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SENATE

} REPORT
No. 356

PETER C. McCARTIN

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. 2373]

The Committee on Finance, to whom was referred the bill (S. 2373) authorizing payment to Peter C. McCartin of allotments made to his children under the veterans' act of 1924, having considered the same, report it back to the Senate and recommend that the bill do not pass.

PURPOSE

The purpose of this bill is to authorize the Veterans' Administration to pay to Peter C. McCartin any allotments to his children, now due or to become due to his children on his compensation claim upon receipt of satisfactory proof of the death of the children or satisfactory proof that, after diligent search, they can not be located.

FACTS

The records of the Veterans' Administration show this claimant was married and that two children were born of this marriage. Claimant has acknowledged in writing the paternity of these children. The marriage has been held illegal by the Veterans' Administration due to the fact that the marriage ceremony took place before the final decree of divorce was granted in the State of Washington to his legal wife. The woman who was the mother of his two children separated from him about November 1, 1925. The children were in the custody of their mother at the time of separation and up until the time she was last heard from. It appears that his wife, who left him and took custody of the two children, did not desire to live with the claimant and apparently was afraid of violence on his part. She has refused to disclose to the Veterans' Bureau or anyone else her whereabouts. The Veterans' Bureau is of the opinion that she does not communicate with the bureau because she believes or fears the claimant will

get information as to her whereabouts. Compensation has been apportioned to the children from November 1, 1925, and has accumulated to the amount of \$1,500.

The bill under consideration requests that this money be paid to the claimant veteran. If this were enacted, a provision in the bill would also authorize the payment of this sum to the children if and when they are located, so that duplicate payments would be authorized thereby. The Veterans' Administrator states "if this special bill were enacted, there would be hundreds of others where claimants would ask for similar action." As the whereabouts of the children may be disclosed at any time, the Veterans' Administration favors holding this sum and also future allotments for the benefit of the children.

The letter of the Administrator of Veterans' Affairs is as follows:

VETERANS' ADMINISTRATION,
Washington, January 11, 1932.

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

MY DEAR SENATOR SMOOT: This is in reply to your letter of December 29, 1931, requesting a report on S. 2373, a bill authorizing payment to Peter C. McCartin of allotments made to his children under the veterans' act of 1924.

It appears from the records that the complete files in this case are now with the insurance attorney of the Administration at Seattle, Wash., and some delay will be encountered inasmuch as it will be necessary to secure a report concerning this case from the regional office at Seattle.

Upon receipt of a report in connection with this bill you will be further advised.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.

VETERANS' ADMINISTRATION,
Washington, February 9, 1932.

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

MY DEAR SENATOR SMOOT: This is in further reply to your letter of December 29, 1931, requesting a report on S. 2373, a bill authorizing payment to Peter C. McCartin of allotments made to his children under the veterans' act of 1924. A tentative reply was made to you on January 11, 1932.

This bill would authorize the Administrator of Veterans' Affairs to pay to Peter C. McCartin any allotments to his children now due or to become due under his compensation claim, which is No. C-123865, upon receipt of satisfactory proof of the death of said children or satisfactory evidence that, after diligent search, they can not be found. A proviso in the bill would direct that nothing in the proposed act shall prevent the said children from receiving any benefits of the veterans' act of 1924, as amended, under the regulations of the Veterans' Administration for the allotment of compensation to the dependents of disabled veterans.

The records of the Veterans' Administration show that this claimant was married to Merial Lester on December 20, 1919, and claim was filed on her behalf on May 18, 1920. As the issue of this marriage there were two children born, Richard C., on December 1, 1920, and Howard M., on October 21, 1922. A claim was filed for these children on April 10, 1923. The claimant has acknowledged in writing that the children are his. The marriage has been held illegal by the Veterans' Administration due to the fact that the marriage ceremony took place before the final decree of divorce was granted in the State of Washington, to Merial McCartin, who had been previously married in June, 1917, and was not divorced until February, 1920.

