Calendar No. 1309

77TH CONGRESS, 2d Session | SENATE | REPORT No. 1268

AUTHORIZING OFFICERS AND ENLISTED MEN OF THE ARMED FORCES OF THE UNITED STATES TO ACCEPT DECORATIONS, ORDERS, MEDALS, AND EMBLEMS TENDERED THEM BY GOVERNMENTS OF COBELLIGERENT NATIONS OR THE OTHER AMERICAN REPUBLICS AND TO CREATE THE DECORATIONS TO BE KNOWN AS LEGION OF MERIT AND THE MEDAL FOR MERIT

APRIL 23 (legislative day, MARCH 30), 1942.—Ordered to be printed

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

REPORT

[To accompany S. 2404]

The Committee on Military Affairs, to whom was referred the bill (S. 2404) to authorize officers and enlisted men of the armed forces of the United States to accept decorations, orders, medals, and emblems tendered them by governments of cobelligerent nations or the other American republics, having considered the same, report favorably thereon, with amendments, with a recommendation that it do pass.

The amendments proposed by your committee add sections 2 and 3 to the bill and change the title as follows:

SEC. 2. (1) That there is hereby created a decoration to be known as the Legion of Merit, which shall have suitable appurtenances and devices and not more than four degrees, and which the President, under such rules and regulations as he shall prescribe, may award to (a) personnel of the armed forces of the United States and of the government of the Philippines, and (b) personnel of the armed forces of friendly foreign nations who, since the proclamation of an emergency by the President on September 8, 1939, shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(2) That there is hereby created a decoration to be known as the Medal for Merit, which shall have distinctive appurtenances and devices and only one degree, and which the President, under such rules and regulations as he shall prescribe, may award to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the purpose of carrying out the provisions of this Act.

Change the title to read:

A bill to authorize officers and enlisted men of the armed forces of the United States to accept decorations, orders, medals, and emblems tendered them by the governments of cobelligerent nations or other American republics and to create the decorations to be known as Legion of Merit and the Medal for Merit.

The amendments incorporate the substance of a separate item of legislation advocated by the War Department in a letter to the chairman of the committee, which letter is printed below.

Section 1 of the bill grants the consent of Congress to the acceptance by personnel of our armed forces of decorations, orders, medals, and emblems tendered them by certain foreign governments. It is substantially the same as the act of July 9, 1919 (40 Stat. 872). The only material difference is the provision that decorations may be received from other American republics even if they are not engaged in the present war. Enactment of section 1 will relieve the Congress, as well as several executive departments, of a large amount of legislative and administrative procedure. The provisions are only effective during the present war and for a year thereafter, and your committee believes that the merits of the section are so evident that extended discussion is unnecessary.

Section 2 (1) establishes a new decoration which may be awarded by the President to the personnel of our armed forces, to the personnel of the armed forces of the Philippine government, and to the personnel of the armed forces of friendly foreign nations who shall have distinguished themselves, since September 8, 1939, by exceptionally meritorious conduct in the performance of outstanding services.

Insofar as the decoration relates to personnel of our armed forces your committee feels that the decoration fills a long-felt want. There are and have been officers and enlisted men of all grades whose service over a period of years has been outstanding and of great value to the Government. There is no way at the present time to recognize those services, yet they merit official, public recognition. Present law limits the award of the only appropriate existing medal (the Army Distinguished Service Medal) to those who render exceptionally meritorious service "in a duty of great responsibility." It is obvious that few officers or enlisted men can qualify for that medal because only a few can occupy such positions. Yet if their service has been exceptional it should have special recognition as a reward to those performing it and as an incentive to others. The intrinsic value of a reward in the form of a medal is little, the moral value great.

Personnel of the armed forces of the Philippine government and of friendly foreign nations is made eligible for the decoration in the same manner as the personnel of our own forces. Your committee has become increasingly impressed during the past year or more with the necessity for a decoration which could be awarded to such personnel.

For centuries it has been an international custom to recognize outstanding conduct on the part of military personnel of other nations by the award of a suitable decoration, and personnel of our forces have been permitted to accept medals and other decorations conferred by foreign nations. There has been up to now no way by the United States to reciprocate. Our inability to make this friendly gesture is not understood by other nations and it has caused our country to be often embarrassed to our disadvantage.

Section 2 (2) establishes a decoration for civilians which differs in name and will differ in appearance from the decoration for military personnel. Your committee firmly believes that a decoration for civilians should also be established and that it should be awarded as a public recognition for outstanding service and conduct. Civilians of the nations prosecuting the war under the joint declaration of the United Nations and civilians of other friendly foreign nations are made eligible to receive the decoration. Your committee, after careful consideration, has excluded civilians from the Legion of Merit recommended by the Secretary of War because it feels that military service should be distinguished from all other service no matter how distinguished and vital it may be. However, in these times of total war there are often cases of most meritorious service and heroic acts and sacrifice performed by civilians. Even though these individuals are not actual members of the uniformed forces, their outstanding services to the Nation should be signaled out for recognition by means of an appropriate award. This legislation expressly provides for these awards to civilians by a separate but appropriate decoration. In the past such recognition has been provided only by private organizations like the Carnegie Foundation. It is obvious that the Government, itself, should confer the award.

