

JOHN ALLEN.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

WITHOUT APPROVAL THE ACT (H. R. 18122) AUTHORIZING THE SECRETARY OF WAR TO REVOKE THE DISHONORABLE DISCHARGE ISSUED IN CASE OF PRIVATE JOHN ALLEN, COMPANY I, THIRTY-SECOND INFANTRY UNITED STATES VOLUNTEERS.

MARCH 2, 1907.—Read; referred to the Committee on Military Affairs and ordered to be printed.

To the House of Representatives:

I refuse my signature to this bill, on the recommendation of the Secretary of War, for the reasons set forth in the following report of The Military Secretary:

The official records show that John Allen, private, Company I, Thirty-second Infantry, United States Volunteers, was tried and convicted by a general court-martial of the crime of murdering a native Filipino; that he was sentenced to be dishonorably discharged from the service of the United States and to be confined at hard labor for the period of twenty years; that he was dishonorably discharged in accordance with the terms of the sentence; and that upon a review of his case by the War Department it was found that the sentence in this case was void, because, under the requirement that a court-martial sentence in a case of this kind shall not be less than the punishment provided for a like offense by the civil laws in force where the offense was committed, the man should have been sentenced to imprisonment for life, that being the punishment provided for a like offense in the Philippine Islands, where Allen's crime was committed. Allen was accordingly set at liberty after a relatively short term of confinement.

There seems to be no good ground on which to exercise clemency in the case of this man, who was only relieved from a twenty years' sentence of confinement because that sentence ought to have imposed confinement for life.

It appears that this man, John Allen, was tried and convicted by a general court-martial of the crime of murdering a native Filipino; that he was sentenced to be dishonorably discharged from the service of the United States and to be confined at hard labor for the period of twenty years; that he was dishonorably discharged in accordance with the

terms of the sentence, but that the sentence was held void because it was by law required that the court-martial sentence in a case of this kind should not be less than the punishment provided under the civil laws. Under the civil laws the punishment of Allen would have been a life sentence, and he was set free after a relatively short term of confinement simply because he ought to have been condemned to life imprisonment instead of to twenty years' imprisonment. The man is a criminal who should now be serving a life sentence for murder, and it would be a disgrace to the Army to give him an honorable discharge.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 4, 1907.*

[H. R. 13122. Fifty-ninth Congress of the United States of America; At the Second Session, Begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and six.]

An act to correct the military record of John Allen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to revoke the dishonorable discharge which was issued in the case of Private John Allen, Company I, Thirty-second Infantry, United States Volunteers, and, if in his judgment the circumstances attending the separation of said Allen from the military service warrant it, to issue an honorable discharge as of the date of his actual separation from the military service: Provided, That no pay, bounty, or other emoluments shall become due and payable by virtue of the passage of this Act.

J. G. CANNON,

Speaker of the House of Representatives.

CHARLES W. FAIRBANKS,

Vice-President of the United States and President of the Senate.

I certify that this Act originated in the House of Representatives.

A. McDOWELL, *Clerk.*

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