It appears from correspondence and medical history on file that the claimant and his wife, at least during the year 1925, did not get along together and that the claimant believed that other men were giving attention to his wife; that he attacked two men, one being his neighbor and the other apparently a man who was unknown to either him or his wife, and that he had at various times threatened his wife. It is not clear from the history, of course, as to whether or not his belief was well founded. He was committed to Western State Hospital, Stella-coom, Wash., and entered this hospital on October 29, 1925, and was discharged on May 16, 1926. Correspondence on file from the representative of the American Legion at about the time the claimant was to be paroled from the Western State Hospital indicates that the claimant's wife did not desire to resume marital relationship with the claimant, stating as her reasons that because of former threats made by him she was afraid of violent acts on his part. This correspondence was directed to officials of the Western State Hospital.

It appears that the claimant and wife did not resume marital relationship, and the date of their separation has been set as November 1, 1925, since the break occurred at or about the time of his entry into the hospital. The children were in the custody of their mother at the time of separation and up until the time she was last heard from.

The last communication received from her was on September 1, 1926, in which she requested the Veterans' Bureau not to inform the claimant of her whereabouts as he only makes trouble, and stating that she had been informed that the bureau gave her address at Denver to the claimant. In his letter she gave her address as 5718 Nevada Street, Spokane, Wash. It appears that she left Seattle and went to Denver, Colo., at about the time the claimant was being discharged from the hospital, and, as indicated above, moved from Denver to Spokane, where she was last heard from.

The Veterans' Bureau addressed letters to Mrs. McCartin on September 15, 1926, and October 15, 1926, to this address, and these letters were not returned unclaimed.

There is a letter on file from the chapter of the American Red Cross of Spokane, dated November 20, 1926, which indicates that the claimant was trying to locate his wife and children and that he desired to resume marital relationship, but the representative of the Red Cross states that from the last conversation with Mrs. McCartin it is believed that she would not consider such an arrangement.

The Veterans' Bureau addressed a letter to Mrs. McCartin's sister, Mrs. Lillias Everett, at 391 Eighth Avenue east, Spokane, Wash., and on July 11, 1927, she wrote a letter declining to give the whereabouts of her sister and children, stating that she had not heard from them since they left and stating, "You people have knowingly helped to cause them all the sorrow possible. I wish you would not write to me again in regard to the affair."

It would appear from the foregoing that Mrs. McCartin left Seattle because she did not desire to live with the claimant and was apparently afraid of violence on his part. It is quite clear from correspondence from her that she did not desire the claimant to know her whereabouts and, furthermore, that she believed that the Veterans' Bureau had given the claimant her address. It is reasonable to conclude, therefore, from this data that the claimant's wife does not communicate with the Veterans' Administration because she believes that the claimant will get information as to her whereabouts.

Compensation has been apportioned for the two children in the amount of \$50 for the children and \$45 for the claimant from November 1, 1925, to February 16, 1926; \$28.50 for the children and \$66.50 for the claimant from February 17, 1926, to August 31, 1926; \$15 for the children and \$35 for the claimant from September 1, 1926. Effective December 1, 1938, when the first child becomes 18 years of age, the apportionment will be \$10 for the second child and \$40 for the claimant, and on October 21, 1940, when the second child becomes 18 years of age, the full amount of compensation, \$50 per month, will be paid to the claimant.

No amount has been paid to the mother for the children since February 28, 1926, so there is due to or on behalf of said children an accumulated sum of approximately \$1,500.

While the wording of the bill indicates that it is intended that this amount shall be paid to the veteran, who is the father of three children, the proviso of the bill would also authorize the payment of this sum to the children, if and when they are located, so that duplicate payments would be authorized thereby. The facts in this case do not differ materially from many others in which the veteran is separated from his wife and children, and an apportionment has been

made of the amount due for the children. If a special bill should be enacted in one case authorizing the payment to the veteran, there would be hundreds of others who would ask for similar action. Although it has been impossible to locate the children, their whereabouts may be determined at any time, and it is believed advisable in this particular case, as well as a matter of precedent to continue to hold this sum for the benefit of the children, if and when they are located.

For the reasons indicated above, I can not recommend this proposed measure to your favorable consideration.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

