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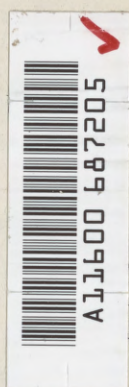
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MEDAL OF HONOR AWARDS—1863—1963

GOVERNMENT

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HEARING BEFORE THE COMMITTEE ON VETERANS' AFFAIRS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 1046

A BILL RELATING TO MEDAL OF HONOR RECIPIENTS

OCTOBER 9, 1963

Printed for the use of the Committee on Labor and Public Welfare



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1963-1963-1963 MEDAL OF HONOR AWARDS

HEARING
BEFORE THE
SUBCOMMITTEE ON VETERANS' AFFAIRS

COMMITTEE ON LABOR AND PUBLIC WELFARE

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PAT McNAMARA, Michigan

WAYNE MORSE, Oregon

RALPH YARBOROUGH, Texas

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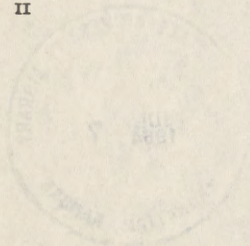
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BARRY GOLDWATER, Arizona

CHARLES M. JOHNSTON, *Counsel to the Subcommittee*

RAYMOND D. HURLEY, *Associate Minority Counsel*

*Senator Metcalf was assigned to the Subcommittee on Veterans' Affairs by Senator Hill, chairman, in a letter dated October 29, 1963.



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MEDAL OF HONOR AWARDS, 1863-1963

WEDNESDAY, OCTOBER 9, 1963

U.S. SENATE,
SUBCOMMITTEE ON VETERANS' AFFAIRS OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 4232, New Senate Office Building, Senator Ralph Yarborough (chairman of the subcommittee) presiding.

Present: Senator Yarborough (presiding).

Committee staff members present: Stewart E. McClure, chief clerk; Charles M. Johnston, counsel; and John Strasburger, associate counsel of the subcommittee; and John Stringer, associate counsel for minority.

Senator YARBOROUGH. The Senate Subcommittee on Veterans' Affairs will come to order. The first bill to be considered this morning is S. 1046, to provide hospital, domiciliary, and medical care for non-service-connected disabilities to certain recipients of the Medal of Honor.

This bill would give to veterans holding the Medal of Honor, whether awarded in time of war or not, all of the medical, hospital, and veterans' domiciliary benefits now enjoyed by veterans who served in time of war and who are eligible for benefits under the various veterans' programs.

Senator Morse is author of this bill and he will testify here this morning.

At this point in the record I order to be printed a copy of the bill, a brief explanation of the bill together with the reports of the governmental departments thereon.

(S. 1046, the explanation thereof, and Government department reports follow:)

88TH CONGRESS
1ST SESSION

S. 1046

IN THE SENATE OF THE UNITED STATES

MARCH 7, 1963

Mr. MORSE introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide hospital, domiciliary, and medical care for non-service-connected disabilities to certain recipients of the Medal of Honor.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That paragraph (2) of section 601 of title 38, United
4 States Code, is amended by inserting immediately after
5 "Indian Wars" the following: ", or any veteran awarded
6 the Medal of Honor",

I

EXPLANATION OF S. 1046

Chapter 17 of title 38, United States Code, deals with hospital, domiciliary, and medical care. S. 1046 would amend the definition of "veteran of any war" as contained in chapter 17 to include any veteran awarded the Medal of Honor.

The effect of this amendment would be to provide hospital, medical, and domiciliary care for non-service-connected disabilities to veterans awarded the Medal of Honor, regardless of whether the veteran served during peacetime or wartime, on the same basis as such care is now provided to veterans who served during a period of war.

■ Senator YARBOROUGH. We are indeed happy this morning to welcome as our first witness the senior Senator from Oregon, Senator Wayne Morse.

Senator, we who deal every day with veterans' matters, would like to express to you our appreciation for your services to the veterans of the Nation.

Your last appearance before the subcommittee, in April of this year, was in support of the cold war GI bill, S. 5.

So, we welcome you back today in support of your bill, S. 1046.

