

**The original documents are located in Box 6, folder “Consumer Representation Plans” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.**

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FOR IMMEDIATE RELEASE

NOVEMBER 4, 1975

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

This morning I received an interim report from Virginia Knauer and Jim Lynn on the status of the Departmental Consumer Representation Plans. I am pleased with the progress made to date.

Last April, as you may recall, I requested each of the departments and agencies in the Executive Branch to analyze their entire decision-making process to determine where additional consumer input might be helpful in making Federal agencies more responsive to the needs of the American consumer.

The plans developed by these departments and agencies will be published this month in the Federal Register. Following publication, there will be a major effort to disseminate copies of these plans to all interested consumers as well as other interested groups.

So there will be no delay, however, in this effort to open up to the public the decision-making processes of the Executive Branch, I have instructed each department and agency to move ahead at once on putting these plans into effect. Adjustments can be made later as circumstances warrant.

In January we intend to hold public meetings in at least ten cities across the country to explain how these plans work for the benefit of consumers and to seek suggestions and ideas for ways to make the departments and agencies of the Federal government more effective and responsive to public concerns.

I am convinced we can resolve by better administration what Congress is attempting to accomplish by new laws and a costly new government agency. The steps we have taken will prove to be responsive to the needs of the American consumer and the concerns of the American public.

# # # # #

RED TAG

THE WHITE HOUSE

WASHINGTON

February 23, 1976

MEMORANDUM FOR: BILL BAROODY

THROUGH: MAX FRIEDERSDORF  
VERN LOEN *VL*

FROM: TOM LOEFFLER *T.L.*

SUBJECT: Oversight Hearing into the President's proposed Consumer Representation Plans -- House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs

Basically the hearings provided a political forum whereby the witnesses and majority members of the subcommittee attempted to discredit the President's proposed Consumer Representation Plan. Their alternative would be to have enacted pending legislation which would establish within the Executive Branch an Agency for Consumer Advocacy. Listed are various allegations against the President's proposal made during the hearing:

- \*\*\* The Consumer Representation Plan is merely a "Ford/Baroody" coalition, including Virginia Knauer and the Chamber of Commerce to commit a fraud upon the American consumer.
- \*\*\* The President's Consumer Representation Plan is merely a sham transaction to ameliorate the political support during an election year of the President's announced opposition to the ACA.
- \*\*\* The ten regional conferences to discuss and receive public input on the President's plan were merely window dressing techniques costing the taxpayers much, much more than \$250,000.
- \*\*\* The President's Consumer Representation Plan would serve as an excellent means to place women in high government positions notwithstanding their expertise in consumer affairs (reference was made to the Braden appointment at the State Department).



- \*\*\* It is impossible to understand why the President and his advisers continue to push the President's program when clearly the President's plan has no consumer support whatsoever.
- \*\*\* Representatives of consumer associations will submit "en bloc" their comments prior to the extended March 4, 1976 deadline.

Congressman Paul N. McCloskey, Jr. (R. -Calif.) served as the subcommittee's key witness. McCloskey stated that he believed the Administration was not prepared for his amendment which was offered and passed during House consideration of the Consumer Protection legislation and which would in effect abolish the purported 39 consumer affairs offices within the Executive Branch. The Congressman also suggested that the subcommittee submit a specific request to OMB for a precise cost analysis of the proposed Agency for Consumer Advocacy as compared to the President's Consumer Representation Plans. He indicated that it was his opinion this analysis would show that the single Agency for Consumer Advocacy would be far less costly than the 39 consumer representation offices. In addition, he stated that it was his hope the President would be persuaded by this cost analysis to change his position and support legislation which would establish the ACA.

Members in attendance were Messrs. Rosenthal, Drinan, Moffett, Mezvinsky, and Brown. At the end of the hearings Chairman Rosenthal announced that the oversight committee would continue its investigation with the next hearing to be held sometime during the week of March 1. Administration witnesses, including representatives from OMB, would be asked to appear along with representatives from GAO.

