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SENATE

} REPORT
No. 355

FRANK B. PARKER

FEBRUARY 24 (calendar day, MARCH 1), 1932.—Ordered to be printed

Mr. WALSH of Massachusetts, from the Committee on Finance,
submitted the following

REPORT

[To accompany S. 2292]

The Committee on Finance, to whom was referred the bill (S. 2292) for the relief of Col. Frank B. Parker, having considered the same report it back to the Senate and recommend that the bill do not pass.

PURPOSE

The purpose in this bill is to authorize the reissuing to Col. Frank B. Parker the war-risk insurance policy issued to him on February 26, 1918, and canceled in January, 1919, by the Veterans' Bureau, and further, to credit to Colonel Parker all payments due on said certificate since he was and remains incapacitated for making a livelihood

FACTS

On February 26, 1918, Colonel Parker filed an application for war-risk insurance apparently under the belief that he was entitled thereto by reason of his status as a member of the Russian Railway Service Corps. Subsequently the insurance certificate was returned and canceled as the then acting deputy commissioner in charge of insurance held "men in the service in the Russian Railway Service were not within the scope of the insurance act".

This bill would validate the insurance of Colonel Parker and apparently is intended to define his physical condition as one of permanent and total disability. Colonel Parker is not a veteran within the meaning of the World War veterans' act, 1924, as amended July 3, 1930. If this special act is enacted, a considerable number of other persons who were members of the Russian Railway Service Corps, as well as members of all other nonmilitary organizations serving abroad, would be entitled to identical relief.

The report of the Administrator of Veterans' Affairs, together with a letter from the Adjutant General giving information as to members of the Russian Railway Service Corps is annexed to this report.

VETERANS' ADMINISTRATION,
Washington, January 8, 1932.

Hon. REED SMOOT,
Chairman Committee on Finance, United States Senate,
Washington, D. C.

MY DEAR SENATOR SMOOT: This is in reply to your communication of December 29, 1931, with which you forwarded for report a copy of S. 2292, Seventy-second Congress, "A bill for the relief of Col. Frank B. Parker."

This bill proposes that the war-risk insurance certificate issued and delivered to the wife of Col. Frank B. Parker, Russian Railway Service Corps, World War, applied for by him on February 26, 1918, and canceled by the Veterans' Bureau in January, 1919, be reissued to the said Colonel Parker, and that Colonel Parker be credited with all payments due on said certificate since he was, and as long as he remains, incapacitated for the making of a livelihood.

The records disclose that Colonel Parker executed an application for war-risk insurance in the amount of \$10,000 on February 26, 1918, apparently under the belief that he was entitled thereto by reason of his status as a member of the Russian Railway Service Corps. Subsequently the insurance certificate was returned and canceled at the request of the then acting deputy commissioner in charge of war-risk insurance, because of the provisions of Treasury Decision No. 8, W. R., published December 12, 1917, holding that "Men in the Russian Railway Service Corps are not within the terms of the act."

The proposed bill would validate the insurance application of Colonel Parker and apparently is intended to define his physical condition as one of permanent and total disability. The exact date of the beginning of such status is not fixed in the bill, neither is any provision made as to who shall be authorized by law to carry out the necessary supervision of the case and determine that permanent and total disability shall continue to exist. Due to the fact that the claimant is not a veteran within the meaning of the World War veterans' act, as amended, the administration is not authorized under the present law to make any findings as to the existence of permanent total disability, the beginning date thereof, or the date when such condition shall cease to exist, and in the event of its enactment, appropriate amendment to fix responsibility with reference to these matters is suggested.

As you are doubtless aware, there were a considerable number of persons who were members of the Russian Railway Service Corps and in the event of the passage of the proposed bill, it is quite probable that other members of the corps, as well as members of other nonmilitary organizations serving abroad during the World War, would feel themselves entitled to identical relief.

There is inclosed for your information a copy of a communication dated February 16, 1929, from The Adjutant General which gives information with reference to members of the Russian Railway Service Corps and certain data concerning the case of Col. Frank B. Parker.

It is, as you know, against the policy of the Veterans' Administration to recommend special legislation except where administrative error or legal technicality has worked detriment or disadvantage to the person in whose favor legislation is sought.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 16, 1929.

Subject: Russian Railway Service Corps.
To: Director, United States Veterans' Bureau, Washington, D. C.
(Attention Miss Nevitt, records verification unit.)

1. Under date of February 2 you transmitted to me a memorandum from the Chief, Information and Cooperation Division, United States Veterans' Bureau, concerning the status of members of the Russian Railway Service Corps. Re-

ceipt of this communication was acknowledged by telephone and additional information furnished by your bureau at that time was to the effect that the requested data was desired in connection with the case of Col. Frank B. Parker, who, it is said, applied for war-risk insurance, paying several premiums thereon, the application later having been denied.

2. The records of this office show that Col. Frank B. Parker was originally appointed as major, Russian Railway Service Corps, on November 1, 1917; that he accepted his appointment on November 9, 1917; that he was appointed lieutenant colonel in the same corps December 7, 1919, and that his resignation was accepted from that corps on July 16, 1920.

3. The Russian Railway Service Corps was not a part of the United States Army, but was a semiofficial unit composed of railroad men who were sent to Siberia at the request of the Russian Government to improve the operating condition of the Trans-Siberian Railroad. The procurement of these men was undertaken by the Director General of the Military Railways and the Chief of Engineers at the request of the State Department and the organization was forwarded to Siberia in November, 1917. Owing to the chaotic conditions existing at that time in Siberia, it was deemed advisable to give the corps a semimilitary organization and to uniform the members thereof. For this reason letters of appointment were issued to these men by The Adjutant General of the Army, designating them by military titles. A special uniform for the corps, together with original insignia, was furnished, both differing from those used by the American military forces. The corps consisted entirely of officers. There was no form of contract binding the members of the Russian Railway Service Corps to remain in the service against their will, the relationship being similar to that which obtains in cases of employees of a business firm who are free to resign at will, restrained only by the moral obligation not to leave their employer without due notice.

4. The records pertaining to the Russian Railway Service Corps, originally filed in this office, have been turned over to the Department of State. It is suggested, therefore, that if information is desired concerning the number of members of this corps or questions relating to their pay, inquiry be addressed to the State Department.

5. The memorandum of January 5, 1929, received with your request of February 2, 1929, is returned.

C. H. BRIDGES,
Major General, The Adjutant General

