

It is precisely because these agencies have been so ineffective in protecting consumer interests that private judicial remedies are essential. To tell a defrauded consumer that he must wait until an inactive government agency successfully pursues his claims is not only a cruel hoax -- it also flies in the face of our tradition of providing judicial forums for relief where no relief is available elsewhere.

Years ago, a young reformer names Louis Brandeis asked to appear in a railroad rate case. When questioned about which interest he represented, he replied, "Just say I represent the people."

We can no longer depend solely on courageous reformers to protect the public interest. We desperately need new strategies of enforcement -- such as those embodied in the consumer class action bill and the independent Consumer Protection Agency legislation.

I hope that we are beginning at last to appreciate the wisdom of former Chief Justice Warren's observation that a "right without an advocate is as useless as a blueprint without a builder or materials."

NEWS RELEASE

From Senator Walter F.

MONDALE

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October, 1972

Contact: Ernie Lotito
FOR RELEASE OCTOBER 7 AT 2:00 P.M.

MONDALE CALLS FOR JOB PROGRAMS TO RESTORE FULL EMPLOYMENT

MINNEAPOLIS, Oct. 7--Senator Walter F. Mondale (D-Minn.) called today for economic policies and job opportunity programs to restore full employment to the nation's economy. "No single objective is more important than full employment to the well-being of the American people," he said.

Speaking at the Institute on Human Relations--sponsored at the Normandy Hotel by the Minneapolis Central Labor Union Council in cooperation with the Minnesota Labor Committee for Human Rights and the Jewish Labor Committee--Mondale attributed persistent unemployment to the Nixon Administration's misguided attempts to control inflation by restricting economic growth. "For the better part of the last decade Americans had both jobs and stable prices," Mondale declared, "and there's no reason why Americans should not have both in the 1970s."

The Minnesota Senator criticized the Administration's willingness to accept a five per cent rate of unemployment. "No other major industrial nation in the world is willing to live with a five per cent--or even a four per cent--unemployment rate," he said. "In the U.S., three and one half years of unemployment has cost us billions of dollars in welfare and unemployment compensation programs, resulted in a loss of an estimated \$175 billion in gross national product and \$55 billion in government revenues.

"The loss in revenue to the federal government alone," Mondale charged, "has been almost \$35 billion."

Mondale urged expansion of public service job opportunities. He called for passage of legislation, which he introduced with Representative Henry Reuss (D-Wis.), to increase the number of public service jobs from the present level of 130,000 to 500,000. The bill would quadruple the number of jobs available under the program to Minnesotans.

The Senator also called for passage of the Mondale-Javits Full Employment and Job Development Bill, which would focus governmental and private resources on unemployment problems by establishing an independent Full Employment Board in the Executive Branch to review government policies for their effect on jobs. The Board would be required to make specific recommendations to the President and the Congress on policy actions to meet the problem of unemployment.

"Americans don't want unneeded welfare," Mondale said. "They

(more)

don't want workfare. What they do want is the chance to put this nation's unmatched productive capacity to work.

"If we give that chance to all Americans," he concluded, "we can create a society in which quality education and health care, a clean environment, decent housing and transportation, secure and satisfying retirement are the just and natural rewards."

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Mondale urged expansion of public service job opportunities. He called for passage of legislation, which he introduced with Representative Henry Reuss (D-Wis.), to increase the number of public service jobs from the present level of 130,000 to 260,000. The bill would quadruple the number of jobs available under the program to Minnesota.

The Senator also called for passage of the Mondale-Javits Full Employment and Job Development Bill, which would focus governmental and private resources on unemployment problems by establishing an independent Full Employment Board in the Executive Branch to review government policies for their effect on jobs. The Board would be required to make specific recommendations to the President and the Congress on policy actions to meet the problem of unemployment.

