

PAUL J. CAMPBELL, THE LEGAL GUARDIAN OF PAUL M. CAMPBELL, A MINOR

MAY 10 (legislative day, MAY 9), 1944.—Ordered to be printed

Mr. STEWART, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 1220]

The Committee on Claims, to whom was referred the bill (H. R. 1220) for the relief of Paul J. Campbell, the legal guardian of Paul M. Campbell, a minor, having considered the same, report favorably thereon and recommend that the bill do pass with the following amendments:

Page 1, line 5, strike out from the words "to Paul J. Campbell" down to an including the word "pay" in line 6.

Page 1, line 7, strike out the figures "\$3,000" and insert in lieu thereof the figures "\$3,500".

Amend title to read:

A bill for the relief of the legal guardian of Paul M. Campbell, a minor.

The facts will be found fully set forth in House Report No. 827, Seventy-eighth Congress, first session, which is appended hereto and made a part hereof.

[H. Rept. No. 827, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 1220) for the relief of Paul J. Campbell, and the legal guardian of Paul M. Campbell, a minor, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 6, strike out "father of Paul M. Campbell, a minor".

Page 1, line 7, strike out the figures "\$5,000" and insert in lieu thereof "\$2,000; to pay the legal guardian of Paul M. Campbell, a minor, the sum of \$3,000".

Page 1, line 9, strike out "medical and hospital bills, cost of artificial limb, and property loss".

Amend the title so as to read "A bill for the relief of Paul J. Campbell, and the legal guardian of Paul M. Campbell, a minor."

The purpose of the proposed legislation is to appropriate the sum of \$2,000 to Paul J. Campbell, and the sum of \$3,000 to the legal guardian of Paul M. Campbell, a minor, or East St. Louis, Ill., in full settlement of all claims against

the United States for personal injuries sustained as the result of a collision between a Civilian Conservation Corps ambulance and a motorcycle on which he was riding in Edwardsville, Ill., on December 7, 1940.

STATEMENT OF FACTS

It appears that on December 7, 1940, at about 8:30 p. m., an ambulance operated by an enrollee of the Civilian Conservation Corps was traveling in a northerly direction on United States Highway No. 66 in Edwardsville, Ill., approaching the intersection of that highway and Chapman Street at a speed of about 5 miles per hour. The weather was clear; the roadway was paved with concrete and dry. An Indian motorcycle, owned and operated by Paul M. Campbell, age 17 years, 3245 Audubon Avenue, East St. Louis, Ill., was proceeding in the opposite direction on United States Highway No. 66 at a speed of about 25 miles per hour, approaching the same intersection. It appears that upon reaching the intersection the Government driver suddenly turned his vehicle onto Chapman Street directly into the path of the oncoming motorcycle, whereupon the vehicles collided. The motorcycle was extensively damaged, and Paul M. Campbell sustained injuries which necessitated the amputation of his left leg about 6 inches below the knee.

The War Department states that the proximate cause of the accident was the negligence of the Government driver in that in violation of applicable traffic regulations he suddenly turned the Government vehicle at an intersection and drove it into the path of the oncoming motorcycle driven by Paul M. Campbell without first ascertaining whether such movement could be made in safety and without regard to the traffic approaching from the opposite direction, and that Paul M. Campbell was not contributorily negligent.

It is the opinion of your committee that this young man, Paul M. Campbell, age 20 years, lost a leg as a result of this accident and his earning capacity has been practically destroyed for the rest of his life. His father, Paul C. Campbell, has been under additional expenses in trying to rehabilitate his son, and should be compensated for same. Therefore, your committee recommends that Paul J. Campbell be paid the sum of \$2,000, and the legal guardian of Paul M. Campbell be paid the sum of \$3,000 for the loss of his leg. The committee recommends favorable consideration to the bill, as amended.

Appended hereto is the report of the War Department, together with other pertinent evidence.

WAR DEPARTMENT,
Washington, April 23, 1943.

HON. DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives.

DEAR MR. McGEHEE: The War Department favors the enactment of H. R. 1220, Seventy-eighth Congress, a bill which would grant relief to Paul J. Campbell, father of Paul M. Campbell, a minor, of East St. Louis, Ill., in full settlement of all claims against the United States for personal injury, medical and hospital bills, cost of artificial limb, and property loss sustained by the minor as the result of an automobile accident involving a Civilian Conservation Corps truck on United States Highway No. 66, at the intersection of Chapman Street, Edwardsville, Ill., on December 7, 1940. However, the Department does not feel warranted in either favoring or opposing the payment of \$5,000, the amount specified in the bill.

