of Columbia. He felt that such a Department would be "nothing more than a wailing wall, and that the District does not need one."

If a "wailing wall" means giving a voice to the consumers of this area, if it means giving a forum to those who have been deceived and defrauded, if it means protecting the poor, if it means permitting buyers to be informed and educated about their purchasing decisions, then I disagree with this executive's view that the District of Columbia does not need one.

The Nation's Capital not only needs one, it is long overdue.

Senator TYDINGS. Thank you, Mr. Attorney General. It was an extraordinary fine statement. You have been fighting this battle in Wisconsin for the consumer for many years. What kind of opposition have you faced? What kind of arguments against your efforts to protect the public have you faced?

Mr. LA FOLLETTE. Well, it is rather unusual to hear the kind of arguments that are made in my State, which has a reputation of being progressive and a forward State, and in many respects this is justly deserved, but every time that we come forward with a proposal that the truth would be very beneficial and effective, as it is in other States, for example, the ones which I referred to in my prepared testimony, we find it very difficult to move forward, and I am afraid that the area of consumer protection has been considered in our State to be too involved with partisan politics, unfortunately. This is certainly not an area which should be concerned with partisanship, because the problems of the consumer are not the particular problems of either major political party. But the major argument that we get against setting up a simple law which would provide the district attorney or the attorney general the power to go to the circuit court and get an injunction against fraud, after a full trial and all protections for the businessman, fully protected from any unauthorized type of action—we get the argument that this is too much governmental interference with private enterprise and that this would give too much power into the hands of the attorney general or the district attorney.

Of course, this overlooks the fact that under the existing law the district attorney already has significantly more power in this area, because what happens when a person is really violating the existing criminal fraud laws by perpetrating a scheme to defraud the consumer is that the district attorney has the discretion to commence a criminal action with potentially very severe criminal sanctions being imposed, but the trouble is that because of the fact that a criminal case is so very difficult to prove and time consuming, and the harsh penalties of criminal law do not really protect the consumer at all, but are directed against the perpetrator of the fraud, these remedies are very seldom, if ever, used in the typical consumer fraud area. That is why this is an area which is so rampant with unscrupulous merchants. And if you use the proposals merely to get at individuals who are presently violating criminal laws that are not being prosecuted, then it is another very useful mild tool, indeed, placed in the hands of the district attorney who is responsive to the needs of the people in his community, because, at least, in our State he is an elected public official who has to stand for election every 2 years, whereas, for example, in the department of agriculture which presently has the major responsibility for investigating and enforcing consumer protection laws in our State,