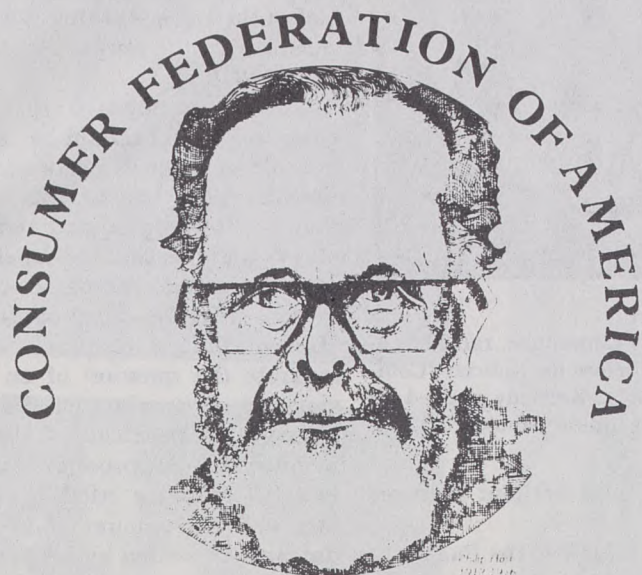


Consumer Federation of America NEWS

WASHINGTON, DC

MARCH-APRIL 1979

AWARDS DINNER SET FOR JUNE 12.



**NINTH ANNUAL AWARDS DINNER
JUNE 12, 1979**

Capital Hilton Hotel
16th & K Streets, N.W.
Washington, D.C.

Tuesday, June 12, 1979
Reception 5:45 P.M.
Congressional/Senate Room
Dinner 7:00 P.M.
Presidential Ballroom

Consumer Federation of America
Cordially Invites You
to its

Ninth Annual Awards Dinner

Philip Hart Public Service Award (U.S. Senate)
Senator Howard M. Metzenbaum

Philip Hart Public Service Award (U.S. House of Representatives)
Congressman Abner J. Mikva

Philip Hart Distinguished Consumer Service
George Meany
President, AFL-CIO

Outstanding Consumer Media Service
National — Stanley E. Cohen
Senior Editor
Advertising Age

Local — Sharon King
WBZ-TV
Boston, Massachusetts

Speak-Out! CONSUMERS . . . VICTIMS OF THE CORPORATE "URGE TO MERGE"

The following column is based upon testimony by CFA Executive Director Kathleen F. O'Reilly before the Senate Judiciary Committee on March 8, 1979. The subject of the hearings was Senator Edward M. Kennedy's "Small and Independent Business Protection Act of 1979", S. 600. Much of O'Reilly's testimony is credited to Jim Hightower's numerous books including *Eat Your Heart Out*, as well as the November 1978 issue of the *Texas Observer* (of which Jim is the Editor). In addition, materials were drawn from hearings conducted by the Committee on Small Business of the House of Representatives in May, 1978. The subject of those hearings was the *Future of Small Business in America*.

According to the Federal Trade Commission, the 200 largest manufacturing firms have increased their share of U.S. Industry from 45% at the end of World War II to 60% today. In 1976, 451 major firms controlled 70% of all manufacturing assets and earned 72% of all profits in the U.S. This contrasts with 1969, when comparable firms controlled only about half of the nation's manu-



"The Administration's Approach to Inflation"

At CFA's Consumer Assembly '79, Alfred D. Kahn, Chairman, Council on Wage and Price Stability, the Administration's leading anti-inflation spokesperson addressed CFA during a luncheon speech. He called upon CFA and all consumers to help monitor rent increases, doctor bills, grocery store prices, etc. and to apply strong national, local and media pressure against those in non-compliance.

facturing assets and 59% of profits.

If merger madness continues at its current rate, today's Fortune Five Hundred will be shriveled down to the Fortune Five in no time at all. Only a masterful propaganda campaign could have persuaded so much of the American public and its policymakers that "big is better." The facts frequently paint a far different and frightening picture.

Typically, the merger moguls push the theory of economies of scale. We are led to believe that in the spirit of generosity these corporate giants are willing to rid the market of inefficient, ailing or sluggish medium sized and mom/pop operations—operations which in fact are irritants standing in the way of giant profits. Yet as demonstrated in last year's Breckenridge hearings in the House, of the 450 U.S. manufacturing firms, the vast majority achieve the maximum economy of scale at a size level equal to less than 5% of their market. In the U.S. auto industry, for example, the market could accommodate 13 auto manufacturing firms without sacrificing any of the efficiency attributed

(Continued on page 6)

CFA Legislative Wrap-Up

Clinical Labs

Kathleen F. O'Reilly, Executive Director of Consumer Federation of America, testified before the Senate Subcommittee on Health and Scientific Research and submitted an accompanying statement outlining CFA's position on S. 590, the Clinical Laboratory Improvements Act of 1979. O'Reilly dramatized the need for stringent regulation of what is a \$12 billion industry, by citing an HEW study demonstrating the likelihood that at least one of every four laboratory tests is in error. Another HEW study of Medicare labs found *serious deficiencies* in 74% of the labs. The human and economic costs resulting from such slipshod lab practices are enormous. Not only must faulty tests be repeated at the consumer's expense, they also may fail to detect a disease or lead to an erroneous diagnosis. The eventual result may be exacerbated illness and/or more costly treatment. Finally, passage of this bill would provide relief to the taxpayer, who picks up these costs in the Medicare and Medicaid programs. For example, of the \$17 billion 1976 Medicare program alone, roughly \$2 billion was spent on lab tests.

CFA has advocated for four years the adoption of legislation that would require the licensing of all interstate and intrastate clinical laboratories, the prohibition of kickbacks, the establishment of uniform standards of safe and efficacious laboratory methodology and the institution of periodic quality spot-checks. O'Reilly's testimony focused on the following specific areas of concern:

1) Inclusion of Private Physician Labs

CFA strongly opposed HEW's attempt to strike this provision from the bill pending further study of the problem. Consumers have a right to expect accurate, reliable testing no matter where the test is performed. It is particularly crucial that physician labs be covered because of the fact that approximately 25% of all clinical lab tests are carried out in physicians' offices. Furthermore, studies confirm that the error rate of physician labs is considerably higher than that of larger hospital and independent labs. Since medical schools provide little, if any, training in laboratory procedure, it is imperative that physician labs be expected to submit to quality control testing.

2) Exemption for Laboratories "Primarily" Engaged in Research

Only laboratory tests or procedures which will not be used to determine a patient's course of treatment should be exempted from coverage. It is unconscionable that a patient be subjected to sub-standard health care merely because the laboratory is principally involved in research that does not require such exacting quality controls. This is particularly a problem in university labs which often supplement their research income by accepting patients who would otherwise be tested by the main lab within the university hospital. Finally, a research lab *should* conform to the



"Competition: The Key Inflation Fighter"

Senator Edward M. Kennedy (D-MA), Chairman, Senate Judiciary Committee, rallied Consumer Assembly in his typical forceful manner on issues pending before the Judiciary Committee of particular importance to the consumer anti-inflation fight. Kennedy pledged his support and leadership to encouraging competition in the trucking industry and curbing big business mergers.

national standards whenever the patient or the government pays for its services.

3) Inclusion of State and Federal Labs

CFA opposes HEW's efforts to delete this vital provision from S. 590. HEW has not presented any evidence to demonstrate that there is no need for these labs to be regulated.

4) Citizen Civil Actions

This provision was included in the bill passed by the Senate in 1977, but is not contained in the current legislation. The federal bureaucracy cannot be counted on to effectively administer S. 590 alone. Citizen watchdogs are needed not only to assist the overburdened government agencies in monitoring potential violations but also to act as a check against the government, in order to ensure that the law does not suffer from selective enforcement or "benign neglect." The agencies will not be inundated with irresponsible citizens' suits as the proposal's critics contend, because the measure as passed in 1977 forbids the award of damages to the plaintiff.

5) Public Participation in Agency Proceedings

The public has a high stake in the formation and implementation of national standards and regulations, but is prevented from involvement by the prohibitively high cost that such participation entails. Therefore, CFA proposed an amendment providing for reimbursement for public participation when eligibility conditions have been met. The language of the amendment precludes the awarding of participation costs for those who do not make a substantial contribution to the proceedings, or who do not have an economic interest that is relatively small in comparison to the cost of participation, or who would have the economic resources to partic-

ipate effectively even without such an award.

6) Records Available to the Public

The public must have access to relevant data filed with HEW by clinical laboratories if they are to act as effective watchdogs.

7) Director of Clinical Laboratories

It is imperative that someone within HEW be given full jurisdiction over an industry that constitutes a full 10% of national health care expenditures. Otherwise, there is, as a practical matter, a real danger that the responsibility for implementing S. 590 will be diffused through HEW's labyrinthine bureaucracy.

S. 590 was recently submitted to the Committee on Labor and Human Resources where it is due for mark-up on April 11th.

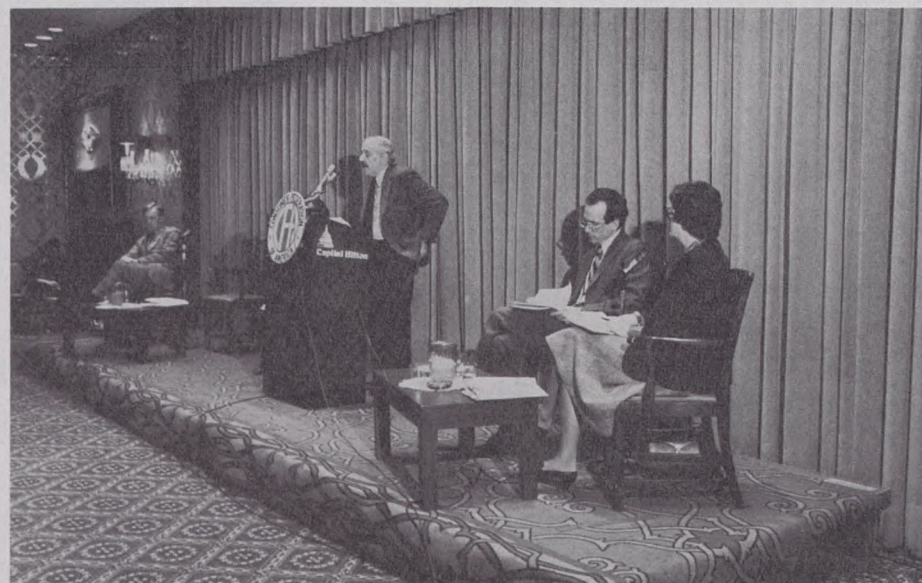
Illinois Brick

CFA Executive Director Kathleen F. O'Reilly testified before the Senate Committee on the Judiciary on February 1, in support of legislation to overturn the Supreme Court's *Illinois Brick* decision. In that ruling, the Court effectively denied individual consumers the right to challenge antitrust violations by ruling that only consumers purchasing directly from a manufacturer who has engaged in price-fixing can recover damages. This verdict also threatens the right of the State Attorneys General to sue price-fixers on behalf of the citizens of their states as provided for in the *Parens Patriae* legislation of 1976.

O'Reilly emphasized that the language of the bill should be as simple as possible in order to maximize judiciary flexibility and expediency. She warned that overly complex and rigid terminology would encourage legal haggling at a cost of time and money to the consumer. O'Reilly also proposed a more efficient process of proof that would separate the question of an anti-trust violation from the determination of damages. Specifically, she recommended that the proof of violation and fact of injury be tried by judge and jury and the amount of allocation of damages be settled by arbitration. This not only expedites the burdensome proof of damage process, but also ensures that the antitrust violators could be found guilty of price-fixing even if the consumer could not adequately sustain his burden of proof of damages.

The Illinois Brick bill was introduced on the Senate floor during the last Congress but was never called to vote due to the threat of "filibuster" from its conservative opponents. It was reintroduced this session as S 300 by Sen. Edward M. Kennedy (D-Ma) and is still in the Committee on the Judiciary where a deadline for mark-up has been set for April 23. The House version of the Bill, HR 2060, is sponsored by Rep. Peter J. Rodino

(Continued on page 4)



"The Great Debate: Free Market vs. Government Protection"

One of the true highlights of Consumer Assembly was the lively and provocative debate between (left to right) Professor Paul W. MacAvoy (School of Organization and Management, Yale University), Ben Wattenberg (Senior Fellow, American Enterprise Institute), Donald Kennedy (Commissioner, Food and Drug Administration), and Joan Claybrook (Administrator, National Highway Traffic Administration).

