

APPOINTMENT OF CERTAIN MIDSHIPMEN.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES.

TRANSMITTING

A DRAFT OF A BILL AUTHORIZING THE APPOINTMENT OF CERTAIN MIDSHIPMEN IN THE UNITED STATES NAVY.

JANUARY 11, 1905.—Read; referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate and House of Representatives:

In the fall of 1903 John Henry Lofland, Earl Worden Chaffee, and Joseph Drummond Little, then members of the first or highest class at the Naval Academy, severally committed acts for which they were charged with the offense of hazing, were tried by court-martial, and were dismissed from the Academy and from the naval service.

In a letter addressed to the chairman of the Committee on Naval Affairs of the House, March 21, 1904, the Secretary of the Navy, after reviewing the facts upon which action in the cases of these midshipmen was based, states that "if discretion in the infliction of punishment had been vested either in the court-martial or the Department, a lighter punishment than dismissal from the service might have been inflicted," and concludes that Congress is the proper authority to determine in cases of this character whether exception should be made to the operation of the statute.

The Committee on Naval Affairs (House Report No. 2454, 58th Cong., 2d sess.), upon consideration of the Department's report, unanimously concludes that "under all the circumstances no detriment will be done the service" by sanctioning the appointment of these midshipmen to the naval service under appropriate conditions and restrictions.

Upon review of the facts in this case, I concur generally in the conclusions of the Secretary of the Navy and the Committee on Naval Affairs with respect to the character of the offenses committed by these midshipmen. Their acts were in plain violation of the letter of the statute, but the case presented is not an aggravated one, and I believe that their severance from the Academy, their reduction to the foot of

the class of which they were members, and their entry into the naval service without formal graduation will be adequate punishment.

The draft of a bill granting authority for the appointment of these midshipmen to the Navy under conditions and restrictions believed to be sufficient to guard the interests of the service is inclosed for the consideration of the Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 11, 1905.*

A Bill authorizing the appointment of certain midshipmen in the United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and empowered, in his discretion, to appoint to the naval service the three midshipmen of the then first-class who were dismissed on the sixth day of November, nineteen hundred and three, pursuant to the findings and recommendations of a court-martial, said midshipmen to take rank at the foot of the class from which dismissed, and to serve at sea in like manner as the other members of said class: Provided, That such appointments shall not be operative or effective unless and until said midshipmen shall have passed such examinations and conformed to such requirements as may be prescribed by the Secretary of the Navy.

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