

GUY SALISBURY

JANUARY 5 (calendar day, FEBRUARY 21), 1938.—Ordered to be printed

Mr. JOHNSON of Colorado, from the Committee on Military Affairs,
submitted the following

R E P O R T

[To accompany H. R. 6479]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, having considered the same, report favorably thereon with a recommendation that it do pass.

The claimant in this measure had two periods of enlistment in the United States Army and served in the Philippine Islands from July 26, 1899, to November 2, 1900. His medical record shows that he was treated on several different occasions for malarial fever, acute diarrhea, and amoebic dysentery.

At the time of his first enlistment, April 12, 1899, he was under age but represented himself as being old enough to enlist and enlisted under the assumed name of John B. Bowman. Effort was later made to obtain his discharge on the grounds of misrepresentation of age, but these efforts were not successful due to the exigencies of the service at that time. It was during this period of enlistment that the claimant had service in the Philippine Islands and suffered from time to time with the above-mentioned diseases.

In September 1901 it was recommended that the claimant in this bill and others be discharged "without honor" because they were disqualified physically, by the use of morphine. The soldiers involved were examined by the post surgeon, including the claimant. No evidence was found that the claimant had taken morphine hypodermically; however, the post surgeon rendered the following opinion in connection with this man:

* * * but from the statements of his troop commander as to his condition at various times, and from his general appearance, *I am of the opinion that he takes it by mouth.*" [Italics supplied.]

On the basis of the post surgeon's opinion, this former soldier without formal charge, without opportunity to defend himself, without

trial by a summary or a general court martial was discharged "without honor" on November 3, 1901.

In view of the tropical diseases and pain suffered by this man while serving in the Philippine Islands, it is not at all improbable that he did on occasions resort to the use of morphine to relieve his agony, but the record in this case fails to establish that this man by virtue of his own misconduct or otherwise was at any time addicted to the use of morphine.

Furthermore, in February 1902 he enlisted again in the United States Army, enlisting under the name of Alva J. Zenner, and serving until January 31, 1905, when he was honorably discharged as a corporal. During this period of enlistment, he served in the Philippine Islands from May 11, 1902, until March 6, 1903, and at the time of discharge his character was recorded as "excellent" for this second period of enlistment.

The purpose of this bill (H. R. 6479) is to provide that Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, shall be held and considered to have been honorably discharged from the military service of the United States on November 3, 1901, as a private of Troop F, Fourth Regiment United States Cavalry.

H. R. 6479 passed the House on August 20, 1937. House Report No. 1489, Seventy-fifth Congress, first session, to accompany H. R. 6479, follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6479) for the relief of Guy Salisbury, having considered the same, report thereon with a recommendation that it do pass.

THE STRANGE CASE OF GUY SALISBURY, WHO ENLISTED AS JOHN BOWMAN AND ALVA ZENNER

This is a strange case, and the committee having studied it believe that it should pass. Guy Salisbury, who is affected by this legislation, will receive no pension or other benefit and will merely have of record that his name is Guy Salisbury, his real name, instead of John G. Bowman and Alva J. Zenner, under which he served two enlistments in the Army.

The records show that John G. Bowman (the first name under which he enlisted) joined the Army in 1899. His relatives demanded his discharge because he was a minor, and his real name of Salisbury must have been known by the Army.

SUSPECTED OF USING MORPHINE, BUT NO PROOF, NO CHARGE, NO COURT

Later, several soldiers were suspected of using morphine, and he was recommended for discharge without honor. The medical report says that "Private Bowman" admitted he had been addicted to the use of morphine, but that he had discontinued the habit. The report then shows, from the doctors, that there was no evidence of hypodermic use, the doctor only reporting, "I am of the opinion that he takes it by the mouth."

There was actually no evidence whatever that he was addicted to the use of morphine. The record states that he was not regarded as "honest and faithful," although he was never charged with any offense of any kind while in the Army. It does show that he had malarial fever, dysentery, diarrhea, both acute and later on amoebic dysentery, and then chronic amoebic dysentery.

The committee submits that if he had been actually charged with the use of morphine and convicted by any court, that it would not recommend the bill to pass. This committee has rarely, if ever, recommended overturning of a court martial, even where prejudice existed in the trial. But in this case there was no charge, no court, and no process of law whatever.

