

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS
FIRST SESSION

VOLUME 111—PART 12

JULY 7, 1965, TO JULY 16, 1965

(PAGES 15705 TO 17174)

position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield."

INTERNAL SUBVERSION BY COMMUNISTS IMPERILS THE UNITED STATES

Mr. MUNDT. Mr. President, the menace of communism at home and abroad continues to imperil the United States and the great constitutional concepts which have built us great and kept us strong. Our country at great sacrifice is resisting Communist imperialism in bloody conflict where it imperils our interests and seeks to destroy our influence overseas.

Unfortunately, far too much complacency is still displayed by our country, its people, and its Government concerning the devious activities of the Communists within our midst who continue through front organizations, direct action, indirect influences, and covert operations to divide us against each other and to break down our will to resist, our general patriotic morale, and our orderly procedures.

A great South Dakota editorial writer, Fred C. Christopherson of the Sioux Falls, S. Dak., Daily Argus-Leader, has recently published an editorial dramatically calling attention to this blind spot in our American policies. It deserves to be read by many and I ask unanimous consent that it be printed in the RECORD. It carries the challenging title, "'Anti-McCarthyism' a Boon to Reds in the United States." It relates some well-known unpleasant facts to the problems of our times and it recalls some unhappy history to make the point that eternal vigilance is still the price of liberty.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus-Leader]

"ANTI-McCARTHYISM" A BOON TO REDS IN THE UNITED STATES

(By Fred C. Christopherson)

Some 15 years or so ago the Washington headlines had much to say about Senator Joe McCarthy of Wisconsin. That was when he was conducting a vigorous campaign to expose communistic infiltration of our Government and the American society in general.

McCarthy was doing something that needed doing. He moved forward with tremendous zeal and vigor and eventually became so engrossed in his effort that he went to unwarranted extremes. Occasionally he made charges without adequate evidence to support them.

The result was a backfire. The reds and pinks in the land quickly utilized his excesses as an argument against probes of the type he was conducting. They shrewdly and artfully exploited their point, pinning the label of "McCarthyism" on all endeavors to ferret out Communists.

The propagandists were so successful that many men in public life became hesitant to take the lead in exposing communism. The consequence was that the pendulum went to an extreme in the opposite direction. Instead of too much effort in revealing hostile influences within the American society, there was too little—much too little.

HOW THEY OPERATE

Now coming to light are many signs that we have been much too complacent—signs indicating that the Communists have been making hay while we have been under the spell of anti-McCarthyism.

One sign, prominently portrayed in an editorial from the San Francisco Examiner reprinted on this page last week, was the part Communists played in the recent student rebellion at the University of California in Berkeley. From J. Edgar Hoover, Director of the FBI, came the revelation that at least 43 persons with Communist backgrounds played active roles in the student outburst.

This is not to say that many students subscribed to the Communist doctrine. Most of those who participated in all probability were naive tools of shrewd leaders. But the incident at Berkeley illustrates how a handful of clever plotters, working subtly in the background, can create a riot, even a panic.

Studying the affair close at hand, the San Francisco newspaper made this observation: "The evidence is clear * * *. The Communists are in our midst. They are active. They are destructive."

ALSO IN CHICAGO

Another incident was that of the civil rights demonstration in Chicago last month. It was an extreme manifestation of disregard for order and constituted police authority.

Masterminding and instituting much of the activity, according to Mayor Daley of Chicago, were many persons known to be Communists. He also said that evidence in his possession revealed that Communist funds were helping finance the demonstrations.

In all probability only a very few of the demonstrators actually were Communists. But, as in the Berkeley case, many of them were unwitting pawns of the Red directors operating in the background.

It was the same story in respect to hostile and indecent eruptions in May when the U.S. House Committee on Un-American Activities held a hearing in Chicago. Another example was that of the scandalous behavior of complainants a few years ago when the same committee met in San Francisco.

DISCORD EXPLOITED

It is high time we toss aside the illogical restraints that have been imposed on the exposure of communism within this country.

We should be fair, to be sure, and we should keep our feet on the ground. But most certainly we should be realistic.

And, in being realistic, we should understand that the Communists are past masters in the art and science of fomenting discord.

They move in quickly and deftly whenever there's an indication of dissension, fanning into full flame whatever grievances may exist.

They thrive on trouble. Even as far back as the thirties, for example, there were active Communists in Sioux Falls working with persons on relief in the cities and with distressed farmers.

