

GILMOUR C. MACDONALD

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (H.R. 7546) FOR THE RELIEF OF
GILMOUR C. MACDONALD, COLONEL, U.S. AIR FORCE, RETIRED

OCTOBER 11, 1966.--Referred to the Committee on the Judiciary and ordered
to be printed together with the accompanying bill

To the House of Representatives:

I regret that I must return without my approval H.R. 7546, a bill for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force Force (retired), which would, in part, confer upon the Court of Claims jurisdiction to render judgment upon an equitable claim.

The Acting Attorney General has advised me that this bill is unconstitutional. In his opinion, in the special sphere of private claims, equitable connotes what the Government should do as a matter of moral, as distinguished from legal, responsibility; as a constitutional court, the Court of Claims cannot receive and exercise such a jurisdiction, and the power to determine what the Government should do in such circumstances is legislative in nature and nondelegable.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 10, 1966.*

H.R. 7546

EIGHTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE TENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-SIX

AN ACT For the relief of Gilmour C. MacDonald, colonel, United States Air Force (retired)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, lapse of time, or bars of laches, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon any claim, legal or equitable, filed by Gilmour C. MacDonald, colonel, United States Air Force (retired), Shalimar, Florida, for compensation for the usage by the United States during World War II and the Korean conflict of a tubular caltrop tire puncturing device allegedly invented by the said Gilmour C. MacDonald, the said Gilmour C. MacDonald having submitted drawings and models of such device to the National Inventors Council, Department of Commerce, in 1940, with the alleged understanding that he would be compensated for his invention if it were used by the United States.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment thereon shall be had in the same manner as in the case of claims over which the Court of Claims has jurisdiction under section 1491 of title 28 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

JOHN W. McCORMACK,
Speaker of the House of Representatives.

QUENTIN N. BURDICK,
Acting President of the Senate pro tempore.

