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TRAFFIC SAFETY ACT OF 1966—  
AMENDMENTS

AMENDMENT NO. 537

Mr. MONDALE. Mr. President, I submit the fair warning amendment to S. 3005, the Traffic Safety Act of 1966, on behalf of Mr. MAGNUSON, Mr. BAYH, Mr. BIBLE, Mr. CLARK, Mr. KENNEDY of Massachusetts, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MORSE, Mr. MUSKIE, Mr. RANDOLPH, Mr. TYDINGS, Mr. GRUENING, Mr. KENNEDY of New York, Mr. PELL, and Mr. YARBOROUGH.

We believe that an automobile manufacturer has an obligation which should be recognized by law—the obligation to inform car owners of safety hazards in the cars they drive. We believe that the car owner has a legitimate interest which should be recognized by law—the right to be warned of safety defects in his vehicle. The amendment I am submitting today will recognize these two sides of the coin.

This amendment provides for notice to automobile owners whose cars are unsafe, and notice to automobile dealers. It is enforced by the sanctions in S. 3005, the traffic safety bill. These enforcement procedures are civil penalties, injunctive relief, and seizure before the first sale to a purchaser.

The amendment requires that the notification given to the individual car owner contain a clear description of the defect, an evaluation of the risk to traffic safety arising from the defect, and a statement of the measures to be taken to repair the defect.

This is a modest proposal. It will not require huge appropriations. It is not based upon new Federal controls, except insofar as enforcement procedures may become necessary. The primary burden here is on the automobile manufacturer, and it is not a heavy burden.

The manufacturer is in the best position to know of any defects in an auto, since he designed the car, engineered it, produced it, and controls the distribution mechanism. Through the dealership structure, the manufacturer can quickly receive word of problems or complaints, and assess their significance in terms of auto safety.

The manufacturer can and does recall automobiles for modifications and improvements. The evidence indicates that it is not only possible for him to do so, but that he has done so on a number of occasions.

My amendment enlarges upon what is, and can, already be done in two respects. First, notices must be sent in all cases involving a safety hazard; and second, the notification must inform the car owner of the safety risk involved.

The case is clear on the necessity of this amendment. The evidence accumulated so far indicates that when defects are found in a certain model, the automobile industry may correct the defect in the next year's models, or notify the dealers to correct the problem in cars on hand, or notify the owner without making clear the safety factor involved, calling it an "improvement" or a "modification." But seldom, if ever, does the

manufacturer tell the owner that the improvement or modification involves a safety factor which could endanger his life or the lives of his wife or children or other motorists. This situation must be rectified.

I believe the owner has a right to know of safety risks, and I believe the manufacturer has an obligation to make them clear so the owner can take whatever steps are necessary to protect himself and others.

Just a week ago, I discovered that some 17,500 1966 Dodge Polaras and Monacos were being called in for a throttle linkage modification. But neither the owners nor dealers were told that a safety factor was involved. I have obtained copies of these notifications and ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks. I call attention to the fact that neither letter mentions the fact that this defect might influence safe operation of these cars or describes how the problem affects the vehicle. My amendment would require that such information be included in notices of this type.

That there is a need for this kind of information is shown in a survey of 19 Dodge dealers in Washington, D.C. and Minneapolis and St. Paul, Minn. Only one of them described the problem as a safety factor, as did the service manager of the Dodge Division. However, the other 18 dealers all said there was no safety factor involved. Some dealers went so far as to say there was "absolutely no danger" involved, and that the modification "did not really make a lot of difference."

Certain models of 1965 Plymouths, Chryslers, and Dodges suffered from defective brackets on the steering gear. No notice was sent to the owners.

Thirty thousand 1965 full-sized Fords were recalled because of defective rear suspension arms. Owners were notified that they should bring these cars in to improve the quality of the ride, but no mention was made of the safety factor.

The defects found in automobiles are not always the result of poor engineering or production. Some result from what can only be poor quality control procedures by the manufacturer.

Vehicle inspection statistics from the District of Columbia, and the State of New Jersey indicate that many new cars are sold to customers in an unsafe condition, and that over 20 percent all new cars inspected are rejected for safety shortcomings of varying degrees of seriousness. In the District, 23 percent of the 1966 cars were rejected on their first appearance for inspection, compared with 20 percent of the 1965 new cars.

