

JURISDICTION OF COURT OF CLAIMS OVER CLAIM OF
R. GORDON FINNEY, JR.

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL, H.R. 1761, A BILL TO CONFER JURISDICTION
ON THE COURT OF CLAIMS TO HEAR, DETERMINE, AND RENDER
JUDGMENT UPON THE CLAIM OF R. GORDON FINNEY, JR.

MARCH 24, 1964.—Referred to the Committee on the Judiciary and ordered
to be printed

To the House of Representatives;

I return, without my approval, H.R. 1761, a bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Jr.

This bill would permit Mr. Finney to claim a salary for the years between 1946 and 1953, when he was not employed by the Federal Government. He had occupied a temporary position with the Federal Government between 1933 and 1942, when he entered the armed services. Mr. Finney first raised this question in 1960.

At present, the statute of limitations bars claims not raised within 6 years of the date they accrue. Mr. Finney seeks relief from the effect of this statute on the ground that he was under the impression that an opinion of the Attorney General, announced in 1945, prevented him from successfully asserting a right to reemployment by the Federal Government at the conclusion of his military service. He therefore sought and found private employment. He was unaware of a subsequent opinion by the Attorney General in 1946, which indicated he had reemployment rights after his military service.

The record does not disclose any reason for the 14-year delay in filing the back salary claim. The statute of limitations is designed to give finality to actions after a reasonable period of time. To permit Mr. Finney to assert a claim now would not only do violence to the purpose of the statute of limitations, it would also permit his delay to increase the amount of the claim. There is no justification for charging the Government with the consequences of the failure of a claimant to pursue his remedy.

In these circumstances, I believe the policy of the statute of limitations should be maintained.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 23, 1964.*

H.R. 1761

EIGHTY-EIGHTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON TUESDAY, THE SEVENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-FOUR

AN ACT To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Junior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the statute of limitations, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of R. Gordon Finney, Junior, (1) on the question of liability of the Government, and (2) on the question of the amount of recovery, for back salary lost as a result of an alleged improper application by the National Park Service of the Selective Training and Service Act of 1940, as amended (50 U.S.C. App. 459), for the period following the date of his honorable discharge from the Army on January 27, 1946, to the date of the court's judgment.

SEC. 2. Suit upon such claim may be instituted at any time within six months after the date of enactment of this Act. Proceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code: *Provided, That the passage of this Act shall not be construed as an inference of liability on the part of the United States.*

JOHN W. McCORMACK,
Speaker of the House of Representatives.
LEE METCALF,
Acting President pro tempore of the Senate.

[Endorsement on back of bill:]

I certify that this Act originated in the House of Representatives.

RALPH R. ROBERTS, *Clerk.*

