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## AUTOMOBILE SAFETY

Mr. MONDALE. Mr. President, this morning's newspapers carried the story that the Ford Motor Co. is recalling some 30,000 Ford and Mercury automobiles to eliminate a problem involving possible brake failure.

We are told that dealers have been instructed to call owners of the cars that may be affected, and to write them within 5 days if they fail to respond. While the news reports do not say whether owners are being told of the safety factor involved—nonetheless, the use of telephones in recalling these cars conveys a sense of urgency to the customer which has heretofore been almost totally lacking in situations of this type.

And I would like to take this opportunity to commend the manufacturer—in this case the Ford Motor Co.—for making this type of effort.

However, I cannot help but wonder whether the owners would be receiving these telephone calls were it not for the current concern over automobile safety and criticism of the way automobile manufacturers have handled such problems in the past. The Ford Motor Co. claims that it has used the telephone in previous instances and if so, I commend them for that also.

But the fact still remains that in too many instances the owner is not notified about such safety defects at all or else is sent a letter suggesting that he bring his car in for a modification without telling him that the modification involves a possible safety hazard.

This is precisely how the Ford Motor Co. handled its notification to the 30,000 Ford and Mercury owners in the initial stages of the callback: By sending letters to some, if not all, owners requesting that they take their car to a dealer for inspection of a possible problem, but failing to warn the owner that the problem involved a safety hazard. According to news reports the company insists that a safety hazard is not involved. Yet through the statements of its own spokesmen and by the fact that the problem was considered serious enough to warrant telephone calls to owners, the company all but admits that the callback does indeed involve a serious safety hazard. Why then was this fact concealed in the letters sent out over a week ago?

The "Ford Owner" letter is typical of others in which the automobile manufacturer deliberately avoids mentioning the safety implications of the problem. Instead, the letter leaves the impression that the problem is really not very serious and that there is no urgency about having the car inspected.

Let me quote the first paragraph of this letter:

I want you to know of our appreciation for your confidence in our products as expressed in your recent purchase of a 1966 Ford. Unfortunately, we have found that some Ford cars and station wagons produced in late February and in March have a condition of minimum tolerance at the point where the exhaust pipe crosses the rear axle housing. We want to be completely satisfied that the clearance is sufficient to prevent the exhaust pipe from contacting other component parts

and request your cooperation in returning your Ford to your Ford dealer for inspection.

There is not a hint of the possibility that the exhaust pipe could weaken or rupture the brake line causing a complete failure of the car's hydraulic braking system. These dangerous possibilities are hidden behind such innocuous phrases as "a condition of minimum tolerance" and "contacting other component parts."

The fair warning legislation I have introduced—2 weeks ago as a bill and yesterday as an amendment to the Traffic Safety Act—would require an explanation of such defect to the automobile owner. It would not only require that the owner be notified of a defect, but that he be warned that the defect involves a possible safety hazard and told how much of a risk is involved.

For example, in the current instance such a fair warning would have required that owners be told that the brake line was the component part the manufacturer refers to in his letter, and that there was some urgency about having this inspected because of the danger of brake failure involved.

My amendment places the burden of determining when a safety factor is involved in a defect on the manufacturer because he is in the best position to make such a determination.

However, the evidence accumulated to date indicates that in the past the manufacturer frequently has been influenced by considerations of the impact on sales which might result from such a determination and notification to owners.

And the fair warning amendment would assure that car owners received such information by reducing the incentive to decide that a defect does not involve a safety factor. Once a manufacturer knows that all of his competitors are required to furnish such information, and that failure to comply carries a heavier penalty than making such notification, then the American motorist will receive the kind of information he is entitled to have in order to protect himself and others who use our streets and highways.

Mr. President, I ask unanimous consent at this point to have printed in the RECORD a copy of the recent letter to a Ford owner, as well as the following article from the New York Times of April 19, 1966.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

FORD MOTOR CO.,  
Dearborn, Mich.

DEAR FORD OWNER: I want you to know of our appreciation for your confidence in our products as expressed in your recent purchase of a 1966 Ford. Unfortunately, we have found that some Ford cars and station wagons produced in late February and in March have a condition of minimum tolerance at the point where the exhaust pipe crosses the rear axle housing. We want to be completely satisfied that the clearance is sufficient to prevent the exhaust pipe from contacting other component parts and request your cooperation in returning your Ford to your Ford dealer for inspection.

The time required for this inspection and for moving the attaching clip, if required,

will be less than half an hour and the service will be performed at no charge to you. Will you please make an appointment with your Ford dealer at your earliest convenience so that this inspection may be completed?

If you are not now living in the area serviced by the Ford dealer who delivered your Ford, or if for any valid reason you are unable to return to his shop for service, we request that you advise us by means of the enclosed postage paid card. We will then forward the necessary information to the Ford dealer you indicate on the card.