THE WHITE HOUSE



WELCOMES CFA

Rosalyn Carter hosts the White House Reception as a special finale to Consumer Assembly '79 and an exciting conclusion to CFA's 10th Anniversary celebration. With Esther Peterson (Special Assistant to the President for Consumer Affairs), and Kathleen F. O'Reilly (Executive Director of CFA), Mrs. Carter met with CFA representatives including (clockwise) Donald and Irene MacKinnon (General Manager, Dearborn Federal Credit Union), Adolph Butkys (National Student Consumer Protection Council), Tim Ryles (Administrator, Governor's Office of Consumer Affairs, Georgia), Rita Bogard Fountain (National Rural Electric Cooperative Association), Sylvia Siegel (Director, Toward Utility Rate Normalization), Kathleen D. Sheekey (Legislative Director, CFA), Wally Tillman (National Rural Electric Cooperative Association), and Bob Juliano (Legislative Director, Hotel and Restaurant Employees and Bartenders International Union).

CFA Legislative Wrap-Up

(Continued from page 2)

(D-NJ) and is lodged in the Subcommittee on Monopolies and Commercial Law where no action has been taken since the last hearing on March 7.

Truth-in-Lending

The Senate Banking Committee has reported to the floor a measure which, in its present form, would remove many of the rights originally provided by the Truth-in-Lending Act of 1968. The Truth-in-Lending Simplification Act of 1979, S.108, is nearly identical to one passed by the Senate early in 1978 but which the House later rejected because of its anti-consumer aspects. In hearings before the Committee on February 2, CFA Legislative Director Gerald F. Hogan quickly differentiated between industry's definition of "simplification" (purported to benefit consumers) and the consumer concept of "simplification." He cited last year's ill-fated S. 2802 as a poignant example of a simplification bill widely acclaimed by industry but vehemently attacked by public interest groups.

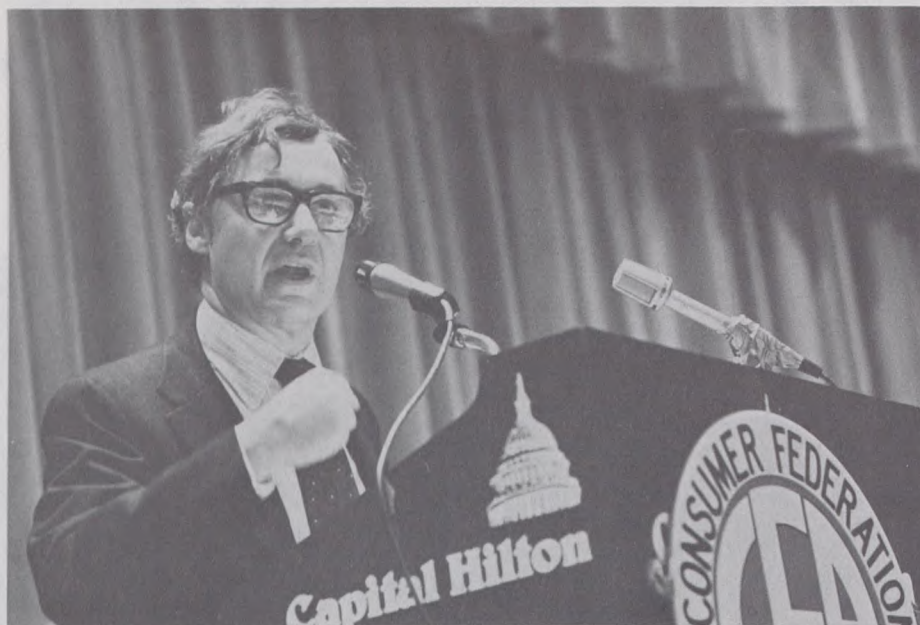
After rejecting the most popular arguments used to justify amending the Act (see CFA News, Aug. 1977), Hogan proceeded to enumerate those disclosures, currently required by law, which should not be eliminated under any circumstances. These include: 1) Itemization of the Amount Financed; 2) Itemization of the Finance Charge; 3) Liability for mechanical errors; and 4) Itemization of Credit Insurance.

Hogan cautioned, however, that if Truth-in-Lending is eventually amended to require fewer disclosures (such as the elimination of the requirement to describe the security interest), then there should be a corresponding increase in civil penalties for the creditor who fails to meet the minimal requirements.

After joining other groups in opposition to various technical deletions, Hogan strongly opposed any amendment which would remove agricultural credit from the Truth-in-Lending Act, reminding the Committee of the logic and equity of covering the significant equipment purchases family farmers make.

The Committee's resistance to these and other recommendations became clear, however, when it struck, by an 8-7 vote, Section 8(a) of S. 108 which would have authorized the Federal Trade Commission to enforce Truth-in-Lending as it would enforce a regulation rule. Such a measure was essential in order to enable the FTC to gain access to information from creditors and to order relief for past Truth-in-Lending violations. Those Senators voting for consumers and against the amendment were:

Sen. William Proxmire (D-Wi)
Sen. Harrison A. Williams (D-NJ)
Sen. Alan Cranston (D-Ca)
Sen. Donald W. Riegle (D-Mi)
Sen. Paul S. Sarbanes (D-Md)
Sen. Paul E. Tsongas (D-Ma)
Sen. John Heinz (R-Pa)



"Business Regulating Business . . . A More Costly Alternative to Government Regulation?"

Michael Pertschuck, Chairman, Federal Trade Commission, sparked keen audience interest in his litany of the consumer cost savings for such deregulatory FTC actions as the lawyer and eyeglass advertising rules. He encouraged vigorous competition in such areas as the real estate industry and reminded the audience "that while all businessmen preach competition, many prefer to practice under the umbrella of benevolent regulation." Pertschuck was introduced by Ann Brown, Chairman, D.C. Consumers Affairs Committee, Americans for Democratic Action (not shown).

Those Senators voting against consumers and for the amendment were:

Sen. Jake Garn (R-Ut)
Sen. John Tower (R-Tx)
Sen. William L. Armstrong (R-Co)
Sen. Nancy L. Kassebaum (R-Ka)
Sen. Richard G. Lugar (R-In)
Sen. Adlai E. Stevenson (D-Ill)
Sen. Robert Morgan (D-NC)
Sen. Donald W. Stewart (D-Al)

Attention now shifts to the House where Rep. Frank Annunzio (D-Ill.) expects to hold hearings on H.R. 1289, a bill far more consumer oriented than the Senate version.

Hospital Cost Containment

In early March, President Carter introduced legislation designed to curb the rapidly rising hospital costs to the nation's consumers. The bill is considered to be one of the Administration's key anti-inflation components. Similar legislation passed the Senate in the late stages of the 95th Congress but became bogged down in Committee on the House side.

The new proposal is comprised of two basic parts: first, it would establish a voluntary national limit for hospital cost increases in Calendar 1979; second, in the event the hospital industry fails to achieve the 1979 voluntary limit, standby mandatory controls would be applied to individual hospitals beginning January 1, 1980. As with other hospital cost containment proposals, such mandatory controls would be enforced by the refusal by Medicare, Medicaid and Blue Cross to pay costs in excess of the particular hospital's mandatory limit. A 150 percent tax would also be levied on excess revenues collected by the hospital from other payers, unless these excess revenues are set aside

in a special account and used to reduce prices to private patients in future years.

Although CFA strongly supports mandatory limitations, the current proposal is politically realistic.



"Controlling Health Care Costs"

Hon. Joseph A. Califano, Jr., Secretary, Department of Health, Education & Welfare, introduced by Rhoda Karparkin, Executive Director, Consumers Union, (not shown) used the Consumer Assembly forum to announce the results of a study of the Social Security System which shows that women are being discriminated against in a significant way. He also spotlighted the cost and inflationary impact of runaway health costs, particularly hospital costs which represent 40% of total health care costs.

Neighborhood Business Revitalization

In March, CFA submitted a statement to the House Small Business Committee's Oversight Subcommittee on Neighborhood Business Revitalization. CFA immediately underscored the vital role that the recently passed Community Reinvestment Act (CRA) could play to advance the best interests of neighborhood businesses. The CRA

directs federal banking agencies to encourage commercial banks, savings and loans, and mutual savings banks to lend in low and moderate-income neighborhoods while recognizing that neighborhood revitalization requires viable small businesses as well as sound housing.

Although the four agencies charged with implementing the CRA (The Comptroller of the Currency, the FDIC, the FRB and the FHLBB) have all promulgated virtually identical regulations, CFA maintained in its statement that the procedures left many questions relating to small business unanswered. For example, the definition of small business is left to the examiner who might define it in such a broad fashion as to accomplish little in the way of encouraging greater lending to bona fide small business. Also, it is uncertain whether any banks have developed special outreach programs to stimulate small business loans or identified bank practices that discourage small business lending in low and moderate-income neighborhoods.

Additionally, CFA asked if the Comptroller had provided banks with educational materials that would provide advice on how to expand small business lending in low and moderate-income neighborhoods.

CFA emphasized that unless these and other questions are resolved, the Subcommittee would be ignoring a powerful tool for commercial revitalization.

Competition Improvement Act

On March 6, 1979, CFA's Executive Director Kathleen F. O'Reilly testified before the Senate Judiciary Committee on S. 382, "The Competition Improvement Act." The measure would require federal agencies to make certain findings before taking actions which would significantly affect competition. O'Reilly pointed out that such an ob-

(Continued on page 5)

Consumer Federation of America

1978 CFA Voting Record (95th Congress 2nd Session)

U.S. Senate

Agriculture/Food

1. HR 7200 Sugar Stabilization Act
Long (D-LA) motion to table (kill) the Metzenbaum (D-OH) substitute to Title II of the Sugar Stabilization Act of 1978 as reported by the Senate Finance Committee. By establishing an initial market price objective for raw sugar of 17¢ per pound, restricting imports, and automatically escalating that price 7-8% annually, the highly inflationary Finance Committee bill would increase sugar prices 85% by 1982 to almost 32¢ per pound, and cost consumers a total of \$5.2 billion. By contrast, the Metzenbaum substitute, originally passed by the House Ways and Means Committee, establishes a market price of 15¢ per pound with no inflationary escalator clause, and would assure the continued viability of the domestic sugar industry without raising consumer costs. October 12, 1978. Motion to table agreed to 47-25. **No was the right vote for consumers.**

Banking Credit

2. HR 2777 National Consumer Cooperative Bank

Passage of a bill introduced by Sen. McIntyre (D-NH) to create a National Consumer Cooperative Bank patterned after the highly successful Farm Credit System. The Bank will be established with up to \$300 million of federal seed money which will gradually be repaid by the cooperatives so that the Cooperative Bank will eventually be completely owned and controlled by the participating cooperatives. Additionally, there will be an office to provide technical and financial assistance (management expertise, inventory control, etc.) to eligible cooperatives. Only financially sound market rate loans would be made to consumer cooperatives. Because consumer cooperatives are nonprofit, traditional lending institutions have refused or been reluctant to issue loans to cooperatives. Cooperatives provide an expanded choice of high quality, reasonably priced goods and services because they are owned and operated by their customers and thus any profits or net income are directly rebated to the consumer/purchaser. July 13, 1978.

