

The original documents are located in Box 6, folder “Antitrust - Mail from Businessmen: John Marsh File (3)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

September 11, 1976

Dear Mr. Frank:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Richard N. Frank
President
Lawry's Foods, Inc.
568 San Fernando Road
Los Angeles, California 90065

cc: Ed Schmults

dl



September 11

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSHALL *JOM*

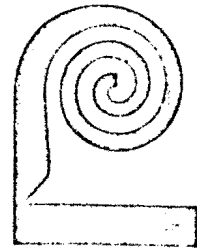
_____ For Direct Reply

_____ For Draft Response

XX _____ For Your Information

_____ Please Advise





LAWRY'S
FOODS, INC.

OFFICE OF THE PRESIDENT

September 8, 1976

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D. C. 20500

Dear Mr. President:

I am writing to you at this time to express my views and those of my associates as to the various legislative proposals now being considered which may reach your desk containing what is referred to as parens patriae authority.

I know that the grave potential dangers of legislation of this sort has been brought to your attention by Attorney General Levi.

While ours is not a large company, we do believe that legislation of this sort is extremely undesirable and completely unnecessary.

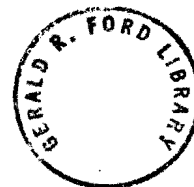
We, therefore, respectfully urge that should any such legislation be presented to you, that you exercise your veto powers with respect to it. Your consideration of these views is sincerely appreciated.

Yours very truly,

Richard N. Frank
President

RNF:tm

cc: The Honorable Philip W. Buchen
The Honorable John O. Marsh, Jr. ✓
The Honorable John J. Rhodes
The Honorable Hugh Scott



September 11, 1976

Dear Mr. Davenport:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John G. Marsh, Jr.
Counsellor to the President

Mr. O. W. Davenport, Jr.
Chief Executive Officer
Professional Marketing Associates
401 Maryvale Drive
Buffalo, New York 14225

cc: Ed Schmults

d1



September 11

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL *JOM*

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



LP 20 000

401 Maryvale Drive
Buffalo, N. Y. 14225
(716) 892-3163
Telex 91-572

Professional Marketing Associates

Sept. 7, 1976

The President
The White House
Washington, D. C., 20500

Dear Mr. President:

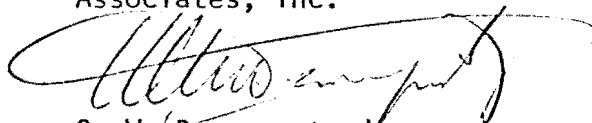
We are aware of a portion of an anti-trust bill presently in joint committee which apparently provides for the enactment of parens patriae legislation.

We strongly urge a veto for any bill which comes to you with a parens patriae section in it, as the obvious end result is a heavy enrichment of the legal profession to the detriment of the consumer, who will have to pay the price for that kind of legal action.

Thank you for your consideration in the above.

Sincerely,

PROFESSIONAL MARKETING
Associates, Inc.



O. W. Davenport, Jr.
Chief Executive Officer

OWDjr:tcw

cc: - The Honorable
Philip W. Buchen
Counsel to the President
The White House
Washington, D. C., 20500

The Honorable
John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C., 20500

cc: - Gordon T. Beaham, III

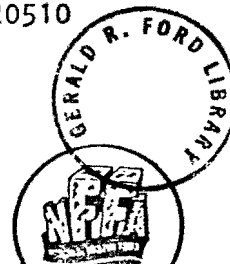
cc: The Honorable
John J. Rhodes
Minority Leader
U. S. House of Representatives
Washington, D. C., 20515

The Honorable
Hugh Scott
Minority Leader
U. S. Senate
Washington, D. C., 20510



• Albany Division
1215 Western Ave.

• Syracuse Division
6033 Taft Road



September 13, 1976

Dear Mr. Mac Beth:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Lorne C. D. MacBeth
32 The Orchard
Salt Springs Road
Fayetteville, New York 13066

cc: Ed Schmults

d1



September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



AUG 10 1976

32 The Orchard
Salt Springs Road
Fayetteville, New York 13066
August 17, 1976

The President
The White House
Washington, D. C. 20500

Mr. President:

I am writing to urge you to oppose in Congress and then veto so-called parens patriae legislation should it be passed in the near future.

