

5
1
8
100
Henry R. Gibson 5000
U.B. 375
G. 45
W.F.R.

LIBERALITY, NOT PARSIMONY: THIS IS OUR
TRUE PENSION POLICY.

SPEECH

OF

HON. HENRY R. GIBSON,

OF TENNESSEE,

IN THE

HOUSE OF REPRESENTATIVES,

MONDAY, MAY 7, 1900.

WASHINGTON.
1900.
M. W. P.



UB373
.G45

SPEECH
OF
HON. HENRY R. GIBSON.

The House having under consideration the bill (S. 1477) amending sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—

Mr. GIBSON said:

Mr. SPEAKER: When the act of 1890 was passed its first great object was to grant pensions to those soldiers who, in consequence of their inability—

Mr. COX. Before my colleague proceeds further, will he give me this information—

Mr. GIBSON. I yield with pleasure.

Mr. COX. What committee does this bill come from?

Mr. GIBSON. The Committee on Invalid Pensions.

Mr. COX. And that committee has a day for the consideration of this bill?

Mr. GIBSON. No, sir; the days assigned by the rule are for private pension bills. This is a public or general bill.

The main object of the act of 1890, Mr. Speaker, was to pension those soldiers who were unable to connect their disability with Army service and to pension their widows if left poor. The men who passed the bill gave it that construction. The then Commissioner of Pensions, Green B. Raum, in an order which he made on the 15th of October, 1890, gave that construction to the statute; and that construction obtained in the Pension Bureau down to June 9, 1893, when William Lochren, Commissioner of Pensions under Mr. Cleveland's Administration, made a different order.

BASIS OF RATINGS—ORDERS 161 AND 225.

The fixing of ratings after the passage of the act of June 27, 1890, by Order 164, was as follows:

Order No. 164.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.

Washington, D. C., October 15, 1890.

In regard to fixing rates of pensions under the act of June 27, 1890:

That all claimants under the act of June 27, 1890, showing a mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, and which incapacitate them from the performance of manual labor, rendering them unable to earn a support in such a degree as would be rated under former laws at or above \$8 and less than \$12, shall be rated the same as like disabilities of service origin, and that all cases showing a pensionable disability which, if of service origin, would be rated at or above \$12 per month, shall be rated at \$12 per month.

GREEN B. RAUM, Commissioner.

Approved:

CYRUS BUSSEY, Assistant Secretary.

Under this beneficent order all disabilities were rated as though of service origin, up to and including \$12 a month; and, as a result,

no complaints of inequality or injustice came from the old soldiers during Harrison's Administration as to the construction of the act of 1890.

On June 9, 1893, after Mr. Cleveland became President, an order was issued which changed the Raum ratings of pensions under the act of June 27, 1890, and which order has been ever since, and is now, in force. This order is as follows:

Order No. 225.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 9, 1893.

As to adjudicating and fixing rates of pensions under the act of June 27, 1890:

1. A claim for pension under the second section of the act of June 27, 1890, can only be allowed upon proof of mental or physical disability of a permanent character, not the result of the claimant's own vicious habits, incapacitating him for the performance of manual labor in such a degree as to render him unable to earn a support.

2. No specific injury or disability can, as such, have a pensionable rating under that act, nor be considered otherwise than as it affects the capacity of the claimant to perform ordinary manual labor.

3. Proof that the disability is not the result of the claimant's own vicious habits is requisite; and therefore the causes and circumstances of the origin of the disability should be shown by the evidence furnished in support of the claim for pension, so far as can be done, and by persons other than the claimant.

4. To give the claimant a pensionable status under this act the disability must be such as to incapacitate him for the performance of manual labor in such a degree as to render him unable to earn a support; yet the act recognizes differences in the degree of such pensionable disability, giving \$12 per month in case of the greatest and \$6 per month in case of the lowest degree of such pensionable disability rendering the claimant unable to earn a support by manual labor. It also provides for intermediate ratings proportioned to the intermediate degrees of such pensionable disability. The proper ratings under this act will therefore be made in accordance with such rules for rating as the medical referee shall prescribe, subject to the approval of the Commissioner.

WM. LOCHREN, *Commissioner*.

Approved:

HOKE SMITH, *Secretary*.

The effect of this technical and illiberal order was that many deserving soldiers could get no pension at all under the act of 1890, and those who managed to squeeze through the "strait and narrow gate" got much less than they deserved.

The change in the construction of the act of 1890 made under Mr. Cleveland's Administration was the result of Democratic unfriendliness to pension legislation and a disposition to reduce the number of pensioners on the roll.

DEMOCRATIC ASSAULT ON THE PENSION ROLL.