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(more)

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INSTITUTE ON HUMAN RELATIONS
Minneapolis, Minnesota
October 7, 1972

Almost 40 years ago, Carl Sandburg put this question
to the American people:

"Have you seen men handed refusals
till they began to laugh
at the notion of ever landing a job again --

Have you seen them with savings gone
furniture and keepsakes pawned

To be named perhaps in case reports
and tabulated and classified
among those who have crossed over
from the employables into the unemployables?"

America was then in the depths of the Depression.
One quarter of the civilian labor force -- 13 million persons --
were unemployed. Factory payrolls had fallen to little more
than half their 1929 level.

It was a time when playwright Arthur Miller, a boy
growing up in Brooklyn, saw a stranger come to his parents'
home one day. Miller watched as the man...who was dressed
in a coat and tie...begged for a job washing windows...and
fainted from hunger on the front porch.

That time won't come again. The New Deal...the foresight and hard work of Democratic Administrations and Congresses for the last thirty years...and the determination of the American people...have created a society where a major depression can't just happen.

We haven't had the Depression again. But for the past 3½ years, we have had something else.

These have not been happy years.

They have been years of waste -- and incalculable human suffering.

You know the record.

In 1968, Richard Nixon promised the American people that they would never be asked to choose between inflation and recession. That's one promise he kept: we got both.

.We've had the highest unemployment since the depression and the highest interest rate in this country's history;

.Since January, 1969, the value of the dollar has declined to \$.85. A worker earning \$10,000 in 1968 would have to earn almost \$12,000 today just to stay in the same place...and a widow's fixed income of \$10,000 in 1968 is worth only \$8,500 today.

.The country has lost an estimated \$175 billion in GNP...which has meant a loss of over \$55 billion in tax revenues, \$35 billion to the Federal government alone.

.And from an administration which talks about "fiscal responsibility" and "balanced budgets," we have had inflationary budget deficits totaling \$75 billion -- more than the combined deficits of the Eisenhower, Kennedy, and Johnson administrations; and almost 20% of the entire national debt -- accumulated since 1776 -- has been created by this Administration in only 3½ short years.

But statistics have a way of disguising human truths.

You know the real meaning of the decline in the value of the dollar. It is inflation -- the ugly pinch on a monthly social security check.

"How am I going to live?" asks the elderly widow in Willmar, with a monthly fixed income of \$75. And we do not know how to answer her.

Inflation is the brute fact that makes a mockery of the \$10 thousand median annual income in the United States.

A journalist described recently the real meaning of that \$10 thousand figure.

"You can walk into a neighborhood grocery store in a typical American city," he said, "and say you want to meet a family that barely manages to make ends meet. And the grocery store owner will tell you:

'Talk to anyone in this neighborhood. They all live week to week.' "

A worker like Joe Young, with his weekly pay of \$126 for a full-time job in an electric steel casting company, won't even come near the national median. Despite his job... despite his willingness to work... Joe Young, who supports his wife and eight children on his wages... is perilously close to being poor.

How can millions of Americans work so hard... and yet have so little?

But believe it or not, Joe Young... and the millions like him... are fortunate: they have a job.

What about the millions of Americans who desperately want work...but can't find it?

You know the real meaning of today's 5.6% unemployment. It is five million men and women -- without work. It is frustrated young college and high school graduates...Vietnam veterans...and millions of other men and women trying to keep spirits up...anxious about their children...afraid for the future.

For almost four years we've had a team of policy makers in the White House who do not understand the human dimension of inflation or unemployment.

We have heard one Republican official remark that "the unemployed votes are not our votes and many of them don't vote anyway."

We have heard John Ehrlichmann callously dismiss America's five million unemployed as mostly "teen-aged blacks, welfare mothers, and folks of that kind who can't hold jobs."

Let him tell that to the Vietnam veteran standing in an unemployment line in Cloquet...or the 300,000 other Vietnam veterans who can't find work, according to the government's own statistics.

Let him tell that to the 1.7 million unemployed males over the age of 20... a million of whom are professionals, technicians, white-collar workers, and skilled craftsmen. And let him tell that to the 16 million Americans who live every day with the nagging fear of being laid-off again.

