contractor actually earned a profit of $34,202.86 on the entire contract. The audit report also discloses that this contractor, as the result of a profit of $300,359.13 on all other Government business for the years 1944, 1945, and the first 5 months of 1946. Its commercial business during the same period also operated at a substantial profit.

My approval of this bill would establish the undesirable principle of Government underwriting any wartime losses incurred by contractors providing goods and services to the Government, regardless of the fact that such contractors did not sustain a net loss. I am unable to perceive any circumstances which would warrant preferential treatment for the claimant to the detriment of other wartime contractors. I am satisfied that it is my duty to oppose this bill.

Although my examination of the record in this case does not lead me to believe that there is an equitable basis for this claim, it is possible that a court through judicial processes might be led to determine otherwise. In complex situations like the one presented by this case, it is my opinion that a judicial rather than legislative remedy should be sought. I would, therefore, be willing to give my approval to a jurisdictional bill waiving the bond of limitations against the claim.

Dwight D. Eisenhower,
THE WHITE HOUSE, August 31, 1954.

On September 1, 1954:
MRS. MERRIE CAPPELLER WEYEL

S. 46, I am withholding my approval of S. 46, a bill for the relief of Mrs. Merrie Cappeller Weyel.

'This enrolled enactment would pay the sum of $5,437.21 to Mrs. Merrie Cappeller Weyel in full settlement of her claim arising out of the death of her husband after his release from active duty in the Navy in 1948.

The husband of the beneficiary of this bill was recalled to active duty in 1947, after having been retired following 22 years of service. Prior to his release from this tour of duty, he was given a particularly thorough physical examination because of indications that he was suffering from high blood pressure. However, a board of medical survey determined, as a result of this examination, that he was physically qualified for release from active duty, and he was accordingly again returned to his retired status in February 1948.

Subsequently, this officer was treated and examined in private physicians' offices in September 1948. The X-ray disclosed that he was suffering from a malignancy which caused his death in December 1948, after two unsuccessful operations in private hospitals.

This deceased officer's case was twice considered by the Board for the Correction of Naval Records, which was established by statute to correct records where this was necessary to remove the injustice. It was contended by the beneficiary that the malignancy should have been discovered at the time his husband was given a clean bill of health. If it had been discovered, he would have been kept on active duty until his death. On the basis of this, it was further contended that she was entitled to be paid the usual death gratuity, the difference between the death gratuity and the amount of retirement pay for the period between the release from active duty and his death and the amount of private medical and hospital expenses incurred on his behalf. The present measure is based on these same contentions.

After twice reviewing the case, the Board concluded that it was to be presumed that the cancer had existed at the time the deceased was released from active duty and that, had its existence been discovered, he would not have been released at the time he was. However, for the contrary reasons, the decedent elected to be treated privately. If the Government is to establish medical facilities and make provision for the care of servicemen and veterans, it cannot, at the same time, be expected to undertake reimbursement of such personnel when they decide, for personal reasons, to obtain care at their own expense from private physicians and hospitals.

Another reason why I am unable to approve this measure is that, as enacted, it is either unfair to the beneficiary or to the Government. This results from the fact that the bill establishes payment of the death gratuity of 6 months' pay which was originally claimed by the beneficiary but recognizes and authorizes payment of the pay differential of 6 months' active pay and retired pay for the entire period between the date of the decedent's release from active duty and the date of his death. It is obviously inconsistent and defies the theory of Congress to establish medical facilities and make provision for the care of servicemen and veterans at the same time, be expected to undertake reimbursement of such personnel when they decide, for personal reasons, to obtain care at their own expense from private physicians and hospitals.

It appears that in the summer of 1943 a bill for the relief of Mr. Merle Cappeller Weyel was introduced in the Senate. It was to provide for the payment of $766.67 for damages occurring after the time the Navy began use of the property. The present bill was designed to afford compensation to Mr. Cappeller Weyel whose land was taken under similar circumstances. Although the evidence on this point is conflicting, it appears that such representative indicated that he expected the Navy to begin operations that fall and that, prior to the beginning of such operations, all livestock would have to be removed from the land. The beneficiaries alleges that the damage they claim is due to the premature vacation of his land.

Conceding the facts in this case to be as stated by the beneficiary, it still does not follow that he is entitled to the award proposed here. It has not been established that the damages allegedly sustained by the beneficiary were due to a reasonable reliance upon the representations of the Navy representative. There appears to have been no such reliance on the part of the other ranch owners whose land was taken under similar circumstances and whose statements appear in the committee reports in support of some aspects of the beneficiary's claim.

In addition, there appears to be confusion as to the basis for measuring the damages which the beneficiary allegedly sustained. He made an unverified claim of damages in the amount of $12,000. Part of the damages claimed are covered by the $766.67 condemnation award. The Congress reduced the claim