New Jersey inspection officials report a steady rejection rate of approximately 25 percent. New Jersey has made two comprehensive surveys—one during a 2-month period in 1963 showed a 25 percent rejection rate, while the other, covering a 5-month period in 1959, showed 36 percent rejections.

Both the District of Columbia and New Jersey require that new cars be inspected within 2 weeks after purchase and these

inspections are the best guides available as to the condition of new cars on delivery to the average buyer. For only the District of Columbia and New Jersey have government-owned and operated inspection stations where new cars are given a thorough check by professional inspection personnel. About 15 other States also require inspection of new cars, but all of them contract this function out to privately owned garages, service stations and car dealers themselves—and most of them do not maintain data on new car rejections as opposed to older vehicles.

The main reasons for the District of Columbia and New Jersey rejections were improperly aimed headlights, malfunctioning taillights, improper steering alignment, and brakes in need of adjustment. These inspections also revealed, however, more serious hazards involving design and quality control defects which would not be noticed in the average cursory State inspection or by the driver himself until it was too late. These hidden defects were found, for the most part, in the more comprehensive District of Columbia inspection which is recognized as one of the most thorough in the Nation. They include such items as vehicle stability problems; front wheels inadequately secured; rear brakes not functioning, steering linkages which could come apart causing a complete loss of control; and brake hoses which were too long, causing them to rub against a wheel where they would be weakened and susceptible to rupture under stress.

In some cases in the District, the defect was so dangerous that the inspectors would not permit the car to be driven away, requiring instead that it be towed to a garage or back to the dealer.

And in those instances where the defect showed up on many cars of the same make and model, the District of Columbia inspectors notified the manufacturer about the problem. But no one seems to know how widespread these defects were and whether they were corrected throughout the Nation or only in the District to meet the stringent inspection requirements here. I have asked the manufacturer about some of these cases, but the information I have received thus far is inconclusive.

However, it would seem to me, Mr. President, that the District of Columbia and New Jersey experience indicates a need for both professional State inspection of all motor vehicles as well as notification to owners of hidden defects as provided for in the fair warning amendment.

The District and New Jersey experience is substantiated by that of Consumers Union of the United States, an organization which buys new cars for test purposes. And each year, Consumers Union reports that most, if not all, of the cars it buys develop trouble in the first few thousand miles or are riddled with defects on delivery. These defects are mostly minor, but many involve safety hazards.

Here is what Consumers Union had to say last year in the April 1965 edition of

Consumer Reports about defects in the cars it bought:

"In anything as complicated as a car, pure chance will play a part in the presence or absence of troubles. But something more than chance is at work when 32 out of 32 cars chosen at random for testing show troubles of one kind or another in the first few thousand miles \* \* \*. And CU's automotive consultants know what that something other than chance is—it's bad quality control in the automobile industry."

So wrote CU, speaking of the 1963 models it had tested (Consumer Reports, October 1963). In 1964 things were slightly better; 2 or 3 of the 35 cars purchased for testing didn't develop troubles at least in the first 3,000 miles. This year it looks as though things are back to normal again—that is, all fouled up—in the output of Detroit.

Here's a list of some troubles (of all kinds, not all major but all annoying and some hazardous) that CU has found on the 25 models for 1965 it has so far bought for testing. Some of the troubles (improperly aimed headlights, for example) have shown up on most cars; other troubles (malfunctioning directional signals, for example), have shown up on almost all; no car has been purchased which has not exhibited some trouble.

Front window glass out of channel; trim panel on front door not attached; poor welds in floor pan; wiring harness loose—ignition and lights went out; left spotlight and directional signal inoperative; transmission fluid leaking; water leaking from heater core; airflow through defroster blocked; oil leaking from rear axle housing; engine would not start in park position—transmission had to be torn down; fan belt loose; slipped and squeaked when engine was speeded up; steering column loose at dashboard, steering wheel loose on column; front seat adjuster stuck on passenger's side; ignition timing off specifications; hand brake not connected, warning light not working; hand brake light stayed on at all times; directional signals would not cancel; car slipped out of park position; front door hinge off at bottoms; wheel alignment off specifications; doors not properly adjusted, hard to close or open; heater fan blades hit heater housing; windshield washer pump inoperative; both front wheel bearings loose; dash warning light read "hot" when car was cold; engine noisy, had to be pulled down; headlights improperly aimed; choke stuck open when car was cold, car wouldn't start; choke would not open as car warmed up, engine stalled.