And what about those "teen-aged blacks, welfare mothers, and folks of that kind?" Do we just forget about them -- despite the clear evidence that they, too, want to work and can't find jobs?

Despite these statistics, President Nixon and his spokesmen almost daily call for a revival of the "work ethic."

Listening to the President talk, you would think Americans didn't want jobs. Yet the cold truth is that Administration policies have been deliberately designed to keep millions of Americans out of work.

No other major industrial power in the world is willing to live with a 5% -- or even a 4% -- unemployment rate. Last year, when unemployment in this country stood at 5.9%, it was 1.5% in Belgium...1.2% in Japan...less than 1% in West Germany. Even in England, with supposedly serious unemployment problems, the rate was less than 4%.

But Mr. Nixon is willing to gamble on more than 5%. And so he has consistently opposed Democratic programs designed to reduce unemployment.

--In 1969, the Administration eliminated training opportunities for 17,500 young people by closing 59 Job Corps Centers.

--In 1970, the President vetoed a public service employment act that would have created 250,000 jobs.

--Last year, the President again vetoed another public service act...and 170,000 jobs.

--Last month, the President vetoed the Labor-HEW appropriations bill...and \$2½ billion in funding for the 1971 temporary public service act which the President had finally accepted.

The cost of Mr. Nixon's willingness to gamble has been high.

It's no accident that in nearly four years of the Nixon Administration, the number of workers receiving unemployment compensation has nearly doubled...and program costs have risen from less than \$2 billion to almost \$5 billion.

It's no accident that the number of persons on welfare in this country has risen from 9.7 million to more than 15 million...and welfare costs have increased almost 125%... from \$9.4 billion to \$21 billion.

Yet Mr. Nixon continues to talk about the work ethic... and workfare...as though Americans consider work a punishment or a penalty.

Perhaps that's because most of Mr. Nixon's friends -- the ones he sees at John Connally's ranch -- don't have to work for a living.

Americans don't want unneeded welfare. They don't want workfare.

But one thing is certain. If Americans are to have the jobs they want -- and our country needs -- it will be in spite of this Administration and not because of it.

We need a firm commitment to a full employment economy in America.

I'm not talking about adjusting the rate of unemployment by a fraction of a percentage point.

I'm not talking about a trade-off between full employment and inflation. For the better part of the last decade Americans had both jobs and stable prices. Therei~~is~~s no reason why Americans should not have both in the 1970s.

But where do we start?

We must atart by ending our involvement in Indochina. Even today...after a decade of tragic misadventure...the war continues to cost us almost \$20 million daily. The war plagues an inexcusable and totally unjustifiable burden on our limited resources.

Here at home, we must expand the public service job opportunities we have already created. Temporary public service legislation...passed last year by the Democratic Congress and signed without enthusiasm by the President...is now providing 130,000 jobs across the couhtry. 2,000 Minnesotans are employed under this program.

Under the terms of legislation which I introduced with Congressman Reuss, the number of these important public service jobs would increase to half a million. Jobs available to Minnesotans under this legislation would quadruple.

In addition to expanding the programs we now have, we must also develop job opportunity programs that reach out to the people who need them most. Operation Mainstream, which I first introduced six years ago, has meant jobs for thousands of older unemployed Americans...healthy and able Americans who wanted to work...but faced the bitter prospect of never again finding a job.

The Green Thumb Program, a part of Operation Mainstream, has created meaningful jobs for unemployed Americans in rural areas. And it has meant cleaner and more beautiful recreation areas...parks...libraries for our rural communities.

We need new programs to help solve the problems of economic dislocation created by shifts in government spending.

The full Employment and Job Development Bill, which Senator Javits and I introduced in August, would focus governmental and private resources on unemployment problems. The bill would establish an independent Full Employment Board in the Executive Branch, responsible for reviewing government policies for their effect on jobs. The Board would be required to make specific recommendations to the President and the Congress on policy actions to meet the problem of unemployment.

