tential inflationary effect upon the economy or that is so discriminatory. There is no justifiable reason for making loans at interest rates below the current market available to some veterans and denying them to others.

Help to veterans in the field of housing can be met most effectively with programs available to all our citizens, veterans and nonveterans alike, through the coordinated activities of the Housing and Home Finance Agency. The recent liberalization of loan terms under the FHA mortgage-insurance program should make this program available to a far wider segment of the population, thus stimulating private home-building activity to meet the growing needs.

It is my considered judgment that the above-mentioned deficiencies of H. R. 4602 are of a magnitude and importance which preclude my approval of the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 2, 1957.*

MR. AND MRS. C. H. PAGE

H. R. 1315: I have withheld my approval from H. R. 1315, a bill for the relief of Mr. and Mrs. Charles H. Page.

H. R. 1315 would pay the sum of $14,430.88 to Mr. and Mrs. Charles H. Page in connection with the wrongful death of their son who was a member of the Armed Forces.

On the night of July 4, 1954, the decedent, Pfc. Charles H. Page, Jr., was a member of a motorized patrol at Killeen Army Base, Killeen, Tex. As the patrol approached a classified area after dark it was properly halted and challenged by a posted walking sentry. The decedent identified the patrol, whereupon the sentry requested that the dome light inside the vehicle be turned on. The patrol had twice passed the same sentry earlier that evening after the fall of darkness and had been allowed to proceed after the sentry had been informed that the light did not work. But, this time, on again being informed that the light did not work, the sentry directed the decedent to dismount and be recognized. The latter refused, calling out to inquire if the sentry did not recognize his voice and, at the same time, directing the driver of the vehicle to proceed. The sentry ordered the vehicle to halt and then fired, fatally wounding the decedent.

The decedent was survived by his parents who are the beneficiaries of this bill. The parents were paid a death gratuity of $569.22 and are currently in receipt of monthly benefits from the decedent's free $10,000 indemnity. In addition, upon a showing of dependency, they could qualify for regular monthly payments under the Social Security Act and under laws administered by the Veterans' Administration. The award proposed in H. R. 1315 is additive to the foregoing benefits.

I cannot see my way clear to approve this bill. The Federal Government has provided a costly, comprehensive, and orderly system of benefits for survivors of members of the Armed Forces who die in service. As long as the death is service connected, these benefits are payable regardless of the cause, whether it be in combat or as the result of a tragic incident like the present one. As I have previously noted, the parents here have already received, and presently are continuing to receive, substantial benefits on account of their son's death. On a showing of dependency they could qualify for additional benefits.

H. R. 1315 would add to the benefits, to which the parents have heretofore or may hereafter become entitled, a further award in the amount of $14,430.88. To make such an award in this case would establish a most undesirable precedent with respect to other cases involving service-connected deaths. If this bill were approved, it would be difficult to deny similar awards to the survivors of other servicemen who die under a wide variety of circumstances. To follow such a course would, in my opinion, jeopardize the entire structure of benefits which has been built up for the protection of servicemen's survivors.

I am constrained, therefore, to withhold my approval from H. R. 1315.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 7, 1957.*

MRS. HANNAH MAE POWELL

H. R. 1419: I have withheld my approval of H. R. 1419 entitled "An act for the relief of Mrs. Hannah Mae Powell."

The bill would authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Hannah Mae Powell, 1950 East Lehigh Avenue, Philadelphia, Pa., the sum of $11,197.95 in full settlement of all claims of said Mrs. Hannah Mae Powell for refund of excise taxes and other expenses sustained as a result of the actions of the collector of internal revenue of Philadelphia, Pa., in the years 1937, 1941, and 1942.

An examination by the Treasury Department of the facts in this case discloses that Mrs. Hannah Mae Powell has recovered by court action all taxes assessed and collected from her which were in dispute—plus interest—except $464.76 which was barred by the expiration of the statutory period of limitations. These taxes which were in dispute were manufacturers' excise taxes.

After a recovery of the taxes, Mrs. Hannah Mae Powell instituted a damage suit against the former collector, both individually and as collector of internal revenue of Philadelphia, Pa. The district court rendered a judgment in favor of the former collector and denied damages to Mrs. Hannah Mae Powell. This judgment was later upheld by the court of appeals.

The bill, therefore, would give to Mrs. Hannah Mae Powell the sum of $11,197.95 as damages which were denied to her by the Federal district court and the court of appeals. The court of appeals in affirming the decision of the lower court stated (*Powell* v. *Rothensies* (C. A. 3d, 1950), 183 F. 2d 774, 775):

> The evidence offered by the plaintiff herself conclusively establishes that at the time of the levy and seizure in question there were outstanding in the hands of the defendant 2 unpaid assessments against the plaintiff for manufacturer's excise taxes and that the warrant for distraint under which the levy and seizure were made was expressly based upon these 2 outstanding assessments, which with interest and penalty then amounted to $4,718.44. Under these circumstances it was within the scope of the defendant's ministerial duty to make the levy and collection here in controversy and he cannot be held answerable in damages for so doing. The trial judge, therefore, rightly directed a verdict for the defendant.

It would thus appear that the damages sustained by Mrs. Powell resulted from her failure to satisfy two unpaid assessments and that, in collecting the unpaid assessments, the former collector of internal revenue was acting within the scope of his ministerial duties.

H. R. 1419 would have a discriminatory effect, as it would afford to Mrs. Powell relief which had been denied her by the Federal Courts and which would be denied all others in similar circumstances who do not have the benefit of special legislation. Furthermore, H. R. 1419 would create an undesirable precedent by allowing damages to be collected from the United States under these circumstances.

Under the circumstances, therefore, I am constrained to withhold my approval of the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 7, 1957.*

PACIFIC CUSTOMS BROKERAGE CO.

H. R. 1591: I am withholding approval of H. R. 1591, a bill for the relief of the Pacific Customs Brokerage Co., of Detroit, Mich.

The proposed legislation would provide for the payment of $29,502.55 to the beneficiary in full settlement of all claims against the United States arising out of an erroneous classification of baler twine which was imported at Detroit, Mich., between May 5, 1950, and February 16, 1951. The collector of customs liquidated these entries at the rate of 15 percent ad valorem, the rate applicable under paragraph 1005 (b) of the Tariff Act of 1930, as modified, in accordance with established and uniform practice for merchandise of this type. The importer failed to protest this ruling within 60 days after liquidation of the entry.

About a year after the entries had been liquidated, the Customs Court, in connection with the importation made by another importer, decided that similar merchandise was entitled to entry free of duty under paragraph 1622 of the Tariff Act. This decision was later affirmed by the Court of Customs and Patent Appeals. This interpretation of the law had no effect on the classification of the merchandise in H. R. 1591, since that duty determination had been made and had become final and binding.

The Congress has established a regular procedure for importers to contest the rate of duty and obtain a judicial determination by the Customs Court of the correct rate. This judicial review is obtained by filing a protest to the collector's decision within 60 days after it is made. No protest was filed by the Pacific Customs Brokerage Co. The Congress, in section 514 of the Tariff Act, has provided that if such a protest is not made within 60 days, the decision of the collector is final and conclusive upon the