order to evade the higher duties placed on Communist goods and other restrictions on trade that would benefit our adversaries.

Under present law, marking duties are due on improperly marked merchandise whether or not there is evidence that the importer knew or had reason to know that the merchandise was mismarked. I believe that the policy behind this rule is sound. It should be the responsibility of the importer to assure proper marking, since he is in a position to insist on indemnification from the foreign seller if goods have been misrepresented. If, on the contrary, relief were granted to all importers with respect to mismarked merchandise whenever customs could not show that the importer was aware of the mismarking, this would be tantamount to making customs prove in each case of mismarking that the importer was at fault at considerable cost in time and effort. This would greatly change the impact of the marking law.

Since this would be the result of general legislation relieving importers of marking duties whenever mislabeling has resulted from the actions of others, I am constrained to withhold my approval from H.R. 1616 as a bill according relief which cannot be given to all other honest importers.

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 16, 1962.*

AMENDING THE LAW RELATING TO INDECENT PUBLICATIONS IN THE DISTRICT OF COLUMBIA

I am withholding my approval of H.R. 4670, a bill "to amend the law relating to indecent publications in the District of Columbia."

Although I am in complete accord with the Congress that the people of the District of Columbia should adequately be protected against the dissemination of indecent and obscene publications and articles, there are grave constitutional and other considerations which have been called to my attention which compel me to withhold my approval of the legislation.

Among other things, my attention has been directed to the 1961 Supreme Court decision in *Marcus* v. *Search Warrant,* reported at page 717 of volume 367 of the U.S. Reports, which seems clearly to make the search and seizure provisions of this bill unconstitutional.

The 88th Congress will convene in less than 3 months and I am convinced it is desirable that the considerations which have been brought to my attention should be brought to its attention. Such a brief delay in the enactment of this legislation seems a small price to pay in order to obtain an enforcible law which will achieve the worthy objectives which prompted the bill before me.

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 18, 1962.*

CATALINA PROPERTIES, INC.

I am withholding my approval from H.R. 12701, an act for the relief of Catalina Properties, Inc.

The bill would direct the Secretary of the Treasury to pay $29,425.01 to Catalina Properties, Inc., representing the amount which the corporation was unable to collect as rentals from sublessees of the Catalina Hotel, Miami Beach, Fla., for the period February 1 to March 15, 1953. The corporate claimant owned a 99-year leasehold interest in the hotel. During 1953, the Internal Revenue Service served a notice of levy and warrants for distraint on the sublessees of the hotel to pay accrued rentals to the district director. This levy resulted from a lawful attempt to collect income taxes fraudulently evaded by the corporation's principal shareholder, a bookmaker. The sublessees failed to pay these rentals either to the Government or to Catalina Properties, Inc., and the sublessees were evicted from the hotel in November 1953.

Catalina Properties, Inc., contends that the United States should pay to it the rentals which it could not collect from the sublessees on the ground that the levies caused the claimant's failure to collect the rentals. However, during 1953 the sublessees had no independent assets from which the rentals could have been collected from them, and the balance sheet accompanying their income tax returns for 1953 indicated that they were insolvent at that time.

The enactment of this bill would presuppose a duty on the part of the Government to collect from taxpayer's creditors, on whom levies are served, at the risk of the Government being held liable to the taxpayer if such collection is not effected. This is a risk which it is unfair to impose on the Government. Moreover, the primary beneficiary of this bill would be the corporation's principal stockholder whose fraudulent evasion of income taxes caused the levies.

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

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 18, 1962.*

PROVIDING A MORE DEFINITIVE TARIFF CLASSIFICATION DESCRIPTION FOR LIGHTWEIGHT BICYCLES

I am withholding my approval from H.R. 8938, "to provide a more definitive tariff classification description for lightweight bicycles."

The new tariff classification description for lightweight bicycles would include a description of the frame. By this means, it would double the import duties on certain types of bicycles being imported.

