

THOMAS G. PEYTON

MARCH 31, 1926.—Committed to the Committee of the Whole House and ordered
to be printed

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

REPORT

[To accompany H. R. 8447]

The Committee on Military Affairs, to which was referred the bill (H. R. 8447) for the relief of Thomas G. Peyton, having considered the same report thereon with the recommendation that it do pass with the following amendment:

Line 9, strike out the period, insert a colon, and add the following:

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

This is a measure to clear up the question as to whether Capt. Thomas G. Peyton was appointed or reappointed to the Military Academy as the result of special legislation passed in his favor. The fact that Captain Peyton was reinstated in the academy with the same standing as when he left would indicate clearly that he was reappointed rather than appointed, and your committee takes the position that this credit should be allowed him.

The Secretary of War gives the following report on the measure:

MARCH 26, 1926.

HON. JOHN M. MORIN,
*Chairman Committee on Military Affairs,
House of Representatives.*

DEAR MR. MORIN: In connection with my letter of February 23, 1926, in which I furnished you a report on H. R. 8447, a bill "For the relief of Thomas G. Peyton," the following is submitted after further consideration of the proposed legislation.

A comparison of the cases of Captains Peyton and Bonham does not indicate that it was the intention of Congress to discriminate against Captain Peyton in passing the special legislation under which he was reappointed to the Military Academy. As stated before, it is not clear why Congress in one case should have authorized the reappointment of a former cadet, and in another case, under practically similar conditions, merely authorized the appointment of another.

While the War Department opposed the specific legislation in favor of both of these officers, if it be the desire of Congress to remove the discrimination against Captain Peyton, I offer no objection to the passage of the proposed legislation.

Should this legislation be enacted, Captain Peyton will be entitled to \$1,074.32 in back pay and allowances and an increase of \$10 per month in his present pay.

The Director of the Bureau of the Budget has been consulted and advises "that the proposed legislation is in conflict with the financial program of the President, but if amended to provide that no back pay, allowances, or emoluments shall become due because of the passage of such legislation it would not be in conflict with the President's financial program."

Sincerely yours,

THOMAS G. PEYTON

DWIGHT F. DAVIS, *Secretary of War.*



Approved: _____
Special Agent in Charge

Approved: _____
Special Agent in Charge

RECORDED

U. S. DEPARTMENT OF WAR

The Department of War is in receipt of your letter of the 11th inst. regarding the proposed legislation for the relief of Captain Peyton during his absence from the service. The Department is in receipt of the following information:

The proposed legislation is in conflict with the financial program of the President, but if amended to provide that no back pay, allowances, or emoluments shall become due because of the passage of such legislation it would not be in conflict with the President's financial program.

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