The Committee on Military Affairs, to whom was referred the bill (H. R. 15178) for the relief of Charlie R. Pate, having had the same under consideration, recommends the following amendments:

After the name of the soldier in the fifth line insert the words “who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter”. After the word “States”, appearing in the seventh line of the bill insert the words “as a private of that organization”. After the words “November 30, 1902”, appearing in the seventh line of the bill, add the following: “Provided, That no back pay, bounty, pension, or other allowances shall be held as accrued prior to the passage of this act.”, so that the bill as amended will read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charlie R. Pate, who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: Provided, That no back pay, bounty, pension, or other allowances shall be held as accrued prior to the passage of this act.

The committee recommends that the bill, as amended, do pass.

The evidence presented to the committee shows that this soldier enlisted on June 6, 1901, and served until November 30, 1902, or about 18 months, and was discharged for the “good of the service” on the latter date. There is nothing in the record to show that the soldier was guilty of any misconduct or that he was ever tried or convicted by any court-martial. In view of all the facts it is the sense of the committee that this service of the soldier in the Philippine Islands during the period of the rebellion should now be recognized and that he should be given the benefits accruing to honorably discharged soldiers.
The full report from the War Department on this case follows:

WAR DEPARTMENT,
Washington, January 14, 1927.

Hon. John M. Morin,
Chairman Committee on Military Affairs,
House of Representatives.

Sir: I have your letter of January 8, 1927, in which, for use of the Committee on Military Affairs of the House, you request a report in duplicate on H. R. 15178, Sixty-ninth Congress, second session, for the relief of Charlie R. Pate, and I am pleased to inclose herewith a report from The Adjutant General.

The proposed bill is defective in that it does not give the designation of the organization from which Charlie R. Pate shall be held and considered to have been honorably discharged.

Moreover, if notwithstanding the fact that Charlie R. Pate was discharged from the service without honor it be decided by the committee that he, or some one claiming under him, is entitled to beneficial legislation, it is suggested that there be inserted in the bill after the name of the soldier, appearing in the fifth line thereof, the words, "who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter," and after the word, "States," appearing in the seventh line of the bill, there should be inserted the words "as a private of that organization," and that there should be added after the words "November 30, 1902," appearing in the seventh line of the bill the following: "Provided, That no bounty, back pay, pension, or other allowance shall be held to have accrued prior to the passage of this act."

Sincerely yours,

Dwight F. Davis, Secretary of War.

CASE OF CHARLIE R. PATE, PRIVATE, COMPANY L, TWENTY-SEVENTH UNITED STATES INFANTRY

The official records show that Charlie R. Pate enlisted at Sevierville, Tenn., for three years and that he was assigned to Company L, Twenty-seventh United States Infantry. On November 4, 1902, with a view to reducing the enlisted strength of the Army, instructions were sent from the War Department to commanding generals of departments authorizing them to discharge "for the good of the service, without honor," all whose services under Army regulations No. 162 had not been honest and faithful, without forwarding the proceedings of boards to the Secretary of War, and on November 22, 1902, under the authority contained in the instructions referred to, there was issued Special Orders, No. 286, headquarters, Department of the Philippines, providing for the discharge without honor for the good of the service of Charlie R. Pate, Company E, Twenty-seventh Infantry. Accordingly the soldier was discharged without honor on November 30, 1902, at Malabang, Mindanao, P. I., with notation, "character fair, service not honest and faithful," by approved finding of a board of officers. The proceedings of the board have not been found on file in the War Department.

As the discharge of this soldier without honor was actually carried into execution, it is now beyond the power of the War Department, or of any executive officer of the Government, to annul, modify or set that action aside, or to now issue to the soldier an honorable discharge.

Respectfully submitted,

Robert C. Davis,
Major General, The Adjutant General.