Senator Kennedy's National Science Policy and Priorities Act...which I cosponsored...would establish policy and programs to focus America's scientific talent and resources on our pressing domestic problems. It would provide jobs directly for 40,000 engineers, scientists and technicians... and it would lead to employment of an additional 400,000 Americans.

Such programs are not "make-work" efforts. We all know of the urgent and unmet need throughout this country for vital public services...and we know that there are now millions of unemployed Americans ready, able, and willing to meet these needs. The time has come to put these Americans to work... and to stop spending billions of dollars on a senseless war in Indochina, on useless space extravaganzas, and on other wasteful programs.

A commitment to full employment is more than an abstract economic proposition.

A job is more than a paycheck at the end of the week. No one knows better than organized labor that a job can be the key to the self-respect which breeds courage...and compassion... and respect for others.

The impulse for dignity and self-respect lies very deep

in Americans, as Franklin Roosevelt pointed out two generations ago.

"...the people of America," said Roosevelt, "want work, with all the moral and spiritual values that go with it; and with work, a reasonable measure of security -- security for themselves and for their wives and children. Work and security...are more than words...and more than facts."

PRESS RELEASE
OPEN GOVERNMENT

Senator Walter F. Mondale called today for passage of legislation " to move government out of the shadows of secrecy and into the bright sunshine of public opinion."

Announcing that he has joined in cosponsorship of the Government in the Sunshine Act introduced by Senator Lawton Chiles, Mondale said, "This legislation would eliminate the cloak of secrecy that shields administrative and Congressional activities from examination by millions of concerned American citizens. It would require that virtually all administrative proceedings and Congressional committee meetings be open to the public."

Mondale condemned the fact that the overwhelming majority of Executive branch proceedings take place behind closed doors. ~~XXXX~~ "Despite the passage of the Legislative Reform Act two years ago, an act designed to take some of the secrecy out of Congressional decision-making, the sad fact is that 97% of Senate committee meetings where the actual work of shaping legislation takes place are still held behind closed doors. In the House last year," he continued, "92% of all Appropriations Committee meetings, and 62% of all Ways and Means Committee meetings were closed. Yet it is in these sessions, and others like them, that decisions are made on the spending priorities that will guide our nation."

"To facilitate the greatest possible public access to Executive and Legislative branch proceedings," Mondale said, "the Government in the Sunshine Act would also require public notice of meetings as far in advance as possible, and prompt release of transcripts of open meetings."

Mondale pointed out that there would be only several narrowly drawn exceptions to the Sunshine Rule, notably meetings involving questions of national security.

"By restoring the right of the American people to know the truth about the way our government really works," Mondale declared, "the Government in the Sunshine Act will give real meaning to the First Amendment guarantees on which our freedom rests."

Emphasizing the importance to an informed public of a vigorous free press, Mondale also called for passage of his "Free Flow of Information Act." This act would assure the news media the right to protect confidential sources of information except in cases of overriding national security. It is intended to counteract a recent Supreme Court decision that the First Amendment does not extend to newsmen the privilege of refusing to answer Grand Jury questions.

Mondale was also critical of the "bureaucratic inaction and inertia" which has blunted the effectiveness of the Freedom of Information Act, passed 6 years ago, to make government documents readily available to concerned citizens.

Campaign Speech on Freedom of Information

Almost 150 years ago, James Madison wrote to a friend about the need for an informed public in America.

- o A popular Government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Yet a government, once in power, can forget that its strength lies in the concern and knowledge of its own people.

And at times both the executive and legislative arms of our massive governmental machine...which today spends \$250 billion yearly and employs almost 2.8 million people -- have used their power to keep the truth from the American people.

Six years ago...when the Freedom of Information Act became law...we took an important step forward to guarantee the free flow of information from government to people.

This landmark legislation was designed to take much of the secrecy out of government...by opening government records to the public unless the government can prove why they should be withheld from public view.