The facts, as established by the evidence of record, are as follows: On December 7, 1940, at about 8:30 p. m., an ambulance operated by an enrollee of the Civilian Conservation Corps was traveling in a northerly direction on United States Highway No. 66 in Edwardsville, Ill., approaching the intersection of that highway and Chapman Street at a speed of about 5 miles per hour. The weather was clear; the roadway was paved with concrete and dry. An Indian motorcycle, owned and operated by Paul M. Campbell, age 17 years, 3245 Audubon Avenue, East St. Louis, Ill., was proceeding in the opposite direction on United States Highway No. 66 at a speed of about 25 miles per hour approaching the same intersection. It appears that upon reaching the intersection the Government driver suddenly turned his vehicle onto Chapman Street directly into the path of the oncoming motorcycle, whereupon the vehicles collided. The motorcycle was extensively damaged, and Paul M. Campbell sustained injuries which necessitated the amputation of his left leg about 6 inches below the knee.

Enrollee Clark A. English, the driver of the Government vehicle, stated:

"* * * we were driving north * * * at approximately 5 miles per hour when I put out my hand and applied my brakes preparatory to turning onto Chapman Avenue * * *"

"* * * I looked up Route 66 to see if any cars were coming and could see none or any lights to signify an oncoming car. I started to make the turn and had one front wheel over the black line when Enrollee Majeski yelled, 'Look out.' I applied the brakes and came to a complete stop. I then looked up the road and saw a motorcycle coming toward us."

Enrollee Lawrence M. Ostresh, who was riding on the front seat of the ambulance with the driver at the time of the collision, stated:

"* * * Just as the left front wheel got over the black line Enrollee Majeski yelled 'Look out.' I looked up and saw a motorcycle with very dim lights coming toward the ambulance. * * *"

"* * * the driver, put on his brakes and came to a complete stop before the motorcycle hit the ambulance."

"* * * The driver of the motorcycle applied the brakes and caused the motorcycle to skid and swerve into the ambulance."

Enrollee Joe Majeski, Jr., who was riding on a tool box in the rear of the ambulance, stated:

"* * * we were getting ready to make a left turn onto Chapman Avenue, * * * when I looked up and saw a dim light coming at us. I yelled 'Look out' and English applied the brakes, coming to a complete stop."

"* * * He [Paul M. Campbell] applied his brakes, which caused the motorcycle to skid into the front of the ambulance."

Paul M. Campbell stated:

"* * * I was riding along on my side of the street about 7 feet from the curb at the rate of 25 miles per hour. I saw the ambulance approaching from the opposite direction about a block away. * * *"

"* * * I did not pay particular attention to the ambulance until I discovered it making a turn. * * * I saw the ambulance turning toward me, when it was a little ways ahead of me—about 25 or 30 feet away. I put on my brakes and tried to avoid the ambulance. The ambulance hit me on the left side. I was thrown to the pavement, lighting about 6 feet from the motorcycle. * * *"

There appears to have been no disinterested eyewitness to the accident.

Paul J. Campbell in a letter dated April 3, 1941, enumerated the expenses resulting from the collision, as follows:

Personal injury.....	\$5,000.00
Dr. William A. Griffith.....	214.00
Dr. A. B. McQuillan.....	75.00
St. Mary's Hospital, Dec. 7, 1940, to Jan. 21, 1941.....	228.40
Indian motorcycle, repairs required.....	123.30
Total.....	5,640.70

In a postscript to the letter of April 3, 1941, it was stated that claim was not being filed for the following items:

Dr. Hirsh.....	\$5.00
Blood donor.....	10.00
Ambulance from Edwardsville, Ill., to East St. Louis, Ill.....	(1)

Amount not stated.

A claim was filed on April 7, 1941, by Paul M. Campbell for \$150.30 for damages to his motorcycle, and for \$5,000 for personal injury.

