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SENATE

{ REPORT
No. 435 }

WALTER L. WATKINS, ALIAS HARRY AUSTIN

MARCH 20 (calendar day, MARCH 22), 1926.—Ordered to be printed

Mr. ROBINSON of Arkansas, from the Committee on Military Affairs,
submitted the following

REPORT

[To accompany H. R. 4884]

The Committee on Military Affairs, to which was referred th bill (H. R. 4884) providing for the relief of Walter L. Watkins, alias Harry Austin, having considered the same, report thereon with the recommendation that it do pass.

This bill is similar to one favorably reported by your committee in the Sixty-eighth Congress.

The merits of the measure were carefully gone into, and the report made in the preceding Congress contains all the pertinent facts. That report is accordingly made a part of this report, as follows:

[House Report No. 1171, Sixty-eighth Congress, second session]

The Committee on Military Affairs to whom was referred the bill (H. R. 7713) for the relief of Walter L. Watkins, alias Harry Austin, having considered the same, report favorably thereon with recommendation that it do pass with the following amendment:

Line 11, change the period to a colon and add:

"*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

Upon an examination of the records in this case we find that Walter L. Watkins enlisted February 20, 1900; is marked deserted June 22, 1900, from Battery I, First Artillery, Fort Morgan, Ala.; that he reenlisted July 5, 1900, under the name of Harry Austin, and was honorably discharged July 4, 1903, from Company A, First Infantry; that he reenlisted under the name of Harry Austin on April 17, 1915, from which enlistment he was dishonorably discharged December 13, 1915, the charge being absence without leave and improper conduct in uniform.

The records further show that during the period of his final enlistment he applied for and was furnished with a deserter's release, such release dated August 16, 1915, which did not, however, obliterate the fact of his desertion, but rendered him no longer liable to arrest and punishment therefor.

We have very carefully gone into the facts of this particular case and find that when Walter Watkins first enlisted on February 20, 1900, he had been informed that if he would join Battery I, First Artillery, that he would be sent to the

Philippine Islands. At that time he was about 22 years of age. After being connected with this organization from February 20 to June 22, he left without leave, made his way to Birmingham, Ala., and in 13 days afterwards reenlisted under the name of Harry Austin, in Company A, First Infantry. He was sent to the Philippine Islands, served his full term, and was discharged on the 4th day of July, 1903, with an honorable discharge; character good. He returned to San Francisco, Calif., where he was employed for some time, but later on became affected with epilepsy, and at one time was confined some 35 days in the hospital from the effects of this disease. With this disease he has suffered since that date.

As before stated, he reenlisted under the name of Harry Austin on April 17, 1915. In December of that year, from an examination of the court-martial record in this case, it appears that Watkins, alias Austin, while stationed at Fort Sam Houston, was given leave of absence to attend a circus. This was on November 6, 1915, and he is charged with being absent without leave from 4 p. m. of the 6th to 7 p. m. of the 8th of November, 1915. He was tried by a general court-martial; and your committee has examined the records in this case. He was charged with absence without leave and being drunk in the city of El Paso while in uniform. On the trial it appears that he plead guilty to the charge of being drunk while in uniform, and upon this plea of guilty he was convicted and dishonorably discharged.

Your committee has carefully examined the court-martial record in this case; and while proof was taken, and inquiries were made, there is no evidence to show that Watkins, alias Austin, was drunk. Walter Watkins has appeared in person before your committee, and his explanation of this is to the effect that he had had a drink or two, likely, with other soldiers, but that he did not get drunk; and that while in a saloon on his leave of absence one of his spells of epilepsy came on him and he fell and suffered from that. He says that when he has one of these spells that it affects his mind for a while thereafter, being unable to remember what has occurred. It further appears from the records that after he was discharged dishonorably from the Army, that on the 27th day of November, 1917, he enlisted in First Depot Battalion Manitoba Regiment of the Canadian Expeditionary Forces. He served in Canada, and was discharged at Winnipeg, Manitoba, on the 22d day of July, 1918, by reason of being medically unfit for general service.

From the history of this man, your committee is of the opinion that he was not physically or mentally fit, at times, from his last enlistment in the United States Army, and from his enlistment in the Canadian Army; and while he received an honorable discharge from the Canadian Army, he was dishonorably discharged from the United States Army practically under the same conditions. He has been refused admission to soldiers' homes in this country on account of the record which now appears against him. The records show that he made a good soldier, and was honorably discharged, while he was in condition. He is affected with epilepsy at the present time, and these spells generally come on him about once or twice every month. On account of his physical condition he is unable to procure or hold any position, and is now being supported by charity here in the city of Washington, looked after by the local commander of the American Legion, although he is not a member of that organization.

In view of all these facts, we feel that we are fully justified in our recommendations.