WHAT WE MUST DO

What all of this suggests is a new and fresh vigilance to guard against Communist infiltration both within the Government and outside of it.

Let us not forget that at one time the Communists placed a man in the U.S. Department of State as an Under Secretary and another in the U.S. Department of the Treasury in the same role. And many were in lesser posts.

Because of the irrational lapse in our protective attitude, one can only speculate about what ground has been gained in recent years. We are dull witted, indeed, if we assume that our tremendously big Government has been wholly free of Communist penetration.

It is time to go forward, without apology, in a strong movement to protect our home bastions. And we shouldn't be timidly ineffective due to worrying about stepping on a few innocent toes in the process. That is a risk we must assume.

TRUTH IN PACKAGING—ADDRESS BY SENATOR MONDALE

Mr. HART. Mr. President, the distinguished junior Senator from Minnesota [Mr. MONDALE] spoke recently before the Pillsbury Co. consumer forum. The able Senator, who already has achieved an enviable reputation in the field of consumer protection, pointedly described the problems faced by the American shopper.

His speech includes a strong endorsement of the truth in packaging bill which I have sponsored, so by proposing that the speech be made a part of the RECORD I suppose I risk a hint of self-congratulation.

But the Senator from Minnesota is a cosponsor of the bill and one of its most effective champions so his supporting statement will come as no surprise to our colleagues.

The speech does, however, include a note of advice to the food manufacturing industry that is very well put and bears repeating. It is this:

I would think that the food industry as a whole should participate in formulating and supporting reasonable and practical legislation in this area. As one of the Senate cosponsors of this bill, I want to see you involved—offering constructive suggestions as well as criticism. An attitude of unremitting opposition will neither be in the public interest nor in your own self-enlightened interest.

I would like to endorse that statement. We have always maintained—and I think with some reason—that a sensible set of ground rules in the supermarket would be a significant help to industry as well as the consumer.

And this is the point that the Senator from Minnesota makes so well. I ask unanimous consent that the full speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WALTER F. MONDALE AT THE PILLSBURY CO. CONSUMER FORUM, JUNE 7, 1965

I am pleased to be asked to speak here today on the topic of consumer protection. I am even more pleased that the Pillsbury Co. has taken leadership in concentrating on this most important field.

The best protection there is for the consumer is found in enlightened vigorous competition by ethical competitors seeking to attract the consumer on the basis of the best service, the best quality, and the best price.

The proper role of Government as it protects the consumer is to encourage such competition. I don't believe Government can provide a substitute for competition, but Government does have an ancient and indispensable responsibility to protect the ethical competitor—and the consumer—from those who would resort to fraud, misrepresentation and deliberately contrived confusion. And Government has a responsibility to protect the ethical competitor and the consumer from those who fail to clearly and responsibly disclose the essential facts necessary for a wise and rational consumer choice.

For Government to serve this essential function without smothering essential and ethical competition requires good faith and open discussion and understanding between industry and Government—precisely what today's conference is designed to do.

We have always known laws and regulations in the area of consumer protection, and will probably have them in the future. Beginning with such early, vital measures as prohibitions against watering down wine, early laws were comparatively simple and uncomplicated. Most buyer-seller transactions were conducted face to face, and the buyer could feel, see, and prod the merchandise. But today, modern technology, modern production and marketing techniques, and the tremendous variety of products and goods have reduced the ability of the buyer to protect himself, in direct proportion to the increasing complexity of commercial practice.

The common law courts have moved steadily away from the philosophy of "Let the buyer beware," and toward an ever stricter doctrine of product liability. Our legislatures have followed the lead of the common law courts, and passed mandatory warranty provisions in the Uniform Sales Act and the Uniform Commercial Code, as well as general consumer fraud laws.

We have all gained from the increased social concern of our lawmakers. On the Federal level, for example, we have laws to inspect meat and poultry against diseases, to test food, drugs, and cosmetics for safety and effectiveness, to prevent the false advertising of food, drugs, medical devices, and cosmetics, to label wool products, fur products, flammable fabrics, and other textile products.

Here in the State of Minnesota we have laws on consumer fraud, on false advertising, on land subdivision registration and disclosure, and on charitable solicitations. As attorney general, I urged adoption of many of these laws and instigated several legal actions and investigations under them.

Much has been accomplished—and with a great deal of good for all of us.

Today other problems are evident. At a time when two-thirds of all purchasing power in our economy is held by individual consumers, buyer restlessness is growing, as evidenced by the number and scope of proposals now before Congress: truth-in-packaging, truth-in-lending, truth-in-securities, pesticides regulation, auto and tire safety, to mention a few.