Paul J. Campbell in a letter dated July 19, 1941, restated the expenses as follows:

Dr. J. A. Hirsch.....	\$5.00
Straube ambulance.....	10.00
Day and Night Garage.....	2.00
Dr. A. B. McQuillan.....	75.00
Indian Motorcycle Sales & Service (estimated repairs).....	123.30
St. Mary's Hospital.....	228.40
Dr. William A. Griffith.....	235.00
J. E. Hanger, Inc. (estimated cost of wooden leg).....	150.00
Total.....	828.70

It was further stated in the letter of July 19, 1941, that the item of \$10 paid to one of the blood donors by Paul J. Campbell was not being incorporated as a part of the expenses pertaining to the accident. Of the amount charged by St. Mary's Hospital, \$126 was paid by the Group Hospital Service, Inc.

It appears that the motorcycle was never repaired, and the measure of the damage thereto may therefore properly be computed as follows:

Estimated value of motorcycle before the accident.....	\$135
Less salvage.....	50
Total.....	85
Plus drayage.....	2
Total.....	87

From the foregoing, it appears that the property damage sustained by Paul M. Campbell, and the medical and hospital expenses, including ambulance service, cost of an artificial limb, and payment to blood donor incurred by him, amounted to \$676.40 (\$87 plus \$715.40 less \$126 covered by insurance). His claim was approved by the War Department in the amount of \$500 under the provisions of the act of June 28, 1937 (50 Stat. 319; 16 U. S. C. 5840), which authorizes the payment of claims not exceeding \$500 in amount for damage to or loss of property, or on account of personal injury (only to the extent of necessary medical and hospital expenses), caused by the negligence of any enrollee or employee of the Civilian Conservation Corps. There is no law or appropriation available to the War Department for the administrative settlement of such a claim in excess of \$500. After appropriate explanatory correspondence from the War Department Paul M. Campbell and his father, Paul J. Campbell, agreed to accept the sum of \$500 in full settlement of their claim for property damage and medical and hospital expenses, which amount was paid to Paul M. Campbell on November 2, 1942. The following release, dated October 17, 1942, was executed by Paul M. Campbell:

"I, Paul M. Campbell, a minor, individually or jointly with my father, Paul J. Campbell, agree to accept the sum of \$500 in full satisfaction and release of my claim for property damages and medical and hospital expenses incident to personal injuries received by me in an accident involving a Civilian Conservation Corps ambulance on December 7, 1940.

"This release is given with the full understanding that while I cannot through any legislation recover any additional amount for property damage and medical and hospital bills attendant upon my hurts, it does not debar me in any way from seeking from the Congress relief for pain and suffering, disablement, or injuries of a permanent character."

Paul J. Campbell executed the following release, dated October 17, 1942:

"I, Paul J. Campbell, father of Paul M. Campbell, a minor, in consideration of \$500 paid to us jointly or to either of us will release the United States from any and all liability as far as property damage and medical and hospital or other incidental expenses is concerned arising out of an accident on December 7, 1940, involving a Civilian Conservation Corps ambulance and as a result of which my son, Paul M. Campbell, received personal injuries of permanent character.

"I understand that my son is signing a release similar to this and his action in so doing meets with my full approval. I further understand that this release does not debar my son (or myself acting in his behalf and as his natural guardian) from seeking further relief by means of a relief bill or other legislation that may come before the Congress, though it is fully understood that no further relief may be sought or expected for property damage or medical or hospital bills per se."

It is the view of the War Department that the proximate cause of the collision was the negligence of the Government driver in that in violation of applicable traffic regulations he suddenly turned the Government vehicle at an intersection and drove it into the path of the oncoming motorcycle of Paul M. Campbell without first ascertaining whether such a movement could be made in safety and without regard to the traffic approaching from the opposite direction, and that Paul M. Campbell was not contributorily negligent.

The fiscal effect of the bill is manifest on its face. It directs the payment of \$5,000 "in full settlement of all claims against the Government of the United States for personal injury, medical and hospital bills, cost of artificial limb, and property loss sustained by" Paul M. Campbell as a result of this accident. Under

the circumstances, it is believed that Paul M. Campbell should be properly compensated for the damage sustained by him.

The Bureau of the Budget advises that while there would be no objection to the enactment of legislation which would provide compensation to the claimant commensurate with the injury sustained by his minor son, the proposed payment of \$5,000 appears, under all the circumstances affecting this case, to be somewhat excessive.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

THE CANTEN NEWS,
East St. Louis, Ill., August 18, 1943.

Mr. CALVIN D. JOHNSON, M. C.,
Washington, D. C.