In the Presidential campaign of 1892 every Democratic politician had much to say about "pension frauds" and the "legalized pilage of the Treasury by the pension sharks;" every Democratic newspaper had much to say about "the people being robbed" and the "Treasury being looted" by "bounty jumpers," "coffee coolers," "camp followers," "bummers," and "deserters," "licensed by law to rob the Government."

Mr. Cleveland came into power breathing threatenings and slaughter against the pensioners, and in his message of 1893 to Congress actually declared that "thousands of neighborhoods had their well-known fraudulent pensioners."

Mr. Speaker, I will undertake to say that never before nor since has so atrocious a calumny been hurled at the heads of a nation's soldiery. It is easy to circulate a general slander. Envy, hatred, and malice, all join to give it currency, add to its volume, and multiply its details.

And so a general and indiscriminate campaign was entered upon by Mr. Cleveland's Administration against the men and women on the pension rolls. An army of special pension examiners were put into the field; 60,000 Democratic postmasters were used as spies, scouts, and guides; all the multitudes of Democratic newspapers brought up their heavy artillery and joined in the bombardment, and at least \$1,000,000 were expended in the tremendous effort to brand almost every pensioner as, more or less, a fraud, and almost every person trying to get a pension as trying to perpetrate a fraud.

The land was raked from the lakes to the Gulf and from ocean to ocean as with fine-tooth combs; the sleuthhounds of the Pension Bureau scented every trail, snuffed at every rumor, and ran down every suspicion and every slander; the names of the pensioners were published in the newspapers, and the neighbors and comrades of the pensioners were, in effect, called on to scrutinize their right to a pension. Every device that partisan prejudice or personal malice could invent was resorted to; the records of 970,000 pensioners were searched as with X-rays.

THE CHARGES AGAINST THE PENSIONERS DISPROVED.

And what was the outcome of all this enormous expenditure of public money? What was the result of all this investigation and exploration? The mighty mountain was in all the pains of parturition. It heaved and roared and smoked. And what did it bring forth? A ridiculous mouse! Such is the ancient fable. And so what do you think, Mr. Speaker, was the outcome of all this thunderous assault on the records of 970,000 pensioners? One hundred thousand found guilty? Oh, no. Fifty thousand? Oh, no. Ten thousand? Oh, no. One thousand? Oh, no. What! not 1,000 out of 970,000? Not 1,000.

Did not Mr. Cleveland say in his 1893 message to Congress that "thousands of neighborhoods had their fraudulent pensioners?" He did; but his message was proved to have been false, slanderous, and scandalous. How many fraudulent pensioners were there found as the result of all this tremendous accusation and searching investigation? Thirty-nine! How many? Thirty-nine! Only 39 out of 970,000 pensioners! Only 39 out of 970,000 pensioners convicted for fraud. The mighty mountain of slander had indeed brought forth only a ridiculous result.

Mr. Speaker, never was so tremendous an accusation found to have so little foundation in fact; never was so stupendous a slander found to contain so few and small particles of truth. Nine hundred and seventy thousand men and women charged with fraud, and only 39 found guilty. Out of every 24,000 pensioners accused only 1 convicted.

Mr. Cleveland's Administration spread a long and wide net, expecting to catch thousands and tens of thousands of fraudulent pensioners, and lo, when the net was hauled in, instead of thousands and tens of thousands of big fish being caught, only a few minnows were found tangled in its meshes.

But the work of the last Democratic Administration did not end here. As I have already shown, Commissioner Lochren, in the shape of an order, modified the act of Congress approved June 27, 1890, and enacted a new law whereunder it was decreed that a soldier's different disabilities could not be added together to make a pensionable disability, and rating a pensioner under the act of 1890 by a less favorable rule than that applied under the general law.

ANOTHER ATTACK ON THE PENSION ROLL.

No; Commissioner Lochren did not stop here. He established in the Pension Bureau a board of revision to retry, cut down, and stop all pensions granted under the act of June 27, 1890. This board of revision was organized to find frauds, to detect errors, and to discover mistakes. Over 200,000 cases were investigated. Every pensioner was presumed to be guilty of some fraud, or, if not guilty, he was presumed to be drawing a larger pension than he was entitled to under the amendment to the law enacted by Commissioner Lochren.

With such a disposition animating this board, organized as it was to convict, there could not well be but one result. The slaughter of the old soldiers began. The massacre of the innocents by the bloody Herod was outdone. Thousands of honorable and valiant soldiers, rightfully entitled to pensions, were dropped from the rolls and branded as though they were guilty of some crime in applying for a pension and receiving what the examining surgeons of the Government declared was their just due. Tens of thousands of other brave and deserving soldiers had their pensions reduced; and scores of thousands of other soldiers only held on to their pensions by furnishing further proof as to their right to the rate allowed them.