You have always been in the forefront of this fight for veterans' legislation.

You may proceed in your own way, Senator Morse.

STATEMENT OF HON. WAYNE MORSE, A U.S. SENATOR FROM THE STATE OF OREGON

Senator MORSE. Mr. Chairman, you are very kind.

At the outset, I should mention that as long as we have the Senate of the United States split up into a series of subcommittees on veterans' legislation, spread among several committees, I am pleased that the Subcommittee on Veterans' Affairs of our Labor and Public Welfare Committee is chaired by you, sir. The record that you have made in support of veterans' legislation and your longtime authorship of the GI bill in the field of education for veterans, is a monument to your service in the Senate.

I wish, with no reflection upon this subcommittee, that I were testifying this morning before a Senate Veterans' Committee, and not a subcommittee, because, as you know, I have been pressing for some time to obtain action on Senate Resolution 21, upon which you have always given me wonderful support.

Our hearing this morning at least shows once again the special problems of veterans facing the Senate, and I am going to continue to press, as I have been pressing, for the setting up of a separate Committee for Veterans' Affairs in the Senate.

Your work on this subcommittee, Senator Yarborough, is exceptionally fine, but the record is perfectly clear as to what happens to most veterans' legislation that comes before committees and subcommittees of the Senate. It is shunted off into the wings. We are not giving to the veterans, in my judgment, the attention that they should have.

In defense of the committee of which I am proud to be a member, and of which your subcommittee is a subcommittee, the Senate Committee on Labor and Public Welfare, I should point out that we have acted expeditiously on veterans' matters, but we only get a small number of these veterans' bills. I think that we ought to get these veterans' bills out of all of these committees and put into a single committee on veterans' affairs.

I would have to say that the legislation that gets through the Senate has been primarily, as the record will show, legislation coming out of our committee and out of your subcommittee, and not out of other committees.

But the problem in the House is not due to the fact that they have a separate committee on veterans' legislation.

The problem in the House is due to the archaic rules in the House that gives to the Rules Committee of the House what amounts, in fact, to dictatorial powers.

They refuse to give a rule on needed legislation, and then it cannot even get to the floor of the House.

And what the veterans' organizations have to do is to make it very clear to the House that they want the same kind of expeditious action on the bills that we get out of your subcommittee, but we do not get the action that we get out of your subcommittee in other committees here in the Senate.

Senator YARBOROUGH. I would like to point out, Senator Morse, that even if you get a good bill and a big staff, you still must have the will to push that legislation.

Senator MORSE. Absolutely, and without the same will you would not get it either, but we have a fine staff here and we have your leadership, and that is why your subcommittee makes the record it makes on veterans' affairs, but a lot of the legislation does not get to the subcommittee.

Senator YARBOROUGH. I want to say, Senator Morse, that your help on the main committee, once it comes out of the subcommittee, that your staunch advocacy before the full committee, is what gets this legislation on to the floor of the Senate.

Senator MORSE. You are very kind, but let me say that I could be absent from many of those meetings and it would still get through under your leadership out of the full committee.

I turn now to S. 1046.

At the outset I wish to thank the subcommittee for having scheduled this hearing on S. 1046 and for having extended to me the privilege of testifying in support of my bill. The subcommittee has a heavy heavy schedule of work before it; therefore, my comments will be brief.

S. 1046 is essentially humanitarian in nature; it constitutes an appeal to the sense of justice and good conscience of the Congress. It affords the Congress an opportunity to express in tangible fashion our gratitude to a small group of holders of the Medal of Honor—most of them of advanced years—who are now urgently in need of help from their Government.

The purpose of S. 1046 is expressed succinctly in the report supplied by Veterans' Administrator Gleason to the chairman of the Senate Labor Committee. The Administrator stated:

'Specifically the bill would amend paragraph 2 of section 601 of title 38, United States Code, so that the term 'veteran of any war' as used in chapter 17 dealing with hospital, domiciliary, and medical care would include any veteran awarded the Medal of Honor. This would have the effect of qualifying a very small number of living recipients of the Medal of Honor for hospital or domiciliary care within the limits of Veterans' Administration facilities if they meet the requirements of inability to defray the cost of such care.