Bill passed 60-33. **Yes was the right vote for consumers.**

Energy

3. HR 5289 Natural Gas Pricing

Metzenbaum (D-OH) motion to recommit the Natural Gas Conference Report with instructions to delete all pricing provisions with the exception of those relating to Alaskan gas. The effect of the motion would be to kill the Conference Report's compromise on natural gas pricing. Adoption of the conference committee's version would lead to drastic price increases and eventual deregulation in 1985, costing the average American family \$1000.00 per year. By 1985, the average price of gas would be at least 353% of what it was in 1977, 618% of what it was in 1975 and 1608% of what it was in 1970. Adoption would unnecessarily cost consumers tens of billions of dollars while stimulating little if any new production. Production since 1970 has not increased appreciably, even though prices have increased 100%. Nor are the oil and gas producers in need of additional capital for producers. Their record high profits in recent years have allowed them to bid for and/or purchase major department stores, baseball clubs, pharmaceutical companies, etc. The effects would be particularly harsh for the low-income consumer and the senior citizen who have exhausted their ability to conserve and would be forced to choose between paying their utility bills and eating. September 19, 1978. Motion to recommit rejected 39-59. **Yes was the right vote for consumers.**

4. HR 5289 Natural Gas Pricing

Adoption of the Natural Gas Conference Report. After failure of the Metzenbaum motion to recommit the Conference Report with instructions to delete the devastatingly anticonsumer portions (see vote above), the Senate voted on adoption of the Conference Report. September 27, 1978. Conference Report adopted 57-42. **No was the right vote for consumers.**

5. Coleman Nomination

Metzenbaum (D-OH) motion to recommit (kill) the nomination of Lynn R. Coleman as general counsel to the Department of Energy. Coleman's nomination was but another graphic example of the "revolving door" between industry and regulatory agencies which works to the disadvantage of consumers. In private practice,

Coleman represented many of the clients (major oil and gas producers) which would be coming before DOE when he was general counsel. May 9, 1978. Motion to recommit rejected 20-75. **Yes was the right vote for consumers.**

Government Reform/Waste

6. S 3084 Housing and Community Development

Schmitt (R-NM) amendment to allow one House of Congress to veto proposed regulations issued by the Department of Housing and Urban Development. Deceptively attractive, this legislation nonetheless proves to be devastatingly bad upon further analysis. It allows the Congress to veto agency action by no more than an unrecorded voice vote. Complex programs or actions dealing with complex issues, typically developed as the result of agency expertise, could be destroyed without so much as requiring the Congress to evaluate the record established by the Agency. The legislation provides no additional Congressional staff or funding to study the hundreds of agency actions developed each week. Practically speaking, the legislation would allow the most heavily financed lobbying forces to march a second time to Capitol Hill to kill programs aimed at senior citizens and low-income consumers—programs which are unpopular with industry. Consumer groups barely have the resources to lobby for legislation let alone to have to lobby to preserve countless agency decisions. Agency actions which are not in accord with statutory directives can (and should) be challenged in the judicial review process under the Administrative Procedures Act and/or in the oversight function of Congress, not by arbitrary Congressional veto. July 20, 1978. Amendment rejected 29-65. **No was the right vote for consumers.**

7. S 3486 Department of Defense Procurement Authorization

Proxmire (D-WI) amendment to delete \$209 million from the naval vessels procurement authorization to be used for the settlement of shipbuilding claims. The \$209 million was the initial segment of a total of \$541 million payment to bail out two shipbuilding contractors after they experienced large cost overruns as a result of gross mismanagement, not unanticipated or unavoidable expenses. If passed, the amendment would have justifiably penalized the contractors for their inefficiency rather than

making the American taxpayer carry the burden. September 26, 1978. Amendment rejected 15-76. **Yes was the right vote for consumers.**

Health/Safety

8. S. 2410 Health Planning Reauthorization

Kennedy (D-MA) motion to table (kill) the Huddleston (D-KY) amendment, Part I, known as the "AMA (American Medical Association) Amendment." That amendment would allow states the discretion to issue a more restrictive state approval (known as "certificate-of-need") for Health Maintenance Organizations (HMO's) than for other providers of outpatient health care. An HMO provides its members with a range of specific health services on a prepaid basis. Physicians (particularly those in group practice) have long feared the competition HMO's bring to the traditional fee-for-service approach. Under the Huddleston amendment, physician groups could be favored in the approval process over HMO's. July 27, 1978. Motion to table agreed to 57-40. **Yes was the right vote for consumers.**

9. S. 2410 Health Planning Reauthorization

Kennedy (D-MA) motion, the effect of which was to prevent reconsideration of the Huddleston amendment, Part II, which would have eliminated the bill's requirement that no one could purchase medical equipment worth more than \$150,000 without first obtaining a certificate-of-need. Under existing law, certificates-of-need are required only for hospital-owned machines. However, efforts by local health planning units to control the explosion of underutilized, expensive equipment (e.g., \$500,000 CAT scanners) are often subverted by physician groups which purchase such machines after the hospital's request has been denied and then set up shop near the hospital. The Huddleston amendment would have encouraged that practice. July 27, 1978. Motion to table agreed to 47-45. **Yes was the right vote for consumers.**

10. HR 5285 Hospital Cost Containment

Talmadge (D-GA) motion to table the Kennedy (D-MA) hospital cost containment program. At a time when hospital costs continue to rise at twice the rate of other goods and services, the Kennedy amendment would save consumers approximately \$60 billion

over the next 5 years by placing a mandatory 9% limit on the percentage by which a hospital may increase its revenues from year to year. Support for the amendment stems from the fact that in the 9 states that have recently enacted such a program, hospital cost increases have dropped from 15.8% to 12%, while in those states that have a voluntary program, costs have been reduced to only 15.6%. October 12, 1978. Motion to table agreed to 69-18. **No was the right vote for consumers.**

11. HR 5285 Hospital Cost Containment

Talmadge (D-GA) motion to table the hospital cost control amendment introduced by Senator Nelson (D-WI). The Nelson amendment, a compromise measure to the Kennedy amendment (see Senate vote 10), would save consumers \$34 billion—on federally financed Medicare/Medicaid programs alone—\$11.6 billion by fiscal year 1983. Under the Nelson proposal no mandatory controls would go into effect unless the present voluntary hospital cost control effort failed to meet its objectives. In that event, the standby controls would involve limitations applicable to *all* hospital costs and *all* payors, unlike the “bed and board” type hospital costs for Medicare/Medicaid payors which are the only ones covered under the Talmadge approach. October 12, 1978. Motion to table rejected 42-47. **No was the right vote for consumers.**

12. HR 12929 Labor-HEW Appropriations, Fiscal 1979

Byrd (D-WV) motion to prevent consideration of the Bartlett (R-OK) amendment. The Bartlett amendment would exempt from coverage of the Occupational Safety and Health Act those workplaces having 10 or less full-time employees and having injury-illness rates of 7 or less per hundred. The amendment would inexcusably rob millions of workers, including many who are exposed to carcinogens and other hazardous chemicals, of rights and recourses to prevent health damage due to their work, while not effectively easing burdens on small businesses. Often, those employed in smaller establishments are the most desperate for employment, and the least able to negotiate for safe working conditions. September 27, 1978. Motion to table agreed to 47-46. **Yes was the right vote for consumers.**

Low-Income Consumer

13. HR 13125 Agriculture Appropriations, Fiscal 1979

Lugar (R-IN) amendment to delete \$250 million from fiscal 1979 appropriations for the food stamp program would severely compromise that program. High unemployment, difficult economic conditions and the elimination of commodity distribution programs dictate that the Food Stamp Program be as strong as possible. It has been far more effective in expanding expenditures for food

among low-income families than comparable amounts of cash income supplements. There are also significant spin-off economic benefits of the program, including farm income augmentation at the annual rate of \$1 billion to \$1.25 billion, increased gross revenues of retail food stores at an annual rate of \$415 to \$515 million, and returns to marketers other than retailers of \$980 million to \$1.25 billion. August 10, 1978. Amendment rejected 38-57. **No was the right vote for consumers.**

Housing

14. S 3084 Housing and Community Development

Griffin (R-MI) Amendment would redefine the term “expected to reside” in the Community Development Act of 1974. Such a redefinition would block HUD efforts to prod white middle-class communities to increase low-income residency. To receive a Community Development Block Grant, a community must prepare a Housing Assistance Plan, which includes the number of low-income consumers expected to reside in that community by virtue of its employment opportunities. Since the way in which Community Development Block Grant funds are spent depends on the number of low-income consumers in the community, a loosening of the term “expected to reside” would result in a loosening of restrictions on how funds are spent. This could result in less funds being spent for low-income housing and more funds being spent for luxury items such as tennis courts and swimming pools. July 20, 1978. Amendment rejected 34-50. **No was the right vote for consumers.**

15. HR 12936 HUD, Independent Agencies Appropriations, Fiscal 1979

Long (D-LA) motion to reconsider the Proxmire amendment (initially defeated 43-44) which would cut funding for public housing by 2%. The Proxmire amendment (subsequently adopted) will cut the funds available for public housing programs from \$1,334,950,000 to \$1,310,424,000 and will reduce HUD assisted housing planned for 1979 to 350,000 units from 396,000 units. Public housing under Section 8 is already sorely inadequate. This amendment would reduce it even further, thereby striking a blow below the belt against the low-income consumer. August 7, 1978. Motion to reconsider agreed to 47-41. **No was the right vote for consumers.**

Tax Reform

16. United States—United Kingdom Tax Treaty

Church (D-ID) reservation to nullify Article IX, Section 4 of the US-UK Tax Treaty. The provisions of Article IX would have two devastatingly anti-consumer effects if adopted: 1) the provision would encourage foreign investment in US farm lands which would adversely impact American family farmers in the short run by raising the cost of farm land sold

and the tax assessment of unsold land and consumers in the long run who pay higher food costs when the viability of family farmers is threatened, and 2) the provision would prevent states from restricting tax avoidance by UK based multinational corporations, thus depriving the states of in excess of \$500 million a year in state income tax liabilities—liabilities which would then be shifted to other taxpayers. Adoption of this treaty would be particularly damaging as it would serve as a model and precedent for treaties with other nations. June 23, 1978. Reservation rejected 34-44. **Yes was the right vote for consumers.**

17. HR 13511 Revenue Act

Packwood (R-OR) amendment to repeal special tax treatment for Domestic International Sales Corporations (DISC). This program was designed to create jobs by stimulating exports of American goods manufactured by small business firms. There has been less than a 1% increase in exports since the program's inception 7 years ago and only 15,000 new jobs created, with no evidence linking even that increase to DISC. The increased exports have, according to expert analysts, been more attributable to the devaluation of the dollar and greater world demand for those products than to DISC. Many more than 15,000 jobs could have been created if the \$1.5 billion cost of DISC had been channeled into other programs. “Small businesses” have not been the recipients of DISC benefits. 75% of the corporations benefitting have assets in excess of \$100 million. October 6, 1978. Amendment rejected 28-54. **Yes was the right vote for consumers.**

18. HR 13511 Revenue Act

Danforth (R-MO) amendment to reduce maximum corporate income tax rate to 45% in 1980 and 44% in 1981. Any reduction in corporate income tax must be offset by an increase in personal income tax. In a time of rampant inflation, consumers should not be forced to bear the tax burden of already undertaxed corporations whose profits are ever-increasing at the consumers' expense. October 10, 1978. Amendment adopted 60-30. **No was the right vote for consumers.**

19. HR 13511 Revenue Act

Adoption of the Conference Report on the Revenue Act of 1978. Individual cuts provided in the Act are adequate only for the very top tax brackets. Dollar benefits for most middle-income taxpayers are inadequate, considering the present high rate of inflation. The upper 2% of taxpayers receive 15% of the benefits, while those 75% who earn under \$20,000 receive less than 37%. The percentage of allowable tax exempt capital gains is expanded from the current 50% to 60%. The existing minimum tax on sheltered income is replaced with a new, weaker minimum tax. The Act reduces the effective tax rates paid on capital gains from the present 15% to approximately 10%. The implementation of

the important carryover basis reform, adopted in 1976 to end the unfair step-up system by which capital gains taxes on appreciation are eliminated on assets held at death, will be delayed until 1980. Many observers consider this delay a prelude to repeal. The Act contains virtually none of the President's proposed reforms designed to aid the low and middle income taxpayer, yet grants millions of dollars of tax relief to various special industry groups, e.g. the restaurant, insurance, real estate, magazine and record industries. October 14, 1978. Conference Report adopted 72-3. **No was the right vote for consumers.**

U.S. House of Representatives

Agriculture/Food

1. HR 12101 Farmer-to-Consumer Direct Marketing Act

Foley (D-WA) motion to suspend the rules and pass the bill to authorize \$1.5 million in fiscal 1979 for direct marketing demonstration projects. Since its enactment in 1976, the Farmer-to-Consumer Direct Marketing Act has promoted the development and expansion of direct marketing of agricultural commodities from farmers to consumers. In a time of rapidly rising food prices which are simultaneously threatening consumers and family farmers alike, direct marketing provides a rational method for keeping prices down and increasing the return the family farmer actually receives. September 19, 1978. Motion to suspend the rules rejected 237-163 (a two-third (267) vote is necessary to suspend the rules). **Yes was the right vote for consumers.**

