

JOHN KNAACK

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APRIL 2, 1937.—Committed to the Committee of the Whole House and ordered  
to be printed

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

## REPORT

[To accompany H. R. 2090]

The Committee on Claims, to whom was referred the bill (H. R. 2090) for the relief of John Knaack, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

In lines 5 and 6, strike out the words, "not otherwise appropriated" and insert in lieu thereof, "allocated by the President for the maintenance and operation of the Civilian Conservation Corps".

At the end of the bill add:

*: Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

### STATEMENT OF FACTS

The purpose of the proposed legislation is to pay to John Knaack the sum of \$5,000 in full settlement of all claims against the United States because of injuries sustained when he was run into by a truck working out of Camp DSP-12, Thornton, of the Department of the Interior, National Park Service, State Park Division, Civilian Conservation Corps.

On January 9, 1935, the claimant, Mr. Knaack, was on his way home from work at approximately 3:30 p. m., and was walking south on the east shoulder of the concrete highway known as Chicago Heights-Glenwood Road, about 7½ feet east of the east edge of the concrete, and facing the traffic.

Two south-bound trucks, belonging to the National Park Service, and working out of Camp DSP-12, Thornton, Ill., were driving south along the same highway, in the same direction as claimant, but, of course, on the west side, whereas claimant was on extreme east side. Each

truck was driven and operated by crews of the enlisted men of the Civilian Conservation Corps camp above mentioned.

At the moment when the first truck was approximately opposite claimant, the second one increased its speed and attempted to pass to the left of the first truck. In so doing, the second truck passed from the west lane where it belonged across the center line of the road and into the east lane, and became unmanageable and out of control, so that it passed diagonally in a southeasterly direction entirely across the concrete roadbed and on to the shoulder of the east lane, where the claimant was walking. The truck struck Mr. Knaack, throwing him violently to the ground and the ditch.

The facts certainly establish that the claimant was in the exercise of ordinary care for his own safety, and that he was not guilty in any sense of contributory negligence. There seems to be no doubt that the trucks were being driven recklessly and at a high rate of speed, especially the one which struck Mr. Knaack; otherwise the truck would not have become so unmanageable in attempting to pass the front one.

As a result of this accident, the claimant received a number of contusions and abrasions about his head, limbs, and body and, in addition thereto, sustained a sprained wrist, a fractured lower right arm, dislocated elbow, and a twisted right shoulder. The injuries are said to be of such a nature as to be considered permanent, rendering the arm useless, making it practically impossible for the claimant to pursue a gainful occupation. He was at the time of this accident employed by the division of highways, State of Illinois, in a laboring capacity, and he will never be able to pursue such work again. Mr. Knaack is a married man and responsible for the support of a family consisting of himself, one minor child, and an aged father.

Actual expenses, for which your committee is in possession of bills, were \$622.48. In addition to this, Mr. Knaack lost his position, suffered much pain, and will have a permanent disability and loss of wage-earning capacity. The Department of the Interior reports that "there was undoubtedly a lack of due care in the operation of the Government vehicle". Your committee is in possession of complete and satisfactory substantiation of the above facts as outlined and considers that the claim is entirely just and meritorious. Doctors' statements and witnesses' statements are hereafter made a part of this report.

In view of all the foregoing, favorable consideration is recommended for this bill.

Appended hereto is the report of the Department of the Interior, together with other pertinent papers.

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DEPARTMENT OF THE INTERIOR,  
Washington, April 13, 1936.

Hon. AMBROSE J. KENNEDY,

*Chairman, Committee on Claims, House of Representatives.*

MY DEAR MR. CHAIRMAN: I have received your letter of April 1 enclosing a copy of H. R. 11092, entitled "A bill for the relief of John Knaack", and requesting a report thereon.

The proposed legislation would authorize and direct the payment to John Knaack of the sum of \$5,000 on account of personal injuries incurred on January 9, 1935, when struck by a Government-owned truck assigned to Camp DSP-12, Thornton, Ill.

The records on file in this Department indicate that the accident occurred under the circumstances outlined in the bill and there was undoubtedly a lack

of due care in the operation of the Government vehicle. There has been no definite proof submitted to this Department of the expenses incurred by Mr. Knaack as the result of this accident and, in the absence thereof, it is not believed that this Department should definitely recommend any action.

Copies of the records on file relating to this matter are transmitted herewith.  
Sincerely yours,

CHARLES WEST,  
*Acting Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
*River Forest, Ill., May 30, 1935.*

Subject: Claim for John Knaack, Chicago Heights, Ill.