And in the April 1966 issue of Consumer Reports, the organization had this to say about the condition of 1966 automobiles:

The gremlins in the automobile industry's quality control are still at work, and appear to be just as impartial as ever, judging by the 1966 cars CU bought for testing. It would be some small comfort to find that the defects in cars, as delivered, are all of the trivial if annoying type, such as screws missing from trim or inoperative cigarette lighters. Unfortunately, they aren't: your car is just as likely to be delivered to you with a transmission fluid leak or with the power steering hose almost chafed through by the fanbelt.

As long as manufacturers continue to depend too much on dealer preparation of new cars and dealers skimp that preparation, you can expect to go on finding defects of all degrees of severity in cars of all price levels. Here are some of the defects that CU found in the cars we purchased for testing:

Brake light switch defective; transmission fluid leak at oil cooler fitting; power steering hose badly chafed by fan belt—almost worn through; power tailgate window inoperative on two station wagons; windshield

washer pump defective; carburetion too lean, causing "starve-out" or "flat spots" at various speeds on many cars; high spot in brake drum, causing periodic noise when brakes were applied; rain leaks on several cars; ignition and carburetion adjustments not set to specifications on many cars; screws loose or missing from trim or hardware on many cars; defroster control inoperative; turn signals not operating correctly on several cars; cigarette lighter inoperative on three cars; pieces missing from external decorative trim; shock absorber mounting broken off; automatic transmission not shifting properly; poor fit of body sheet metal—doors with poor closure, body interfering with closing of hood or trunk lid—on several cars; engine block defective, requiring replacement; mechanical rapping noises in engine; internal moving parts requiring replacement; one end of front stabilizer bar disconnected; link missing; wheels improperly aligned on several cars; tire pressure off specifications by more than 4 pounds per square inch on many cars; tires out of balance or out of round on several cars; horn inoperative; speedometer needle oscillating; fresh air vent door that did not close; carburetor overflowing gasoline—flooded engine; wires reversed on oil warning light and engine heat warning light; headlights improperly aimed on most cars as delivered.

I might note, Mr. President, that one-fourth of the defects found in the 1966 vehicles could involve a safety factor in the operation of these cars.

Consumer's Union also commented on the condition of new cars in another article in the April 1965 issue of Consumer Reports entitled "Quality Control, Warranties, and a Crisis in Confidence."

I would like here to quote the first and last paragraphs of that article:

The condition of the 1965 cars CU has bought for test is about the worst, so far as sloppiness in production goes, in the whole 10-year stretch of deterioration that began in 1955, the first year in which U.S. new car sales first approached 8 million. (That was also the year in which a heavy emphasis on credit sales raised car output by nearly 2.5 million over the 1954 level and increased consumer indebtedness for autos more than 40 percent.) Complaint in the trade about the condition of the cars as delivered began to get bitter then and it has continued to be bitter ever since. "Overproduction has resulted in poorly engineered and poorly built cars," wrote one dealer in a letter submitted to a congressional hearing in 1961. "We in the retail business," he continued, "have all experienced the exorbitant new car get-ready cost and owner dissatisfaction with some of the creations dreamed up by the factories and then thrown together."

What CU's data reveal is that each of the companies abuses the consumer to one degree or another in this area; and possibly, the data suggest, the degree may be a reflection of company policy. The consequences of poor quality control can affect safety, of course; but there has been little investigation into this particular aspect of the subject, so far as CU knows. It would seem to be a matter calling for attention. Even minor troubles can be important; the driver blinded by the strong beam of a faultily adjusted headlight is a hazard to himself and others. The condition of other cars on the road is, thus, an important part of the environment in which each of us rides. Periodic road checks are a loose control indeed for this kind of threat. And why aren't the threats eliminated at the factory?