'Most of the entire group of some 290 holders of this award already qualify for these benefits because they had service during a period of war as precisely defined in title 38 or because they sustained service-connected disabilities. However, some who were awarded the Medal of Honor for acts of herosim which took place in service did not serve within the specified war dates, and did not incur any disability in

their service which would otherwise qualify them to receive treatment or care from the Veterans' Administration."

The fact that an amendment of the type envisaged in S. 1046 is needed became evident to me more than a year ago when the difficult problem of Medal of Honor Winner Jacob Volz, of Portland, Oreg., was brought to my attention by a public-spirited resident of Portland, Gene Rossman, executive director of the Housing Authority of Portland.

Off the record for a moment, Mr. Chairman.

(Discussion off the record.)

Senator MORSE. Through Gene Rossman, I learned that Jacob Volz, a former employee of the housing authority, and a Navy veteran 73 years of age, is in dire need of hospitalization and treatment for serious physical ailments.

Due to the fact that he is unable to defray the cost of such hospitalization and treatment and because a technicality of the Veterans' Benefits Act prevents the supplying of assistance through the facilities of a veterans hospital, Jacob Volz continues to bear his ailment without medical or hospital assistance.

It was in 1911 that Jacob Volz performed an act of heroism that qualified him for the highest award conferred upon members of our military forces.

Here is a brief account of his courageous actions which, although written in the formal language of a Navy Department report, nevertheless gives us a stirring account of what he did for his country on September 24, 1911:

"While attached to the U.S.S. *Pampang*, Volz was one of a shore party moved in to capture Mundang, on the island of Basilan, Philippine Islands, on September 24, 1911. Investigating a group of Nipa huts close to the trail, the advance scout party was suddenly taken under pointblank fire and rushed by approximately 20 enemy Moros attacking from inside the huts and other concealed positions. Volz responded instantly to calls for help and finding all members of the scout party writhing on the ground but still firing, he blazed his rifle into the outlaws with telling effect, destroying several of the Moros and assisting in the rout of the remainder. By his aggressive charging of the enemy under heavy fire and in the face of great odds, Volz contributed materially to the success of the engagement."

It is Jacob Volz' misfortune that his marvelous display of courage took place in 1911 rather than several years later, or at some other time when the United States was officially at war. Had his valorous action occurred when the United States was technically at war, Jacob Volz would have received the hospitalization, domiciliary, and medical care to which veterans who qualify under the Veterans' Benefits Act are entitled.

The fact that the Veterans' Benefits Act is so written as to exclude Medal of Honor winners such as Jacob Volz from the coverage of the act constitutes, in my opinion, a serious deficiency in the law.

I am indeed pleased that the experts in this field—the top officials at the Veterans' Administration—share this view on this aspect of the case. Administrator Gleason's report to the chairman of the Senate Labor Committee on S. 1046 states:

"As a general proposition, we feel that the distinction between veterans who served within the designated war periods and those

who served at other times is a sound one in relation to hospital or domiciliary care on account of disabilities which are not of service origin. This bill presents a strong case for an exception to this policy. Here we are concerned with a very few veterans who distinguished themselves 'conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty.'"

"The award by the President, in the name of Congress, of the Medal of Honor is recognition of heroic action of the highest character is enough, we believe, to justify this slight departure from the usual policy. This bill will simply assure that needed hospital or domiciliary services will not be denied to any of those who have received the highest military honor of a grateful nation if they are financially unable to provide these services themselves, and if Government facilities are available."

A point that I cannot overemphasize is that acts of bravery which qualify one for the Medal of Honor do not vary between official "war" and official "peace." Jacob Volz and others like him demonstrated their heroism and patriotism without concern for the fact that the United States was not de jure at war. Their brave actions serve as a model for all Americans.

The Nation that has been so courageously served by the holders of the Medal of Honor should give all holders of this honor—whether the awards were made for peacetime or wartime gallantry—the same benefits that are enjoyed by all of our veterans who otherwise qualify for benefits under the Veterans' Benefits Act. To fulfill this debt of gratitude I introduced S. 1046.