Never since the Saviour of mankind was crucified on Calvary have the saviors of a great nation been so cruelly maltreated. Storms of slander, tornadoes of vituperation, and blizzards of billingsgate broke in awful fury upon the heads and hearts of our pensioners; but as the stars in heaven shine all the brighter after a storm, so the pension roll shone all the brighter after the fury of the pension haters had spent its force. To the gratification of the patriotic, to the satisfaction of the sympathetic, and to the mortification and shame of the slanderers and vituperators, it was found that the charges of fraud and perjury were wickedly false; that "coffee coolers," "bounty jumpers," "deserters," "camp followers," and "bummers" had not been pensioned, and that the pension roll of our day, as in the days of Washington and Jackson, was indeed a roll of honor on which any man or any woman, however high in "society" or great in fame, may well be proud to have his or her name inscribed.

And now, Mr. Speaker, this bill proposes, in effect, to repeal Commissioner Lochren's law and to reenact the law of 1890, as Congress intended it should be, and to restore Commissioner Raum's order No. 164, and thus to do a larger measure of justice to the old soldiers of our country who are unable to prove to the satisfaction of the Pension Bureau that their disabilities are of service origin.

This bill, prepared by the pension committee of the Grand Army of the Republic, is intended to give the soldier a higher rating up to \$12 a month than he can now get, and I support it for this reason.

OTHER DESERVING SOLDIERS YET TO BE PROVIDED FOR.

But, Mr. Speaker, I will never be entirely satisfied with the act of 1890 until its benefits are extended to these three classes, who can now get nothing:

First. The National Guards of East Tennessee, organized by Gen. A. O. Burnside by direction of President Lincoln.

Second. The Union men of the South who were forced to enter the Confederate army, but afterwards escaped and joined the Union Army and served faithfully and honorably until discharged.

Third. The men who served two, three, and four years, and were never in the hospital and never incurred any disability, and have no disability to day except that arising from old age.

I wish to say in behalf of the National Guards of East Tennessee that they not only rendered good service to the Union cause, but furnished their own horses, wore their own clothes, subsisted on their own provisions, and served without pay.

And as for those Union men who were forced to serve for a season in the Confederate army, and afterwards escaped and joined the Union Army and served faithfully, I want to say that they not only ran all the ordinary risks of the Union soldier, but ran the further risk of being shot as deserters if ever captured by the Confederates.

I wish it distinctly understood, Mr. Speaker, that this bill does not satisfy me; it is very far from being satisfactory. In addition to the pension laws already on the statute books I want to see a law there that will grant a pension to every honorably discharged Union soldier in proportion to the length of his service, without reference to the question whether he is now disabled, or ever was disabled. I want to see on the pension rolls every one of those magnificent fighting men who served two, three, and four years and were never in the hospital a day—the men whose splendid valor sustained our cause in those trying days, weeks, months, and years when it hung trembling in the balance, no one being able to tell whether the Union would survive or would perish.

I would have offered an amendment to this bill, Mr. Speaker, to cover these three classes of brave and deserving soldiers had not the Grand Army of the Republic pension committee expressed the wish that this bill be not burdened with any amendments covering other matters. I am happy, however, to have assurances from my committee and from many members on this floor that some, if not all, of these three classes of neglected soldiers will be made pensionable, if not at this session, at least before this Congress comes to an end.

THIS BILL CARES FOR THE WIDOW.

Another purpose of this bill, Mr. Speaker, is to declare in substance that \$96 a year is not enough for a widow to live on comfortably in her old age. I will enter into no disputation with the Pension Bureau as to whether the \$96 limit was right or wrong; that is neither here nor there so far as this bill is concerned. Every man who has had experience in housekeeping knows well enough that a poor woman in her old age is not able to support herself on \$96 a year. But under the ruling of the Pension Bureau, if a soldier's widow, under the act of 1890, has an income of as much as \$96 a year she is denied a pension, so that in substance this bill provides that all soldiers who served ninety or more days in the United States Army during the war of the rebellion and have an honorable discharge may draw a pension under this act, and have their disabilities aggregated and rated as aggregated, and that widows who receive an actual net income not exceeding \$250 a year shall be entitled to pension under the act.

If a widow of a private soldier can show that her husband died from disability contracted in the Army or Navy, she gets a pension of \$12 a month, regardless of her other means of support; but if she can not make this proof, she can get only \$8 a month, and can not get this if she has other means of support equal to \$8 a month. The effect of this ruling, whether right or wrong, is to

deny pensions under the act of 1890 to many widows who have a little home or a little income, not near enough to support them, but just enough to cut them out of a pension.

I have already stated that Mr. Cleveland's Administration was hostile to the soldier pensioners under the act of 1890, but it was also hostile to the soldiers' widows who claimed pensions under that act.

LIBERALITY, NOT PARSIMONY, OUR TRUE PENSION POLICY.