Although narrower in scope than original proposals, the legislation is still unwise. The Senate substitute for H. R. 8532, which was passed June 10, 1976, still permits state attorneys general to sue as parens patriae for residents of the states seeking treble damages in cases alleging price fixing or patent fraud. The method of damage calculation would be unrelated to actual damages suffered by any individual and would only serve to force companies to settle rather than face the possibility of losing.

The antitrust laws should not be designed to make huge settlements or possibly force companies out of existence. Substantial penalties are called for if these laws are violated, but treble damages based on "fluid recovery" are not appropriate.

Please use your influence with members of the House to kill this legislation and veto the bill if passed.

Thank you.

Respectfully yours,

Lorne C. D. MacBeth



cc: Mr. John Marsh
Counselor to the President

September 13, 1976

Dear Mr. Hoerres:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Gerald Hoerres
President
Enzo Jel Company
502 South 9th Street
Sheboygan, Wisconsin 53081

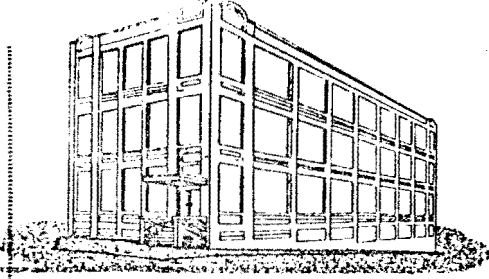
cc: Ed Schmults

dl



AUG 19 1976

ENZO JEL COMPANY



Manufacturers of

QUALITY DESSERT PRODUCTS AND CONTRACT
PACKAGING OF ANY DRY MIX FOOD PRODUCT

502 SOUTH 9TH STREET • PHONE 457-7761 • SHEBOYGAN, WISCONSIN 53081

August 17, 1976

President Ford
The White House
Washington, D.C. 20500

Dear President Ford:

I am writing you to ask you to please VETO any bill that comes to your desk that has a PARENS PATRIAE section in it. I ask you this as a concerned businessman, but more important than that, as a concerned consumer, and with a family of eight I think I qualify as a large consumer.

This type of bill will probably never directly effect me as a small businessman, but it will effect the larger concerns I depend on for my existence, and thereby indirectly effect me. It has been my experience that big business does an outstanding job in giving the best possible price to people like me and, therefore, we can compete in our economy. PARENS PATRIAE legislation could take the sharp edge of competition and destroy it to a point where the small company could no longer enjoy a piece of the action.

Our courts will become overrun with cases instigated by unscrupulous and misinformed attorneys and 99% of these cases will be settled out of court, which will amount to nothing more than a payoff.

In time, and history will back this up, the Government will have to step in and create a bureau to control prices, which will result in more taxes. The added cost to business in settlements and legal fees will be added to the cost of products and ultimately the consumer pays the whole bill.

This is why I ask for your veto as a consumer first, and a businessman second.

Thank you for your time, Mr. President.

Sincerely,

ENZO JEL COMPANY

Gerald Hoerres

President



Gerald Hoerres:cb

September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR. *JOM*

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



September 13, 1976

Dear Mr. Ferguson:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Doug Ferguson
President
Laura Scudder's Snack
Foods Division
Pet Incorporated
1525 North Raymond Avenue
Anaheim, California 92805

cc: Ed Schmults

dl



September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH, JR. *JOM*

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise



SEP 12 1976

Laura Scudder
SNACK FOODS DIVISION
PET
INCORPORATED

Doug Ferguson
president

1525 north raymond avenue

anaheim, california 92802

September 7, 1976

phones: (714) 772-515
(213) 860-556

The President
The White House
Washington, D.C. 20500

Dear President Ford:

It seems obvious that Congress will soon submit for your signature significant antitrust legislation. We feel compelled to advise you of our opposition to the legislation and to urge your veto.

