sent any equitable consideration which warrants the direct gratuity award proposed. Unfortunately the procedural reversal by the circuit court of appeals has left the parties in the unsatisfactory position which existed prior to the district court suit. The evidence in this case is complex and controversial. I believe, therefore, that in fairness to Mrs. McQuilkin she is entitled to a day in court for decision of her claim on its merits, and I would be willing to approve a jurisdictional enactment waiving the bar of any statute of limitations.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 31, 1954.*

S. H. PRATHER ET AL., H. R. 9357

H. R. 9357. I have withheld my approval from the bill (H. R. 9357) for the relief of S. H. Prather, Mrs. Florence Prather Penman, S. H. Prather, Jr.

The bill proposed to pay the sums of $5,000 to S. H. Prather, $2,000 to Mrs. Florence Prather Penman, and $1,000 to S. H. Prather, Jr., for personal injuries and property damages sustained at Quitman, Ga., as the result of a collision of their family automobile with a car driven by one Howard Hart, an alleged bootlegger. The committee report on this bill (H. Rept. No. 2208) indicates that the collision occurred on August 6, 1935, when Hart was being pursued by an investigator of the Alcohol Tax Unit, Bureau of Internal Revenue, Treasury Department, and by a State officer. The report of the Treasury Department embodied in the House report states that the officers, while traveling at approximatetly 70 miles per hour, had pursued the car for a distance of about 2 miles, but had slowed down when Hart turned into a dirt side street of the town of Quitman, picked up speed to 75 miles an hour, and collided with the Prather car, which was proceeding at a lawful rate of 20 to 25 miles per hour. Hart's car contained approximately 43 gallons of illicit whisky at the time.

The officers in this instance were acting in the performance of their official duties in attempting to apprehend persons who were violating the law in their presence. The report of the special investigator of the Alcohol Tax Unit states that Mr. Prather conceded when interviewed that the officers were doing their duty and were without blame, "but that he felt someone should compensate him for the damages suffered," since the violators who had caused the wreck had no financial responsibility.

The misfortune suffered by this family as a result of the automobile accident, for which they were in no manner responsible, is most lamentable. While it is true the accident might not have happened if the law-enforcement officers had not been pursuing the bootleggers, there is nothing in the file to indicate the law-enforcement officers were acting negligently or were doing anything other than their duty. Unfortunately, the culprits legally and morally responsible for the injuries cannot be made to respond in damages. Enactment of the bill would constitute a gratuity and would create a dangerous precedent which might set in motion a chain of endless requests for the payment of damages by the Government arising out of accidents in which law-enforcement officers may have been remotely involved.

Accordingly, I am constrained to withhold my approval from the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 31, 1954.*

METROPOLITAN WASHINGTON AREA TRANSPORTATION, H. R. 2236

H. R. 2236. I have withheld my approval from H. R. 2236, entitled "An act to provide for a Commission to regulate the public transportation of passengers by motor vehicle and street railroad within the metropolitan area of Washington, D. C., and for the establishment of a Metropolitan Washington Commission."

Title I of this enactment would establish a Washington Metropolitan Area Transit Commission to regulate public transportation by bus, streetcar, and taxicab in the District of Columbia and the counties of Montgomery and Prince Georges in the State of Maryland. The bill would grant to the proposed new Commission, in strengthened form, most of the powers now separately exercised in this regard by the Interstate Commerce Commission and the Public Utilities Commissions of the State of Maryland and the District of Columbia.

Title II of the bill would create a temporary Metropolitan Washington Commission to study, investigate, and make recommendations with regard to certain aspects of the Washington metropolitan area transportation problem.

The regulation of public transportation in the greater Washington area must contend with the growth of an integral economic community spreading far beyond the boundaries of the District of Columbia to include Montgomery and Prince Georges Counties in Maryland and Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia. Within this community, the daily travel of persons back and forth across State lines has reached dimensions with which present facilities cannot cope. Under these circumstances, it is understandable that the present division of responsibility for regulation among four different agencies no longer meets the needs of the area. This division of responsibility has contributed, as it could not help but do, to the development of an inadequate system of public transportation. The situation plainly requires unification of regulatory authorities over public transportation throughout the metropolitan area.

The present enactment, however, falls substantially short of this objective. Its failure to include the Virginia segment of the metropolitan area within the jurisdiction of the proposed Commission is a fundamental deficiency. Through this omission of an integral and important part of the greater economic community, a system of fragmented and divided regulatory authority is continued. What is worse, the Federal Government is placed in the position of treating the carriers and persons within one segment of the area on a different and discriminatory basis from those in the remainder of the area. In the absence of any substantial grounds for this differentiation, the measure is unacceptable even as a temporary expedient.