Guy B. Salisbury (that's his real name) testified that he came from a Quaker family and that his people wanted him out of the Army because they were opposed to military service. He also testified, as the record shows, that he was ill several times in his first enlistment. Although there is no direct evidence to show it,

undoubtedly his sickness had something to do with what might have produced a nervous disposition, and hence the belief that he used narcotics. In any event there was no evidence of the habit at all, except the bare unsupported opinion of a doctor.

SALISBURY ENLISTS UNDER THE NAME OF ZENNER, GETS HONORABLE DISCHARGE

After being discharged "without honor" Salisbury enlisted in the Army again, this time under the name of Alva J. Zenner, and gave the name of his uncle, G. B. Salisbury, as his address. This enlistment was in February 1902; he served and had a very fine record; he was honorably discharged as a corporal in 1905 in South Carolina. His character was recorded as excellent, and it might be compared to one of the best records in the United States Army.

It is here seen that Guy B. Salisbury served both of the above enlistments. To repeat, the first enlistment ended in a discharge "without honor" but was without court martial or charge of any kind, it only being noted that his parents had attempted to have him discharged, and that in the opinion of a doctor he used morphine.

Also the enlistment was followed by another enlistment which was the last, and which was a most excellent period of service. Salisbury states that he was deeply embarrassed by his previous discharge, and being barred from an enlistment, he was told that the only way he could get in the Army was by using still another name, which he did. He then, for the satisfaction of himself and his family, performed this most excellent service and obtained the excellent discharge.

COMMITTEE RECOMMEND THE BILL DO PASS AND THAT SALISBURY SHALL HAVE HIS OWN NAME OF RECORD WITH THE WAR DEPARTMENT

Since this was back in 1905, some 32 years ago, it is believed by this committee that inasmuch as he actually served, obtained an honorable discharge, and under peculiar conditions, that he is entitled to such standing in the community as his real name would give him.

We, therefore, recommend that the bill do pass.

War Department report on H. R. 6479 follows:

NOVEMBER 23, 1937.

HON. MORRIS SHEPPARD,

Chairman, Committee on Military Affairs, United States Senate.

DEAR SENATOR SHEPPARD: This is in reference to your request of November 17, 1937, for information relative to the bill H. R. 6479, Seventy-fifth Congress, first session, an act for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner. In reply thereto your consideration is invited to the inclosed statement of service in the case prepared in the office of The Adjutant General and containing all pertinent data of record in the War Department concerning the man.

The bill under consideration (H. R. 6479) proposes by its terms that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on November 3, 1901, as a private of Troop F, Fourth Regiment United States Cavalry.

Examination of the statement of service prepared in the Office of The Adjutant General reveals that John G. Bowman was discharged without honor November 3, 1901, as a private of Troop F, Fourth United States Cavalry, by reason of his own misconduct due to the use of morphine. His service is recorded as not honest and faithful.

The enactment of this bill into law would, in effect, constitute a legislative reversal of the considered action of the authorities charged with the execution of the laws enacted for the Government and control of the military forces, and would single out for preferential treatment one individual of a number of former soldiers whose status is identical with that of the man now under discussion. Moreover, the enactment would place a man with an unsavory military record on a par with those who were honorably discharged.

Nothing appears in the record of this man to indicate that any injustice has been done him. The proposed legislation seemingly has for its object the granting of certain benefits and privileges now denied the man by existing law. So far

as this Department is able to ascertain, there is no justification for the legislation and no merit in the claim of the former soldier for special favors or consideration.

The War Department strongly recommends that the bill be not favorably considered.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
November 23, 1937.

The records show that John G. Bowman enlisted April 12, 1899, at Cleveland, Ohio, as a private of Troop F, Fourth United States Cavalry, to serve for 3 years. He gave his age as 21 $\frac{1}{2}$ years, and named George B. Salesbury, stepfather, Buffalo, N. Y., as his emergency addressee.

In February 1901 Daniel W. Allen, of Buffalo, N. Y., applied for the discharge of his relative, Guy Salisbury, alias John G. Bowman, Troop F, Fourth Cavalry, on the grounds of misrepresentation of age and the desire of the soldier himself and of his parents to have him finish his schooling. Mr. W. J. Conners, proprietor of the Buffalo Courier, also made application for the discharge of Bowman, a minor, on account of the soldier's ill health and his mother's distress over his absence. These applications were made through Hon. D. S. Alexander, House of Representatives, who was informed on February 28, 1901, that under the present exigencies of the service, favorable action must be denied and, further, that the application should have originated with the soldier through military channels.