These bills were not manufactured out of whole cloth, nor created in a vacuum. They reflect complaints Congressmen and agencies of the Government have received from their constituents. And these complaints have become issues of genuine public concern because they are based on abuses that do exist today.

Since you are especially interested in proposals relating to packaging, perhaps we should recount a few well-known examples.

We all know that the modern commercial merchandising revolution has, to an incred-

ible extent, replaced the salesclerk with the sales package. The "Ma and Pa" grocery store of a few years ago with possibly 700 items and a grocery clerk to help you has, for the most part, been replaced by the modern supermarket with 7,000 or more items from which to choose and few, if any, clerks to help the baffled customer.

On too many packages and bottles, the net weight or net fluid measure is printed in tiny type, on a noncontrasting color, or in an inconspicuous place.

We see, again, too many cases of packaging by odd weights and measures, where the sole purpose as far as the consumer is concerned is merely confusion, and deception about the real value of his purchase. Not too long ago, the small bottles of competing brands of soft drinks contained 6, 6¼, 6½, and 7 ounces.

One brand of laundry detergent labeled "regular size" used to hold 1 pound 3¼ ounces at 32 cents, with a giant size holding 3 pounds 5½ ounces at 77 cents. It takes a mathematician to figure out that the larger size is in fact a better buy—but not by much—the per ounce difference is only two-tenths of a cent.

And the buyer is no longer safe in assuming that the larger size will be cheaper. Another laundry detergent sold a giant size weighing 3 pounds 1¼ ounces, at 77 cents, while the regular size weighing 1 pound, 4 ounces cost only 29 cents. The larger size cost 25 cents per pound, compared with 23.2 cents for the smaller. Imagine the surprise of the rare shopper who takes the time to figure this out with pencil and paper.

This sort of odd weight and measure packaging makes it virtually impossible for the consumer to determine the unit price of competing brands, or of different sizes of the same brand. Some of this may be made necessary by the nature of the product, or its difference in composition from competing brands. But on the whole the confusion in this area leads to mounting pressure on the Congress to step in with standardization and uniform specifications for packaging.

Of what value are labels describing giant quart, king size quart, and full quart? Esther Peterson tells of a certain letter on this subject, where the writer complains of a certain type of oil:

"The smallest brand they sell is large. I still can't remember which is bigger, super, giant, or king. I say a giant is bigger than a king, but my husband uses the theory that a king rules the land and is therefore bigger. The whole thing is stupid."

Another commonly encountered abuse lies in cents-off promotions. We have all seen in stores examples of products that regularly and habitually sell at the same cents-off price, or where packages sell at the same price regardless of the presence of the cents-off label.

I could go on to describe slack fill; exaggerated package sizes and shapes; the use of misleading art work on the package face; concealing the fat or bone waste in meat packages; and printing misleading nutritional information on the package.

I think we can all face the fact that these practices have existed and still exist in the food and packaging industry. Let's be honest and recognize that if your competitors can get away with these deceptions, then you are under heavy pressure to engage in similar practices.

As you all know, one of the chief arguments advanced today against the truth-in-packaging legislation has been that the consumer is her own best protector in the marketplace—and that her free choice will drive out of business those who unfairly cut corners and seek to deceive.

This would be true if decisions to buy were always made on the basis of reasoned and intelligent choice. We know, however, that

purchases are based on a multitude of factors not necessarily related to the excellence or worth of the product.

Consumers, for example, are led to believe, by commercials and advertising, that certain detergents will make harassed mothers feel like blooming brides—or that certain deodorants will assure successful social relationships—or that certain cigarettes are so closely related to traits of masculinity that their use guarantees in us the same characteristics.

In addition, many fine products, marketed after years of research and testing, and sold at competitive prices, fall unaccountably in the marketplace. As your own analysts tell us, brand names, the name of the product itself, its physical appearance and packaging, and its placement on the shelf, all have great influence on the success or failure of the product.

In fact, I would venture a guess that all of you here would be happier if success or failure depended more on quality and pricing than these other intangible and unpredictable factors.

Truth-in-packaging does not seek to curb these attempts at psychological persuasion—they are considered part of normal commercial puffing. But there are a vast number of examples where consumers have been tricked because of misleading phrasing and containers, inability to choose the best bargain because of deliberately complicated fractional weight disclosure, and other clever techniques and misrepresentations which imply something that simply is not the case.

A consumer cannot make a rational choice if information necessary to such a choice is not conveniently available.