It is a technical matter that I do not propose to argue, because I am not qualified to argue it in one sense, but commonsense tells me that when a man is sent into action, under command of his superiors, as Volz was, he was sent in, in fact, in defense of his country because it was in the interest of our country that these Moros be captured.

He went in under command. It was not a declared war, but if that was not "war action" then I cannot imagine what war action would be.

It is the same kind of war action as one assaulting trenches in time of war, and I think we have got to shun technicalities and put them aside in matters such as this and look at the real facts, underlining the word "real."

This was a real assault. This was an assault under fire.

This was gallantry under fire in defense of his country, carrying out the commands of the military officials of his country.

And I do not think that, under such circumstances as that, we ought to stand on the technicality that now prevents doing what I consider to be obvious justice to this gallant veteran.

For those who might be concerned about the financial aspects of my bill, I offer these reassuring comments: The enactment of S. 1046 would probably cost the Treasury of the United States little, if anything. This is made clear by the favorable report of the Veterans' Administration on S. 1046 wherein it is said:

"We are unable to determine precisely how many might benefit from this legislation. Such information as we have indicates that there are probably not more than a dozen living holders of the Medal of Honor who would be affected, since most others served during a specified war period and some sustained disabilities as a result of

service. In any event, there will be no additional cost as a result of the legislation since the benefits would be conditioned on the availability of Veterans' Administration beds and the care provided would not be furnished on a contract basis.

"In view of the special considerations involved, I recommend favorable action by your committee on this bill."

By enacting this bill, Congress would make it possible for Medal of Honor winners to spend their last years in dignity and honor without neglecting the care of physical ailments they are unable to remedy due to insufficient financial resources.

Of course, I would be the first to admit that many of these cases become a burden on the community in which they live.

The so-called social welfare agencies of the community would have to come to their assistance as a matter of charity, but is that not a fine recognition for a Medal of Honor winner?

Does not that bespeak well of us as a Federal Government, that we would let one of these valorous veterans, in the declining years of his life, incapacitated due to sickness, become an object of charity?

Shame on us, if we do that. We ought to correct this because, as you have heard me say so many times, Mr. Chairman, whenever this Government overlooks carrying out what you and I recognize as clear moral obligations then this Government is in bad shape, and we think we have a clear moral obligation here.

I urge the subcommittee to act as speedily as possible in its consideration of this bill. Jacob Volz acted swiftly in defense of his country in 1911. I hope that in the year 1963 the Congress will take expeditious action on my bill, thereby expressing in some small measure our gratitude for the zeal of Jacob Volz and others holding the Medal of Honor, in defending our Nation "above and beyond the call of duty."

To all members of the subcommittee I express my deep appreciation for your consideration of what I believe to be a highly meritorious bill.

Senator YARBOROUGH. And I could not agree more with you, Senator Morse.

May I ask a question?

What payment per year does a Congressional Medal of Honor holder receive from the United States?

Senator MORSE. I just do not know. Maybe Mr. Johnston on your staff can find it out and put it in the record for me.

Senator YARBOROUGH. Each Congressional Medal of Honor holder receives \$100, on his application at age 50 years.

Senator MORSE. My administrative assistant just confirmed that fact. He receives \$100 a month.

Senator YARBOROUGH. Does the staff know the number of living holders of the Medal of Honor?

Senator MORSE. About 290, I am told but, of course, most of those would be eligible under the Veterans' Benefits Act because they served during an actual declaration of war or incurred service-connected disabilities.

Senator YARBOROUGH. I instruct the staff to have prepared a list, and I order it printed in a separate committee print, of all of the living holders of the Congressional Medal of Honor, their residences, the date on which they won this honor, the date and place, and I will order

that the citation be printed in that print, also I will order citations and other information be printed on all recipients of the Medal of Honor during the Korean conflict.

Senator MORSE. I would appreciate that. That would be very helpful.

Senator YARBOROUGH. Senator Morse, thank you for calling this matter to the attention of the subcommittee.