In September 1901 the commanding officer of Troop F, Fourth Cavalry, recommended the discharge of John G. Bowman and others without honor, because they were disqualified physically, through their own fault, by the use of morphine. The soldiers were ordered examined by the post surgeon, who stated, "I have examined the within-named men and believe that all are addicted to the use of morphine to such an extent as to disqualify them for service * * * show evidence of taking the drug hypodermically. Private Bowman admits that he had been addicted to the use of morphine but that he has discontinued the habit. He presents no evidence of use hypodermically, but from the statements of his troop commander as to his condition at various times, and from his general appearance, I am of the opinion that he takes it by mouth. I, therefore, recommend that the application of the troop commander for the discharge of these men without honor be approved."

Bowman was discharged without honor November 3, 1901, at Fort Leavenworth, Kans., by reason of his own misconduct, due to the use of morphine, as published in paragraph 18, Special Order 250, Headquarters of the Army, Adjutant General's Office, Washington, October 29, 1901. His service is recorded as not honest and faithful. He served in the Philippines from July 26, 1899, to November 2, 1900.

The medical records show that he was treated August 16 to September 2, 1899, for malarial fever, intermittent, quotidian; September 18-22, 1899, for malarial fever, quotidian, intermittent; September 22-29, 1899, malarial fever, intermittent, tertian; February 3-5, 1900, malarial fever, tertian, intermittent; February 15-18, 1900, intermittent malarial fever, tertian; February 19-22, 1900, acute diarrhea; April 7-14, 1900, dysentery, acute; May 7-11, 1900, moderate contusion, left hip and shoulder, from being thrown by a horse; June 26-30, and July 15-20, 1900, malarial fever, intermittent, tertian; September 3-5 and 9-12, 1900, acute diarrhea; September 12 to October 30, 1900, chronic amoebic dysentery; October 30 to November 30, 1900, chronic amoebic dysentery; December 2-26, 1900, dysentery, chronic; and June 20-23, 1901, diarrhea, acute. All the foregoing medical treatment was in line of duty. Nothing has been found to indicate that any narcotic was prescribed in his case.

At enlistment in Troop F, Fourth United States Cavalry, John G. Bowman claimed prior service in Company B, Fourth Texas Volunteers, and the records indicate that he applied for enlistment in the Texas Volunteers, but was not in the service as of that organization because of a "bad case of itch" which developed since his physical examination and prior to muster in, for which reason he was rejected.

The records show that Alva J. Zenner enlisted February 1, 1902, at Kansas City, Mo., to serve for 3 years, naming his uncle, G. B. Salisbury, Silver Creek, N. Y., as his emergency addressee. He was assigned to the Thirty-sixth Company, Coast Artillery Corps; was transferred to the One Hundred and Seventeenth Company, Coast Artillery Corps; and was honorably discharged therefrom as a corporal January 31, 1905, at Fort Fremont, S. C. His character is recorded as excellent. He served in the Philippine Islands from May 11, 1902, to March 6, 1903.

The medical records show that he was treated August 8-12, 22-27, August 28 to September 7, and 24-29, 1902, for acute diarrhea; November 19, 1902 to January 5, 1903, acute catarrhal dysentery, cause unknown, and acute inguinal adenitis L. nonvenereal and nonsuppurative; February 8-21, 1903, acute abscess anterior aspect middle third of right leg, cause unknown; April 7-11, 1903, ulcers indolent middle third both legs; April 23-28, 1903, tropical ulcers chronic; June 12-17, and October 15-20, 1903, diarrhea, acute; November 7 and 8, 1904, malarial fever, tertian. All the foregoing medical treatment was in line of duty.

The records indicate that the above services were performed by one and the same man. Guy B. Salisbury, 310 East Seventh Street, Erie, Pa., in January 1925 claimed the above services under the aliases of John G. Bowman and Alva J. Zenner, and stated that he is not and has not been a user of opium.

In a letter dated December 15, 1935, he stated: "I submit that the record shows that my hospital treatments prescribed opium in combination with other drugs and that, although the treatments continued at times for periods of several months, I did not develop any craving for narcotics and the treatments did not have the slightest effect toward inclining me to drug addiction." He has since denied that he ever used morphine or any other drug at any time.

Respectfully submitted.

E. T. CONLEY,
Major General,
The Adjutant General.

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