This bill is also unsatisfactory because it extends, without sufficient safeguards, the authority of the Federal Government to matters that have, hitherto, been considered as primarily the concern of the District of Columbia and of the States. The problem is difficult because the urgency of need and the extent of Federal interest in the Nation's Capital both argue for unification of regulatory authorities under Federal auspices, at least for the time being. However, in any such arrangement means must be found to give adequate recognition to the rights and responsibilities of the District and of the States involved. Specifically, provision should be made to enable the States of Maryland and Virginia and the District of Columbia eventually to make arrangements for the exercise of this function under joint responsibility. In this regard, it would appear desirable to explore the feasibility of utilizing an interstate compact or other cooperative arrangements in which the Federal Government would participate and the Federal interest would be fully protected. In addition, every effort should be made to minimize the impact of any new Commission upon the internal affairs of the District of Columbia.

With respect to title II of the enactment, I agree that further study of metropolitan transportation problems is desirable. The primary mission assigned to the Commission is related directly to highway, bridge, and traffic problems. In emphasizing this role rather than consideration of mass transit problems, the bill unnecessarily complicates relationships with the National Capital Planning Commission and the National Capital Regional Planning Council. I believe that further consideration by the Congress will result in a more orderly allocation of responsibilities between the Commission and these existing planning agencies. Title II also establishes undesirable limitations governing the appointment and qualification of members of the Commission.

I hope that the 84th Congress will promptly enact a measure to unify regulatory authorities over public transportation and provide for a further transit study with adequate coverage and recognition of State and District responsibilities. Since title I of this bill would not have become fully effective until July 1, 1955, there need be no significant loss of time in obtaining its objectives. Similarly, time did not permit the Congress to provide funds for title II before adjournment. Therefore, since an appropriation cannot be made until after the Congress convenes in January, little time, if any, need be lost in the studies which a revised title II would encompass.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 3, 1954.*

MRS. ROSALINE SPAGNOLA, H. R. 2881

H. R. 2881. I have withheld my approval from H. R. 2881, a bill for the relief of Mrs. Rosaline Spagnola.

This enrolled enactment would pay to Mrs. Rosaline Spagnola the sum of $675.50 as additional compensation on account of the accidental death of her

son in 1947 at Schofield Barracks, Hawaii.

As a member of the Armed Forces, the beneficiary's son had been convicted of housebreaking by a court-martial, sentenced to 5 years' confinement, and given a suspended dishonorable discharge. While confined in a post stockade he was shot and killed during an abortive jailbreak. It was subsequently determined that the decedent was not involved in the attempted escape in any way, and his death was declared to have occurred in line of duty. On the basis of this determination the beneficiary was paid the usual 6 months' death gratuity.

Earlier in his military career the beneficiary's son had taken out a $10,000 national service life insurance policy, designating his mother as beneficiary, and paying the premiums on his policy by allotments from his pay. However, since he had forfeited all pay and allowances while in confinement his allotment became ineffective, causing the policy to lapse for lack of premium payment. When the beneficiary made application after her son's death for regular monthly payments under the policy, the Veterans' Administration made such payments to her over a period of several years in an aggregate amount of $4,324.50 before discovering that the policy had not actually been in effect at the time of the son's death. Under discretionary authority which it possesses, the Veterans' Administration waived recovery of the amount thus erroneously paid to the beneficiary on the grounds that she had received it in good faith and to require repayment would work an undue hardship on her. In this connection, it may be noted that the award proposed by the present measure is based on the difference between the aggregate amount of the erroneous insurance payments and $5,000, the sum deemed by the Congress to be a reasonable total payment in the light of the circumstances of the case.

It appears that, even if she were dependent upon her son for support, which she was not, the beneficiary is ineligible for survivorship benefits under laws administered by the Veterans' Administration, because such benefits are denied in cases in which the serviceman died while in confinement, regardless of whether or not his death was incurred in line of duty.

The only question presented by this case is whether its special facts warrant the additional relief which the bill would afford the beneficiary. It might be argued that such relief is warranted not only because the beneficiary, apart from the issue of dependency, is ineligible for benefits under laws administered by the Veterans' Administration even though her son died in line of duty but also because neither she nor her son was ever specifically notified by the Veterans' Administration that this insurance had lapsed. Even if such arguments were valid, and I do not consider that they are, I still believe that there would be no justification for the award proposed here. I believe that any equities which might have existed in favor of the beneficiary were more than satisfied when the Veterans' Administration waived recovery of the insurance payments erroneously made to her.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 1, 1954.*

RALEIGH HILL, H. R. 6529

H. R. 6529. I am withholding my approval from the bill, H. R. 6529, 83d Congress, an act for the relief of Raleigh Hill.

The bill would authorize and direct the Administrator of Veterans' Affairs to pay the proceeds of national service life insurance of Walter H. Nichols, Jr., to Raleigh Hill, uncle of the insured and designated principal beneficiary of such insurance.