Bicycles are provided for in paragraph 371 of the Tariff Act of 1930 and were originally subject to duty at 30 percent ad valorem. A tariff concession on bicycles was first granted to the United Kingdom in a bilateral trade agreement effective January 1, 1939. Under that agreement the framework of the existing tariff classification based upon diameter of the wheel was established. That classification provided for separate categories of duties: bicycles with or without tires having wheels in diameter over 25 inches; over 19 but not over 25 inches; and not over 19 inches.

That classification and duty treatment were continued following a concession granted by the United States in the General Agreement on Tariffs and Trade effective January 1, 1948, with one exception. The exception provided that the rate of duty on bicycles with or without tires having wheels in diameter over 25 inches and weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross sectional diameter exceeding 1⅝ inches was to be reduced to $1.25 each but not less than 7½ percent nor more than 15 percent ad valorem. All other classifications were dutiable at specific rates but not less than 15 percent nor more than 30 percent ad valorem.

The present duty on lightweight bicycles is the result of a renegotiation which took place in February 1961. This renegotiation, in effect, reestablished an escape clause rate increase which had been invalidated by a previous court decision.

The practical effect of this legislation would be to increase the duty on imported bicycles having a cantilever or curved frame, weighing less than 36 pounds from the present duty of $1.875 each, but not less than 11¼ percent nor more than 22½ percent ad valorem to a new rate of $3.75 each, but not less than 22½ percent nor more than 30 percent ad valorem. I am informed that approximately one-half of current imports of bicycles that are imported under the lightweight classification are those with cantilever or curved frames, and would be subject to this approximate 100-percent increase in duty.

The enactment of this legislation within a short time after the 1961 negotiations and following the opening of new opportunities for trade expansion under the recently approved Trade Expansion Act would hamper our efforts to improve the position of American industry in foreign markets.

Under the Trade Expansion Act, a wider variety of relief is available to assist American firms suffering from imports. Should the American bicycle industry demonstrate the need for this relief, it should be provided.

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 22, 1962.*

RICHARD C. COLLINS

I am withholding my approval from H.R. 3131, a bill "for the relief of Richard C. Collins." The bill directs the Court of Claims to grant a rehearing to Mr. Collins, of Billerica, Mass., in connection with his contesting the action of the Department of the Treasury in demoting him to a lower grade.

The facts concerning this legislation are as follows. Mr. Collins was employed by the Internal Revenue Service. He was notified, on November 27, 1956, that his work was unsatisfactory and thereafter that he was separated for inefficiency. However, the district director decided, after further review of Mr. Collins' case, that a more compassionate step would be to demote him to

a lower grade. After the civil service regional office at Boston and the Board of Appeals and Review of the Civil Service Commission in Washington held that the demotion was valid and warranted, Mr. Collins instituted suit in the Court of Claims in April 1958. The court thoroughly reviewed his case and held that his demotion complied with applicable regulations, procedures, and laws. The court subsequently denied a motion for reconsideration.

Mr. Collins, who appeared before the court in his own behalf, contends that because of improper Civil Service procedures and through his own lack of understanding of legal procedures, he failed to emphasize the most important aspects of his case. The Court of Claims, however, appears to have fully considered the applicable statutes and regulations and Mr. Collins had previously presented his views before the agency and before the Civil Service Commission in a lengthy hearing.

In summary, I do not believe that a constitutional court should be directed to hear particular matter once deposed of. Mr. Collins has had his day in court. If each dissatisfied litigant were to be permitted repeatedly to litigate his claim, there would scarcely ever be an end to litigation against the Government.

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 23, 1962.*

MRS. HELENITA K. STEPHENSON

I am withholding my approval from H.R. 9285, a bill for the relief of Mrs. Helenita K. Stephenson. The bill would pay veterans' death benefits in a lump sum of $5,144.29 to Mrs. Stephenson for the period 1946 to 1955, during which she was remarried and ineligible for such benefits. The asserted basis for this payment is that her remarriage was annulled in 1955, because her husband had fraudulently misrepresented his wealth and health, and from a legal point of view, remarriage did not therefore exist during those years.