Even though Mr. Volz be one of the very few, and even though he be the only one, it would not only justify, but demand this correction in the law; those who are the most valorous of all of our citizens should not be the ones most forgotten.

Senator MORSE. Thank you very much.

Senator YARBOROUGH. I thank you for calling this to the attention of this subcommittee.

Senator MORSE. Thank you. I appreciate it.

Senator YARBOROUGH. Now, the next witness is Robert C. Fable, Jr., General Counsel of the Veterans' Administration, and I believe you have some members of the Veterans' Administration with you.

**STATEMENT OF ROBERT C. FABLE, JR., GENERAL COUNSEL,
ACCOMPANIED BY DR. HERMAN C. KRETZSCHMAR, ASSISTANT
CHIEF MEDICAL DIRECTOR FOR EVALUATION, AND DR. LINUS
A. ZINK, ASSISTANT CHIEF MEDICAL DIRECTOR FOR PLANS
AND COORDINATION, VETERANS' ADMINISTRATION**

Senator YARBOROUGH. Do you want to bring them up with you?

Mr. FABLE. Yes, sir.

Senator YARBOROUGH. You may bring them up to the table, Mr. Fable.

Mr. FABLE. May I speak with you off the record for a moment?

Senator YARBOROUGH. Yes, sir.

(Discussion off the record.)

Senator YARBOROUGH. Counsel for the subcommittee, in printing the list of the Congressional Medal of Honor holders who are living, will also print this explanation with it.

We have just asked a question about the \$100-a-month payment.

Only those entitled to that payment are those who are past the age of 50 years and they receive it only on their application, and some Congressional Medal of Honor holders past the age of 50 have never applied and will not apply.

So, in printing the list, I do not want the implication to be in there that all receive it, because some do not, because it takes their application and many do not apply. I would like to have that in the record.

But I know that there are books printed of the Congressional Medal of Honor holders. Those books are not readily available to the general public. I want the names of those heroes printed in this so it will be available to the public if anyone wants a copy of it. I think it will stimulate the youth of the land, in the schools, to have available here this record of living American heroism.

I understand from you, Mr. Fable, that you have two witnesses here who have a special need for an appearance at some other place, and that they are here now. If you want to call them first, that is perfectly all right.

They are Dr. Herman C. Kretzschmar, Assistant Chief Medical Director for Evaluation, and Dr. Linus A. Zink, Assistant Chief Medical Director for Plans and Coordination.

Mr. FABLE. That is correct, sir.

Senator YARBOROUGH. Mr. Fable, you may proceed with your testimony.

I believe that your witnesses wanted to be heard on Senator Morse's bill. Is that correct?

Mr. FABLE. That is correct, sir.

Senator YARBOROUGH. That is S. 1046 and also on——

Mr. FABLE. H.R. 5691.

Senator YARBOROUGH. H.R. 5691, relating to administrative matters on the delegation of authority. Is that correct?

Mr. FABLE. Yes, sir.

Senator YARBOROUGH. All right; you may proceed, please.

Mr. FABLE. The purpose of S. 1046 is to provide hospital and domiciliary care for all holders of the Medal of Honor for non-service-connected disabilities.

The purpose of this bill is to assure that all veterans who are holders of the Medal of Honor shall be eligible for hospital and domiciliary care from the Veterans' Administration to the same extent as such care is available to veterans who have had service during a period of war as defined for purposes of these benefits.

The bill has the effect of qualifying a very small number of living recipients of the Medal of Honor for hospital or domiciliary care within the limits of Veterans' Administration facilities if they meet the requirements of inability to defray the cost of such care.

Most of the entire group of some 290 holders of this award already qualify for these benefits because they had service during a period of war as defined in title 38 or because they sustained service-connected disabilities. However, a small number who were awarded the Medal of Honor for acts of heroism which took place in service did not serve within the specified war dates, and did not incur any disability in service which would qualify them to receive treatment or care from the Veterans' Administration.

As a general policy, we feel that the distinction between veterans who served within the designated war periods and those who served during other times is a sound one in relation to hospital or domiciliary care on account of disabilities which are not of service origin.

