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Report : Petition of A. Luettwitz

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 10, 1886.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 794.]

The Committee on Military Affairs, to whom was referred the bill (S. 794) for the relief of A. H. Von Luettwitz, have considered the same, and beg leave to submit the following report:

That Lieutenant Von Luettwitz entered the service as a private on January 1, 1862, and was promoted second lieutenant June 18 of the same year, first lieutenant September 1, and captain July 23, 1863. On account of physical disability he was discharged September 18, 1865. On August 30, 1867, he was appointed second lieutenant Third Cavalry, promoted first lieutenant January 26, 1870, and dismissed July 8, 1870, by sentence of a general court-martial. It appeared subsequently that he had been improperly dismissed, and Judge-Advocate-General Holt closed a long review of this case, addressed to the Secretary of War, in the following words: "Upon the whole case, the opinion is entertained by this Bureau that injustice has been done to this officer, and that this injustice should, as far as practicable, be repaired. In pursuance of this recommendation, the following act was passed by Congress:

"Whereas A. H. Von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service, by sentence of a general court-martial, on the 8th day of July, 1870, having established his innocence of the charges upon which he was so cashiered the United States service; therefore,

"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 is hereby, directed to amend the record of the said A. H. Von Luettwitz, so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service: *Provided*, That nothing shall be paid him for the interval of time from the 8th day of July, 1870, until the passage of this act."

This act was approved June 23, 1874, and on the 8th of September following he was appointed first lieutenant Third Cavalry, with his original date of rank. On the 9th September, 1876, while in command of a battalion made up of detachments from five companies of his regiment, in an attack upon a Sioux village, he was severely wounded and lost his leg. His own words, quoted from his memorial, show the trials to which he was subjected:

"My sufferings were intense. Shot through the knee-cap, I had to lie on the battlefield for about ten hours without medical aid. Subsequently, for nine days, I was carried on a litter to the Black Hills. Our provisions were exhausted, and we had hardly anything but horse-flesh to live on."

Disabled as he was, he could no longer remain in service, and he was retired as first lieutenant on the 5th May, 1879. At the time of his retirement he was one of the senior lieutenants, and would soon have been promoted to a captaincy. The memorial he presents to Congress asks that he may be retired with the rank of captain, and in view of all the facts connected with this case your committee recommend the passage of the accompanying bill as amended. The committee have been brought to this conclusion mainly from the following indorsement of General Crook on the memorial of Lieutenant Von Luettwitz :

HEADQUARTERS DEPARTMENT PLATTE,
Omaha, Nebr., January 10, 1882.

Respectfully forwarded to the Adjutant-General of the Army for transmission (in conformity with Lieutenant Von Luettwitz's request). As a general rule I believe that personal legislation is the most baleful influence with which the best interests of an army can be assailed, but in Lieutenant Von Luettwitz's case I am strongly inclined to the opinion that Congressional interposition will remedy an injustice. The facts, as within stated, are true to my knowledge. To retire this officer, so severely wounded, upon three-fourths pay of a lieutenant, when other officers were retained upon the active list until the advent of their promotion, strikes me as being unfair. In the absence of any well-defined law on the subject, the principles of simple justice should govern in this matter of retirement, and instead of choking the list with young men, not yet beyond the prime of life, common sense would have suggested, and I am satisfied the law contemplated, that the oldest officers, and those highest in rank, should first be relieved from active duty, thus vitalizing the Army by insuring promotion to subordinates of long service. It is upon such grounds that I cordially and earnestly invite favorable action upon this application.

GEORGE CROOK,
Brigadier-General.

In addition to the reasons so cogently given by General Crook for favorable action on the memorial of Lieutenant Von Luettwitz there are others of great force. This officer, by an unjust or mistaken verdict of a court-martial, was dismissed the service, and kept out of it for four years, receiving no back pay upon his reinstatement. His gallantry, as certified to by his superiors, was conspicuous on the field that cost him his leg ; he was on the eve of well-earned promotion ; he is crippled for life, being unable even to wear an artificial leg, and he feels the soldier's ambition to have his services on his last battle-field recognized and rewarded by the country he served.