DEAR MR. JOHNSON: In support of my claim as represented by H. R. 1220, Seventy-eighth Congress, for \$5,000 in behalf of my minor son, Paul M. Campbell, who lost his left leg in a collision with a Civilian Conservation Corps truck on United States Highway No. 66, in Edwardsville, Ill., December 7, 1940, I wish to make the following sworn statement:

My great grandfather, John Campbell, was a captain of Massachusetts Minute Men in the Revolutionary War; my grandfather, Jonas Campbell, built flatboats and fought Indians as an Indiana pioneer along the Wabash and kept a tavern in stage-coach days at Georgetown, Ill., when Abe Lincoln rode the circuit and stopped there; my father, Francis Marion Campbell, and his older brother, William, were both in the Union Army in the Civil War. Uncle William was killed after serving 3 years, leading his company in a charge up Missionary Ridge; my father was an 18-year-old soldier in the last year of the war.

I lost my leg as a result of a streetcar accident in Danville, Ill., April 25, 1915. This prevented me from participating in the First World War, 1917-18; it lost me my inheritance, a 537-acre farm, through my inability to take active management; it later lost me the leases on 700 acres of excellent oil land (which opened the Centralia city pool in 1937) permitting a major oil company to top lease by quicker footwork, thus losing me the interest in 47 producing oil wells; it also disqualified me for active footwork on newspapers and in the oil field, and I was not trained for a desk job.

The 28 years that I have walked on a wooden leg, I think, qualify me to speak with some authority on the handicap of losing a leg. When I lost my leg nobody counseled special training to help overcome the handicap. I stumbled along in competition with two-legged men and I know the bitterness of trying to do the impossible.

I was very proud of my son's good straight legs. He was born 8 years after I had lost my leg, and it seemed like a new lease on life. I have before me a kodak picture of my son standing on top of a rustic fireplace in a Missouri roadside picnic ground, in which he seems to be half legs. It was taken on an outing a scant 3 months before the truck crushed off his left leg.

That accident of December 7, 1940 (occasioned because the driver was late to supper and cut through traffic to get to camp more quickly, incidentally running down my son and his motorcycle), changed everything his mother and I and the boy had planned.

There was the struggle to save his life, the doctor, the surgeon, the blood transfusions, the hospital, and nurses. He had a long convalescence, it was over 6 months before the stump healed. The \$500 I received from the Army for medical aid fell far short of paying all the bills, but that was the statutory limit, and I make no further claim. However, no compensation was received for the smashed motorcycle, for the lost time for the additional year of high school, for the car (used) I had to buy for him to get around when bus or streetcar travel was almost impossible, for his artificial limb, which was well fitted, for his learning to walk in Minneapolis away from the heat and humidity of East St. Louis in August, and under the tutorage of an excellent limb maker.

The boy was an apt pupil. He was also a diplomat. He knew I was worried about him, so he said: "It's a dream come true. When I was a little fellow I used to wish I had a wooden leg like daddy—and now I have."

He went back to high school and finished. I had him take dancing lessons and he learned to dance. Last fall he entered Washington University, St. Louis,

beginning a 4 year's course in journalism; 2 years at Washington, and 2 years at Medill School of Journalism, Northwestern University, Evanston, Ill.

It has been hard sledding to rehabilitate this boy, as my only asset is the township newspaper I began 10 years ago writing subscriptions and advertising for and wound up by owning. I have more than a thousand dollars' worth of obligations growing out of the boy's accident and I have embarked him upon a course in journalism which will cost at least a thousand dollars a year for 4 years. So I submit these facts to you as substantiating my claim for \$5,000 for the boy's rehabilitation.

The Government can't replace the lost leg, the lost time, the lost plans of the boy's life. It can compensate for suffering and pain he has gone through by making it possible for me to pay the material bills growing out of the accident, and to pay for his education, so that he may become a useful, self-supporting citizen despite the loss of his leg. I am anxious that he have a better chance at life than I had when I lost my leg in 1915.

The annals of the Campbell family are wrapped up with the history of this country. We have always been ready and eager to respond to the call of the country; we have confidence in its fair dealing with us.

Sincerely yours,

PAUL J. CAMPBELL.

Subscribed and sworn to before me, this 16th day of August A. D. 1943.

[SEAL]

WALTER G. GROSSMAN, *Notary Public.*

