

aware of the difficult problems now being faced by small business in its continual battle for survival and growth. The last Census Bureau showed that 3,000 small men's wear stores disappeared from the economic picture in the past 5 years preceding the 1963 business census. To a substantial degree, we feel that we appear here today not only as the spokesman for men's wear retailers, but for all small retailing.

Madam Chairman and gentlemen of the committee, my presentation will be necessarily blunt, possibly untactful, possibly reactionary in the eyes of many—but definitely sincere. May I assure the committee and the Congress that our effort to get back to fundamentals are made with the highest regard for the integrity and ability of the fine individuals who are serving our Nation in the important administrative and legislative positions. Our association has repeatedly confirmed by our resolutions committee, by our board of directors and by our membership at annual meetings our opposition to unwarranted Federal controls. This was last recorded in a formal resolution adopted at our convention in Dallas on February 18, 1966, which read:

The Menswear Retailers of America is unalterably opposed to the extension of the onerous burdens imposed upon the retailers by the continued expansion of Government regulations and controls on purely local retail businesses. We reiterate our continued opposition to legislative proposals . . . which would establish unnecessary and unrealistic controls on credit sales.

In the Senate hearings and the hearings before this subcommittee, we have been seriously distressed as the representatives of large, mammoth, interstate retailing have voiced their approval of Federal control of credit sales. There is only one conclusion to reach: these mass merchandisers who fear the adoption of more stringent and varied legislation in the States—where primary jurisdiction should exist—are sacrificing small, independent retailers in favoring the principles involved in the sweeping legislation now being considered by this subcommittee. It is our firm opinion that these voices of large retailers are selling the small retailers down the river for their own protection and interest.

H.R. 11601 is not a proposal to regulate economic stability and currency and moneys of this country but is a sweeping effort to regulate and control the business morals of this country. This is not a truth-in-credit bill—it is a business control measure. I respectfully submit that the present proposal is not within the jurisdiction of this subcommittee but is more properly within the jurisdiction of other committees of the Congress charged with regulation of commerce within the jurisdiction of the Constitution of the United States. The provision included in H.R. 11601 regulating the advertising of credit, I respectfully submit, is proof positive of this point of argument. The question as to whether this committee has jurisdiction in garnishment would appear to me, as a longtime student of government, to be more properly within the jurisdiction of the Committee on the Judiciary, which has charge of the bankruptcy laws and legislation pertaining to it.

It is my sincere recommendation to this committee as an experienced trade association executive as well as an attorney that this committee obtain studied legal opinion as to the constitutionality of the proposals now being considered.