Commissioner Raum, however, favored a liberal construction of the law as to widows just as he favored a liberal construction as to soldiers. And why, Mr. Speaker, should not the pension laws be liberally construed? Were they not all passed as an evidence of the nation's gratitude and respect for the men who had saved its life? And when Congress, representing the nation, has passed a liberal pension law, what right, reason, or excuse has a Commissioner of Pensions to try, by illiberal constructions and stringent rules, to deprive the soldier or the soldier's widow of that full and running-over measure that Congress intended?

Congress never intended that the money it appropriated to pay pensioners should be doled out by the Commissioner of Pensions as though every dollar by him paid was a drop of blood from his own heart, and that heart feeble unto death. Congress recognizes the old soldiers as the saviors of the nation, and intends that their pensions shall be paid with a generous hand and a smiling face, and that the pensioner should feel that his country appreciated him for his sacrifices and honored him for his bravery and patriotism.

HARRISON'S ADMINISTRATION FRIENDLY TO THE WIDOW.

The act of 1890 was passed under Harrison's Administration, an Administration specially friendly to the Union soldier, and Green B. Raum, Harrison's Commissioner of Pensions, imbued with the spirit of the Administration and appreciating the object of Congress, gave a liberal interpretation to the act of 1890, in so far as it applied to widows as he had previously done in so far as it applied to the soldiers, and he issued the following order on May 13, 1891, known as order or ruling No. 241:

In considering the testimony alleging that the widow is without other means of support than her daily labor, it is proper to keep in view the fact that the support contemplated by this act includes both shelter and raiment for the widow and children of the deceased soldier who are dependent upon her. When it is shown that the income of the widow is inadequate for such support, and that she is dependent for the same upon her daily labor, the pension should be granted.

Under this ruling widows with incomes of \$300 or less were granted pensions, but when Mr. Cleveland came into the office of President his Commissioner of Pensions, William Lochren, changed this ruling as to widows, as he also changed the ruling as to soldiers, and denied a pension to widows, under the act of 1890, whose income was \$300 a year or more.

The hardship of this harsh and narrow ruling has long been manifest. The widows of our dead soldiers are nearly all old, and many of them are feeble and afflicted with the ailments incident to age, and surely it was not the intention of Congress to hold that \$300 a year was enough for a widow to live on, and support or help support those reasonably entitled to live with her and constitute a part of her household, and make her declining years as comfortable and pleasant as possible.

PRESIDENT M'KINLEY THE WIDOW'S FRIEND.

The great injustice done the widows by the Pension Bureau was finally brought to the attention of President McKinley, and that big soldier heart of his recognized the wrongs done the widows of his dead comrades, and in his last annual message to Congress he says:

The Grand Army of the Republic at its recent national encampment held in Philadelphia has brought to my attention and to that of the Congress the wisdom and justice of a modification of the third section of the act of June 27, 1890, which provides pensions for the widows of officers and enlisted men who served ninety days or more during the war of the rebellion and were honorably discharged, provided that such widows are without other means of support than their daily labor and were married to the soldier, sailor, or marine on account of whose service they claim pension prior to the date of the act.

The present holding of the Department is that if the widow's income, aside from her daily labor, does not exceed in amount what her pension would be, to wit, \$96 per annum, she would be deemed to be without other means of support than her daily labor, and would be entitled to a pension under this act; while if the widow's income, independent of the amount received by her as the result of her daily labor, exceeds \$96, she would not be pensionable under the act. I am advised by the Commissioner of Pensions that the amount of the income allowed before title to pension would be barred has varied widely under different administrations of the Pension Office, as well as during different periods of the same administration, and has been the cause of just complaint and criticism.

With the approval of the Secretary of the Interior the Commissioner of Pensions recommends that, in order to make the practice at all times uniform and to do justice to the dependent widow, the amount of income allowed independent of the proceeds of her daily labor should be not less than \$250 per annum, and he urges that the Congress shall so amend the act as to permit the Pension Office to grant pensionable status to widows under the terms of the third section of the act of June 27, 1890, whose income, aside from the proceeds of daily labor, is not in excess of \$250 per annum. I believe this to be a simple act of justice, and heartily recommend it.

Therefore it is, Mr. Speaker, that your Committee on Invalid Pensions, hearkening to the pathetic appeals of our soldiers' widows, responding to the request of the Grand Army of the Republic, and complying with the recommendation of the President, have reported this bill providing that no widow should be debarred under the act of 1890 whose actual net income is not over \$250 a year, and I have the confident expectation that this change in the law will receive the unanimous support of every member of this House. The blessing of Heaven is promised the man who cares for the widow and the fatherless, and I devoutly believe that the favor of Heaven will bless the nation that cares liberally for the widows of those who cared for it. [Applause.]