2. HR 13750 Sugar Stabilization Act of 1978

Steiger (R-WI) amendment to the House Ways and Means version of Title II (Import Restrictions on Sugar), to automatically add an annual cost-of-production escalator. By establishing a price objective of 15¢ per pound raw value for sugar, effective 1978-1982, the Ways and Means bill sought to ensure the continued survival of domestic sugar production. However, adoption of an escalating market price objective (i.e. the Steiger amendment) will raise the retail price of sugar by at least 20¢ per five pound bag, with a total consumer cost of over \$2 billion by 1982. Its inflationary impact will also affect the price of soft drinks, ice cream, baked goods and all products which include sugar. October 6, 1978. Amendment adopted 194-164. **No was the right vote for consumers.**

Energy

3. HR 1614 Outer Continental Shelf Breaux (D-LA) substitute which would seriously dilute the most im-

portant provisions of the OCS bill, stifling competition, diluting governmental power to assess resources accurately, and restricting use of alternative bidding systems. The OCS bill would seek to change the traditional bidding system which requires large, up-front cash payments to the federal government by industry before recovery of gas and oil. This system often eliminates smaller oil companies from competition, because they do not have the front-end capital needed to make advance bids. The Breaux substitute would mandate the use of the up-front cash bonus bidding system at least 50% of the time, as opposed to the consumer-oriented position which would mandate alternative bidding systems. January 26, 1978. Substitute rejected 187-211. **No was the right vote for consumers.**

4. HR 1614 Outer Continental Shelf Brown (R-OH) substitute which would apply alternative bidding systems to at least 10% and no more than 30% of the lease sales. By severely limiting the use of alternative bidding systems, competition by smaller oil companies for leases would be thwarted. (See House vote 3.) January 31, 1978. Substitute rejected 196-207. **No was the right vote for consumers.**

5. H Resolution 1434 Consideration of Conference Reports (Natural Gas)

Bolling (D-MO) motion to prevent separate consideration of the natural gas bill, an unusual and unjustified procedure. For further details on the anti-consumer impacts of the natural gas provisions see Senate vote 3. October 13, 1978. Motion agreed to 207-206. **No was the right vote for consumers.**

6. HR 4018, 5146, 5037, 5289 and 5263 National Energy Act

Adoption of the Conference Report on the National Energy Act. After adopting the resolution which required consideration of the total energy bill rather than its separate sections (see vote 5), the House proceeded to vote on the National Energy Act. The devastatingly anti-consumer effects of the natural gas pricing provisions far outweighed the positive aspects of the program. For details on these provisions see Senate vote 3. October 15, 1978. Conference Report adopted 231-168. **No was the right vote for consumers.**

Government Reform/Waste

7. HR 6805 Office of Consumer Representation

Final passage of a bill to establish a federal Office of Consumer Representation—which the public strongly favors. This non-regulatory office would act as a legal advocate to argue the consumer's case before federal regulatory agencies for safe and effective products and reasonable rates. The bill would save taxpayers \$5 million the first year by consolidating or eliminating some 26 agencies. This vote was the most critical test of a Member's pro or anti-con-

sumer commitment in the 96th Congress. February 8, 1978. Bill defeated 189-227. **Yes was the right vote for consumers.**

8. HR 12932 Interior, Energy Appropriations, Fiscal 1979

Moffett (D-CT) amendment to delete language from the bill prohibiting use of appropriated funds to pay for expenses of citizens intervening in regulatory proceedings before the Economic Regulatory Administration. The principles of participatory democracy dictate the need for increasing citizen involvement in government proceedings to act as an additional and independent watchdog in the government process. As a practical matter the public pays for industry participation in the process: 1) the cost of that participation is tax deductible to industry as business expense; 2) the cost is passed on to consumers in the form of higher market prices. Fairness dictates that the public also pays the cost of public participation in the government process. The only practical means of doing this is through federal reimbursement to citizens and citizen groups for the cost of their participation.

Although citizens are theoretically allowed to participate in federal agency proceedings, most simply cannot afford to do so. It takes considerable time, expertise and money. There are a few citizen groups in some communities which attempt to influence government decisions on behalf of the public, but their energies and resources are extremely limited. Over 50 federal statutes (including environment, civil rights, and credit legislation) recognize this problem and provide for the awarding of attorneys fees for participation in government and judicial proceedings to enforce the law. The problem of inadequate citizen involvement is particularly acute in energy proceedings as they are at once tremendously complex and costly to participate in, and significant in their impact on consumers. June 21, 1978. Amendment rejected 126-282. **Yes was the right vote for consumers.**

9. HR 12162 Office of Rail Public Counsel

Rooney (D-PA) motion to suspend the rules and pass the bill to authorize \$2.2 million for fiscal 1979 for the operation of the Office of Rail Public Counsel at the Interstate Commerce Commission. The Office was established in 1976 to represent the public's interest in ICC proceedings. Since then it has been an effective advocate especially in rail abandonment cases. With an increasing number of rail mergers and further requests to abandon service, the Office is particularly important for consumers. September 25, 1978. Motion to suspend the rules rejected 188-196. **Yes was the right vote for consumers.**

10. HR 12433 Housing and Community Development Act

Brown (R-MI) amendment to allow

either house of Congress veto rules and regulations promulgated by the Department of Housing and Urban Development. For further details see Senate vote 6. June 29, 1978. Amendment adopted 244-140. **No was the right vote for consumers.**

11. HR 3816 Federal Trade Commission Authorization

Adoption of the conference report to provide authorization of funding for the Federal Trade Commission in Fiscal 1979. The need for a strong FTC to promote greater consumer protection and fiscal efficiency can easily be substantiated. For example, a recent FTC Consent Order entered into with Levi Strauss Company resulted in that company's agreement to cease its practice of basing distribution on whether a buyer agreed to the manufacturer's suggested retail price—a result estimated to save \$50 million for consumers. Similarly, rules promulgated by FTC affecting the nation's funeral industry are expected to save at least \$100 million—an amount equal to 160% of the entire FTC budget. Clearly, for each dollar invested in the FTC many more dollars are returned to consumers in the form of lower prices. September 28, 1978. Conference report defeated 175-214. **Yes was the right vote for consumers.**

12. HR 11983 Federal Election Commission Authorization Fiscal 1979

Sisk (D-CA) motion to order the previous question and to extend the authorization of appropriations for the FEC. Supporters of the motion were attempting to prevent consideration of an amendment providing for public financing of Congressional candidates. Public financing is necessary to curtail the escalating costs of political campaigns which increasingly force candidates to rely to a dangerous degree on a handful of wealthy individual contributors and amply financed special interest committees for much of their campaign financing. In 1976, according to a study by Common Cause, interest groups gave \$22.6 million to Congressional campaigns, nearly doubling the 1974 total of \$12.5 million. By mid-year 1978, these groups had made campaign contributions of \$10.9 million and had an additional \$27 million available for the 1978 elections. July 19, 1978. Motion adopted 213-196. **No was the right vote for consumers.**

13. HR 14042 Department of Defense Procurement Authorization

Downey (D-NY) amendment to delete \$209 million from the naval vessels procurement authorization to be used for the settlement of shipbuilding claims. For further details see Senate vote 7. September 29, 1978. Amendment rejected 97-187. **Yes was the right vote for consumers.**

14. HR 8729 Airport and Aircraft Noise Reduction Act

Final passage of a bill that would tax passengers and return \$4 billion to

the airlines to assist them in complying with the FAA requirement to use quieter aircraft by 1985. Rather than retrofitting existing planes the airlines would have a taxpayer funded incentive to use the money to underwrite a new jet fleet. September 14, 1978. Bill adopted 272-123. **No was the right vote for consumers.**

Health/Safety

15. HR 12933 Transportation Appropriations, Fiscal 1979

Shuster (R-PA) amendment to prevent funds appropriated to the National Highway Traffic Safety Administration from being used to implement or enforce regulations requiring passive restraints in motor vehicles. Weakening of the Department of Transportation's regulation requiring the installation of passive restraints in all new cars by model year 1984 is decidedly anti-consumer. It is estimated that passive restraints would save 9,000 lives every year, and prevent nearly 500,000 injuries related to traffic accidents annually. Moreover, it is estimated that the cost savings from insurance premiums alone would more than pay for passive restraints. June 12, 1978. Amendment adopted 237-143. **No was the right vote for consumers.**

16. HR 12441 Toxic Substances Control Act

Eckhardt (D-TX) motion to suspend the rules and pass the appropriations bill to provide funding for the Toxic Substances Control Act which would lessen the chances of future contaminants being injected into our environment. Such legislation clearly saves more money than it costs. It could prevent such disasters as the infamous Kepone contamination of the James River which is expected to cost Virginia state taxpayers \$7.2 billion before the deadly chemical is removed. The chemical PCB was injected into the waters of a region in Alabama and Georgia resulting in a \$1 billion class action suit against companies responsible for the pollution. Meanwhile, the Library of Congress estimates that \$75 million to \$100 million in claims have been filed by Michigan farmers for loss of livestock and health costs incurred as a result of PCB contamination. The National Cancer Institute estimates that 80% of all cancers are environmentally caused and the National Foundation for the March of Dimes estimates that 20% of all birth defects are caused by environmental influences, including chemicals of this type. June 12, 1978. Motion to suspend the rules rejected 190-188 (two-third majority is needed to suspend the rules). **Yes was the right vote for consumers.**

17. S 1503 Tris Indemnity Bill

Passage of a bill to pay an estimated \$50 million from the U.S. Treasury to companies for losses incurred as a result of the government ban of the sale of children's sleepwear treated with the cancer-causing chemical Tris. The use of Tris was not mandated by the government to meet the

flammability standard, yet the bill indemnifies industry for its own irresponsible decision to use an untested chemical rather than safe alternatives. In so doing, the bill sets a dangerous and costly precedent and provides a disincentive for other manufacturers to market safe products. Furthermore, it makes no distinction between those responsible companies which voluntarily removed Tris-treated garments from their shelves as soon as it became a suspected carcinogen and those which insisted on selling the products until the April 1977 ban was issued (a ban they resisted). Nor is there any provision to exclude from eligibility

those companies which decided to dump their Tris-treated sleepwear overseas after the ban. October 12, 1978. Bill passed 304-90. **No was the right vote for consumers.**

Low-Income Consumer

18. HR 13125 Agriculture Appropriations, Fiscal 1979

Symms (R-ID) amendment to reduce the appropriation for the food stamp program by \$290.2 million. For further details see Senate vote 13. June 22, 1978. Amendment rejected 194-201. **No was the right vote for consumers.**

Tax Reform

19. HR 13511 Revenue Act

Corman (D-CA)/Fisher (D-VA) amendment to provide an \$18.1 billion tax cut, most of which would benefit those earning less than \$15,000 per year. The Ways and Means bill provided 24% of the tax cuts to those earning over \$50,000, the upper 2% of the population, and only 12% of the decreases to those earning under \$15,000, the bottom 64%. The Corman/Fisher amendment would reverse this situation, providing 25% of its cuts to those earning under \$15,000, and 13% to those with incomes exceeding \$50,-

000. The Corman/Fisher amendment would provide for a slightly larger individual tax cut than the Ways and Means bill and would distribute it more fairly. Most families earning under \$50,000 would be substantially assisted by the Corman/Fisher amendment. August 10, 1978. Amendment rejected 193-225. **Yes was the right vote for consumers.**

20. HR 13511 Revenue Act

Adoption of the Conference Report on the Revenue Act of 1978. For further details see Senate vote 19. October 14, 1978. Conference Report adopted 337-38. **No was the right vote for consumers.**

KEY TO VOTING RECORD

- R - A correct vote for consumers
- W - An incorrect vote for consumers
- A - Did not cast a vote
- P - A vote of "present," usually to avoid a conflict of interest
- - Not a member of Congress at the time
- * - Not a member of the 94th Congress (1975-76)
- A - Italicized absences due to illness requiring hospitalization
- % 94 - Rating for the 94th Congress
- % 77 - Rating for the first session of the 95th Congress
- % 78 - Rating for the second session of the 95th Congress