FIFTH REGIONAL OFFICE, STATE PARK CONSERVATION WORK,  
*Indianapolis, Ind.*

GENTLEMEN: Your letter of May 1 to Senior Inspector Carter Jenkins, enclosing a copy of letter from Assistant Director E. A. Pesonen regarding the accident involving Government-owned truck at Camp D. S. P. 12 and John Knaack, has been referred to my attention.

Please be advised that copies of Form 26, Driver's Report, and Form 27, Investigating Officer's Report, together with a report from the Cook County deputy sheriff and a letter from the superintendent regarding this accident, was mailed to your office from the River Forest Procurement Office on January 21 and a copy of your transmittal letter dated January 23, forwarding these reports to the Washington office, was received by the writer.

From investigation at this time, I find that Superintendent Bowsman did not make a file copy of the driver's report and I have interviewed the truck driver, Charles G. Tadavich, and secured his statement of the accident.

I am enclosing copy of truck driver's report, form 26, duplicate copies of the investigating officer's report, form 27, the Cook County deputy sheriff's accident report, letter from Superintendent Bowsman, and statement of the witness, William Bell. The following is a general synopsis of the information I have been able to obtain regarding the accident.

On January 9, 1935, on Glenwood Road, between Glenwood, Ill., and Chicago Heights, Ill., the National Park Service Dodge stake truck, license No. U. S. D. I. 7664, while making a trip to Shuberts Grove (south) to pick up enrollees to return them to camp, while passing an Army truck going in the same direction, struck a pedestrian, John Knaack, who was walking south along the left side of the pavement. This road is used quite extensively by high-school students and at this time some of them were walking north on the right side of the pavement.

We have contacted several high-school students, and have been able to locate only one eyewitness, namely Mr. William Bell, and in accordance with his statement and that of Mr. Knaack, our truck was partially off the pavement when the accident occurred.

I have interviewed the driver, Mr. Tadavich, but he will not make a definite statement whether or not his truck was on or off of the pavement at the time of the accident, stating that he was unaware of the accident until he saw through his rear view mirrors that the other cars had stopped.

Mr. Knaack states that he was 7 or 8 feet off the edge of the pavement at the time he was hit. Mr. Knaack suffered a fracture of the lower right arm and dislocation of the elbow. He was picked up by a private car owned by Peter Rich and taken to St. James Hospital, Chicago Heights, Ill., and was attended by Dr. Spencer Blim.

Dr. Blim treated the patient for approximately 10 days until he was called to California, turning the patient over to Dr. Harnett. Mr. Knaack remained in the St. James Hospital 32 days. During this time the arm was set and a steel plate inserted to protect the bones during the process of knitting.

The arm was left in this condition with periodical visits to the hospital for observation and until March 27, when the doctor decided that he should return to the hospital and have this plate removed at which time he remained in the hospital for 5 days.

Since that time, he has been making daily visits to Dr. F. S. Bershied, chiropractor. He has regained the use of his fingers to some extent, but is not able to use his arm.

We have made a number of attempts to contact Mr. Rich at his home but have never been able to find him in. We have also written letters to him but have had no reply.

In view of the above evidence, I believe that the National Park Service truck was at fault and recommend that Mr. Knaack's claim be given favorable consideration.

Very truly yours,

D. B. LITRELL,  
Associate Engineer, Fifth Region.

JANUARY 31, 1935.

As I was walking home one Thursday night after school, a truck struck an elderly man from the rear. He, the man, was off the pavement walking toward the Heights. I was walking toward Glenwood. Both trucks were going pretty fast. The truck in the rear struck the man as it, the truck, was going around the other truck. The truck in the rear went off the pavement to strike the man. It did not stop until a few hundred yards away. Then I left.

WILLIAM BELL.

EXHIBIT 1

CHICAGO HEIGHTS, ILL.,  
January 31, 1936.

On January 9, 1935, I was working for the Illinois Highway Department, and at 3:30 p. m. I was walking home from work on Glenwood Road on the left shoulder facing the traffic going south 7 feet from edge of cement pavement when I was struck from the rear and thrown into a ditch by a Civilian Conservation Corps truck, no. U. S. D. I. 7664, driven by Charles Tadanich, assigned to State Park Division, camp D. S. P. 12, Thornton, Ill., State Park No. 50.