See attached.

cc: Virginia Knauer  
Jim Lynn  
Charlie Leppert  
Alan Kranowitz



HEARING INTO  
PROPOSED CONSUMER REPRESENTATION PLANS  
by the  
COMMERCE, CONSUMER AND MONETARY AFFAIRS SUBCOMMITTEE  
of the  
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

FEBRUARY 23, 1976  
10 A.M.  
ROOM 2247, RAYBURN HOUSE OFFICE BUILDING

WITNESS LIST

Congressman Paul McCloskey (R-Calif)

Rhoda Karparkin, Executive Director, Consumers Union of the  
United States

Mary Gardiner Jones, National Consumers League

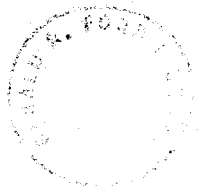
Eileen Gorman, Executive Director, National Consumers Congress

Carol Tucker Foreman, Executive Director, Consumer Federation  
of America

Joan Claybrook, Executive Director, Public Citizen

Rosemary Pooler, Chairperson, New York State Consumer Protection  
Board

Minx Auerbach, Consumer Affairs Administrator, Louisville, Kentucky



OPENING STATEMENT OF  
CONGRESSMAN BENJAMIN S. ROSENTHAL, CHAIRMAN  
COMMERCE, CONSUMER AND MONETARY AFFAIRS SUBCOMMITTEE  
GOVERNMENT OPERATIONS COMMITTEE  
AT  
HEARING INTO PROPOSED CONSUMER REPRESENTATION PLANS  
FEBRUARY 23, 1976

Today's hearing by the Commerce, Consumer and Monetary Affairs Subcommittee begins an examination into the adequacy, likely impact and costs of the Administration's proposed consumer representation plans.

In April 1975, just as Congress was taking up consideration of legislation to create an Agency for Consumer Protection, President Ford requested 11 Executive departments and/agencies to analyze their decision-making processes "to determine how additional consumer involvement could make Federal agencies more responsive to the needs of the American consumer." Federal regulatory agencies were excluded from the President's request. The resulting "Consumer Representation Plans" were announced on November 26, 1975, and 10 regional conferences were scheduled for the purpose of presenting and discussing them. Those conferences were held during the month of January in Chicago, Kansas City, Boston, Atlanta, Houston, Philadelphia, Denver, San Francisco and Los Angeles; and this week, in Washington, 15 additional conferences are being held, at which the plans will be discussed.

As a part of this Subcommittee's examination of the efficiency and economy of the proposed consumer representation plans, the General Accounting Office has been asked to prepare a report on the costs of the 10 regional conferences and the anticipated costs of the plans themselves. The Subcommittee has been advised by the GAO that the full costs of all 10 conferences of the 17 participating Federal agencies will not be known until sometime later this week; and that the anticipated costs of the plans themselves cannot yet be estimated. However, the General Accounting Office has advised the Subcommittee, that the known but incomplete costs of the conferences already total \$318,000.00. And, based on the dollar figures gathered by the GAO, it seems very likely to me that the final cost of the 10 regional conferences will be in the neighborhood of a half a million dollars.

The General Accounting Office has also reported to the Subcommittee that none of the departments and agencies involved in the Consumer Representation Plan program, has developed data showing the costs of implementing the announced plans.

Today's witnesses represent various national consumer groups and State and local consumer offices. At a future hearing, we will hear testimony from Administration and Executive Branch witnesses.



Statement on Proposals for Governmental and Corporate Accountability to Consumers  
Before the Subcommittee on Commerce, Consumer and Monetary Affairs

Government Operations Committee

House of Representatives

February 23, 1976

Mr. Chairman, members of the Committee, my name is Joan Claybrook, and I am the director of Public Citizen's Congress Watch, a public interest organization concerned with the impact of government policies on citizens. We appreciate the opportunity to testify today on the inadequacies of President Ford's proposals for improving the behavior of federal departments toward consumers and the need to adopt new approaches for governmental and corporate accountability to consumers.