Here is what Consumers Union had to say about this situation in an article en-

titled "The Art of Buying and Maintaining a Car" in the April 1966 issue of Consumer Reports:

Manufacturers delegate to the dealer make-ready inspections and grooming of new cars. CU's checks on the new cars it buys usually reveal lights out of focus, brakes not evenly adjusted, tires with incorrect pressures, and incorrect front alignment. Badly aimed lights and uneven brakes are self-revealing, and tire pressures can be checked at any service station, but the first sign of wheel misalignment usually appears as excessive tire wear after several thousand miles—too late for redress.

The article then went on to say:

Most serious, of course, are built-in defects that make a car hazardous to life, but that are not detectable by the owner until too late. Repeatedly auto manufacturers have failed to notify new-car owners of hazardous defects needing repairs or have suggested coming back for alterations without making it clear that a hazard was involved.

The day should come when auto manufacturers are required to file with public officials—for the public record—a list of the specific fixes or repairs they have told their dealers are needed, and, where these involve hazardous defects, to inform the owners about them immediately.

Mr. President, that is exactly what the fair warning amendment is intended to do.

It may be that the driver is to blame for most traffic accidents. But situations such as this and other evidence accumulated in recent months indicate that safety defects may play a much larger role in the accident rate than heretofore estimated. But even if only 1 percent of all accidents is caused by such defects, I think the drivers of these defective cars have a right to know they are riding around in booby traps. And to fail to warn them is to force them to play Russian roulette without their knowing so.

I should like to point out that this amendment supplements both mandatory automobile safety standards and existing State vehicle inspection laws. It assures the basic protection of information to the consumer immediately, while standards may not become effective for some time and while all States still lack comprehensive inspection laws. There is, in addition, always the possibility of safety problems arising which are not covered by standards or undiscoverable even by professional State inspectors.

I do not pretend technical competence as an automotive engineer or to be an expert on the automobile industry, but I do know something about the rights of consumers. Perhaps their most basic right is the right to know what hazards are associated with a particular product. I hardly think that legislation requiring that such information be given to car owners will damage the national economy, or constitute meddling in the affairs of our automotive industry.

Although I am not asking that this amendment lie on the table, I will make a listing of all sponsors in the CONGRESSIONAL RECORD 1 week from today should other Senators wish to join in sponsorship.

I ask unanimous consent that the fair warning amendment be received and referred.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The amendment (No. 537) was referred to the Committee on Commerce.

The letters presented by Mr. MONDALE are as follows:

DODGE DIVISION,  
CHRYSLER MOTORS CORP.,  
February 17, 1966.

To: All Dodge dealers.

Subject: Throttle linkage modification.  
Models affected: 1966 Dodge Polara and Monaco with 383-cubic-inch displacement engine and two-barrel carburetor.

We have recently developed a change in the throttle linkage of the subject vehicles. Because this change relates to throttle control, we desire to incorporate this change on all of the affected 1966 Dodge Polara and Monaco models equipped with 383 cubic inch displacement engine and 2 barrel carburetor.

Enclosed for your use is a list of the names and addresses of owners who received the affected models, compiled from the retail sales report cards submitted by you. A sufficient number of parts packages are enclosed to effect the change on each of the cars listed.

You should arrange to make this change on all vehicles of the type involved that were delivered by you. To assist you, we have mailed a letter in the form attached to each of the owners on the enclosed list. We also enclose extra copies of this letter for you to send to owners of vehicles included on the list without the owner's name or address, if these vehicles were sold by you.

If any of the vehicles on the attached list are still in your stock, be sure that the change is made before you sell them. If you have diverted any of these cars to another dealer, please be sure that this dealer is notified so that he may carry out this campaign on those cars involved. Also, we ask that you see that the parts we have enclosed are forwarded to that dealer.

NOTE.—If you did not receive any of the cars involved in the campaign, there will be no list attached. In such instances, this letter is mailed to you for information only. In the event a transient owner should contact your dealership for assistance the necessary material may be obtained through your regional service office.

DODGE DIVISION,  
CHRYSLER MOTOR CORP.,  
February 24, 1966.

DEAR CUSTOMER: We have recently developed an important change in the throttle linkage of certain 1966 model passenger cars.

Our records indicate you purchased a car of this type, the serial number of which appears to the right of your address at the top of this letter.

We have requested the dealer from whom you purchased your car to see that this improvement is made. We urge you to immediately contact your dealer and arrange an appointment to have the work performed. There will be no charge to you for this service upon presentation of this letter to your dealer.

