

Calendar No. 783

69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 788

SOLDIERS DISCHARGED DURING SPANISH-AMERICAN WAR FOR MISREPRESENTATION OF AGE

MAY 6 (calendar day, MAY 8), 1926.—Ordered to be printed

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

REPORT

[To accompany S. 3615]

The Committee on Military Affairs, to which was referred the bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age, having considered the same, reports thereon favorably with the recommendation that it pass with the following amendments:

On page 1, line 6, after the word "April," strike out the number "11" and insert "21."

On page 1, line 7, strike out "July 4, 1902," and insert "August 12, 1898."

The Congress has recently passed legislation giving the veterans of the World War who misrepresented their age on enlistment the benefits of laws accruing to honorably discharged men, and it is believed that similar benefits should be granted those who enlisted during the Spanish-American War under like conditions. The War Department has been consulted and offers no objection to the bill as amended. The report of the Secretary of War is made a part of this report as follows:

WAR DEPARTMENT,
Washington, April 15, 1926.

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

SIR: I have your request of March 23, 1926, to be furnished with the views of the War Department on Senate bill 3615, Sixty-ninth Congress, first session, for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age, and I am pleased to state that this department would interpose no objection to the enactment into law of the proposed measure.

However, your attention is invited to the fact that the bill is defective, first, in that the title of the bill is not in consonance with the provisions of the proposed

measure, inasmuch as soldiers of the Spanish-American War only are referred to in the title, while it is proposed in the body of the bill to grant relief to soldiers who enlisted between April 11, 1898, and July 4, 1902, both dates inclusive, and who were discharged for fraudulent enlistment on account of misrepresentation of age. Second, in that the date April 11, 1898, is not the date upon which the War with Spain is regarded officially as having commenced.

The War with Spain is held by the War Department to have commenced April 21, 1898, and while it did not end officially until April 11, 1899, it was directed by the President on August 12, 1898, that all military operations against the enemy be suspended and a protocol was on that date signed by the representatives of the two countries, and, as in a bill of similar import (Public Act, No. 46, 69th Cong., S. 1343) relating to soldiers of the World War, November 11, 1918, the date of the signing of the armistice, was named as the latest date upon which a soldier could have enlisted and receive benefits under that bill, it is suggested that the present bill be amended by substituting for the date "April 11, 1898," appearing in the sixth line, the date "April 21, 1898," and for the date "July 4, 1902," appearing in the seventh line, the date "August 12, 1898," the date of the signing of the protocol.

Respectfully,

DWIGHT F. DAVIS, *Secretary of War.*



REPORT

The Committee on Military Affairs, to which was referred the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the Spanish-American War on account of misrepresentation of age, having considered the same, reports the following conclusions: That the bill is in all respects in accordance with the provisions of the act of July 1, 1892, and inasmuch as the date of the signing of the armistice, November 11, 1918, is the latest date upon which a soldier could have enlisted and receive benefits under that bill, it is suggested that the present bill be amended by substituting for the date "April 11, 1898," appearing in the sixth line, the date "April 21, 1898," and for the date "July 4, 1902," appearing in the seventh line, the date "August 12, 1898," the date of the signing of the protocol.