Ratings are determined by dividing the number of Right Votes by the total number of votes considered. The 1978 votes on the Agency for Consumer Protection (House vote 7) and on natural gas deregulation (House vote 5, Senate vote 3) had such significant consumer impact that a Right Vote counts twice.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	%94	%77	%78
ALABAMA																						
Allen, M. (D) ¹	A	W	W	W	—	W	A	W	W	W	W	A	W	W	R	R	A	A	A	*	—	11
Sparkman (D)	A	R	W	W	W	R	A	R	W	W	R	R	R	R	R	A	A	W	W	26	16	40
ALASKA																						
Gravel (D)	W	R	W	W	W	R	W	W	R	A	R	R	R	A	R	R	W	W	W	26	32	40
Stevens (R)	A	R	W	W	W	W	W	W	A	W	W	W	W	R	R	R	W	W	W	29	12	20
ARIZONA																						
DeConcini (D)	W	R	W	W	R	R	R	W	W	W	W	W	W	R	W	R	W	W	W	*	52	30
Goldwater (R)	A	W	R	R	W	W	A	W	W	W	W	W	W	W	W	W	W	W	A	0	12	15
ARKANSAS																						
Bumpers (D)	W	W	W	W	W	R	W	R	R	W	R	W	W	R	W	W	R	R	W	68	56	35
Hodges (D)	W	W	W	W	W	R	W	W	W	W	R	W	W	W	W	R	R	W	W	*	—	20
CALIFORNIA																						
Cranston (D)	W	R	W	W	W	R	W	R	R	R	R	R	R	R	R	W	W	R	W	83	64	55
Hayakawa (R)	W	R	R	R	W	W	W	W	W	W	W	W	W	W	R	W	A	W	W	*	0	25
COLORADO																						
Hart (D)	W	R	W	W	W	R	W	R	R	W	R	R	R	R	R	R	R	W	W	84	76	55
Haskell (D)	A	R	R	R	W	W	A	R	R	A	A	A	R	R	W	A	A	A	A	93	72	40
CONNECTICUT																						
Ribicoff (D)	A	R	W	W	W	R	W	R	R	R	R	R	R	R	R	W	W	W	W	90	64	50
Weicker (R)	A	R	R	R	W	R	W	R	R	A	A	R	R	R	R	W	W	W	W	55	48	55
DELAWARE																						
Biden (D)	A	R	R	R	R	R	R	R	R	W	R	W	R	A	W	W	R	W	W	83	68	60
Roth (R)	R	W	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	41	32	20
FLORIDA																						
Chiles (D)	W	W	W	W	W	R	W	W	R	W	R	W	R	R	W	W	W	W	W	52	40	25
Stone (D)	W	R	W	W	R	R	W	R	R	W	R	W	R	R	W	W	W	W	W	41	32	40
GEORGIA																						
Nunn (D)	R	W	W	W	W	W	W	R	R	W	W	W	W	R	W	W	W	W	W	28	24	20
Talmadge (D)	A	R	W	W	W	R	W	R	R	W	W	W	R	R	W	W	W	R	W	20	24	35
HAWAII																						
Inouye (D)	W	R	W	W	W	R	W	R	R	W	W	R	A	A	A	A	W	W	W	56	40	25
Matsunaga (D)	W	R	W	W	W	R	W	R	R	W	R	R	R	R	R	A	W	R	W	*	44	50
IDAHO																						
Church (D)	W	R	W	W	W	R	W	R	W	W	W	W	R	R	W	R	R	R	W	63	64	40
McClure (R)	A	A	W	W	W	W	W	W	W	A	A	W	W	W	A	R	W	A	A	0	4	5
ILLINOIS																						
Stevenson (D)	A	R	W	W	W	R	W	R	R	W	R	R	R	R	R	W	W	R	W	81	60	50
Percy (R)	R	R	W	W	W	R	W	R	R	W	W	W	W	R	R	W	W	W	W	58	52	35
INDIANA																						
Bayh (D)	R	R	R	R	W	R	R	R	R	W	R	R	R	R	R	W	R	R	W	46	88	80
Lugar (R)	R	W	R	R	W	W	W	R	W	W	W	W	W	W	W	W	W	W	W	*	20	25
IOWA																						
Clark (D)	W	R	W	W	R	R	R	R	R	A	A	R	R	R	R	R	R	R	A	90	88	65
Culver (D)	W	R	W	W	W	R	W	R	R	R	R	R	R	R	R	R	R	R	W	77	88	65
KANSAS																						
Dole (R)	W	R	R	R	W	W	W	W	W	W	W	W	R	W	W	W	W	W	W	16	28	25
Pearson (R)	A	R	W	W	W	R	W	R	R	W	W	W	W	W	W	W	A	W	A	36	32	20

SENATE VOTING RECORD

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	%94	%77	%78
KENTUCKY																						
Ford (D)	W	R	W	W	W	R	W	W	W	W	W	R	R	R	W	A	W	W	W	56	20	25
Huddleston (D)	W	W	W	W	W	A	W	W	W	W	W	A	R	A	W	W	A	R	A	60	28	10
LOUISIANA																						
Johnston (D)	W	A	R	R	W	R	W	W	W	W	W	A	W	W	W	A	A	W	W	26	32	15
Long (D)	W	R	R	R	W	R	W	W	W	W	W	R	W	W	W	A	W	R	W	10	8	35
MAINE																						
Hathaway (D)	R	R	W	W	R	R	A	R	R	A	A	R	R	R	R	A	R	A	A	97	88	55
Muskie (D)	R	R	W	W	W	R	R	R	R	R	R	R	R	R	R	R	R	R	W	90	48	80
MARYLAND																						
Sarbanes (D)	R	R	R	R	W	R	R	R	R	W	R	R	R	R	R	R	A	R	W	*	84	80
Mathias (R)	R	R	W	W	W	A	W	R	R	A	A	R	R	A	W	A	W	W	A	59	52	30
MASSACHUSETTS																						
Kennedy (D)	R	R	R	R	W	R	W	R	R	R	R	R	R	R	R	R	R	R	A	85	84	80
Brooke (R)	R	A	A	R	W	A	W	A	A	W	R	R	R	A	A	A	W	W	A	79	80	25
MICHIGAN																						
Riegle (D)	W	R	R	R	R	R	R	R	R	W	R	R	R	R	A	R	A	W	W	*	76	70
Griffin (R)	A	R	W	W	W	W	A	W	W	A	A	W	W	W	A	A	W	W	W	17	4	10
MINNESOTA																						
Anderson (D)	W	A	R	R	A	A	W	A	A	R	R	R	R	A	A	A	A	W	A	*	64	35
Humphrey, M. (D) ²	A	R	R	R	R	R	W	A	A	R	R	R	A	R	A	A	R	W		*	—	60
MISSISSIPPI																						
Eastland (D)	A	W	W	R	W	R	W	W	A	W	W	W	W	W	W	W	A	R	A	0	12	15
Stennis (D)	A	W	W	W	W	R	W	W	W	W	W	W	W	A	W	A	W	R	A	13	20	10
MISSOURI																						
Eagleton (D)	A	R	W	W	W	R	W	R	R	W	R	R	R	A	R	W	R	W	W	81	56	45
Danforth (R)	W	W	W	W	W	R	W	R	R	W	W	W	R	R	W	W	W	W	W	*	24	25
MONTANA																						
Melcher (D)	W	R	W	W	R	R	R	W	W	W	W	R	R	W	W	R	R	A	W	*	44	40
Hatfield, P. ³ (D)	W	R	W	W	A	A	W	R	W	W	R	R	R	A	R	R	W	A	W	*	—	35
NEBRASKA																						
Zorinsky (D)	W	W	W	R	R	W	R	R	R	W	R	W	W	W	R	R	R	W	W	*	36	45
Curtis (R)	W	W	R	R	W	W	W	W	W	W	W	W	W	W	A	W	W	W	A	0	8	15
NEVADA																						
Cannon (D)	W	R	W	W	W	R	W	W	R	W	R	W	R	R	R	R	W	W	W	67	36	45
Laxalt (R)	A	W	R	R	A	W	W	W	W	W	W	W	W	W	W	R	R	W	W	0	20	20
NEW HAMPSHIRE																						
Durkin (D)	R	R	W	R	R	R	W	R	R	R	R	R	R	R	R	R	W	W	W	100	76	70
McIntyre (D)	A	R	W	W	R	R	A	R	R	A	A	R	R	A	A	R	R	R	A	89	76	50
NEW JERSEY																						
Williams (D)	R	R	W	W	W	R	W	R	R	R	R	R	R	R	R	W	W	W	W	89	68	55
Case (R)	A	R	W	W	W	R	W	R	R	R	R	R	R	R	R	W	W	W	A	97	68	50
NEW MEXICO																						
Domenici (R)	A	W	W	W	R	W	R	R	W	A	A	W	R	W	A	R	A	A	A	15	4	25
Schmitt (R)	W	W	R	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	*	8	25
NEW YORK																						
Moynihan (D)	A	R	W	W	W	R	W	R	R	W										*	48	45
Javits (R)	R	R	W	W	W	R	W	R	R	R	R	R	A	R	R	W	W	W	W	68	72	55

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	%94	%77	%78
NORTH CAROLINA																							
Morgan (D)	W	R	W	W	W	R	W	W	W	W	W	R	R	R	R	A	R	R	W	51	44	40	
Helms (R)	W	W	A	A	W	W	A	W	W	W	W	A	W	W	W	R	W	W	A	0	8	5	
NORTH DAKOTA																							
Burdick (D)	W	R	W	W	W	R	R	R	R	W	R	R	R	A	R	A	R	R	W	72	48	55	
Young (R)	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	A	A	W	A	4	0	0	
OHIO																							
Glenn (D)	R	W	W	W	W	R	W	R	W	W	R	R	R	R	R	W	W	R	W	75	60	45	
Metzenbaum (D)	R	R	R	R	R	R	R	R	A	R	R	R	R	R	R	R	R	R	W	*	84	90	
OKLAHOMA																							
Bartlett (R)	W	W	R	R	W	R	W	W	W	W	W	W	W	W	W	W	W	W	W	0	8	20	
Bellmon (R)	W	W	R	R	W	R	W	R	W	W	R	W	R	A	W	A	W	W	A	4	20	35	
OREGON																							
Hatfield, M. (R)	W	R	W	W	W	A	R	R	W	W	W	A	R	A	R	R	W	W	R	48	24	35	
Packwood (R)	A	W	R	W	A	W	W	W	W	W	W	W	W	W	W	R	R	W	W	47	28	20	
PENNSYLVANIA																							
Heinz (R)	R	R	W	W	R	R	W	R	R	W	W	W	A	R	R	W	W	W	W	*	64	40	
Schweiker (R)	R	R	R	R	W	W	W	R	R	W	W	W	W	W	W	W	W	W	W	97	52	35	
RHODE ISLAND																							
Pell (D)	R	R	W	W	R	R	W	R	R	R	R	R	R	R	R	W	R	R	W	86	80	70	
Chafee (R)	R	W	W	W	W	R	W	R	R	W	R	W	R	R	W	W	W	W	W	*	48	35	
SOUTH CAROLINA																							
Hollings (D)	R	R	R	R	R	R	W	R	W	W	W	W	R	W	W	W	R	R	R	71	48	60	
Thurmond (R)	W	R	R	W	W	W	W	W	W	W	W	W	W	R	W	W	W	W	W	0	24	20	
SOUTH DAKOTA																							
Abourezk (D)	A	R	R	R	R	R	R	R	R	R	R	A	A	A	A	A	R	A	R	94	84	65	
McGovern (D)	A	A	R	R	W	R	W	R	A	R	R	R	R	R	R	R	R	R	A	86	76	70	

Senate Footnotes

*Maryon Allen was appointed on June 1, 1978 following the death of her husband James Allen.