President Ford is not sincere when he says we must limit the federal monolith and return authority to the people for determining their own destinies. If he believed his own words, he long ago would have endorsed statutory proposals giving citizens basic rights and instruments for overseeing governmental activities. Gerald Ford, who in his first speech as President, said that "truth is the glue that holds government together", claims concern for the little guy while working to defeat legislation for greater citizen access to government information, citizen rights to sue for enforcement of federal law, and the funding of citizen participation in regulatory decision making. While arguing against the proposition that part of the cost of running the state is helping citizens exercise their first amendment right to petition their government and participate in the decision-making process, President Ford has been doling out the taxpayer's money for federal agencies designed to promote, subsidize or advocate on behalf of a multitude of business interests including aviation, maritime, trucking, cotton, banking, tobacco, nuclear power, drugs, automobiles, agribusiness and on and on. While Lockheed spends over \$20 million in bribes, the President is using scarce budget

resources to protect it from bankruptcy. And while preaching the virtues of the free enterprise system, the President withdraws his support for critical antitrust legislation and pours endless millions into anti-competitive corporate subsidies. Is this the same man who said on August 9, 1974, "honesty is always the best policy in the end?"

Without dwelling further on the contradictions between what the President says and what the President does, his duplicitous demagoguery against modest proposals for citizen rights must be condemned. His speculation that such proposals will enlarge an already oversized government ignores the savings which result when a bureaucracy is held accountable to citizen interests. As if to reinforce the insincerity of his position, the President has now endorsed, as the major consumer program of his Administration, the bureaucratic, mumbo-jumbo ("input", "thruput", "output") so-called consumer representation plans reluctantly drafted by the 17 executive agencies and published in the Federal Register on November 26, 1975. If the few valuable proposals buried in these plans are implemented they will cost money in spite of Presidential disclaimers. In the meantime they are a useful diversionary device behind which federal bureaucrats can yawn and continue their disregard for the interests of consumers.

Structurally, these plans are empty. They are hortatory at best. They do not create, acknowledge or even recommend any specific rights for consumers. They do not contain any independent authority to assure effective or forceful presentation and advocacy of consumer interests. They do not give any consumer representative the right to subpoena information if needed to carry out his/her authority. They do not assure consumers will have a voice in the multitude of agency decisions which affect their every day lives. They do not authorize consumer representatives to seek judicial review of an arbitrary agency decision adverse to consumers. In comparison, the Consumer Protection Agency as embodied



in H.R. 7575 and S. 200, would add important checks and balances within the mammoth executive branch. As an independent nonregulatory advocate, it could petition and challenge regulatory agencies and departments, with the critical right to resort to the courts for judicial review. It would be an important generator of data, an important framer of issues, and an important bastion inside the government to help focus consumer views.

Other proposals awarding legitimate power to citizens to impact their government have been developed in recent years and generally ignored by the President. They include:

- Initiatory rights for civil service accountability which allow aggrieved consumers, taxpayers and citizens to challenge the tenure of the civil servant or political appointee and to urge, in proper forums and with due process, the suspension, resignation, demotion or fine of employees who arbitrarily refuse to enforce the law or engage in waste or harassment.
- Standing as a taxpayer to challenge government action or inaction in court and to compel fulfillment of statutory requirements by ineffective agencies, and the provision of attorneys fees when successful.
- Expansion of the initiative, referendum and recall process which has played a major role in some states to assure accountability of office holders and permitted citizen enactment of legislation outside the legislature.