The two decorations provided for in this act will be different, so that no confusion will result in recognizing the military and civilian medals, but they will permit the recognition of meritorious public individual services to the country in a suitable manner never before adequately provided for.

The War Department letters follow:

WAR DEPARTMENT,
Washington, March 23, 1942.

Hon. ROBERT R. REYNOLDS,
Chairman, Committee on Military Affairs,
United States Senate.

Dear SENATOR REYNOLDS: There is enclosed a draft of a bill to authorize officers and enlisted men of the armed forces of the United States to accept decorations, orders, medals, and emblems tendered by governments of cobelligerent nations or the other American republics, which the War Department recommends be enacted into law.

In the past, during peacetime, it has been necessary at intervals to submit to Congress legislation authorizing the acceptance by officers and enlisted men in the United States Army of decorations which were tendered to them by foreign governments. Only recently such a bill was introduced in the Senate and House and named the individuals who had been tendered such decorations or awards. The procedure, by which such decorations are awarded, usually takes at least a year, because the individual must advise the prospective donor that such decorations must be tendered to the State Department. The State Department, in turn, cannot accept them for the individual concerned, unless and until an act of Congress authorizes the acceptance.

This delay is due to the prohibition contained in clause 8 of section 9, article I of the Constitution, which reads as follows:

"No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

Obviously, the historical background of this provision was the fear in the early days of the Republic that the sympathy of individuals might be swayed, in favor of some foreign power, when that was a current political question. Today the foreign powers who might desire to subvert members of our armed forces, would not dare to tender them a decoration at this time.

Now we are trying to knit the countries of the Western Hemisphere into a united front against the dictator nations. Decorations have been, and will be,

tendered by cobelligerent nations or the other American republics for presentation to personnel in our armed forces, and delay in the acceptance of them will not contribute to the good feeling we are trying to generate.

Foreigners generally do not understand the present prohibition against the acceptance of such decorations and feel resentment when they see Americans in uniform without the decoration (or corresponding ribbon) which has been awarded by their governments. They are apt to interpret it as disdain by the American officer or enlisted man, for the honor conferred upon him by their country.

The proposed legislation is not an innovation. Similar legislation was enacted during World War I (act of July 9, 1918, ch. 143, 40 Stat. 872), for the same reasons it is now sought.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

WAR DEPARTMENT,
Washington, April 3, 1942.

Hon. ROBERT R. REYNOLDS,
Chairman, Committee on Military Affairs,
United States Senate.

DEAR SENATOR REYNOLDS: There is enclosed herewith a draft of a bill to provide for the creation and award of a new decoration known as the Legion of Merit, which the War Department recommends be enacted into law.

The purpose of this legislation is to create a decoration to be awarded to personnel in our armed forces and personnel in the armed forces of friendly foreign nations and to civilians directly connected with national defense who have distinghished themselves by exceptionally outstanding conduct in the performance of essential service since the declaration of the emergency on September 8, 1939, by the President.

There does not now exist any decoration, which we can award for a course of conduct by an individual, which is characterized by being outstanding and essential to our national defense, as distinguished from a specific act or service. Yet, at this time, there is a definite need for some appropriate means of recognition of the services of both military and civilian personnel, of this and friendly foreign nations, who by a course of meritorious conduct have materially and directly contributed to the advancement of our national defense program, since the declaration of the emergency by the President.

Great emphasis is being placed by Congress upon the creation of friendly relations with our Allies in the war and our South American neighbors. In the case of the latter, during the visits of officers from these countries during the last year, there were tendered to our Chief of Staff and other officers of the armed forces decorations which evidenced the esteem in which they held the United States. These were not so much individual decorations as they were a gesture of warm friendship for the United States as a whole, tendered, of course, to the official representatives of our Nation, whose guests they were.

It has proved to be most unfortunate that no reciprocation could be made. We were compelled to stand mute as a nation because we had nothing to give in return. The lack of such decorations has continually embarrassed us for years and had one been provided, its value would have been tremendous. The establishment of this decoration would fill a long-felt need.

Soldiers and sailors are public servants. They perform their tasks without hope of personal gain. Because of this, there has grown up the custom of recognizing the peculiar place they hold in society by means of decorations, the intrinsic cost of which is small but the value to the individual great.

The distinguished members of the Latin-American armed forces who have been the guests of our Army and Navy, even more than we, treasure the implied approbation of their efforts by way of some recognition such as the proposed Legion of Merit.

Now, as never before, we need the confidence and helpful understanding of our South American neighbors and of our Allies. Tangible recognition of the efforts of their representatives both civil and military to cooperate and assist us can be properly and adequately recognized by means of an appropriate decoration.

This small gesture on our part, in the opinion of those who have to deal with the military representatives of these nations, will pay big dividends in helpful assistance that we urgently need now.

The importance of such a decoration to our own military, naval, and civilian personnel is equally important. Allegedly, by tradition we are reticent to award decorations, but it is submitted that public service of an outstanding nature cannot be adequately rewarded in any other way. American appreciation for outstanding service, when thus recognized, will be a great incentive for others in the trying times ahead, to make greater effort in national defense activities.

It is believed the average annual cost, after the dies are procured, will not exceed $8,000.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

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