Another argument that we hear in opposition to packaging legislation today is that it would mean an unwarranted intrusion of the Federal Government into the affairs of the marketplace, business, and consumers.

It seems to me that we all must admit the problem and see if we can find a way to solve it without jeopardizing the fairminded and ethical businessman.

The Fair Packaging and Labeling Act—the so-called Hart bill—which is presently before Congress contains provisions that should be acceptable to all. These are the sections relating to prominent disclosure of net content and prohibition of deceptive pictorial representations.

Some of the other sections of the bill admittedly involve problems of greater difficulty such as the discretionary portions of the bill which contain the requirements for standardization of weights and measures.

I would think that the food and packaging industry as a whole should participate in formulating and supporting reasonable and practical legislation in this area. As one of the Senate cosponsors of this bill, I want to see you involved—offering constructive suggestions as well as criticisms. An attitude of unremitting opposition will be neither in the public interest nor in your own enlightened self-interest.

In attempting to deal with the practical difficulties that may arise under the bill, the advice of those with years of experience, knowledge, and research into those problems is essential.

A good packaging bill would help you, as well as the consumer. Ground rules of competition must be maintained which allow the best practices of a free, competitive market to flourish, and which will outlaw shoddy practices which operate to the detriment of all.

The producer and the consumer have a set of mutual interests that can be recognized and implemented. The vast majority of American businessmen know that by building quality into their goods, and distributing them honestly, they can create reputations for themselves which will bring continued demand and success.

It is to the small group who are unscrupulous that we must address ourselves.

Our goal must be to place the consumer in a bargaining position which will give him a fair opportunity to choose to buy in a rational manner. There is room, in our economy, in any free society, for successful capital venture and business profit as well as true value for the consumer's dollar.

While the Government does not exist to protect people against themselves, it will move to protect people from those who compete unfairly. I feel certain that it will not abdicate its responsibility in this area.

But your support and assistance is necessary. Your industry has already done much to regulate itself. But I am sure we would all admit that not all competitors on all occasions are willing to abide by your standards of decency. And when they do not, the good competitor and the consumer are unfairly treated.

Free enterprise is based on the theory that competition serves the public good with the consumer patronizing the competitor who offers the best bargain. But if fraud, misrepresentation, and deliberate confusion are permitted, this function of free enterprise is too often destroyed.

The consumer is cheated—the unethical competitor wins the profits and the ethical competitor is punished for his ethics and encouraged to relax his standards.

Thus our primary objective is to make the free enterprise system work so that the prize goes to the best competitor, not to the best conniver.

THE DRUG ABUSE CONTROL AMENDMENTS OF 1965

Mr. SCOTT. Mr. President, I believe that every Member of Congress joins me in expressing deep personal satisfaction at the signing of H.R. 2, the Drug Abuse Control Amendments of 1965. The illegal sale and nonmedical use of prescription drugs is a sad and deplorable situation. Such abuses have contributed to highway deaths, juvenile delinquency, broken homes, and violent and bizarre crimes. In my opinion, H.R. 2, by imposing stricter controls on the manufacture of amphetamines, barbiturates and other drugs, and greater criminal penalties on those who illegally traffic in them, will do much to curb this serious danger to the public health.

Drafting this legislation was not a simple matter, as can be seen by the number of congressional committees which held hearings over the years to investigate the drug abuse problem and consider corrective measures. While there was agreement as to the need for stronger Federal controls, it was also recognized that any new controls should not adversely affect the legitimate use of drugs under proper medical supervision. I think that the sponsors of this legislation are to be congratulated for their success in meeting this difficult challenge.

The passage of H.R. 2 is also due, I believe, to its consistent support in both Houses by forward-looking pharmaceutical companies. Too often the only voices heard are those accusing the pharmaceutical industry of ignoring the public welfare. I would like to try to correct that impression, for the history of this legislation shows that such criticisms are unjustified. American drug firms have given H. R. 2 their encourage-

ment and support. They have assisted the congressional committees. And on their own they have actively fought against the illegal drug traffic.

I am proud that in this regard, the Commonwealth of Pennsylvania is represented by a company which has waged a vigorous campaign against the abuse of its products for many years. I refer to the Philadelphia firm of Smith Kline & French Laboratories, one of the largest producers of amphetamine-containing drugs in the United States.