Yet in the six years since that measure was signed into law, much of its thrust has been blunted by bureaucratic inaction and deception.

Take the case of a Washington attorney who asked the Department of Agriculture for research reports on the safety of handling certain pesticides. His request was refused...because the government records he sought were not clearly identified in his request...and the law requires that only "identifiable" public records be made available.

This seemed reasonable enough. But when the lawyer then asked the Department for its index of reports...so that he could identify the specific files he wanted to see...he was told that the indexes were interagency memoranda and could not be made available.

Later he testified:

So, it was a Catch-22 situation. We were told our request was not specific, and we were not given access to the indexes which would have allowed us to make our request specific.

This is only one of numerous examples of the inability to break through the wall of bureaucratic silence.

This silence has resulted in more and more "government by regulation". As the complexity of government has grown . . . the ability of administrative agencies to cloud the truth has multiplied.

Absurd and frustrating as it is, the secrecy of administrative agencies is not the only barrier separating the public from the truth it needs to know. Executive agencies -- including the White House -- have found other means to keep the American public in the dark.

There's the "background briefing" -- in which carefully selected information is leaked to newsmen . . . on the understanding that the source of this information will not be revealed.

By using this device, the government has the best of both worlds. It releases only the information it wants the public to know . . . and seals the lips of those who receive that information so that nothing else will be revealed.

Yet while the Executive Branch is very shy about sharing vital information to the public . . . or telling all sides of a complicated story . . . it is only too willing to engage in public relations operations.

At taxpayers' expense the Environmental Protection Agency hired two New York City advertising agencies to develop "the image of EPA projected through advertising".

Although the EPA had its own public information staff, taxpayers spent over \$101,000 for an advertising agency to find out what EPA's mission was . . . and develop it into fancy advertising campaigns. The American taxpayer paid advertising executives \$50 per hour for "image-making" . . . while ordinary citizens find it impossible to get access to the documents which reveal the truth.

This is government by press release. It is government in the half-light of advertising techniques . . . which keeps the bright light of reality hidden from the American public.

As the great Louis D. Brandeis wrote in 1911:

Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman.

It's not just Executive cunning that restricts access to important information. The Legislative Branch erects some barriers of its own to protect the legislative process from public examination.

The Legislative Reform Act of 1970 was intended to change the pattern . . . and to open up the thousands of secret committee meetings that are held every year in the House and Senate. This law was vitally needed.

But by an extraordinary coincidence, the vital "mark-up" committee sessions -- where bills are written and shaped into final form -- were exempted from the Act. They are still not required to be open to the public.

Not surprisingly . . . the results of the 1970 Reform Act are not encouraging. In 1971, 36% of all Congressional meetings were closed to the public, the same percentage as in 1969.

Even more discouraging, 97% of those Senate committee meetings specifically designated as "business session" -- organizing, marking up, voting and briefing sessions -- were closed to the public.

In 1971, 79% of all Senate Armed Services Committee meetings...92% of all House Appropriations Committee sessions... and 62% of all House Ways and Means Committee meetings were held behind closed doors. Protected by the cloak of secrecy, these sessions determine how your tax dollar will be spent and what spending priorities will guide our country...Yet the public now has no right to know how these decisions are made.

When we think about the devices to protect administrative secrecy...and Congressional secrecy...it's amazing that Americans manage to find out as much as they do.

But even when information does filter through -- it is often endangered by the threat of repressive government action. When the news media does its jobs -- when deceptions, fraud, corruption and incompetence are exposed -- government reacts not by cleaning its own house...but by attacking those who brought the news to the people.

Like the ancient kings, government agencies strike out at the messenger bringing the truth...because that truth hurts.

Take the furor last year over the CBS documentary, The Selling of the Pentagon.

Through courageous reporting, this broadcast clearly showed how one Pentagon wasted public relations money on frivolous and useless activities to glorify the Pentagon.

The program also revealed that the Pentagon's public relations budget has grown from \$2½ million to over \$30 million in just 12 years.