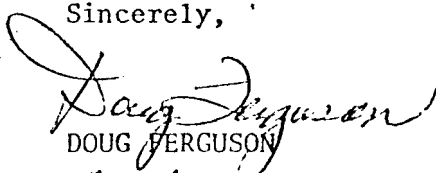
There are many objectionable features of the antitrust bills recently clearing both houses, but one is of particular importance. The Senate omnibus bill, S. 1284, in Title IV, and House bill HR 8532, involve parens patriae provisions giving attorneys general authority to bring treble damage lawsuits on behalf of a state's citizenry. They, further, authorize attorneys general to engage private counsel for such litigation. Both of these provisions, it is expected, will be in the Conference Committee bill.

The parens patriae provision will be a tool for financial and political blackmail in the hands of lawyers and attorneys general. Enough of such activity is already prevalent in the antitrust field as part of class action suits. Just as class suits have not been a consumer boon, there certainly will be no consumer benefit derived from parens patriae induced complaints. As for defendant companies, the prospect of financial devastation will be monumental.

We do not oppose antitrust laws and we favor responsible enforcement from the public and private sectors. There has, however, been a lot of abusive litigation in this field. To create more laws to encourage such activity is reprehensible.

We do not perceive antitrust enforcement to be a lagging activity. If there must be a different way to deal with antitrust problems, it must be by a method more sensible than that which would be encouraged by the proposed legislation and by a method which in itself does not induce wholesale improper conduct.

Sincerely,


DOUG FERGUSON

DF/naw



September 13, 1976

Dear Mr. Kobayashi:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with others here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Walter A. Kobayashi
General Sales Manager
Hawaii - Far East Brokerage.
Post Office Box 1960
Honolulu, Hawaii 96805

cc: Ed Schmults

dl



September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise



Hawaii - Far East Brokerage

Post Office Box 1960 / Honolulu, Hawaii 96805 / Telephone 841-3731

September 10, 1976

The President
The White House
Washington, D. C. 20500

Dear President Ford:

I am writing you in reference to the parens patriae legislation. I plead with you to veto any bill which comes to you with the parens patriae section in it. The parens patriae legislation seems to me to be an open season for Lawyers to bring suits against companies to gain settlements.

Yours sincerely,

HAWAII-FAR EAST BROKERAGE

Walter A. Kobayashi

Walter A. Kobayashi
General Sales Manager

WAK:tc

cc: P. W. Buchen
J. O. Marsh, Jr.
J. J. Rhodes
H. Scott



September 13, 1976

Dear Mr. Perlberg:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. G. A. Perlberg
Vice President - General
Manager
The Nestle Company, Inc.
100 Bloomingdale Road
White Plains, New York 10605

cc: Ed Schmults

dl



September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX _____ For Your Information

_____ Please Advise



Nestlé

The Nestlé Company, Inc. 100 Bloomingdale Road, White Plains, New York 10605 (914) 946-6400

September 9, 1976

The President
The White House
Washington, D.C. 20500

Re: Antitrust Legislation

Dear Mr. President:

We know of no State in the Union whose judicial system can stand any significant increase in the volume of work which it must process. The parens patriae of the proposed legislation would make the already high volume of the Courts' work chaotic.

Moreover, to provide the Attorneys General of our various States and attorneys for private parties with this bludgeon cruelly presses industry down at a time when it and the country could use a lift.

Please, please reject such legislation when it crosses your desk.

Very truly yours,

THE NESTLÉ COMPANY, INC.

G. A. Perlberg
G. A. Perlberg

Vice President - General Manager

cc: The Honorable Philip W. Buchen
The Honorable John O. Marsh, Jr.
The Honorable John J. Rhodes
The Honorable Hugh Scott

GAP:v



September 13, 1976

Dear John:

Many thanks for your recent letter together with a copy of the telegram to the Virginia delegation concerning the antitrust legislation.

I have taken the liberty of sharing your letter with those here at the White House working on this issue.