Injuries to my right arm were a sprained wrist, broken bone in arm, and a badly bruised shoulder. I have had four operations performed on my arm. The operations were not successful. At this date I have a moderate amount of pain in my arm and I am still under doctor's care taking physiotherapy treatment and my arm is permanently disabled.

I was born in Chicago, Ill., and at the age of 5 years, my father moved to northern part of Will County near the Cook County line near Western Avenue.

I have lived in Will and Cook Counties all my life. I am a mechanic by trade. My age is 50 years; I have a wife, son, and aged father to support.

JOHN KNAACK.

EXHIBIT 4

GLENWOOD, ILL., November 6, 1935.

I, Peter Rich, of Glenwood, Ill., was returning home from work on January 9, 1935, when I saw a C. C. C. truck hit a man.

This truck was going south and was passing another truck and I was coming north from Chicago Heights and was about one-half block south of the accident.

The man was walking south on the east side of the road, going the same direction (south) as the truck. He was walking about 5 feet off the pavement and was struck from the rear and thrown into the air. Two wheels of the truck, it seemed to me, were off the pavement and seemed to be traveling about 45 miles an hour.

When I reached the accident a young man, walking on the opposite side of the road, had already picked him up and set him on a nearby culvert and had gone for help to the house. He seemed to be badly hurt and I took him to St. James Hospital at Chicago Heights. This is exactly as I saw the accident happen.

PETER RICH.

EXHIBIT 5

GLENWOOD MANUAL TRAINING SCHOOL,  
September 4, 1935.

I was coming from high school last fall and I saw a man get struck by a C. C. C. truck. The man was walking toward Chicago Heights, Ill., going south. He was entirely off the pavement. I was walking opposite him on the other side of the road. He was carrying a lunch pail in his hand. One truck was going south

ahead of the C. C. C. truck. The C. C. C. truck tried to pass this truck ahead and ran off the pavement and struck the man from the rear. I ran over to help the man and sat him on a small curbing and his face showed great signs of pain, he said his arm was hurt. One truck ahead stopped and went back but I ran to the neighbors for help. When I came back the gentleman was gone. This is a true statement and the way I saw the accident occur.

WILLIAM BELL.

Since this statement William Bell has moved to 309 Shepman St., Peoria, Ill.

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EXHIBIT 6

THORNTON, ILL., December 11, 1935.

C. C. C. CAMP,  
2605 D. S. P. 12:

On January the 9th, I was driving a C. C. C. truck from Camp Thornton to the Forest Reserve, to pick up the C. C. C. workers. While driving on Glenwood Road the truck ahead of me pull over towards the center of the highway, causing me partly to run off the highway and struck the man. I stopped shortly and went back to the injured man and he said his arm was broken. He seem to have great pain.

Along came a man from Chicago Heights with a car going to Glenwood. He picked up the injured man and took him to St. James Hospital in Chicago Height.

I was driving a C. C. C. truck with license No. D. I. 7664. My age is 22 years old.

This is a true statement as the accident happen.

CHARLES TACLAVICH.

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EXHIBIT 7

MY EMPLOYMENT

From 1920 to 1932, 11½ years, I worked for the Haffner & Thrall Car Co. Chicago Heights, Ill., as a mechanic on air-brake equipment. Wages were 85 cents per hour, 50 hours per week; average earnings were \$179 per month.

From January 1933 to February 1934 I worked for the Dairy Shippers Dispatch, 4834 South Hayne Avenue, Chicago, Ill., as a mechanic on air-brake equipment. Wages were 55 cents per hour, and extra time. Average earnings were from \$70 to \$135 per month.

From April 1934 to January 9, 1935, or up to the time of my accident, I was working for the Illinois Highway Department as a helper on State truck at 50 cents per hour, 8 hours per day, 6 days per week, and some extra time. Average earnings were \$100 per month.

JOHN KNAACK.

SPENCER BLIM, M. D.,  
Chicago Heights, Ill., September 17, 1935.

JOHN KNAACK,  
Glenwood Road, Chicago Heights, Ill.

Injured January 9, 1935. Fracture right ulna junction at upper and middle third. Dislocation of upper end of radius. Treatment. Extension with adhesive plaster from January 9 to January 19, 1935.

January 19, 1935: Open reduction of ulna and removal of interposed muscle fragments held by Lane plate

Patient left hospital February 10, 1935.

Patient readmitted March 27, 1935.

March 27, 1935: Lane plate removed osteomyelitis of ends of fragments. Wound packed with iodoform gauze. Good union of fracture. Discharged from hospital April 1, 1935.