That \$30 million was only what the government would admit to..It's far less than the Twentieth Century Fund's estimate of \$190 million.

Compare that \$190 million estimate to the combined sum of \$146 million for the total CBS, NBC and ABC news budgets and you have an appalling fact:

One public relations department of just one agency of government has more to spend on public relations than all three of the major television networks have to spend on news.

The Selling of the Pentagon got this truth through to the American people.

What was the Pentagon's reaction? You would think the Pentagon would have taken steps to control this waste of taxpayers money. Instead, CBS President Frank Stanton was summoned before a Congressional committee to justify his

network.d

No one could misunderstand the meaning of that summons. It was a crystal-clear threat of adverse licensing or anti-trust action.

Intimidation can be a powerful -- and not-so-hidden ---persuader. And as the power of government has grown...so has its ability to intimidate the media.

The best check on this kind of intimidation than a vigorous free press, with access to vital information... and the ability to report it without fear of reprisal.

No one knows better than the Soviet people what a vigorous free press...or the lack of it...can mean. The two major Soviet newspapers are called The Truth and The News. And there's a common saying in Russia that "There's no news in The Truth and no truth in The News."

But we will weaken the vigor of our press...and surrender our check on intimidation...if newsmen can be forced to reveal their sources. For those who are willing to expose fraud or deception will simply stop talking...if they know their identity will be revealed.

We face this danger...right now. This past summer, the

United States Supreme Court, in the case of Branzburg versus Hayes, dealt a potentially lethal blow to aggressive news coverage. The Court ruled that the First Amendment does not afford newsmen the privilege of refusing to answer a grand jury's questions...even though these answers may require disclosure of confidential information and sources.

Without the protection of confidentiality, I believe that these news sources will dry up.

Yet government will still be able to spread the news it chooses...without having its sources revealed.

The government "background briefing" will continue.

But when the American public should know the other side of the story...they will find all the avenues closed. When the people should know about cost overruns of the C-5A...or a secret NASA report on the space shuttle...or the improper use of campaign funds...there will be nowhere for them to find out.

If this is allowed to happen...I believe there will be less information...and more propaganda in the news.

We can protect our real national interest and regain control of the government...by opening it up to public scrutiny.

We have one tremendous asset in our favor; the basic intelligence of the American people. As Thomas Jefferson stated in 1787:

"I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors; and even their errors will tend to keep these to the true principles of their institution."

Though many in the Executive Branch and in the Congress may value their secrecy...I am convinced that a greater number realize the long-range value of full and open government.

11

To keep confidential information coming through to the press, and counter-act the effects of the Branzburg decision, I have introduced the Free Flow of Information Act. This will assure the media that only under limited conditions of overriding national necessity will they be required to reveal confidential sources of information.

But we also need some way of insuring that our Legislative and Executive Branches become more open to public scrutiny.

The more information available to the public...the less dependent we will be on the confidential informant. The more we bring our government into the sunlight of truth...the safer our American freedoms will remain.

I have therefore joined in cosponsoring the "Federal Government in the Sunshine Act", introduced by Senator Lawton Chiles.

This legislation would assure the openness of our governmental processes and restore public confidence in those processes.

It does this through a simple requirement. All meetings of Federal authorities and Congressional committees...subject to certain limited exceptions...would be opened to the public.

This proposed legislation would apply to those Federal regulatory agencies and commissions which have acquired much of the real power in government today.

And it will also apply to Congressional committees, so that decisions affecting the priorities of our nation will no longer be made behind closed doors.

By exempting any meeting at which matters relating to national security are considered...this legislation assures protection of vital national interests.

If enacted -- the "Federal Government in the Sunshine Act" will reaffirm a basic truth on which this country is built.

By restoring the right to know to the American people... we will give real meaning to the First Amendment guarantees on which our freedoms rest.

As the great jurist Learned Hand has stated:

"The First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoratative selection. To many this is, and always will be, folly; but we have staked upon it our all."



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