National service life insurance in the amount of $10,000 matured on April 8, 1945, the date of death in service of Walter H. Nichols, Jr. The Veterans' Administration denied the claim of his uncle, Raleigh Hill, the designated principal beneficiary, on the ground that he did not stand in loco parentis to the insured and was therefore not within the permitted classes of beneficiaries, a statutory requirement applicable to national service life insurance maturing prior to August 1, 1946. The correctness of the Veterans' Administration determination under the applicable law is not disputed.

Favorable action appears to have been predicated on a belief that because the restriction concerning the permitted classes of beneficiaries has been removed as to national service life insurance maturing on and after August 1, 1946, payment should be made to an ineligible beneficiary in this case involving insurance which matured prior to August 1, 1946, and further, that the Government failed to advise the insured properly concerning classes of eligible beneficiaries. I am advised that the latter view is not supported by the record. As to the former, a similar view was urged in support of H. R. 3733, 83d Congress, which likewise proposed to pay an ineligible beneficiary the proceeds of a national service life insurance policy. In my message of February 23, 1954, returning the bill without approval, I said that it seemed to me irrelevant and unwise to accept as justification for that bill the fact that the ineligible beneficiary could at the time of the message qualify as a beneficiary under existing law which was not made retroactive. My view has not changed and applies with equal force to the present case.

Furthermore, approval of H. R. 6529 would be discriminatory and precedential. I am advised that of the approximately 3,600 claims for the proceeds of national service life insurance denied by the Veterans' Administration because the claimants were not within the classes of beneficiaries permitted by law, it is estimated that a majority were cases similar to Mr. Hill's, where the claimants had been designated as beneficiaries.

As stated on previous occasions, I am opposed to setting aside the principles and rules of administration prescribed in the general law relating to veterans' benefit programs. Uniformity and equality of treatment to all who are similarly situated must be the steadfast rule if the Federal programs for veterans and their beneficiaries are to be operated successfully. Approval of H. R. 6529 would not be in keeping with these principles.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 1, 1954.*

CARL PIOWATY AND W. J. PIOWATY, H. R. 1665

H. R. 1665. I have withheld my approval from H. R. 1665, for the relief of Carl Piowaty and W. J. Piowaty.

This bill authorizes and directs the Secretary of the Treasury to pay to Carl Piowaty and W. J. Piowaty the sum of $4,450 in full settlement of their claim against the United States for war-crop advances made to them by the Regional Agricultural Credit Corporation prior to April 16, 1943.

The claims of the United States against these two persons and their claims against the United States have been adjudicated in the courts where both sides were afforded an opportunity to present all pertinent evidence on the issues involved. The case was tried before a jury in the circuit court of Orange County, Fla., on May 22 and 23, 1947, and a judgment was obtained against both Carl Piowaty and W. J. Piowaty for the full amount they owed. They appealed the verdict to the Supreme Court of Florida where the lower court's judgment was sustained on February 13, 1948. Appeal for a rehearing was thereafter denied.

In 1950, W. J. Piowaty and his wife instituted an action in the circuit court of Orange County, Fla., seeking a declaratory judgment relieving their real property from the lien of the judgment. That suit was dismissed on motion of the United States. In 1951, suit was filed by the United States against Carl Piowaty, W. J. Piowaty, and the Globe Indemnity Co. on the bonds which were posted when the appeal was taken to the Supreme Court of Florida. Carl Piowaty and W. J. Piowaty filed an answer in that suit, but on motion for summary judgment, judgment was rendered against all the defendants in favor of the United States on October 29, 1952.

In the light of this history of repeated judicial review, I cannot agree that Carl Piowaty and W. J. Piowaty should be given the special consideration and relief which the bill would provide.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 2, 1954.*

TRUST ASSOCIATION OF H. KEMPNER, H. R. 951

H. R. 951. I have withheld my approval from H. R. 951, for the relief of the Trust Association of H. Kempner.

This bill would provide an indirect means for payment of approximately $1 million by the United States for certain peacetime commercial losses of the Kempner Trust Association. To accomplish this purpose the bill would require the Court of Claims to determine the amount that the trust association lost as a result of cotton sales made to certain private business firms in Germany during 1923 and 1924. The bill would then require that the Court of Claims determine how much of the property seized during World War I by the United States from a German firm wholly unconnected