In addition to citizen initiatory rights for monitoring the government, consumers need tools to monitor corporate activities in the marketplace. The best evidence that the marketplace is askew can be found in the corporate crime wave that now pervades America. Day after day in more and more newspapers Americans are reading about corporate payoffs to foreign countries for business

contracts, violations of campaign finance laws, failures to disclose required information under the securities laws, the provision of valuable goodies to Pentagon officials and politicians. Gulf Oil has acquired a new name recognition not for its deliveries of oil and gas, but for its insidious payoffs, bribes, and slush funds. Among the industries in which corporate crime has been documented as pervasive are aerospace, food processing, oil, sewing machine, airlines, banking and office supplies. The prevalent rationales thus far disclosed for corporate criminality abroad--it's the way business is done; if we don't do it our competitors will--lead to the conclusion that this pattern of illegality is customary and influential.

In the past consumers have tended to look to the government for protection against corporate abuses which consumers could not see, smell, taste, touch or measure and thus the marketplace could not affect, such as hazards in drugs, cancerous additives in food, filth in meat products, defects in cars, radiation in television sets, flammability in apparel, and compulsory consumption which consumers could not avoid such as pollution in the air and contaminants in water.

The question facing consumers today is how to reassert their authority in the marketplace so that the frauds, the monopolistic practices, the hidden danger do not undermine their purchasing power and their health and safety. More and more consumers are seeking self-help remedies to challenge corporate fraud or to discourage health and environmental danger. Some practical examples include:


- Authority to aggregate many small but identical claims in consumer class actions;
- Authority to share in the penalties imposed on corporate law violators in return for bringing the action;
- Creation of viable small claims courts;
- Facilitated funding for development and expansion of local consumer

cooperatives, as was provided 35 years ago through the farm credit system for farmer cooperatives;

-- Systematic methods for raising funds for citizens to oversee state-granted monopolies, such as through a voluntary check-off on periodic (monthly) bills.

In addition, legislation permitting government action to protect citizens from corporate misbehavior is needed. It includes authority for state attorneys general to file class action antitrust damage suits on behalf of citizens in the state as embodied in the *parens patriae* legislation now pending in the Congress and authority for the federal government rather than a state to charter multinational corporations.

President Ford's speeches, invariably to business groups, do not allude to these citizen access rights. He talks, as he did in the State of the Union, about introducing a "new balance in the relationship between the individual and the government--a balance that favors greater individual freedom and self-reliance", but he invariably refuses to translate this rhetoric into reality. His Consumer Representation Plans are just another example of that deception.



CONSUMERS BLAST FORD'S CONSUMER PLANS  
PRESS FOR ENACTMENT OF PEOPLE'S ADVOCATE

Leaders of five national consumer organizations today charged President Gerald Ford with "cynical contempt for consumers." Testifying before the Commerce, Consumer, and Monetary Affairs Subcommittee of the House Government Operations Committee, the five representatives said, "Gerald Ford wants to deny consumers real representation and given them instead his phony and worthless Consumer Representation Plans."

The statement came during the first day of testimony before the Subcommittee chaired by Benjamin Rosenthal (D-NY). Joining in the statement were Public Citizen, Consumer Federation of America, National Consumers League, National Consumers Congress, and Consumer Action Now.

"Gerald Ford's scorn for consumers is demonstrated by his steadfast refusal to ever meet with or even address consumer representatives," the statement said. "Although Gerald Ford has frequently travelled across the country to meet with business groups, he refused to go five blocks in January to address Consumer Assembly. The Consumer Representation Plans manifest Ford's contempt for consumer interests. Ford apparently has so little regard for consumers that he believes the toothless rhetoric of his plans will be accepted as a substitute for an independent consumer advocate."

"The first priority of the consumer movement has been and continues to be the enactment of the Consumer Protection Act, S. 200, which establishes an independent agency to represent consumer interests before federal agencies and courts." The consumer bill passed the Senate in May and the House in November in 1975. It is now enroute to a conference committee.