TENNESSEE																						
Sasser (D)	R	W	W	R	W	R	W	W	W	W	R	R	W	R	W	W	W	W	W	*	72	30
Baker (R)	R	A	R	R	W	W	W	W	W	W	W	W	W	A	W	A	W	W	W	20	8	20
TEXAS																						
Bentsen (D)	W	W	R	R	W	R	W	W	W	W	W	R	R	W	A	W	W	W	W	15	24	30
Tower (R)	A	A	R	R	W	W	W	W	W	A	A	W	W	W	A	W	A	A	A	3	4	15
UTAH																						
Garn (R)	W	W	R	R	W	W	W	W	W	W	W	W	W	W	R	W	W	W	W	0	12	20
Hatch (R)	W	W	R	R	W	W	W	W	W	W	W	W	W	W	W	A	W	W	W	*	12	15
VERMONT																						
Leahy (D)	W	R	W	W	W	R	W	R	R	W	R	R	R	R	R	R	W	W	W	87	68	55
Stafford (R)	A	R	W	W	W	R	W	R	A	W	R	R	R	R	W	W	W	W	A	76	48	35
VIRGINIA																						
Byrd, H. (I)	W	W	R	R	W	W	W	W	W	A	W	W	W	W	W	W	R	W	W	7	12	20
Scott (R)	A	W	R	R	W	W	W	W	W	A	A	W	W	W	W	R	A	W	A	6	16	20
WASHINGTON																						
Jackson (D)	W	R	W	W	W	R	W	R	W	W	R	R	R	R	R	W	W	R	W	76	68	45
Magnuson (D)	W	R	W	W	R	R	W	R	R	W	R	R	R	R	W	R	W	R	W	73	60	55
WEST VIRGINIA																						
Byrd, R. (D)	W	R	W	W	W	R	W	W	W	R	R	R	R	W	W	A	R	R	W	60	40	40
Randolph (D)	W	R	W	W	A	R	W	R	R	R	R	R	R	W	R	W	A	R	W	50	36	50
WISCONSIN																						
Nelson (D)	R	R	R	R	W	R	A	R	R	R	R	R	R	R	R	W	R	R	W	94	84	80
Proxmire (D)	R	W	R	R	R	R	R	R	R	W	R	R	W	R	W	R	R	W	W	91	88	70
WYOMING																						
Hansen (R)	W	W	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	0	8	15
Wallop (R)	W	W	R	R	W	W	W	W	W	W	W	W	W	W	W	A	W	A	W	*	8	15

*Muriel Humphrey was appointed on January 25, 1978 to fill the vacancy created by the death of Hubert Humphrey.

*Paul Hatfield was appointed on January 22, 1978 to fill the vacancy created by the death of Lee Metcalf.

HOUSE OF REPRESENTATIVES VOTING RECORD

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	%94	%77	%78
ALABAMA																							
1 Edwards (R)	W	W	W	W	R	R	W	W	W	W	W	W	A	W	W	W	W	W	W	W	5	15	14
2 Dickinson (R)	A	W	W	W	A	A	W	W	W	W	W	W	A	R	W	W	W	W	W	A	5	5	5
3 Nichols (D)	W	W	A	W	W	R	W	W	W	W	A	W	A	R	W	W	W	A	W	W	25	15	9
4 Bevill (D)	W	W	R	R	W	W	W	W	W	A	W	W	W	R	R	W	W	W	W	W	34	40	18
5 Flippo (D)	W	W	W	W	W	W	W	W	W	R	W	W	W	R	W	W	W	W	W	W	*	10	9
6 Buchanan (R)	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	R	W	R	W	W	9	50	9
7 Flowers (D)	A	W	W	W	W	W	W	A	A	A	W	A	W	A	A	A	W	A	W	W	30	15	
ALASKA																							
AL Young (R)	W	W	W	W	W	W	W	W	R	W	A	W	A	W	W	W	W	A	W	W	0	5	5
ARIZONA																							
1 Rhodes (R)	W	A	W	W	R	R	W	W	R	A	W	W	A	W	A	A	W	W	W	A	5	10	18
2 Udall (D)	R	R	R	R	W	W	R	R	R	R	R	R	A	A	R	R	R	R	R	A	48	70	73
3 Stump (D)	W	W	W	W	W	R	W	W	W	W	W	W	W	R	A	A	W	W	W	W	*	10	9
4 Rudd (R)	W	A	W	W	A	A	W	W	A	W	W	W	W	R	W	W	A	W	A	A	*	10	5
ARKANSAS																							
1 Alexander (D)	R	A	W	R	W	W	W	W	R	W	W	W	W	W	W	R	W	R	W	W	42	35	23
2 Tucker (D)	R	W	A	W	W	W	R	A	R	W	R	W	A	W	A	A	W	A	R	W	*	55	27
3 Hammerschmidt (R)	W	W	W	W	R	R	W	W	W	W	W	W	A	W	W	W	W	W	W	W	12	5	14
4 Thornton (D)	R	W	A	W	W	W	R	A	R	W	R	W	W	W	W	R	W	A	W	W	34	30	27
CALIFORNIA																							
1 Johnson (D)	R	W	R	R	W	W	R	W	R	R	W	R	W	W	R	W	W	R	R	W	83	55	50
2 Clausen (R)	W	W	W	W	R	W	W	W	W	W	W	W	A	W	W	R	W	W	W	W	5	5	14
3 Moss (D)	R	A	R	A	R	A	R	A	A	R	R	W	A	R	R	A	R	A	R	A	91	70	59
4 Leggett (D)	R	W	R	W	R	W	R	W	R	A	A	W	W	W	W	R	R	R	A	R	75	75	46
5 Burton, J. (D)	R	W	R	R	R	R	R	R	A	R	R	A	R	R	R	R	A	R	A	A	91	75	77
6 Burton, P. (D)	R	W	R	R	R	R	R	R	R	R	R	R	R	R	R	R	W	R	R	A	81	80	86
7 Miller (D)	A	W	R	R	R	R	R	R	A	R	A	R	A	A	R	A	R	A	W	96	65	59	
8 Deliums (D)	R	W	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	96	95	96
9 Stark (D)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	R	R	R	83	90	96
10 Edwards (D)	R	R	R	R	W	W	R	R	R	R	R	W	W	R	R	A	R	R	R	100	70	73	
11 Ryan (D)	R	W	A	R	W	A	W	W	R	W	W	R	R	W	R	R	W	R	W	88	50	41	
12 McCloskey (R)	W	W	R	W	R	W	R	W	A	R	R	A	W	W	W	W	W	W	W	W	29	35	36
13 Mineta (D)	R	W	R	A	W	W	R	R	R	R	R	R	W	W	R	R	W	R	R	W	87	65	59
14 McFall (D)	A	W	R	R	W	A	A	W	R	R	R	W	W	W	R	R	W	R	R	A	88	65	41
15 Sisk (D)	R	A	W	R	W	A	W	W	R	W	W	W	A	W	W	W	W	R	A	A	35	35	18
16 Panetta (D)	R	A	R	R	W	W	W	R	W	W	R	R	A	W	A	A	R	W	R	W	*	45	36
17 Krebs (D)	R	W	R	R	W	W	R	W	W	W	R	R	W	W	W	W	R	R	W	W	79	60	46
18 Vacancy ¹	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
19 Lagomarsino (R)	W	W	W	W	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	5	10	14
20 Goldwater (R)	W	W	W	W	R	R	W	W	W	W	W	W	A	W	W	W	W	W	W	W	5	10	14
21 Corman (D)	R	R	R	R	W	W	R	R	R	R	R	R	W	W	R	R	W	R	R	W	88	65	68
22 Moorhead (R)	W	W	W	A	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	9	15	14
23 Beilenson (D)	R	R	R	R	W	W	R	R	R	R	R	R	W	R	A	A	R	R	R	W	*	90	68
24 Waxman (D)	R	W	R	A	R	R	R	A	R	R	R	R	R	A	A	R	A	R	R	R	91	80	73
25 Roybal (D)	R	W	R	R	W	W	R	R	R	R	R	R	W	W	R	R	W	R	R	R	96	70	68
26 Rousselot (R)	W	W	W	W	R	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	0	10	14
27 Dornan (R)	W	W	W	A	R	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	*	0	9
28 Burke (D)	A	A	A	A	A	A	A	A	R	A	R	A	R	W	A	A	A	A	R	A	96	75	18
29 Hawkins (D)	R	W	R	R	W	W	R	R	R	R	R	W	A	W	R	R	A	A	R	R	96	60	59

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 %94 %77 %78

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	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	%94	%77	%78
6 Butler (R)	W	W	W	W	R	W	W	A	W	A	W	W	W	W	W	R	A	W	W	0	10	14	
7 Robinson (R)	W	W	W	W	R	R	W	W	W	W	W	W	W	R	W	W	W	W	W	0	5	18	
8 Harris (D)	R	R	R	R	R	R	A	R	W	R	R	W	W	R	R	W	R	R	W	91	75	73	
9 Wampler (R)	R	W	A	W	R	W	W	W	R	W	W	W	W	R	W	W	W	W	W	0	15	23	
10 Fisher (D)	R	R	R	R	W	W	R	W	R	R	R	R	W	R	R	W	W	R	W	92	70	64	
WASHINGTON																							
1 Pritchard (R)	A	W	W	W	R	W	R	W	W	W	R	R	A	W	R	R	W	A	W	W	25	35	36
2 Meeds (D)	A	A	R	R	W	W	R	W	A	R	R	R	W	W	R	R	A	R	R	W	79	60	50
3 Bonker (D)	R	W	A	R	W	W	W	W	A	R	R	R	W	R	R	W	R	R	W	87	70	46	
4 McCormack (D)	R	W	R	W	W	W	W	W	W	R	A	R	W	A	R	R	W	R	W	65	30	32	
5 Foley (D)	R	W	R	W	W	W	W	W	W	R	R	R	R	W	A	R	W	R	R	59	50	41	
6 Dicks (D)	R	A	R	R	W	W	R	R	R	A	R	R	W	W	R	R	W	R	R	*	55	59	
7 Cunningham (R)	W	W	W	W	R	R	W	W	W	W	W	W	R	W	W	W	W	W	W	*	17	18	
WEST VIRGINIA																							
1 Mollohan (D)	W	R	W	W	W	W	W	W	R	W	R	W	W	R	W	W	R	R	W	W	44	40	27

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	%94	%77	%78
2 Staggers (D)	R	A	R	R	W	W	R	R	R	R	R	W	A	W	R	R	R	R	R	W	65	60	64
3 Slack (D)	W	W	W	R	W	W	W	W	W	W	R	W	A	W	W	W	W	W	W	W	45	40	9
4 Rahall (d)	R	A	R	R	W	W	W	W	R	W	R	W	A	W	R	R	W	R	W	W	*	65	36
WISCONSIN																							
1 Aspin (D)	R	R	R	R	W	W	R	R	R	R	R	R	A	W	R	R	W	R	R	W	76	70	68
2 Kastenmeier (D)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	W	84	90	96
3 Baldus (D)	R	W	R	R	W	W	R	R	R	R	R	R	R	R	R	R	R	R	W	96	80	73	
4 Zablocki (D)	R	W	R	R	W	W	R	W	R	R	R	W	W	W	W	R	W	R	W	100	70	50	
5 Reuss (D)	R	R	R	R	R	W	R	R	R	R	R	R	A	W	W	R	R	R	R	100	90	82	
6 Steiger (R)	W	W	W	W	R	R	A	W	W	A	R	W	W	R	A	R	W	W	W	9	50	27	
7 Obey (D)	R	W	R	R	W	R	W	R	R	R	R	R	R	R	R	R	R	R	R	W	96	70	73
8 Cornell (D)	R	W	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	W	100	90	91
9 Kasten (R)	W	A	A	W	R	R	W	W	W	W	W	A	R	W	W	R	W	A	W	0	30	23	
WYOMING																							
AL Roncalio (D)	R	W	W	A	W	W	R	W	A	R	A	R	W	W	A	A	W	R	R	W	48	55	32

House Footnotes

¹William Ketchum died on June 24, 1978.²Ralph Metcalf died on October 10, 1978.³Goodloe Gyron died on October 11, 1978.⁴Thomas P. O'Neill is Speaker of the House and only casts votes to cause or break a tie.⁵William Green was sworn in on February 21, 1978.⁶Robert Garcia was sworn in on February 21, 1978.⁷Clifford Allen died on June 18, 1978.

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CFA Legislative Wrap-Up

(Continued from page 4)

jective was consistent with CFA's long-standing conviction that government regulation, particularly economic regulation, has all too often adversely affected the very competition which should be the consumer's best tool against inflation.