This bill presents a strong case for an exception to this policy. The award by the President, in the name of Congress, of the Medal of Honor in recognition of heroic action of the highest character is enough, we believe, to justify this slight departure from the usual policy.

This bill will simply assure that needed hospital or domiciliary services will not be denied to any of those who have received the highest military honor of a grateful nation if they are financially unable to provide these services themselves, and if Government facilities are available.

We are unable to determine precisely how many might benefit from this legislation. Such information as we have indicates that there are probably not more than a dozen living holders of the Medal of Honor who would be affected, since most others served during a specified war period and some sustained disabilities as a result of service.

In any event, there will be no additional cost as a result of the legislation since the benefits would be conditioned on the availability of Veterans' Administration beds and the care provided would not be furnished on a contract basis.

It should be noted that since the Administrator's report was submitted new legislation has been enacted—Public Law 88-77—which expands the authority for the award of the Medal of Honor. This will include certain cases arising outside of a declared war period and may include acts of special valor occurring during military operations involving conflict with an opposing foreign force or while the serviceman was serving with friendly foreign forces engaged in armed conflict against an opposing armed force where the United States is not a belligerent party.

This will somewhat increase the potential future number who might become eligible for hospital or domiciliary care under S. 1046.

The Veterans' Administration recommends the enactment of S. 1046 and the Bureau of the Budget advised that there was no objection to the presentation of the Administrator's favorable report of April 25, 1963, on S. 1046 from the standpoint of the administration's program.

Senator YARBOROUGH. Mr. Stover of the Veterans of Foreign Wars, points out that his organization has a resolution on this subject matter, and I order that resolution to be printed at this point in the record. (The resolution referred to follows:)

Resolution No. 103

ALL HOLDERS OF THE CONGRESSIONAL MEDAL OF HONOR TO BE AWARDED \$100 PER MONTH

Whereas Public Law 87-138, approved by the 87th Congress, August 14, 1961, provided for increasing the special pension granted to certain holders of the Congressional Medal of Honor from \$10 per month to \$100 per month, the effect of the said law being to amend section 562 of title 38, United States Code; and

Whereas earlier qualifications of a member of the naval service to whom the Medal of Honor might be awarded were contained in Pensions, Bonuses, and Veterans Relief Act of April 27, 1916, and read somewhat as follows: "Who has distinguished conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, etc."; and

Whereas between 1916 and 1952 this provision was incorporated into the United States Code as section 391, title 38, and later as section 560, title 38, but amended to read as follows: "For having in action involving actual Conflict with an enemy, distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, etc."; and

Whereas certain members of the naval service were, under the original qualifications, prior to the said amendment, awarded the Medal of Honor and the special pension of \$10 per month; and

Whereas it is the belief that many Members of Congress voted for this amendment contained in Public Law 138, 87th Congress, in the belief they were voting for a well deserved and overdue benefit for all living holders of the Medal of Honor, not realizing that the amendment actually included a cruel and unjust discrimination against some holders of the Medal of Honor: Now, therefore, be it

Resolved by the 83d National Convention of the Veterans of Foreign Wars of the United States, That we declare that Public Law 87-138, approved August 14, 1961, unjustly, cruelly, and unfairly discriminates between individual holders of the Medal of Honor for the first time in the history of the Medal of Honor; that this discrimination should be corrected; that, in particular, all holders of the Medal of Honor should receive the full special pension of \$100 per month; and be it further

Resolved, That United States Code, title 38, section 562, be amended to the end that all holders of the Medal of Honor shall be treated equally in all matters, including the right to increase in special pensions to \$100 per month.

Adopted at the 63d National Convention of the Veterans of Foreign Wars of the United States held at Minneapolis, Minn., August 12 through 17, 1962.

(Whereupon, at 11:45 o'clock a.m., the subcommittee was adjourned, subject to the call of the Chair.)



ALBERT EINSTEIN PAPERS, 1895-1955
The Albert Einstein Papers (the collection) is a unique and
valuable source of information on the life and work of
Albert Einstein. The collection is housed at the
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