"The multi-national business community has apparently convinced its willing servant, Gerald Ford, to oppose the Consumer Protection Act, even though Ford supported a substantially similar measure as a Member of Congress. The Consumer Representation Plans are Ford's attempt to have it both ways: By threatening to veto the bill, he persuades business that he is allied with them. By directing agencies to develop consumer plans, Ford makes a desperate attempt to convince consumers that despite the threatened veto of the Consumer Protection Act, he is sensitive to their concerns."

"Who is Ford kidding? His pathetic political ploy will not work. Consumers are not hoodwinked by his cynical gestures. If Ford wants the support of consumers, he will have to support genuine programs for consumers, most notably the Consumer Protection Act."

"What consumers need are responsible federal agencies, staffed with sensitive and competent people, increased access to decisionmaking, effective legal redress, and an independent advocate. Gerald Ford is wrong on every count. He has appointed mediocre individuals to agencies and departments. He has opposed class action legislation and has demonstrated no interest in finding ways of opening up the federal government."

"Federal departments and agencies can and must be made to be more responsive to the interest of consumers. The Consumer Representation Plans provide only hortatory promises. After years of hostility and neglect by agencies to the consumer interest, such vacuous verbiage is not enough. The federal bureaucracy must be accountable to consumers by law."

"While internal reform of agencies is not sufficient to meet the needs of consumers, it is necessary. The plans submitted even fail to affect this needed reform. Consumer complaints are rarely considered in setting policies in the federal bureaucracy. Agencies conduct rulemaking in ways which ensure minimal consumer participation. Information, valuable to consumers, could be, and is not, published by these agencies."

"Even if every federal agency made these needed reforms, an independent, outside consumer advocate would still be required. Internal advocacy is inherently defective because it flies in the face of human nature and poses an obvious conflict of interest. How can an in-house consumer representative be expected to be a tough advocate when the person who the representative seeks to convince is the same individual who controls the salary, tenure, staff, future advancement, and authority of the consumer representative? If the consumer representative continues against instructions to press for what consumers want, the head of the agency will soon fire him/her for insubordination."

Plans were submitted by seventeen agencies and departments. The regulatory agencies, such as the Interstate Commerce Commission, the Nuclear Regulatory Commission, the Federal Power Commission, and the Civil Aeronautics Board, submitted no plans. "The concept of internal executive agency Consumer Representation Plans is defective because only a portion of the federal bureaucracy is covered. How can any scheme be sufficient if it leaves out one of the most important groups of government decision-making organizations, the regulatory agencies?"

"Although cost figures were carefully sanitized out of the plans when they were published, it is evident that implementation of these plans will be costly to the taxpayers. New staff, computers, public opinion polls, and television spots are all proposed.

"What consumers resent is the fact that they are being asked to accept the Consumer Representation Plans -- something of uncertain value -- and are not being told the cost. Gerald Ford is like the infamous encyclopedia salesman who has a well-packaged but worthless product which he sells by stressing the fancy cover and deceptively deemphasizing the price."



# consumer federation of america

SUITE 901 • 1012 14th ST. N.W., WASHINGTON, D.C. 20005 • (202) 737-3732



Consumer Federation of America, the nation's largest consumer organization, has for the past six years unequivocally stated that the only means to achieve effective consumer representation in government is through the creation of an independent Consumer Protection Agency.

The Consumer Representation Plans as proposed by President Ford and Ms. Virginia Knauer are a thinly veiled attempt to placate consumers who are angered by the threat of a Presidential veto of the substantive consumer protection bill which has already passed both houses of Congress. The President's pathetic and farcical Consumer Representation Plans lend themselves most admirably to a parody of the greatest nonsense poem of all time. There, CFA presents:

GIBBERWOCKY

--with apologies to Lewis Carroll

'Twas brillig and the slippery Prez did slink and slither to the right.  
All worried was this veto-bird; Big Business leads the fight.  
Beware the CPA, Ms. Knauer, for it has jaws that could us trap.  
Stop the mighty CPA and block the consumer's chance to rap.

