Mr. Robinson of Indiana, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany H. R. 15624]

The Committee on Military Affairs, to which was referred the bill (H. R. 15624) for the relief of Andrew McLaughlin, having considered the same, reports thereon favorably with the recommendation that it pass.

The report of the House Military Committee, which explains the merits of the measure, is appended hereto and made a part of this report, as follows:

The War Department records disclose that Andrew McLaughlin enlisted April 2, 1895, for three years and was assigned to Troop I, Third United States Cavalry. After he had completed nearly a year's service he requested a five-day furlough to visit his mother, which was denied; he then went absent without leave, visited his mother, and voluntarily surrendered himself on the fifth day. He was tried for and found guilty of "desertion" and was dishonorably discharged as a private July 10, 1896. The country was not then at war and it would seem the sentence was unusually severe; that the act was one of absence without leave rather than desertion, because of his voluntary return.

When the Spanish-American War was declared and the President called for volunteers, McLaughlin again enlisted, May 17, 1898, as a private of Company M, Sixty-fifth New York Infantry, from which he was honorably discharged, a corporal, November 19, 1898, at Buffalo, N. Y., by reason of muster out of the company on that date.

Several months later, February 23, 1899, McLaughlin enlisted for Philippine service; he was assigned to Company K, Twenty-first United States Infantry. While in the Philippines he participated in several battles and skirmishes; while his company was resting from one of these engagements he was called to appear before a court-martial to respond to a charge of fraudulent enlistment. To quote the specification as furnished by the War Department:

"In that Private Andrew McLaughlin, Company K, Twenty-first Infantry, did at Buffalo, N. Y., on the 23d day of February, 1899, fraudulently enlist as a soldier in the service of the United States by falsely representing that he had never been discharged from the service of the United States by sentence of a military court and willfully concealing from the recruiting officer, First Lieut. Paul B. Malone, Thirteenth Infantry, the fact of his discharge without honor from Troop I, Third Cavalry, per Special Order No. 155, Department of the East,
July 6, 1896, Columbus Barracks, Ohio, and that he has since said enlistment received pay and allowances thereunder.

It is significant that his commanding officer did not see fit to deprive the soldier of his gun and ammunition until after the court's final decision was reached; he was dishonorably discharged as a private, January 20, 1900. It is quite evident from the facts that his discharge in this instance was not due to acts committed while in the service and harmful to the military, but was because of his failure to state at time of enlistment that he had a prior dishonorable discharge.

It is believed, in view of the faithful service rendered by this soldier in the Spanish-American War, from which service he holds an honorable discharge, as well as in view of his active service during the Philippine insurrection, and in view of the fact that he has made an honest effort to live creditably and honorably in his community, that he should be entitled to favorable consideration.