

Calendar No. 549

69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 545

PHILIP HERTZ

APRIL 3, 1926.—Ordered to be printed

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

REPORT

[To accompany S. 2124]

The Committee on Military Affairs, to which was referred the bill (S. 2124) for the relief of Philip A. Hertz, having considered the same, report thereon favorably with the recommendation that it do pass with amendments, as follows:

In line 5, after the first word, strike out the initial "A" and the period. After the comma following "Hertz" insert "(Philip Herz)." Amend the title so as to read:

A bill for the relief of Philip Hertz (Philip Herz).

The purposes of these amendments is to make the name of the beneficiary conform to the records of the War Department. A similar bill has been reported to the House of Representatives. A portion of that report which contains a history of Hertz's military record is appended hereto and made a part of this report, as follows:

[House Report No. 705, Sixty-ninth Congress, first session]

Philip A. Hertz enlisted in the Union Army as a drummer boy on September 24, 1861. At the time of his enlistment he was 14 years of age. Affidavits considered by your committee disclose that he enrolled without the consent of his parents. His organization was the New York Infantry Volunteers, Company H.

He served as a drummer boy for three years, when his enlistment expired. He then reenlisted as a veteran and performed meritorious service up to the time he became incapacitated because of gunshot wounds received at Petersburg, Va., which necessitated his furlough on July 18, 1864. Mr. Hertz never again reported to his command and he was held to have deserted from his regiment.

This soldier died on November 9, 1887, leaving a widow, who is now 74 years old. At the time of his death he had but very meager means and his widow was forced to obtain employment.

Affidavits presented to your committee disclose that on his return home during his furlough Philip A. Hertz was given medical care and treatment for the wounds he received in the service and also for a generally broken-down constitution, and that because of this condition of his health, which continued for over a year

following his furlough, he never rejoined his regiment. The consideration was advanced to your committee that because of the age of the soldier at that time, and because of his mental and physical condition, he did not fully realize the gravity of his course in not rejoining his command.

Should this bill pass and Mr. Hertz's widow be entitled to claim pension rights, it must be remembered that Mrs. Hertz is now 74 years of age, and certainly she could not long receive such benefits. The family of this soldier are particularly desirous of having his military record cleared. They want the stigma of the desertion charge removed and recognition given to the meritorious service performed by him.