The enclosed customer notification and authorization card will verify to your Ford dealer that this service is to be performed at no charge and that your Ford is one of those requiring inspection. Upon completion of the inspection, he will return the card to us to assure that your Ford has been handled. Thank you again for your patronage and your cooperation.

Sincerely,

E. P. WILLIAMS.

[From the New York Times, Apr. 19, 1966]  
FORD RECALLS 30,000 OF ITS 1966 MODELS FOR  
A BRAKE DEFECT

(By Walter Rugaber)

DETROIT, April 18.—The Ford Motor Co. said today it was recalling about 30,000 of its 1966 models because of a production defect that could cause brake failure.

The company said it was seeking the return to its dealers of about 25,800 standard-size Ford cars and about 5,000 Mercury models, all produced in late February and early March.

A hydraulic brake line running to the rear of the car could be damaged or broken by the downward movement of the exhaust pipe during a severe bounce, a Ford spokesman said.

Should that occur, the hydraulic fluid that transmits the braking action from the foot pedal to the wheels would run out of the system and the car would not stop, the spokesman said.

An unspecified number of cars suffered broken hydraulic lines during railroad shipment to dealers, the Ford spokesman said, but the company has received no report of postsale failures.

During shipment autos are fastened down with spring loading devices and the Ford spokesman said a shock severe enough to cause brake failure could be transmitted from the rail car.

The spokesman said it was possible that rupture of the hydraulic system could occur on an extremely rough road, but he added, for example, that he did not know it would occur even should a car involved strike a deep pothole.

The company said it learned of the defect early this month and its dealers began their efforts to recover the cars with the production defect on April 8. The number not yet reached for service is unavailable, the spokesman said.

Ford would not say officially that a safety hazard was involved in the defect, but its dealers were asked to take direct action in the recovery campaign.

The dealers were ordered to call their customers on the telephone and invite them to bring their cars in for a free inspection and repair. The company suggested a follow-up letter by registered mail to customers who did not respond within 5 days.

Congressional critics of the auto industry, charging that notification procedures by the company and their dealers are sometimes lax, have proposed legislation that would require a more public disclosure of any vehicle defect.

CLIP POSITION CHANGED

Ford said this was not the first time it had used the telephone to alert motorists. A

spokesman said it had been done in the past whenever a problem of "any significance" arises.

The defect arose from a special production technique in several of the company's assembly plants, it was reported. The positioning of a clip used to hold a rear hydraulic line to the axle was changed slightly. This caused the line to ride somewhat higher than normal.

Ford said that the body of the cars involved, with the exhaust pipe attached, could move down far enough in a severe bump to reach the higher line. The line involved was on the right rear side in each case, the company replied.

The company reported there had been no rupture in the hydraulic system on any of the cars inspected so far. In addition to the inspection, the autos receive a new clip designed to properly position the line.

Ford's confirmation of the defect was another in a series of recent disclosures concerning problems on cars produced by all the major manufacturers. The disclosures have led to congressional demands for the records on defects in autos back to 1960.

**JERSEY INSPECTION CITED**

WASHINGTON, April 18.—Senator WALTER F. MONDALE said today vehicle inspection in the District of Columbia and the State of New Jersey indicates many new cars are sold to customers in unsafe condition.

In a Senate speech the Minnesota Democrat said inspectors in those two areas reported that over 20 percent of all new cars they examined were rejected for safety shortcomings of varying severity.

Senator MONDALE replied also to a speech by Henry Ford 2d last week, although he made no direct reference to the chairman of the Ford Motor Co. Mr. Ford said that if uninformed critics of auto safety would "get out of the way," the industry could go ahead with the job of making cars safer.

The Senator said he didn't pretend to be an expert on the automobile industry but declared, "I do think I know something about the rights of consumers. And one of the basic rights of consumers is the right to know of any hazards associated with a product he buys."

**CONCLUSION OF MORNING BUSINESS**

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Is there further morning business? If not, morning business is concluded.

**APPORTIONMENT OF STATE LEGISLATURES**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 103.

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 62 Leg.]

