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 marked merchandise. By execution of whether or not there is evidence that the importer knew or had reason to know that the merchandise was mislabeled. 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 mislabeled merchandise whenever customs could not show that the importer was aware of the mislabeling, this would be tantamount to making customs prove in each case of mislabeling that the importer was at fault at considerable cost in time and effort. This would greatly change the impact of the marking law.

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. 4670, a bill according relief which cannot be given to all other honest importers.

J. F. KENNEDY.
The White House, October 12, 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 be protected against the dissemination of indecent and obscene publications and articles, there are grave constitutional and other considerations which have been brought 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 Congress will convene in less than 3 months and I am committed to the belief that the considerations which have been brought to my attention should be brought to its attention. Such a delay in the enactment of this legislation seems to me a small price to pay in order to obtain an enforceable law which will achieve the worthy objectives which prompted the bill before me.

J. F. KENNEDY.
The White House, October 12, 1962.

CATALINA PROPERTIES, INC.

I am withholding my approval from H.R. 17601, 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 subletters 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 subletters 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 bukramer.

The subletters failed to pay these rentals to the Government or to Catalina Properties, Inc., and the subletters 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 subletters because the levies caused the claimant's failure to collect the rentals. However, during 1953 the subletters had no independent assets from which taxes 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 for non-collection. 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 shareholder whose fraudulent evasion of income taxes caused the levies.

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

J. 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 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 other frame, weighing more than 36 pounds from the present duty of $1.85 each, but not less than 11½ 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 other frame 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 and would be subject to this increase in duty.

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