

RELIEF OF LIEUT. COMMANDER KENNETH McALPINE.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

WITHOUT APPROVAL HOUSE BILL NO. 16927, ENTITLED "AN ACT FOR THE RELIEF OF LIEUTENANT-COMMANDER KENNETH McALPINE."

FEBRUARY 8, 1909.—Read; referred to the Committee on Naval Affairs and ordered to be printed.

To the House of Representatives:

I return herewith without approval House bill No. 16927, entitled "An act for the relief of Lieutenant-Commander Kenneth McAlpine," for the reasons set forth in the report of the Secretary of the Navy, as follows:

The department returns herewith H. R. 16927, "An act for the relief of Lieutenant-Commander Kenneth McAlpine," forwarded with your letter of the 4th instant, and recommends that it be not approved, for the following reasons:

(A) This officer left the service July 17, 1903, as the result of indulgence in the use of alcoholic intoxicants to such an extent as to render him morally unfit for promotion.

(B) Exceptional consideration has already been shown him in the act of March 3, 1905 (33 Stat., 992), in pursuance of which he was restored to the navy and immediately promoted to the grade for which he had formerly failed to qualify.

(C) The proposed legislation would confer upon him all the benefits to which he would have been entitled but for his own misconduct.

(D) Should this bill become a law it would be harmful to discipline in that it would materially tend toward the obliteration of the line which is rightfully drawn between the many officers whose conduct is uniformly consonant with the accepted standards of the service and the few whose conduct is not.

This officer has been treated with exceptional clemency already. The bill proposes to put him above the heads of better officers who have never been guilty of the conduct for which he has suffered what is really only a slight punishment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 8, 1909.*

[H. R. 16927. Sixtieth Congress, second session.]

AN ACT For the relief of Lieutenant-Commander Kenneth McAlpine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Lieutenant-Commander Kenneth McAlpine, United States Navy, a commander in the Navy on the active list, subject to examination, to take rank next after Gustav Kaemmerling, as originally borne on the Navy Register from eighteen hundred and eighty-six to nineteen hundred and three.

SEC. 2. That the said Kenneth McAlpine shall be considered to have been continuously in the naval service from the date of his appointment on September thirteenth, eighteen hundred and seventy-seven, but that he shall receive no pay or emolument for the period from July seventeenth, nineteen hundred and three, to March third, nineteen hundred and five; and that he shall be additional to the number of officers prescribed by law for the grade of commander in the Navy, and to any grade to which he may thereafter be promoted.

SEC. 3. That the said Kenneth McAlpine shall perform engineering duty only, on shore only.

J. G. CANNON,
Speaker of the House of Representatives.

CHARLES W. FAIRBANKS,
Vice-President of the United States and President of the Senate.

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