Smith Kline & French maintains an exacting system of safeguards over the manufacture and distribution of its products. It has a nationwide public service program for educating law enforcement agencies on the dangers and signs of drug abuse. And it operates for State and local police a complete scientific laboratory for analyzing and identifying drugs seized as evidence in drug abuse cases. These public services—I might point out—were favorably mentioned in the House committee report accompanying this legislation.

Mr. President, with the passage of this legislation Congress has taken positive action toward eliminating a social problem which has grown to serious dimensions.

WHAT STEPS SHOULD THE UNITED STATES TAKE TOWARD WORLD PEACE—ESSAY CONTEST WINNER

Mr. TYDINGS. Mr. President, the Baltimore Life Insurance Co., under the leadership of its distinguished president, Henry E. Niles, recently sponsored a contest among high school students for the best answer to the question, "What Steps Should the United States Take Toward World Peace?" More than 3,000 entries were received by the company from students living in Maryland, Pennsylvania, Delaware, New Jersey, Ohio, Virginia, West Virginia, and the District of Columbia. The judges were the Honorable THOMAS E. MORGAN, chairman of the Foreign Affairs Committee of the House of Representatives, Brig. Gen. J. H. Rothschild, USA (retired), and the Honorable James J. Wadsworth, former U.S. Ambassador to the United Nations.

I am proud to say, Mr. President, that the winner of the essay contest was a Marylander. Paul Panitz of Bethesda, Md., has established a remarkable record during his high school years. At Bethesda-Chevy Chase Senior High School he was active in the Student Government Association, served as a reporter on the school newspaper, and was his homeroom representative.

The second-place winner was Clare Esther Duetsch, a graduate of Roanoke Catholic High School in Roanoke, Va. Miss Duetsch, during her high school years, was a member of the National Honor Society, Latin Honor Society and the student council. She also served as treasurer of her class.

The third-place winner, Bonnie Goll, is from Abington, Pa.

Mr. President, I ask unanimous consent to have this intelligent and thought-provoking essay printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE WINNING ENTRY

(By Paul Panitz)

The persistent threat of bloodshed and violence "rings like a firebell in the night." In little more than half a century, the United States has tried almost every possible course of achieving world stability and peace, and all with a minimum of success. From Roosevelt's "big stick," to Wilson's idealism, the isolationism of the 1920's, to the "containment" of the postwar period, American policy has generally been of short-term nature; only Wilson tried to approach world tensions on a long-term basis, but unfortunately, idealism has seldom been acceptable to the politician or the public.

What is needed is a long-term program designed to strike at the root of world strife; namely, a series of measures to lift the underdeveloped nations from the depths of economic stagnation and retardation. It is a safe assumption that viable economies among the have-not countries will be the greatest single deterrent to world strife, for it is logical that wealthy nations are the last to want war; they have the most to lose.

It is an indisputable fact that the gulf between rich and poor nations is widening. Capital naturally seeks the greatest return, thus centering itself in developed countries. New technological advances in agriculture in the wealthy nations reduce the demand for foreign farm products, often the sole export income of capital-starved economies. At other times, products like coffee or rubber are overproduced, glutting the market and driving the prices to perilous lows. In the case of rubber and nitrates, wartime shortages stimulated the development of synthetic substances, further depriving undiversified economies of income. These facets of the present economic situation dramatize the wisdom of the Bible: "For unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath."

Further complicating the economic inequities is the frequent nationalization of foreign businesses by the underdeveloped nations. These actions are part of governmental efforts to arouse a nationalistic spirit, a prerequisite to economic progress. Yet such takeovers make a country a poor risk for further development by foreign firms and thus prevent a needed capital flow.

Some of the most aggressive nations, such as Indonesia, Egypt, Red China, and Cuba, have serious economic problems. Ten or fifteen years ago, the same might have been said about the Soviet Union, but the result of greater economic prosperity and a consequential rise of a strong middle class in that country, has brought about a mellowing of Soviet foreign policy.

Modern history reveals that economic inequities within and between nations, aid in the rise of aggressive totalitarian regimes. Mussolini gained power during a period of postwar inflation; Hitler during the depression. When the American market collapsed during the great depression, the Japanese attempted to create a "greater east Asia co-prosperity sphere," a common market in name, but in truth, an empire for the exploitation of raw materials. American-Japanese friction over the militant methods of attaining this sphere was the major reason for the Japanese attacks on Pearl Harbor and southeast Asia.

The main goal, then, of an economic reformation should be the elimination of the growing chasm between rich nations and poor, by reversing the downward spiral of underdeveloped countries. No country is in a better position to lead such a reformation than the United States, with the dollar the