If you are unable to return to the dealer from whom you purchased your car, please take it to any nearby authorized Dodge dealer.

Very truly yours,

ROBERT H. KLINE.

**ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION**

Mr. RIBICOFF. Mr. President, I ask unanimous consent that, at the next

printing of the concurrent resolution (S. Con. Res. 83) to express the sense of Congress on agreements reducing duties on imported articles under certain conditions, the names of the Senator from New Hampshire [Mr. COLLIER] and the Senator from Wisconsin [Mr. NELSON] be added as cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

**ADDITIONAL COSPONSORS OF RESOLUTION**

Under authority of the order of the Senate of April 5, 1966, the names of Mr. HARRIS, Mr. HART, Mr. JACKSON, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, M. MUNDT, Mr. SCOTT, and Mr. THURMOND were added as additional cosponsors of the resolution (S. Res. 247) to provide for the preparation of an educational film on the U.S. Senate to be shown to visitors to the Capitol, and for other purposes, submitted by Mr. HARTKE on April 5, 1966.

**NATIONAL WATER COMMISSION HEARINGS**

Mr. JACKSON. Mr. President, the Senate Interior and Insular Affairs Committee, of which I am chairman, will conduct open public hearings on May 9 and 10 on S. 3107, the bill to create a National Water Commission. The hearings will start at 10 a.m. each day in room 3110 of the New Senate Office Building.

This tremendously important legislation, proposed by the administration, would establish an independent, seven-member Commission of distinguished Americans outside the Federal Government.

The members, appointed by the President, would study and advise him—and the Water Resources Council—on the entire range of water problems.

Mr. President, we have need for a highly qualified and independent commission to conduct a thorough and complete analysis of our resource problems and programs. Only in this way can we begin to resolve the monumental problems in this field.

**NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY**

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Cornelius McQuade, of West Virginia, to be U.S. marshal, southern district of West Virginia, term of 4 years. (Reappointment.)

Robert E. Hauberg, of Mississippi, to be U.S. attorney, southern district of Mississippi, term of 4 years. (Reappointment.)

Eugene G. Cushing, of Washington, to be U.S. attorney, western district of Washington, term of 4 years, vice William N. Goodwin.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, April 25, 1966, any

representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

**MESSAGE FROM THE HOUSE**

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1938) to amend the Indian Long-Term Leasing Act.

The message also announced that the House insisted upon its amendments to the bill (S. 265) to authorize conveyance of certain lands to the State of Utah based upon fair market value, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. BARING, Mr. KING of Utah, Mr. SAYLOR, and Mr. BURTON of Utah were appointed managers on the part of the House at the conference.

The message further announced that the House receded from its amendments Nos. 1, 2, 3, 4, 5, 6, and 7 to the bill (S. 2729) to amend section 4(c) of the Small Business Act, and for other purposes, and concurred therein.

**THE CIA AND MICHIGAN STATE UNIVERSITY**

Mr. SALTONSTALL. Mr. President, as a member of the Subcommittee of the Armed Services Committee following the activities of the Central Intelligence Agency, I inquired of the CIA regarding the criticisms directed by certain professors of Michigan State University concerning certain activities of the university with relation to a contract with the CIA and the employment of secret agents of the CIA within the university. I believe it is in the interest of accuracy to make public the facts as I get them.

On December 21, 1954, President Eisenhower directed the Operations Coordinating Board to have prepared a report on the status of the U.S. programs to develop foreign police forces to maintain internal security and to destroy the effectiveness of the Communist apparatus in free world countries vulnerable to Communist subversion.

Upon completion of the report on December 8, 1955, the National Security Council directed Mr. John Hollister, then Chief of what is now the Agency for International Development, to assume leadership of U.S. efforts to improve the internal security capability of police in a number of foreign countries. At the same time, the NSC, with the President's approval, instructed the Director of Central Intelligence and other Government agencies to lend all possible assistance to this effort to include assignment of qualified personnel to effect the needed improvements in foreign police forces. The urgency of the situation in Vietnam, which was one of the countries the President had in mind, and the non-availability of adequate personnel, resulted in AID contracting this responsibility to Michigan State University. It