She then commended the measure for requiring that a single set of specification standards be developed to enhance the competitive posture of small companies when negotiating government procurement contracts. In the past, those companies have been confronted with the frustration of varying specification standards depending upon the agency with which they were dealing.

O'Reilly proceeded to praise the bill for recognizing the important distinction between economic regulation and non-economic regulation directed at health, safety, environmental protection and equality of opportunity. This would preserve, as a matter of public policy, the goals of such non-economic regulations as civil rights and equal credit laws. While such objectives *should* override competitive implications, she made clear that even those

non-economic regulations should be developed in the most efficient, least anti-competitive fashion consistent with the need to assure consumers essential health, safety and environmental protection.

Specifically, O'Reilly cited Section 3(a)(1) and 8(c) as evidence of a sensitivity to such a distinction. She stressed the need, however, to mold the bill even more tightly so as to minimize any opportunity to use the measure as a strategic tool for judicial delay tactics by persistent opponents of highly desirable goals. The importance of tightening the language was clearly demonstrated by the 1977 Senate Governmental Affairs Study on Federal Regulation (Vol. IV) in which it was persuasively documented that an increasing number of affected industries are resorting to judicial methods of delaying what they consider to be overly burdensome regulations.

O'Reilly further urged that the list of independent regulatory agencies in Section 8(c) be expanded to include GSA, the Commodity Futures Trading Commission and financial institution regulatory agencies.



"Utility Reform: Prospects for '79"

Spearheaded by Congressman Toby Moffett (D-CT), Chairman, House Governmental Operations Subcommittee on Environment, Energy and Natural Resources, Consumer Assembly participants heard a comprehensive analysis of utility reform from Moderator Alex Radin (General Manager, American Public Power Association), (on Moffett's right) and panelists Jerry Pfeffer, Department of Energy, Utility Section, (next to Radin) and Brian Lederer, People's Council of D.C. Reactors included (Row 2, left to right) Rosemary Pooler (Executive Director, New York Consumer Protection Board), Robert Mullins (Assistant Director, Legislative Services, National Farmers Union), Rebecca Bogard (Legislative Counsel, National Rural Electric Cooperative Association), Lee White (President, Consumer Energy Council of America), Michael Podhorzer (Legislative Director for Energy, Consumer Federation of America) and Howard Paster (Director, Legislative Department, United Auto Workers). Paster, (middle picture) exhorted the audience to become aggressively involved in utility reform. (Participating but not shown) were reactors Sylvia Siegel (Director, Toward Utility Rate Normalization), and Jan Schakowsky (Campaign Director, Illinois Public Action Council).



CFA Board of Directors at Annual Meeting Feb. 10, 1979

(Top to Bottom, Left to Right)

1. Ronnie Straw (Communications Workers of America), Vernon Dalton (Wells Rural Electric Co-operative), Glenn Nishimura (Arkansas Consumer Research), Bob Partridge (National Rural Electric Cooperative), Allan Classen (Consumer Center), Jim Boyle (Texas Consumer Association), Ken Kovack (United Steelworkers of America), and Peter Jacobson (Alliance for Consumer Protection).

2. Betty Schimling (Washington Committee on Consumer Interests), Alfreda Riley (Consumer Research Advisory Council, Inc.), Shelby Southard (Cooperative League of USA), Sara Newman (National Consumers League), Alex Radin (American Public Power Association), Ellen Haas (Maryland Citizens Consumer Council), Mark Silbergeld (Consumers Union), Bill Matson (Penn. League for Consumer Protection), Hildred Drew (United Auto Workers), and Helen Nelson (Toward Utility Rate Normalization).

3. Steve Brobeck (Cleveland Consumer Action), Dan McCurray (Chicago Consumer Council), Mary Solow (Consumer Federation of California, Los Angeles & Orange County), Sharon Stark (Credit Union National Association), Arnold Mayer (Amalgamated Meatcutters & Butcher Workmen), Leroy Schecher (Grand Electric Co-op, Inc.), Betsy Wood (Consumers Cooperative of Berkeley, Inc.) and Al Luzzi (Concerned Consumer League).

Not Shown: Warren Braren (Consumers Union), Jacob Claymen (Industrial Union Department, AFL-CIO), Ann Brown (D.C. Consumers Affairs Committee, Americans for Democratic Action), Marc Caplan (Connecticut Citizen Action Group), Cushing Dolbeare (national Low-Income Housing Coalition), Evelyn Dubrow (International Ladies Garment Workers Union), William Hutton (National Council of Senior Citizens), Reuben Johnson (National Farmers Union), Robert Kalaski (International Association of Machinists), William Orwell (Retail Clerks, International), Jim Royal (Consumer Education & Protection Association), Shiela Sidles (Iowa Consumers League), Joe Tuchinsky (Michigan Citizens Lobby), Charles Wheatley (American Public Gas Association), and Stan Yarkin (Greenbelt Consumer Services).

Finally, the Committee was strongly urged to include the necessary funding to ensure adequate compliance. "We have learned from experience," O'Reilly lamented, "that if an agency is given significant new responsibilities without any additional funding, the goals of the legislation cannot realistically be achieved."

Public Financing

After holding hearings in March on campaign spending, the House Administration Committee is expected to begin markup of H.R. 1, a bill which would provide for partial public financing for House general elections beginning in 1980. In short, the measure would allow small private contributions to be matched with monies from the voluntary dollar tax check-off fund.

CFA has long supported the concept of partial public financing as the only method of curtailing the growing influence over Congress that is currently enjoyed by the well-financed special interests.

A similar proposal during the last

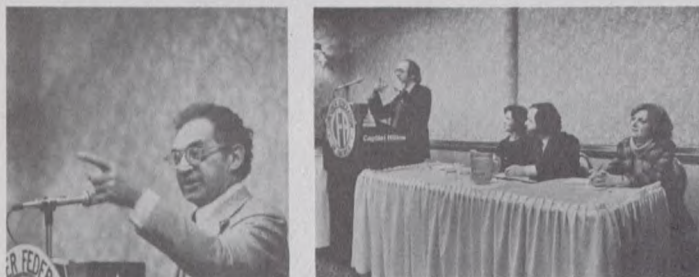
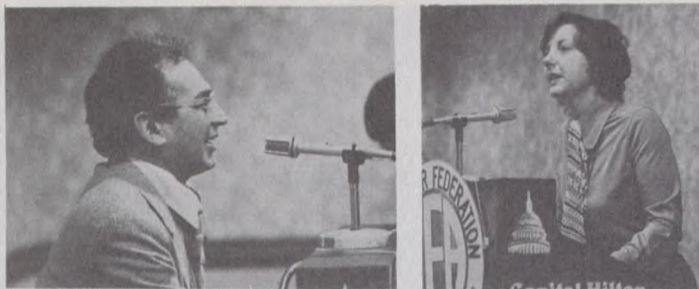
session fell short by just 17 votes but the failure was due in part to procedural and partisan overtones. This session, in addition to receiving the symbolic tag of priority (H.R. 1) from the leadership, the bill boasts more than 160 cosponsors. That combination certainly has provided an unprecedented momentum for public financing.

Still, opponents of the measure have also stepped up their efforts to defeat the bill, focusing their attention on the House Administration Committee, which is expected to hold markup in mid-May.

It is becoming more apparent that the next several weeks will determine whether the 1980 Congressional elections are decided by the voters or by the special interests in this country. Many feel that H.R. 1 may represent our last chance to reverse the growing influence of special interests on elections. Your representative should be contacted immediately and urged to support H.R. 1. Particular attention should be paid to the House Administration Committee whose members are listed below:

(Continued on page 6)

CFA Legislative Wrap-Up



Pre-Consumer Assembly Press Conference with Moderator Stan Cohen, Advertising Age, (top left) addressed by CFA Executive Director Kathleen F. O'Reilly (top right) and panelists (right middle row) frame, left to right) Michael Conlon (UPI International), Lea Thompson (WRC-TV, Wash. D.C.), Larry Kramer (Washington Post), Mary Leonard (Detroit News). Consumer reporters shared goals and frustrations and received CFA issues priority run-down.

(Continued from page 5)

1. Frank Thompson, Jr., N.J., (4) chairman
2. Lucien N. Nedzi, Mich. (14)
3. John Brademas, Ind. (3)
4. Augustus F. Hawkins, Calif. (29)
5. Frank Annunzio, Ill. (11)
6. Joseph M. Gaydos, Pa. (20)
7. Ed Jones, Tenn. (7)
8. Robert H. Mollohan, W. Va. (1)
9. Lionel Van Deerlin, Calif. (42)
10. Joseph G. Minish, N.J. (11)
11. Mendel J. Davis, S.C. (1)
12. Charles Rose, N.C. (7)

13. John L. Burton, Calif. (5)
14. Peter A. Peyser, N.Y. (23)
15. William R. Ratchford, Conn. (5)
16. Vic Fazio, Calif. (4)
1. William L. Dickinson, Ala. (2)
2. Samuel L. Devine, Ohio (12)
3. James C. Cleveland, N.H. (2)
4. Bill Frenzel, Minn. (3)
5. Dave Stockman, Mich. (4)
6. Robert E. Badham, Calif. (40)
7. Newt Gingrich, Ga. (6)
8. Jerry Lewis, Calif. (37)
9. Carrol A. Campbell, Jr., S.C. (4)

Sugar

CFA has renewed its battle against efforts to increase price supports for the production of raw sugar. In recent years such efforts have become an annual event. The 95th Congress failed to enact any increase due largely to CFA-gen-

would go to just six companies (including large multinationals).

The Administration's turnaround is particularly disturbing in light of remarks made by Alfred Kahn, the Administration's chief inflation fighter, at CFA's Consumer Assembly '79 in Feb-

Year	Sugar Granulated (5 lbs.)	Cookies, Creamed Sandwich (1 lb. pkg.)	Ice Cream (½ gallon)
1973	75.5¢	57.8¢	91.0¢
1974	\$1.61	73.5¢	\$1.08
1975	\$1.86	94.0¢	\$1.22
1976	\$1.20	95.5¢	\$1.27
1977	\$1.08	\$1.04	\$1.35
1978	\$1.10	\$1.23	\$1.46

erated consumer opposition and a threat by the Administration to veto any price support above 15 cents per pound. The same Administration, however, is now willing to provide 15.8 cents per pound, a level which would increase sugar supports by some \$180 million per year. Another bill pending (H.R. 2172) would additionally grant a ½ cent per pound direct payment, representing another \$112 million per year. It is important to realize that a full 25% of these programs

ruary. Kahn challenged those in attendance to "rally the public for another bruising sugar fight against very powerful foes," and presented the challenge: "If CFA won't fight, who will?" Later Kahn was overruled by the President.

CFA is persuaded that there is no economic justification for imposing on an already cost-beleaguered consumer, the burden of paying more for sugar. The cost of sugar supports already amounts to \$1.3 billion annually. Un-

fortunately, as evidenced by the chart above, when the price of sugar goes down, the price of sugar-containing processed foods remains at a high level (75% of the sugar we consume is in processed foods!)

In hearings before the House Agriculture Committee, CFA Legislative Director Kathleen D. Sheekey pointed out that another result would be that higher sugar prices would drive up the cost of all domestic food programs which are tied to the C.P.I. Thus, the \$3.1 billion school breakfast and lunch programs and \$6.4 billion food stamp programs would surely escalate. In addition, the increased cost of such sugar substitutes as corn syrup (which historically jumps as a direct result of increased sugar prices) could well result in hundreds of millions of dollars of additional consumer costs.

Sheekey also reminded the Committee of the disproportionate burden that higher sugar prices would place on low-income consumers. According to the Bureau of Labor Statistics, urban fam-

ilies of four living on low-income budgets (\$10,000/year) spend 61% as much on all goods and services as those on intermediate budgets (\$17,000/year) so are spending proportionately 82% as much on sugar and sweets though consuming less than their counterparts. Therefore, Sheekey concluded, those who can least afford it will be hardest hit by rising sugar prices.

Finally, to those who contend that allowing higher sugar prices would provide a disincentive for the consumption of sugar (a goal nutritionists have been advancing), Sheekey repeated the evidence that there was no appreciable decline in consumption even when prices soared in 1974-75.