She took her spineless pen in hand  
Long time she pondered something new  
And with bureaucrats all dressed in gray  
Decided what to do.

And as they plotted its demise,  
The CPA with gathered might  
Won its House and Senate tries.  
Consumers proved that they were right.

Input, output, through-put too,  
The spineless pen moved in her hands.  
She left it for dead, and in its stead  
Consumer Representation Plans.

And hast thou slain the CPA?  
And offered yet another ploy?  
Oh glorious day, we'll have our way  
He chortled in his joy.

Beware G. Ford, all you who vote.  
It's he who seeks to still your voice  
Remember on November 2  
When it's up to you to make a choice.

news from



THE WHITE HOUSE

WASHINGTON

March 5, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF  
THROUGH: VERN LOEN *VL*  
FROM: TOM LOEFFLER *T.L.*  
SUBJECT: Administration Witnesses  
to testify on Consumer  
Representation Plans

For your information, attached is a copy of a news release issued by the House Government Operations Committee. On Tuesday, March 9, at 10 a.m. Administration witnesses are scheduled to testify on the President's "Consumer Representation Plans" before Chairman Ben Rosenthal's Subcommittee on Commerce, Consumer, and Monetary Affairs.

Attach.

cc: Jim Lynn  
Jim Cannon  
Paul O'Neill  
Bill Baroody  
Virginia Knauer  
Jim Cavanaugh  
Alan Kranowitz



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FOR RELEASE: Immediate  
 March 4, 1976

# NEWS RELEASE

FOR FURTHER INFORMATION:  
 COMMERCE, CONSUMER AND MONETARY  
 AFFAIRS SUBCOMMITTEE - 225-4407

## HEARING

## HEARING

## HEARING

### ADMINISTRATION WITNESSES TO TESTIFY ON CONSUMER REPRESENTATION PLANS

Virginia Knauer, Joan Braden and other administration witnesses will testify next week at a continuation of hearings into the costs and potential effectiveness of President Ford's proposed consumer representation plans, according to Chairman Jack Brooks of the House Government Operations Committee. The hearings will be held by the Commerce, Consumer and Monetary Affairs Subcommittee, whose chairman is Congressman Benjamin S. Rosenthal of New York.

The hearing will be held on Tuesday, March 9, at 10:00 A.M. in Room 2322 of the Rayburn House Office Building.

Rosenthal said that the hearing would examine the likely costs of the consumer representation plans and their impact on the policies and programs of certain key Federal departments and agencies. The New York Congressman also said he would release at the hearing a General Accounting Office report on the full costs of the administration's 10 regional conferences used to announce the consumer plans.

Witnesses scheduled to testify are:

Virginia Knauer, Special Assistant to the President for Consumer Affairs  
 Joan Braden, Consumer Affairs Coordinator, Department of State  
 Warren Brecht, Assistant Secretary of Treasury (Administration)  
 Judith T. Connor, Assistant Secretary of Transportation (Consumer Affairs)  
 Constance Newman, Assistant Secretary of HUD (Consumer Affairs)  
 Paul H. O'Neill, Deputy Director, Office of Management and Budget  
 Hazel Rollins, Director of Consumer Affairs, Federal Energy Administration  
 Nancy Steorts, Special Assistant to Secretary of Agriculture, Consumer Affairs

Members of the Commerce, Consumer and Monetary Affairs Subcommittee are:

Benjamin S. Rosenthal (NY), Chairman

Cardiss Collins (Ill)  
 Robert F. Drinan (Mass)  
 Elliott H. Levitas (Ga)  
 David W. Evans (Ind)  
 Anthony Moffett (Conn)  
 Andrew Maguire (NJ)  
 Edward Mezvinsky (Iowa)  
 Jack Brooks (Tex) Ex officio

Garry Brown (Mich)  
 Willis D. Gradison, Jr. (Ohio)  
 John N. Erlenborn (Ill)  
 Frank Horton (NY) Ex officio