

S. 754. I am withholding approval from S. 754, "For the relief of Ethel Hudson Morrison."

This measure was enacted to overcome, for the benefit of the claimant, the provisions of the general law governing entitlement to the remaining proceeds of a National Service Life Insurance policy which matured in July 1943. It does this by resorting to legislative directive requiring the Administrator of Veterans' Affairs to assume, in the administration of the National Service Life Insurance Act of 1940, as amended, that the claimant "stood in loco parentis" to the insured and that she was the "designated sole contingent beneficiary" of his insurance policy.

The facts in this case are not disputed. The policy of the deceased designated his mother as principal beneficiary and the claimant, Ethel Hudson Morrison and William McKee Morrison, Jr., aunt and cousin, respectively, as contingent beneficiaries. The mother died in 1948. The aunt alone seeks to recover the remaining unpaid installments under the policy.

Prior to August 1, 1946, the law governing National Service Life Insurance policies did not permit either an aunt or a cousin to be named as a beneficiary. The law did recognize, as proper beneficiaries persons who, under certain circumstances, stood in loco parentis to the insured. Mrs. Morrison attempted, unsuccessfully, to establish such a relationship. The original application was administratively denied, and affirming decision of the Board of Veterans' Appeals was not appealed to the courts, as was the claimant's right.

I consider this measure unacceptable for a number of reasons:

First. It is desirable, generally, in accordance with the right granted by the National Service Life Insurance Act of 1940, as amended, that disagreements with rulings of the Veterans' Administration be reviewed by the courts, thus exhausting all the remedies provided by the terms of general legislation.

Second. The directives of the bill, in providing for this claimant alone, seemingly defeat the intent of the insured that the cousin also should share. I find nothing in the record of the case to justify or explain setting aside the wishes of the insured in this respect.

Third. The National Service Life Insurance trust fund would become obligated for the liability were the bill approved. In view of the contract rights of existing policyholders, I share the doubt of the Veterans' Administration as to the legality of the proposed action.

Fourth. This legislative overruling of the decision of the Board of Veterans' Appeals seems to be based only on the less dominant considerations of the in loco parentis proceedings. Nowhere in the legislative history is any reason advanced for dismissing the considerations which the administrative decision found dominant and controlling. Even though Mrs. Morrison did care for the insured after his father's death, the fact remains that he was at no time actually living apart from his mother.

Far more fundamental is the objection I have heretofore expressed to set-

ting aside the principles and rules of administration prescribed in the general laws governing veterans' benefit programs. Uniformity and equality of treatment to all who are similarly situated must be the rule if the Federal programs for veterans and their beneficiaries are to be operated successfully. Otherwise, inequity is added to inequity, as is fully revealed by statistics reported by the Veterans' Administration. More than 3,200 claims of designated beneficiaries for the proceeds of National Service Life Insurance have been denied because they were not within the permitted classes of beneficiaries. There may be cases in which the circumstances are unique and justify waiver of the law. In my judgment, this is not such a case.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, August 7, 1953.

On August 7, 1953:

S. 953. An act for the relief of Mary Thaila Womack Webb.

S. 953. I am withholding my approval from S. 953, "An act for the relief of Mary Thaila Womack Webb."

This measure, in providing a special exception from the general laws administered by the Veterans' Administration, would render this claimant potentially eligible to receive a pension for the non-service-connected death of a veteran of World War I. It does this by resorting to a legislative directive that she shall "be deemed to be the widow" of the deceased veteran.

Under existing law the establishment of legal widowhood is prerequisite to death benefits administered by the Veterans' Administration. The claimant cannot meet this prescription because a prior marriage of the veteran was never legally dissolved. Both the veteran and the beneficiary had a contrary belief, and they married in good faith. The Congress has accepted the good faith of the claimant in entering into the marriage and the belief that she was the legal wife of the veteran during the 18 years of their association.

I understand fully the motivation of the action taken by the Congress in this case but I cannot agree that the principles and rules of administration prescribed in the general law should be set aside except in unique and most compelling circumstances of equity. The Federal programs for veterans and their beneficiaries, if they are to be successful, require unswerving uniformity of rule and equality of treatment to all who are similarly situated. If the law is to be changed, it should be changed for all.

We must not, in this benefits field, heed the special plea or the emotional appeal of the hardship case. Legal requirements of fact should not be supplanted by fiat or legislative fiction applying to an individual. To do so would result only in the compounding of inequities, as is apparent from statistics reported by the Veterans' Administration. More than 2,700 claims for death benefits were disallowed by the Veterans' Administration during the last fiscal year for the reason that relationship to the deceased veteran could not be established. I am informed that at least a majority were

cases similar to that of the present claimant.

In the light of these facts I could take no other action than to withhold approval of this bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, August 7, 1953.

NOMINATIONS

Executive nominations received by the Senate August 3, 1953:

DIPLOMATIC AND FOREIGN SERVICE

Willard L. Beaulac, of Rhode Island, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

RENEGOTIATION BOARD

Charles F. Mills, of Massachusetts, to be a member of the Renegotiation Board.

JUDGE OF THE FIRST CIRCUIT, CIRCUIT COURTS, TERRITORY OF HAWAII

Calvin C. McGregor, of Hawaii, to be seventh judge of the First Circuit, Circuit Courts, Territory of Hawaii, to fill a new position.

UNITED STATES DISTRICT JUDGE

Andrew Thomas McGuire, of Connecticut, to be United States district judge for division No. 2, district of Alaska, vice Joseph W. Kehoe, resigned.

UNITED STATES ATTORNEYS

W. Wilson White, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania, vice Gerald A. Gleeson, resigned.

Fred Elledge, Jr., of Tennessee, to be United States attorney for the middle district of Tennessee, vice Ward Hudgins, resigned.

UNITED STATES MARSHAL

B. Ray Cohoon, of North Carolina, to be United States marshal for the eastern district of North Carolina, vice Ford S. Worthy, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 3 (legislative day of August 1), 1953:

UNITED STATES INFORMATION AGENCY

Theodore C. Strelbert, of New York, to be Director of the United States Information Agency.

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Samuel C. Waugh, of Nebraska, United States Alternate Governor of the International Monetary Fund and the International Bank for Reconstruction and Development for a term of 5 years.

DEPARTMENT OF DEFENSE

Frank D. Newbury, of Pennsylvania, to be Assistant Secretary of Defense.

DEPARTMENT OF THE NAVY

Rear Adm. Wilson D. Leggett, Jr., United States Navy, to be Chief of the Bureau of Ships in the Department of the Navy for a term of 4 years.

Rear Adm. Edward W. Clextan, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years.

FEDERAL TRADE COMMISSION

John Williams Gwynne, of Iowa, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1953.

RENEGOTIATION BOARD

Charles F. Mills, of Massachusetts, to be a member of the Renegotiation Board.