- |              |               |                |
|--------------|---------------|----------------|
| Aiken        | Harris        | Muskie         |
| Allott       | Hart          | Nelson         |
| Anderson     | Hickenlooper  | Pastore        |
| Bartlett     | Hill          | Pearson        |
| Bass         | Holland       | Pell           |
| Bayh         | Hruska        | Prouty         |
| Bennett      | Inouye        | Proxmire       |
| Bible        | Jackson       | Randolph       |
| Boggs        | Javits        | Ribicoff       |
| Brewster     | Jordan, Idaho | Robertson      |
| Burdick      | Lausche       | Russell, S.C.  |
| Byrd, Va.    | Long, Mo.     | Russell, Ga.   |
| Byrd, W. Va. | Long, La.     | Scott          |
| Cannon       | Magnuson      | Simpson        |
| Carlson      | Mansfield     | Smathers       |
| Case         | McCarthy      | Smith          |
| Church       | McClellan     | Sparkman       |
| Cooper       | McGee         | Stennis        |
| Curtis       | McGovern      | Symington      |
| Dirksen      | McIntyre      | Talmadge       |
| Dodd         | Metcalf       | Thurmond       |
| Dominick     | Miller        | Tower          |
| Douglas      | Mondale       | Tydings        |
| Eastland     | Monroney      | Williams, N.J. |
| Ellender     | Montoya       | Williams, Del. |
| Ervin        | Morse         | Yarborough     |
| Fannin       | Morton        | Young, N. Dak. |
| Fulbright    | Moss          | Young, Ohio    |
| Gore         | Murphy        |                |

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Alaska [Mr. GRUENING] are absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Michigan [Mr. McNAMARA], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. CORTON], the Senator from Hawaii [Mr. FONG], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from South Dakota [Mr. MUNDT] are necessarily absent.

I also announce that the Senator from California [Mr. KUCHEL] is absent because of illness.

The PRESIDING OFFICER (Mr. MONDALE in the chair). A quorum is present.

**VANCOUVER COLUMBIAN OPPOSES DIRKSEN AMENDMENT**

Mr. DOUGLAS. Mr. President, I hold in my hand an editorial published in the Columbian of Vancouver, Wash., for April 8, 1966, entitled "Sorry, Senator DIRKSEN." It contains two salient paragraphs relating to the effort to get Congress to propose and the States to ratify a constitutional amendment to perpetuate the rotten borough system in one of the houses of a State legislature.

Mr. President, I read the two paragraphs:

In the first place, if legislatures are to represent people, they should represent people, not acres or counties or cows. Even though we and our neighbors up the Columbia may come out on the short end of the vote sometimes, we can think of no fairer method of allocating seats, than on the basis of people.

Second, Washington and probably a good majority of States recently have gone through much travail in reorganizing their legislatures along lines of one man, one vote. We don't want to have to go through that again soon. We prefer to forget past bitter-

ness over reapportionment and get on with the business of State government. Most States have a long way to go to catch up with the demands being placed on them.

Mr. President, I ask unanimous consent to have printed in the RECORD this editorial, which indicates that the country is beginning to get sophisticated on this proposed amendment, is somewhat impatient about its advocacy, and is opposed to its adoption.

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

**SORRY, SENATOR DIRKSEN**

We received a telegram Thursday from Senator EVERETT MCKINLEY DIRKSEN asking for copies of editorials pertaining to his proposed constitutional amendment to permit States to allocate seats in one house of the legislature on a basis other than population. We assume the Senator from Illinois primarily is interested in editorials supporting his amendment, but the telegram referred to "any editorials reflecting position on proposal."

We have a great deal of sympathy with the purposes of the amendment. After all, Clark County knows what it is like to be outshouted and ignored by more heavily populated areas of the State. But, somehow, we can't get too enthused about DIRKSEN's proposal.

In the first place, if legislatures are to represent people, they should represent people, not acres or counties or cows. Even though we and our neighbors up the Columbia may come out on the short end of the vote sometimes, we can think of no fairer method of allocating seats than on the basis of people.

Second, Washington and probably a good majority of States recently have gone through much travail in reorganizing their legislatures along lines of one man, one vote. We don't want to have to go through that again soon. We prefer to forget past bitterness over reapportionment and get on with the business of State government. Most States have a long way to go to catch up with the demands being placed on them.

**ST. PETERSBURG TIMES OPPOSES AMENDMENT**

Mr. DOUGLAS. Mr. President, I should also like to comment on two editorials which were published in outstanding newspapers of the Nation, one the St. Petersburg, Fla., Times, and the other the St. Louis Post Dispatch. I shall read first from an editorial that was published in the St. Petersburg Times.

Floridians have seen the evils of government by crony. They have seen their State school taxes divided unfairly. They have seen State road and race track taxes build facilities where there are more pine trees than people.

No pressure group will convince Floridians, on the verge of gaining control of their legislature, that minority rule is preferable. They know better.

Mr. President, I ask unanimous consent that the entire editorial be printed at this point in my remarks.

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

**PORK CHOP FRIEND**

Senator EVERETT DIRKSEN doesn't give up easily. Even though enough State legislatures are now fairly apportioned so that there's little chance of amending away the Supreme Court's one-man, one-vote ruling, DIRKSEN seems determined to push the issue in the current congressional session.