

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-

ernment is the constitutional immunity of the Federal Government from State and local taxation, including special assessments and the reciprocal constitutional immunity of State and local governments from Federal taxation. A breach of one immunity could weaken the other.

In the past the Congress has never consented to the general application of special assessments to property of the Federal Government. Legislation has been enacted from time to time granting limited consent to State or local taxes designated Federal properties or activities, or providing for payments in lieu of taxes under specified conditions. A few of these laws have permitted special assessments on certain Federal properties. On the other hand, the Congress has had before it bills proposing to grant general consent for the levy of special assessments for local improvements beneficial to Federal Government property, but such legislation has not been enacted.

The present Congress recently approved my recommendation that a Commission on Intergovernmental Relations be established to study the means of achieving a sounder relationship between Federal, State, and local governments. I believe that the exercise of taxing powers is within the scope of the Commission's assignment, and I shall request that its report include recommendations as to how to solve the many difficult problems which arise in the field of intergovernmental tax immunities.

The basic question underlying the enrolled bill (H. R. 2750) is whether the Federal Government should adhere to its constitutional tax immunity or should forego it in this particular instance and possibly in other cases. Since this involves the question of modifying a long-established policy, I believe that it should be decided broadly and deliberately, rather than through a succession of piecemeal decisions on individual requests. Moreover, I believe such a decision can best be reached in the light of the general suggestions which will be derived from the work of the Commission on Intergovernmental Relations.

DWIGHT D. EISENHOWER.

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

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

900. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated January 23, 1953, submitting a report, together with accompanying papers and an illustration, on a cooperative beach-erosion control study of Walkiki Beach, island of Oahu, T. H., prepared under the provisions of section 2 of the River and Harbor Act approved on July 3, 1930, as amended and supple-

mented (H. Doc. No. 227); to the Committee on Public Works and ordered to be printed, with one illustration.

901. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated January 23, 1953, submitting a report, together with accompanying papers and illustrations, on a review of reports on and preliminary examination and survey of Hudson River, N. Y., with a view to determining if it is advisable to provide a deep-water channel between Hudson and Troy, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on March 21, 1945; Hudson River, N. Y., from Albany to New York, and Hudson River, at or near North Germantown, Columbia County, N. Y., authorized by the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 228); to the Committee on Public Works and ordered to be printed, with eight illustrations.

902. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated June 13, 1952, submitting a report, together with accompanying papers and illustrations, on a cooperative beach-erosion control study of the shoreline of Lake Erie between Vermilion and Sheffield Lake Village, appendix VIII, prepared under the provisions of section 2 of the River and Harbor Act approved on July 3, 1930, as amended and supplemented (H. Doc. No. 229); to the Committee on Public Works and ordered to be printed, with five illustrations.

903. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated July 28, 1952, submitting a report, together with accompanying papers and an illustration, on a review of reports on the Mississippi River between the Ohio and Missouri Rivers with a view to determining the advisability of providing improved harbor facilities at Chester, Ill., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on July 10, 1946 (H. Doc. No. 230); to the Committee on Public Works and ordered to be printed, with one illustration.

904. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated October 10, 1952, submitting a report, together with accompanying papers and illustrations, on a cooperative beach-erosion control study of Presque Isle Peninsula, Erie, Pa., prepared under the provisions of section 2 of the River and Harbor Act approved on July 3, 1930, as amended and supplemented (H. Doc. No. 231); to the Committee on Public Works and ordered to be printed, with eight illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCONNELL: Committee of conference. H. R. 6049. A bill to amend Public Law 815, 81st Congress, to provide a temporary program of assistance in the construction of minimum school facilities in areas affected by Federal activities, and for other purposes (Rept. No. 1091). Ordered to be printed.

Mr. MCCONNELL: Committee of conference. H. R. 6078. A bill to amend Public Law 874 of the 81st Congress so as to make improvements in its provisions and extend its duration for a 2-year period, and for other

purposes (Rept. No. 1092). Ordered to be printed.

Mr. HOPE: Committee on Agriculture. H. R. 5358. A bill to protect the surface values of lands within the national forests, and for other purposes; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLVERTON: Committee of conference. S. 2315. An act to authorize payment of certain war claims (Rept. No. 1094). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REED of New York (by request):

H. R. 6812. A bill to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. RAYBURN:

H. R. 6813. A bill to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Denison, Tex.; passed House.

By Mr. D'EWART:

H. R. 6814. A bill to facilitate the acquisition of non-Federal land within areas of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA of Illinois:

H. R. 6815. A bill to provide for the repair and restoration of the U. S. S. *Olympia*, flagship of Admiral Dewey at the battle of Manila Bay, and her permanent berthing; to the Committee on Armed Services.

By Mr. UTT:

H. R. 6816. A bill to amend the Tariff Act of 1930, so as to impose certain duties upon the importation of tunafish, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLVERTON:

H. R. 6817. A bill to authorize the imposition of civil penalties for violation of the security provisions of the Civil Aeronautics Act of 1938, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 6818. A bill to amend section 610 (a) of the Civil Aeronautics Act of 1938, as amended, to provide for the imposition of civil penalties in certain additional cases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 6819. A bill to establish a Telecommunications Policy Committee; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. R. 6820. A bill to amend and revise the laws relating to immigration, naturalization, nationality, and citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. ADDONIZIO:

H. R. 6821. A bill to amend and revise the laws relating to immigration, naturalization, nationality, and citizenship; and for other purposes; to the Committee on the Judiciary.

By Mr. CHUDOFF:

H. R. 6822. A bill to amend and revise the laws relating to immigration, naturalization, nationality, and citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. DELANEY:

H. R. 6823. A bill to amend and revise the laws relating to immigration, naturalization, nationality, and citizenship, and for other purposes; to the Committee on the Judiciary.