

League; American Veterans Committee, District of Columbia chapter; John F. Kennedy Lodge, B'nai B'rith; Office of Urban Affairs, archdiocese of Washington; Southwest Community Relations Council; District of Columbia City-Wide Consumer Council; American Jewish Committee; American Federation of State, County, and Municipal Employees, Local No. 1; Ad Hoc Group of Law Professors Teaching in Law Schools in the District of Columbia; Consumer Protection Committee of the Greater Washington chapter, Americans for Democratic Action; and National Council of Negro Women.

Senator TYDINGS. That is quite an impressive list.

Thank you very much. We shall now be glad to hear from you, Professor Guttman.

**STATEMENT OF PROF. EGON GUTTMAN, PROFESSOR OF LAW,
HOWARD UNIVERSITY, ON BEHALF OF THE AD HOC COMMITTEE
ON CONSUMER PROTECTION**

Mr. GUTTMAN. Mr. Chairman, I would like to thank you for this opportunity to appear before you. As Mr. Kass has pointed out, we are a local coalition organized for the purpose of obtaining a better deal for the consumer.

Our concern today is with legislation S. 316, S. 2589, S. 2590, and S. 2592.

Mr. Chairman, we regret that the serious problem of the door-to-door salesman embodied in S. 2591 is not, at present, before your committee. We respectfully request permission to be heard when that bill is called up for consideration, which we hope will be within the very near future. When such proposed legislation has become enacted law, we will focus on its implementation by local merchants, being throughout mindful that education is our ultimate objective.

Mr. Chairman, before we even begin to discuss particular bills with you, we would like to make one general observation. Although consumer education is important, it is not the only solution. If all buyers were sophisticated, there would be no need for us to testify this morning. We are concerned with all types of buyers, and thus we are aware of the existence of multifarious types of evil, protection from which requires not only education but also legislation.

The law merchant is indeed an ancient law embodied in our common law. One of its basic doctrines is *caveat emptor* —let the buyer beware. We wish to go on record that in today's economy, in today's society, we can no longer wholly support such a doctrine. There is no longer a place in our law for such a doctrine—unqualified and absolute. Yet were we to suggest that the doctrine read *caveat venditor* —let the seller beware, the entire business community, although already living with such approach to some respect—that is, as to warranties in sales, the doctrine of unconscionability as applied by the courts, and so forth—would be pounding at your door and ours, objecting to the broadness of our remarks. And yet why should *caveat emptor* be less unfair? All that we ask, Mr. Chairman, is that a situation of equality between buyer and seller be created, by protecting the buyer from some of the more extreme actions of unscrupulous sellers. Thus nothing we support is invidious to legitimate business, but on the contrary, is already a guideline to such legitimate business, and by which it acts.