

The message also announced that the President had, on August 15, 1953, disapproved bills of the House of the following titles, together with his reasons for such actions:

HAROLD JOE DAVIS—H. R. 1460

H. R. 1460. I am withholding my approval from H. R. 1460, for the relief of Harold Joe Davis.

This measure would pay the sum of \$10,000 to Harold Joe Davis, of Tulsa, Okla., as compensation for alleged permanent disability growing out of injuries sustained in a Japanese bombing attack at Dutch Harbor, Alaska, in 1942.

There is conflicting evidence regarding the facts in this case. It is undisputed, however, that the claimant was fire chief at the Navy's installation at Dutch Harbor, when it was bombed by the Japanese in 1942 and that, as a result of this bombing, he was injured while in the performance of his duties. It is not entirely clear whether the claimant was an employee of a Government contractor at the time of his injury or whether he may not have been a de facto employee of the United States. Nor is it clear just what the nature and extent of his injuries were nor to what extent they were responsible for his present condition.

Either as an overseas employee of a Government contractor or as an employee of the United States, the claimant was entitled to periodic disability compensation under laws administered by the Bureau of Employees' Compensation if he sustained a compensable disability in the course of his employment. However, for reasons unknown, he did not file a claim with that Bureau until some 7 years after the bombing injuries were incurred, a time interval well beyond the statutory period within which such claims had to be filed. His claim was subsequently rejected not only for failure to file timely, but also because, on the basis of hearings on the merits, it was determined that no present disability existed as a result of the 1942 injuries.

I find no justification for this proposed award. In amount, it bears no relation to any indicated measure of damages. It constitutes a method of payment which is at variance with the periodic compensation benefits provided by existing law. Its sole justification seems to be that the claimant is unable to meet the substantive and procedural requirements of compensation statutes of general applicability.

In view of the conflicting evidence in the case, however, I believe that the claimant should be afforded the opportunity to advance any additional evidence he may have in support of his claim. I would, therefore, be willing to approve a bill which would permit a determination of the claimant's employment status at the time of his injuries and which would then permit him, notwithstanding any statute of limitations, to file a claim under the law applicable to that status. In this way the claim

will be processed under accepted procedures, fair to both the individual and the Government. In my opinion, such a bill gives the fullest possible recognition to the equities in favor of the claimant and should be productive of a result in keeping with the degree of disability he so unfortunately sustained as a result of his war injuries.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE OFFICE,
LOWRY AIR FORCE BASE,
DENVER, COLO.,
August 15, 1953.

COL. HARRY F. CUNNINGHAM—H. R. 2158

H. R. 2158. I am withholding my approval from H. R. 2158, for the relief of Col. Harry F. Cunningham.

This measure directs the payment out of seized German assets now under the control of the United States of the sum of \$12,500 to Col. Harry F. Cunningham, of Lincoln, Nebr., as compensation for architectural services rendered the former German Government prior to World War II.

In the late 1930's the claimant was retained by the former German Government as the architect for an embassy which it was proposing to build in Washington. After rendering fairly extensive services, the claimant disassociated himself from the project when he found himself at odds with the military policies Germany was then following. The outbreak of hostilities a short time later resulted in the complete abandonment of the project and the embassy has never been built.

Subsequently, the claimant filed alternative claims with the Department of Justice under the Trading With the Enemy Act, the statute which governs the distribution to various claimants of the assets of the German Government and of German nationals which were seized at the beginning of World War II. He desired relief in the alternative either on the basis of a lien against specific real property owned by the German Government in the District of Columbia or on the basis of an ordinary debt owing for services rendered. The lien basis for the claim was rejected because a lien could not legally be asserted against governmental property and because the claimant's services never resulted in specific improvements to the property in question, ordinarily a condition precedent to the assertion of a valid lien. However, a claim based on the existence of a debt for personal services rendered is now pending before the Department of Justice, and, although no final determination can be made until processing of related claims under the Trading With the Enemy Act has been accomplished, it appears that the claimant will ultimately have his debt claim approved in such amount as is found to be owing to him.

This case has one major issue, revolving around the question of whether the facts and circumstances warrant the special treatment proposed for this claimant. In my opinion they do not.

The claimant has an acknowledged claim under the Trading With the Enemy Act. The provisions of that act were designed to provide orderly and equitable procedures for the distribution of vested enemy property. I do not believe these procedures should be ignored merely because it can be shown that proceeds in excess of the amount of the present claim have been realized from the sale of a portion of the land formerly owned by the German Government on which the embassy was to have been built. There are thousands of other debt claims equal or higher in priority to Colonel Cunningham's. At present there can be no assurance that the ultimate realization on vested German property will permit these to be paid at full value. It would clearly be discriminatory to place this claim in a preferred position.

Furthermore, I cannot subscribe to the view that the bill should be approved because such action will provide for prompt settlement of an acknowledged claim. All claimants would like to have prompt settlements. No valid reason is given for preferring this claimant ahead of all others. To set aside the procedures prescribed by general law would lead other claimants to seek special legislation to speed the settlement of their claims. To my mind, this is one of the exact contingencies that the Trading With the Enemy Act was designed for.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE OFFICE,
LOWRY AIR FORCE BASE,
DENVER, COLO.,
August 15, 1953.

CITY AND COUNTY OF DENVER, COLO.—H. R. 2750

H. R. 2750. I have withheld my approval from H. R. 2750, for the relief of the city and county of Denver, Colo.

This bill would authorize a payment of \$4,741.72 to the city and county of Denver, on account of street improvements in front of property of the United States adjoining Lowry Air Force Base. This represents the amount that would have been assessable against the property if it were privately owned.

Considered simply in terms of the specific facts, the claim for payment seems equitable. The Department of the Air Force has stated that the improvements "are definitely beneficial and desirable to the community and to the adjacent Federal property." Since there is no legal authority under which the Department can make payment, special private legislation is the only avenue of relief presently available.

But the claim covered in this bill is not unique, nor are the facts so peculiar and local that approval would set no precedent. On the contrary, there are indications that if the bill is approved other communities may be expected to press similar—and perhaps equally meritorious—claims to payment for local improvements adjacent to Federal real property.

A long-established principle of law and policy in our Federal system of gov-