

## Calendar No. 493

69TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ No. 487

## JOSEPH B. MACCABE

MARCH 27, 1926.—Ordered to be printed

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

## REPORT

[To accompany S. 43]

The Committee on Military Affairs, to which was referred the bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, having considered the same, report thereon favorably with the recommendation that it do pass.

Letters from the Secretary of War, approving this bill and explaining the kind of commission which may be given to Mr. Maccabe, under this act, are appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,  
Washington, June 5, 1924.

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

SIR: Permit me to call your attention again to the bill (S. 2784), which proposes to authorize the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, who served as an athletic director connected with the Military Establishment during the World War, but who failed to receive a commission for which he was recommended.

In accordance with a request from your committee, the War Department made an unfavorable report on this bill under date of April 11, 1924, holding that the issue of a commission in an individual case, ignoring the cases of others who rendered similar services, would not be justifiable.

An examination of the records reveals the fact that during the World War a considerable number of athletic directors, whose services were similar to those rendered by the beneficiary of this bill, received commissions as captains in the National Army and stand on the records among the commissioned personnel of the emergency forces.

It appears, therefore, that the purpose of the bill is not to single out and commission an individual from a class of persons who failed to receive commissions, but to authorize his inclusion in the number of those who received

commissions; and this removes the objection heretofore made to the passage of a bill for the individual benefit of Joseph B. Maccabe.

Respectfully,

JOHN W. WEEKS,  
*Secretary of War.*

WAR DEPARTMENT,  
*Washington, March 25, 1926.*

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

DEAR SENATOR WADSWORTH: I am in receipt of your request of March 18, 1926, for information as to "just what kind of commission the department might issue to Mr. Maccabe" in event of enactment into law of the special legislation carried by S. 43, a bill authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe.

I am pleased to advise you that, in my opinion, the President could, under the provisions of S. 43, issue the beneficiary thereof (the said Joseph B. Maccabe) a commission in the National Army as of May 1, 1918, in whatever grade he deemed appropriate, and at the same time issue him a discharge from this commission as of October 31, 1920. In this connection, it is noted that S. 43 (line 7) is in error as to the date November 1, 1921. This date should be November 1, 1920.

The corresponding House bill (H. R. 7010) was reported on favorably by me under date of February 27, 1926.

Sincerely yours,

HANFORD MACNIDER,  
*Acting Secretary of War.*