

Remarks by Bryce N. Harlow
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GENTLEMEN:

People technically proficient -- my defensive way of saying, people smarter than I -- will shortly document for you how remarkably abominable this Consumer Protection Agency legislation is.

I will only generalize about it, and very briefly. This bill is as bad for government and as bad for the entire competitive system as any I have seen in a third of a century in Washington. Very likely it is the worst, by some odds.

What is contemplated here is, in effect, a co-President of the United States -- one for a limitless region called Consumer Affairs, with transcendent powers over the executive departments and the regulatory agencies, powers heretofore reserved to the Office of the Presidency and its government-wide outriggers such as the Bureau of the Budget, and in some startling respects, powers going well beyond Presidential authority.

We had a foretaste of the likely fall-out from such a free-lance Agency in the earliest bumps and grinds of the Environmental Protection Agency. I am not over-reacting in asserting that this consumer agency would pale the environmental one into insignificance by comparison. Indeed, EPA would itself become a CPA whipping boy if we allow this legislation to become law.

Inevitably federal agencies take on the coloration, dynamism, and biases and phobias of their principal clientele. We have seen this for decades in the orientation of the Agriculture, Labor, Commerce and Interior Departments, not to mention the little pinkie tendencies of State, the ABA tilt of Justice, and, of course, the alleged incest between Defense and the military-industrial complex. More recently, we have seen it in the orientation of the Council of

Environmental Quality and the Environmental Protection Agency both continually responding to unrelenting pressures from the environmental left.

And so, very surely, it will also go with this new consumer Agency. Armed with near limitless power, ranging whimsically all across the federal spectrum, operating for all the world like a loose gun on the deck of a ship, animated by an unalloyed malevolence toward all of business and its works instilled by Nader types it would instinctively serve, this new Agency from the very outset would be colossal disaster. I suggest with all earnestness that if anyone of us in the business world fails to do his utmost to intercept this legislation, he will never later forgive himself.

All that is why I was asked to open this presentation today. Not as chairman, not even as a corporate representative, I am asked to voice here our collective conscience -- to help awaken us all to the awesomeness of this problem, induce you to take a fast and hard look at it -- and then, if you agree, as we believe you cannot help but agree, that this legislation is incredibly bad clear through, we hope you will gird up your loins, or whatever, for the task of knocking it down or getting it drastically revised.

What we face here is not only a crisis of concerting and energizing business but also a crisis of time. The House-passed bill is critically deficient, as will be shortly explained, but the Senate bill is vastly worse. The Ribicoff Subcommittee of the Senate Government Operations Committee may act swiftly -- even by the end of January; the full committee during February or by mid-March, and as matters now stand all systems are go. Our stance in the Senate is far less propitious than even the House was, so for only the same result our efforts must be greater.

In recognition of the emergency nature of this situation, a revitalized and broadened business effort is evolving to develop widespread awareness of this legislation and to engender

vigorous grassroots activity that will demonstrate to our United States Senators that, after all, there really is someone back home who gives a damn about this, a fact the Senators do not presently know, at least from our point of view. The prospects grow that an influx of protesting mail and personal contacts will begin to envelop the entire Senate within another couple of weeks, all encouraged by trade associations, the Chamber and NAM, and individual corporations.

Each additional letter, each additional contact, each additional telephone call will heighten the effect, and if each of us makes it his own business to get hard after this, as we surely can and surely should, the effect will be cumulative and ultimately influential.

Of this I am certain: if all of American business were to get really upset over this legislation, it would be killed even in this election year.

If enough business gets hard into this fight, the legislation will be drastically modified.

But if only a few of us try, we will scratch gravel instead of panning gold, and to our enduring discredit we will have a law potentially more harmful to every business than any ever enacted before.

So our choice is sharp and clear. Either we give a damn, or we don't. Either we can identify a top business priority, or we can't or won't. This venture before you today is unavoidably Operation Paul Revere with victory its end, or preliminary last rites for a system gone too limp or too weary to struggle or care, or so parochial and fragmented as to be easy pickings for the pervasive hostile forces.

I commend NAM and all its people for energetically joining in this base line stand and for their determination to go all out to win. I share John Stuart's hope that when this meeting

adjourns everyone of us here will leave with a personal commitment to activate the resources available to him, knowing that working collectively we unquestionably can win.