Mrs. Stephenson's entitlement to veterans' survivor benefits derived from the death of her husband in service in 1943. The monthly payments to her on this account were terminated in 1946, in accord with the law that remarriage is a bar to such benefits. Also in accord with longstanding regulations and practice, the payments were resumed in 1955 when her remarriage was annulled. Death benefits were paid all during the period of her remarriage on behalf of her children, continuing even after they were in college.

Mrs. Stephenson's situation appears to be no different from thousands of similar cases where individuals have not been given lump-sum settlements to cover the period of an invalid remarriage. While it may be, given the grounds of the annulment, that she did not receive adequate support during her remarriage, in view of all the circumstances this does not seem to be adequate reason for the retroactive payment proposed. Retroactive payments in this program are inherently objectionable because the program is based on the rule that death benefits are compensation toward support of the widow for current monetary loss resulting from the service death of a husband. A remarriage, even one subsequently annulled, must be assumed to replace that loss and to remove the Government's obligation to do so.

Approval of this bill would therefore seriously discriminate against similarly situated widows of veterans and it is important that we preserve the integrity and impartiality essential to the administration of programs involving hundreds of thousands of veterans and their dependents. This we cannot do if we grant special privilege or favored treatment as proposed by H.R. 9285.

JOHN F. KENNEDY.

THE WHITE HOUSE, *October 23, 1962.*

EXECUTIVE COMMUNICATIONS ETC.

2628. Under clause 2 of rule XXIV, a letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a report entitled "Report on Borrowing Authority" for June 30, 1962, pursuant to section 304(b) of the Defense Production Act as amended, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. DWYER:

H.R. 13419. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, and distribution of habit-forming barbiturate drugs, and of amphetamine and other habit-forming central nervous system stimulant drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 13420. A bill to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services, and to make living conditions more fair and pleasant for their families; to the Committee on Armed Services.

By Mr. GONZALEZ:

H.J. Res. 908. Joint resolution authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Is Motto "In God We Trust" Being Left Off $1 Bills?

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1962

Mr. PATMAN. Mr. Speaker, together with the other Members of the House, I have been pleased to note the recent installation of the motto, "In God we trust," over the podium.

An assertion frequently held is that $1 bills currently being produced by the Bureau of Engraving and Printing do not contain this motto. As an example, I received, in the mail, this inquiry only last week:

Since you are on the House Committee for Banking and Currency, I direct to you this inquiry concerning why the motto "In God we trust" has been eliminated from the $1 bill. As you know, on the side of the bill which has the pyramid and great seal of the United States the motto appeared above the word "one." Some of the more recent $1 bills have been printed without the motto. Can you tell me if this is something voted upon by the Congress or is left up to someone in the appropriate Government department?

I will very much appreciate any information you can give on this query.

The answer, of course, is that since 1955 the law has required that the motto be placed on all U.S. currency and coins. My full answer to the above inquiry follows:

I wish to acknowledge your letter of October 1 in which you inquire why the motto "In God we trust" has been eliminated from the $1 bill.

I wish to advise you that this motto has not been eliminated from the $1 bill—that it is in fact required by law to be placed upon the currency and coins of the United States (31 U.S.C. 324(a) 69 Stat. 290). Section 324(a) of the code provides that "at such time as new dies for the printing of currency are adopted the dies shall bear, at such place or places thereon as the Secretary of the Treasury may determine to be appropriate, the inscription 'In God we trust' and thereafter this inscription shall appear on all U.S. currency and coins."

The Bureau of Engraving and Printing has followed the provisions of law in this regard carefully. As the new process for the printing of currency has been adopted, new dies are prepared for the printing of the currency. This process has not been completed for all the various denominations of currency, but the new dies, rolls, and plates for the $1 silver certificate have been completed, and no $1 silver certificate is being printed today without the aforementioned inscription being printed thereon. You must remember that many thousands of the $1 silver certificates printed prior to the change in the printing process are still in active circulation. Until these are all recovered by the Treasury Department you will see some of such certificates without this most appropriate inscription being printed thereon.

I appreciate your having brought this matter to my attention and I trust that within a reasonable time all of our coins and currency shall bear the inscription "In God we trust."