CFA will continue intensive opposition to H.R. 2172 or any other bill providing for increased sugar supports and is currently coordinating its efforts with a coalition including Congress Watch, Community Nutrition Institute, Common Cause, and Congressional veterans of past sugar struggles: Representative Peter Peyser (D-N.Y.) and Representative Margaret Heckler (R-MA).

(Continued from page 1)

to the present "Big Three." In the steel industry, all economies of scale are exhausted at levels of 1.7% of the market. The four largest steel firms have an average of 11.2% each. The only major industries which can legitimately claim economies of scale from their current high levels of concentration are the typewriter and tractor industries. In supermarketing each of the largest food chains have hundreds and thousands of stores. Yet the National Commission on Food Marketing found that small chains of less than 10 stores were effi-

cient, profitable and competitive. Even the supermarket industry itself admits that all retailing economies can be achieved by a chain one tenth the size of Safeway.

To those who argue that the merger mania is beneficial to the economy because the bulk of the acquired companies are operating in the "red," and, therefore, would fail without such acquisition, the evidence clearly demonstrates the opposite to be true.

In fact, not only have many financially vigorous companies been less than

(Continued on page 7)



Consumer Assembly was officially launched with Administration/Leadership Press Conference highlighting their respective consumer agendas for the 96th Congress. (Clockwise) Esther Peterson (Special Assistant to the President for Consumer Affairs), Stuart Eizenstat (Assistant to the President for Domestic Affairs), James Scheuer (Chairman, House Commerce Subcommittee on Consumer Protection and Finance) and Fred Richmond (D-NY) (Chairman, House Agriculture Subcommittee on Domestic Marketing, Consumer Relations and Nutrition).



"Why the Public Supports Tough Environmental Protection"

Douglas M. Costle (Administrator, Environmental Protection Agency) addresses Consumer Assembly '79 (top), introduced by Jacob Clayman, President Industrial Union Department, AFL-CIO, (bottom). Costle assured the audience that "... If, in the name of combating inflation, we reduce or postpone governmental control of potentially harmful activities now, we may produce, vastly greater costs and inflation later."

(Continued from page 6)

willing to be gobbled up by their giant predators, many companies such as Del Monte, Seven-Up, Tropicana and Pet actually fought vigorously to remain independent, only to succumb to the enormous sums of money the purchasers were offering stockholders. At times, however, Goliath can be slain, as Gerbers' management proved when it mounted such an enormous legal battle last year that Anderson-Clayton finally backed away from its attempt to gain control of the baby food firm. Unfortunately, such occurrences are rare.

Next consumers are led to believe that the merger syndrome will lower prices. How then do merger proponents explain the not untypical example of Miller-Lite? Nearly 10 years ago the Philip Morris cigarette company acquired Miller Brewing, and within five years catapulted Miller from the Number 8 to the Number 2 brewing spot through the sale of Miller-Lite. With Lite's lesser amounts of grain and alcohol consumers should have been charged less. They weren't. By contrast, skim-milk drinkers pay less than purchasers of whole milk. Why the difference? At a time when it was either losing or making very little money, Philip Morris had the conglomerate ability to buy Miller on an \$800 million loan and pour massive amounts of money into an advertising blitz. Clearly, the true beneficiaries of such mergers are not the consumers, but the Madison Avenue ad agencies which have bloated in size with each new account.

Scrutinize the advertising which eats up what would otherwise be money in the pockets of consumers. In the food industry, for example, there are 32,000 food-manufacturing firms, yet just 500 of those firms enjoy 75% of the industry's profits while 31,500 fight it out for the left-overs. Only the biggest of the big can afford the \$200,000/minute cost of prime-time television or \$40,000/page magazine spread. Yet their message for the most part does not compete on the basis of product, price, quality, or variety. Rather, it's a slogan, jingle, sex-appeal, celebrity-studded and very expensive parade of useless information. ITT's Wonder Bread alone, with all its air and additives, is advertised at a cost in excess of \$5 million a year! The FTC found that the big spenders (\$3 million or more on a single network) can command discounts of close to 60% below what the not so bountiful corporations must pay. Some segments of the shared monopoly crowd also reap the benefit of territorial franchise agreements to ultimately assure themselves that any threat of competition is crushed.

The big timers have the cash/credit

to engage in market saturation campaigns which flood households with free product samples and price-war campaign coupons. The more diverse their product line the better able these conglomerates are to capture a market. Borden, one of the undisputed food giants could, for example, provide its ReaLemon customers with 10¢-off coupons for its newly acquired Wise-Potato Chips. Proctor and Gamble pushed Folger Coffee to the top by similar saturation campaigns, destroying a series of longstanding regional coffee companies in the process.

It is this corporate strip-mining of one community after another which is one of the most insidious economic and sociological prices of the conglomerate merger craze. In 1973 alone, Southland Corporation, (parent firm of 7-Eleven) took \$23 million worth of profits out of American companies and pumped it into its Dallas headquarters. Safeway pulls more than \$90 million a year out of some 2300 stores nationwide and pumps them into its Oakland headquarters, taking another \$4 million from neighborhoods around the country just to pay its 60-plus corporate officers and directors. How discouraging, yet unsurprising, that the FTC has found that profits climb dramatically as competition declines—creating a vicious circle, because the bigger they get the more cash if they have to beat out the competition.

Society pays other enormous prices for this "bigness." One New York consultant, who has calculated the increasing cost of executive crimes (embezzlements, kickbacks, etc.) at in excess of \$10 billion/year, attributes much of this increase to mergers, acquisitions, decentralization of operation, and displacement of owner-managers.

As industries get bigger, so do the "percs." A trip to National Airport the day any major consumer bill is pending usually affords the opportunity to review the flock of corporate limousines and/or Lear jets lined up like birds aimed for Miami in December. Through higher product and service prices consumers are very much paying for the percs and the high-priced uptown lawyer/lobbyists they command. Indeed there is a double-whammy price tag. Because the ads, percs, lobbying, merger consultants, loans for mergers, etc. are tax deductible, consumers (as taxpayers) must shoulder the gap left by those tax deductions.

It is naive to suggest that present antitrust law and federal enforcement powers are sufficient protections against the anticompetitive effects of such mergers. It is equally naive to deny that in the corporate world it is only the big guy armed with a cannon who can say "every man for himself" as he looks around at the rest of the neighborhood with their slingshots. In 1973 the Supreme Court ruled that ITT had unfairly competed with local bakers to the tune of nearly \$4 million. That victory was too late for the victim which had already closed its doors. Five independent bakeries brought their own \$45 million antitrust suit against Wonder Bread in California but even as the suit dragged on one of the plaintiffs was the

last independent producer left in Los Angeles. Another was the last independent producer left in San Francisco. All too many victims simply cannot survive long enough to be vindicated.

Or what about "the winners" of the 1975 FTC decision ordering Xerox to break up its monopoly and offer its equipment for sale not just lease? It brought prospective relief to the competitors who within 3 years drove the price of the most popular model from \$14,000 down to \$5,000. But what about the many companies who in the cumulative pre-1975 years had each been forced to pay \$70,000 in leasing fees for a \$2500 piece of equipment? The dollar and human value stakes are much too high, and the eggs too hard to unscramble, to any longer avoid presumptive prohibitions against certain classes of mergers.

In a world of relatively inelastic credit supply, corporate mergers drain hundreds of millions of dollars of credit away from more socially desirable and needed goals. Is it mere coincidence that the recent skyrocketing pattern of colossally expensive corporate mergers parallels the decline in the availability of credit for moderate and low-income housing? Little wonder that groups like CFA are pushing for immediate and stringent credit allocation.



"Inflation and the Rise of the Corporate State"

William W. Winpisinger, President, International Association of Machinist and Aerospace Workers, shares his incisive analysis and humor with the Consumer Assembly audience. "Winpy" introduced by Evelyn Dubrow, (Vice President, International Ladies Garment Workers Union) blasted the greed and hypocrisy of the major Energy moguls and the "herr Kissinger/Schlesinger" approach to public policy.

Is it mere coincidence that the profit-at-all-cost motive of such mergers has led to an increased reliance on chemical additives by the food giants who must accommodate the longer distances travelled from their handful of major warehouses? Why must consumers pay the high nutrition and health cost of fake fortified foods like Tang which screams out their Vitamin C equivalency without mentioning their sacrifice of fiber, trace vitamins, and bulk. Rather than serving the unique regional and ethnic tastes which we used to take for granted, the swelling conglomerates who buy up

(Continued on page 8)



"Insurance: Can Consumers Afford the McCarran-Ferguson Act?" Consumer Assembly Panel explores the pros/cons of the present insurance regulatory scheme. Dean Sharp (Insurance Staff Counsel to the late Senator Philip Hart) moderated the panel. (Left to right), Jim Boyle (President, Texas Consumer Association), John Ingram (Commissioner of Insurance, State of North Carolina), Gloria Jimenez (Federal Insurance Administrator). Participants not captured by the camera included: Richard Mathias (Commissioner of Insurance, State of Illinois) and Kenneth E. DeShetler (Vice President, Corporate Relations, Nationwide Mutual Casualty Co.).

(Continued from page 7)

food subsidiaries for their predatory pricing potential and/or tax advantages, must cater to the national taste as a whole—BLAND. Whole generations of consumers have never tasted fresh turkey, vine-ripened tomatoes or wonderfully seasoned ethnic food.

Other merger potentials pose serious public policy considerations. What would the American Express acquisition merger of McGraw-Hill or ITT's attempt to buy a major network imply for the world of communications? As fewer and fewer companies are able to afford television advertising, the public as a whole yields control of network programming to a relative handful of advertisers.

Recent discussions with Administration wage and guidelines officials raise disturbing questions about the potential of those guidelines to encourage mergers. It would appear that the large diversified conglomerates will have enormous and anticompetitive advantages over their specialized competitors. Since the past and present "gross profit" of each company is critical to the determination of compliance/non-compliance, a conglomerate can conveniently offset certain subsidiary losses against other subsidiary gains, thus paving the way for certain allowable product price hikes that a one product company could never implement.

What about the inflationary impact to society when the courted shareholders are enticed with dramatically increased share values so that they'll be ripe for the kill? After the kill, how many of the windfall dollars are spend in an inflation-fueling spree?



Alfred Kahn exchanged views with Ellen Haas, CFA's President, Betsy Wood (Home Economist, Consumers Cooperative of Berkeley) CFA Board Member (and former Kahn student), and CFA Board Member Alex Radin (General Manager, American Public Power Association) and Bob Partidge, (Executive Vice President, National Rural Electric Association) (bottom).

For legal, economic, political and sociological reasons the urge to merge must be tightly controlled before we reach the approaching point of no return. Consumers cannot afford to have the giant corporate tentacles continue to reach out, pulling jobs and tax bases out of community after community. These market ghost towns are exacting too high a price from society. Tight merger legislation such as encompassed in this Committee's working draft is long overdue and will be a top priority for CFA this year.

Help Wanted

Contact your Senators
and Representatives
urging them to maintain
control of oil prices.



"Inflation's Impact on Family Farmers and Small Business"

Tony Dechant (President, National Farmers Union,) warned that if the family farm system is not preserved, its successor "...would be an industrialized agriculture, which would ensure its own profitability through programmed scarcity." Introduced by Leroy Schecher (Manager, Grand Electric Co-op, Inc.), (bottom) they discuss issues with Kathleen F. O'Reilly, (middle).

Conference Note

A national conference on "The Low-Income Consumer: New Solutions to Old Problems" will be held at the Marriott Twin Bridges Hotel in Washington, DC on May 31-June 1. Co-sponsored by the US Office of Consumer Affairs and Howard University, the conference is designed to train grassroots program directors, highlight successful community-based consumer programs and provide up-to-date information on consumer legislation and issues. For more information call Juanita Yates (202-755-8892) or Herbert Simmons, Jr. (202-636-6248).



Senator Kennedy was introduced by CFA Board Member Arnold Mayer, Legislative Representative, Amalgamated Meatcutters and Butcher Workmen, (bottom).

Consumer Federation of America NEWS

Consumer Federation of America

1012 - 14th Street NW, Washington DC 20005

President Ellen Haas
Executive Director Kathleen F. O'Reilly
Legislative Directors Gerald Hogan, Michael Podhorzer
State and Local Projects Gary Rosenberg
Paul Douglas Consumer Resource Center Sherry Lindquist

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Editor Ellen S. Teller
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