Present condition, 90 percent ankylosis of right elbow. No abduction or adduction of forearm.

## EXHIBIT 10

CHICAGO HEIGHTS, ILL., January 16, 1936.

I have this day examined John Knaack and find that he has a loss of motion of 75 percent in flexion and extention of his right arm.

There is complete loss of pronation and supination of the right forearm.

I do not think that he will improve more than 10 percent beyond this point.

S. P. BLIM.

## EXHIBIT 11

THE UNIVERSITY OF CHICAGO,

December 16, 1935.

Mr. JOHN KNAACK,

*Glenwood Road, Chicago Heights, Ill.*

DEAR MR. KNAACK: Please find enclosed the report which you requested that I write for you. I am having the contact prints made for you at the photographic department, and if you can come in to see me this coming Saturday morning, I shall be very glad to have them delivered to you at that time.

Very truly yours,

PAUL H. HARMON, M. D.,  
*Department of Surgery, Division of Orthopedics.*

DECEMBER 16, 1935.

The following is a description and estimate of the present disability of Mr. John Knaack:

Since Mr. Knaack's entry here in the clinics on June 3, 1935, there has been relatively little change in the amount of disability present. The osteomyelitis that was present in the ulna has been cleared up by the incision of infected bone. There is about 25 to 30 percent present limitation in motion at the shoulder, but there are no bony changes present there. The patient has 20 degrees of motion in the mid-range of motion at the right elbow. There is no pronation or supination at the present time. There is a total limitation of motion at the right wrist, and the patient is unable to make a fist or completely flex the right fingers although he can almost completely extend them. Patient has a moderate amount of pain both at wrist and elbow.

X-ray showed a fracture of the ulna with subsequent proliferation of bone on the humo-ulnar articular surface, so that bony block is present in both flexion and extension.

On November 1, 1935, the head of the dislocated radius was excised from this elbow in the hope that the patient would receive more motion at the elbow. This hope has been only partially fulfilled since three-fourths of the patient's 20 percent of motion at the elbow has been obtained after this procedure. At this present writing I would estimate that the patient has 75 percent disability in the right arm, and there is not much expectancy of further decreasing this by the physiotherapy treatments that he is now getting. The most optimistic hope will be to decrease the disability to 50 percent, and this is not probable.

PAUL H. HARMON, M. D.

## EXHIBIT 12

ST. JAMES HOSPITAL, CHICAGO HEIGHTS, ILL.,

DEPARTMENT OF ROENTGENOLOGY,

January 9, 1935.

Name: Knaack, John. Age: 49. Room: 101. Ward: 1. No. 4350 and 4352.  
Part examined: Right chest, shoulder, forearm, elbow, and wrist; injured.  
Referred by Dr. Spencer Blim.

## ROENTGENOLOGICAL REPORT

January 20, 1935: Films of the thorax show no X-ray evidence of a fractured rib. Film of the wrist presents no evidence of a fracture or dislocation.

Several films of the right arm show a fracture transversely through the ulna at the junction of the upper and middle third with a former separation of the frag-

ments which appears well reduced in the latest film and a dislocation of the head of the radius which also is reduced to normal.

February 9, 1935: 4452 AP and lateral views of the right elbow show a Lane plate uniting the fracture of the ulna, held in place by four screws, all of which show a degree of absorption near the tip. The fractured ends are in fairly good apposition, showing only about 30 percent displacement.

DR. W. H. BENISHEK.

EXHIBIT 13

ST. JAMES HOSPITAL, CHICAGO, ILL.,  
DEPARTMENT OF ROENTGENOLOGY,  
*October 8, 1935.*

Name: Knaack, John. Age: 50.

Room: X-ray. Ward: No. 5142.

Part examined: Right elbow; injured about 10 months ago.

Referred by Dr. Spencer Blim.

ROENTGENOLOGICAL REPORT

The fragments of the right ulna produced by the ancient fracture across the upper portion of the shaft are well united by ossified callus in a position of very moderate angulation deformity. The bony healing here is exuberant and would reasonably be expected to interfere some with pronation and supination of the forearm.

The upper end of the radius has remained displaced anteriorly at the elbow and a considerable amount of ossified exuberant callus is present around the structures of the joint. An actual anatomical ankylosis is not evident but the function of the joint must necessarily be considerably interfered with by these healing changes.

B. M. JOHNSON, M. D.



