive it to be, of extending the privileges of retirement to these individuals has been made, and the question is now whether an omission in the law which retired them shall be remedied.

These individuals must necessarily be paid from funds appropriated for the pay of retired officers. They are now in receipt of retired pay and other privileges of retired officers, but have not the obligations of retired officers. Conferring rank upon them will be without any expense to the Government and will subject them to the obligations that should accompany the privileges already extended.

Thus, while disagreeing as to the wisdom of the law which conferred the benefits of retirement upon these few individuals, I am of the opinion that in the interests of all concerned the deficiency of the law in not conferring retired rank, and imposing the obligations of retired officers, should be overcome. As this is the evident intent of S. 1931, the War Department offers no objection to its enactment.

As S. 1931 does not provide for the exercise of the appointing power of the President, there is some doubt that as at present drawn it would accomplish the purpose intended. To remove such doubt, and to insure the complete accomplishment of the purpose in view, it is believed that the clause contained in lines 7 to 11, inclusive, of S. 1931, should be amended to read as follows:

"And provided further, That any person so eligible who fails to pass the physical examination by reason of disability incurred in line of duty may be appointed by the President alone as first lieutenant of the Medical Corps and immediately placed upon the unlimited retired list with the rank, pay and allowances of a retired first lieutenant of the Medical Corps."

If so amended the bill would be in agreement with H. R. 3917, upon which the War Department has rendered a report similar to that herein made.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*



