
NATIONAL DEFENSE ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING WITHOUT APPROVAL H. R. 8550, A BILL TO AMEND
SECTION 133 OF THE NATIONAL DEFENSE ACT

APRIL 28, 1928.—Referred to the Committee on Military Affairs, and ordered
to be printed

To the House of Representatives:

Herewith is returned, without approval (H. R. 8550), a bill to amend section 133 of the national defense act, specifying the members of the National Board for the Promotion of Rifle Practice and directing that there shall be held an annual competition to be known as the national matches.

The bill provides a board to perform Federal functions at Federal expense, to be constituted of five officials of the Government and 51 members to be appointed by officers and agencies which are not a part of the Federal Government. The method of appointment of Federal officers is clearly defined by Article II, sections 1 and 2, of the Constitution of the United States. I have been advised by the Attorney General that this bill is unconstitutional because it takes away from the executive branch of the Government and vests in persons not in any branch of the Federal service the power and duty to make appointments to and removals from posts in the Federal service.

The bill provides that the competition and school shall be held under such regulations as may be prescribed by the National Board for the Promotion of Rifle Practice, which regulations shall be subject to the approval of the Secretary of War. The effect of this provision is to take away from the proper Government officials the authority to make rules for the national matches and the small-arms firing school. The Secretary of War may approve or disapprove the rules and regulations prescribed by the national board but is apparently without the power to amend or to make new ones. The Secretary of War should continue to make the rules and regulations for these activities as he has done in the past, and

this important function should not be delegated. The Secretary of War now has the advice of the National Board for the Promotion of Rifle Practice, which is limited to 21 members and which functions at small expense in an entirely satisfactory manner. Through this board he is enabled to keep abreast of the needs of the citizen for this training.

A meeting of this board, consisting of 56 members, will cost approximately \$7,500 plus \$500 a day after the first day. The length of time that it will remain in session in order to carry out the duties prescribed in the bill can not be determined. This may vary from one day to an indeterminable number of days, with the consequent additional expense. The executive committee of from seven to nine members, elected by the board, is given duties of a continuing nature and it is evident that it can not perform these duties without expenditures for travel and personal expenses in addition to those resulting from the annual meeting of the entire board.

A study of the appropriations made in recent years will show that exclusive of the sum, approximately \$500,000, appropriated annually for the national matches, over \$3,500,000 has been provided for small-arms ammunition for training annually in marksmanship the Army of the United States, the citizens' military training camps, the Reserve Officers' Training Corps, and some sixteen hundred rifle clubs.

The creation of a board charged with the duties prescribed in this bill is a wide departure from present law and is in violation of sound principles of operation. This is further shown by the provision for the election by the board of a committee of from seven to nine members, charged with the executive functions of supervising and carrying out the regulations of the board. While it might be possible for this committee to designate one of its members to act for the committee, there is nothing in the bill which would prevent the committee from acting as a whole with the attendant increase in expense and confusion. The operation of this board as constituted by the bill will not result in any increase of efficiency over present procedure, while it must necessarily result in an appreciable increase in cost.

The bill authorizes the appropriation of an undetermined and indefinite amount annually as a part of the sum appropriated for national defense while at the same time it places the expenditures of the appropriation under a group not a part of either the War or Navy Department. I can not approve the principle of authorizing an appropriation for national defense unless the sums appropriated are to be expended under the immediate direction and supervision of those charged with the defense plans of the Nation.

To summarize, I consider the proposed legislation undesirable because it is unconstitutional in part; because it charges the War Department with the expense of certain activities over which the War Department will have little control, and takes from the War Department control it now exercises over certain matters affecting national defense; and because it authorizes an appropriation of an indefinite sum. Convinced as I am of the unwisdom of enacting this bill into law, I am constrained to return it without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE,
April 28, 1923.