With kindest personal regards, I am

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. John D. Taylor
Director
A. H. Robins Company
1407 Cummings Drive
Richmond, Virginia 23220

cc: Ed Schmults

dl



September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



SEP 17 1976

Public Affairs Department

A. H. Robins Company
1407 Cummings Drive
Richmond, Virginia 23220
Telephone (804) 257-2120

A-H-ROBINS

The Honorable John O. Marsh
Special Counsel to the President
The White House
Washington, D. C. 20500

Dear Jack:

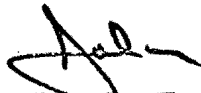
September 10, 1976

I am enclosing a copy of a telegram from members of the Virginia State Chamber Special Task Force to our Virginia delegation in the House.

As you can see, we are concerned about this antitrust measure, especially the controversial parens patriae section. We remain hopeful that the President will decide not to sign this measure into law should it come out of Congress in its present form. We realize that such a favorable veto decision would be facilitated by having three bills, each judged on its merit, instead of parens patriae lumped in with the less onerous sections.

We hope you will do what you can to help us in this effort.

Sincerely,



John D. Taylor
Director

JDT/mc



western union

Telefax

CALL LETTERS FCB CHARGE TO CWA 009737

Honorable T. N. Downing
 Honorable G. W. Whitehurst 10 Book Messages
 Honorable D. E. Satterfield, III
 Honorable R. W. Daniel, Jr. Separate copy to each
 Honorable W. C. Daniel addressee
 Honorable M. Caldwell Butler
 Honorable J. K. Robinson
 Honorable H. E. Harris, II
 Honorable W. C. Wampler
 Honorable J. L. Fisher
 House of Representatives
 Washington, D. C. 20515

We anticipate that you will shortly be asked to approve H. R. 8532 as amended by S 1284, a bill which claims to strengthen antitrust

SENDING BLANK

Send the above message, subject to terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER-DO NOT FOLD

WU 1269 (R9/89)

western union

Telefax

CALL LETTERS FCB CHARGE TO CWA 009737

enforcement. Through an unprecedented maneuver, its proponents hope to avoid a House-Senate conference committee and force a vote without a committee's guidance.

Amended H. R. 8532 contains radical changes from the House legislation and is, we feel, harsh and unwise. Two major House protections, in particular, have been deleted from the bill's most controversial section, the parens patriae provision to which the President has voiced his clear opposition: under amended H. R. 8532 (1) price-fixing damages will be trebled even though a defendant can show it acted in good faith and (2) states can "deputize" private attorneys to pursue parens patriae suits on a contingency fee basis.

We believe that this attempt to by-pass normal parliamentary procedures should be rejected and the House's three bill format reinstated so that

SENDING BLANK

Send the above message, subject to terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER-DO NOT FOLD

WU 1269 (R9/89)

western union

Telefax

CALL LETTERS FCB CHARGE TO CWA 009737

each section of this important legislation can be considered and judged



amended by ... a bill which claims to strengthen antitrust

SENDING BLANK

Send the above message, subject to terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER-DO NOT FOLD
WU 1269 (R9/89)

2



Telefax

CALL LETTERS

FCB

CHARGE TO

CWA 009737

enforcement. Through an unprecedented maneuver, its proponents hope to avoid a House-Senate conference committee and force a vote without a committee's guidance.

Amended H. R. 8532 contains radical changes from the House legislation and is, we feel, harsh and unwise. Two major House protections, in particular, have been deleted from the bill's most controversial section, the parens patriae provision to which the President has voiced his clear opposition: under amended H. R. 8532 (1) price-fixing damages will be trebled even though a defendant can show it acted in good faith and (2) states can "deputize" private attorneys to pursue parens patriae suits on a contingency fee basis.

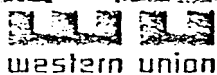
We believe that this attempt to by-pass normal parliamentary procedures should be rejected and the House's three bill format reinstated so that

SENDING BLANK

Send the above message, subject to terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER-DO NOT FOLD
WU 1269 (R9/89)

3



Telefax

CALL LETTERS

FCB

CHARGE TO

CWA 009737

each section of this important legislation can be considered and judged on the basis of individual merit by both the Congress and the President. We therefore urge you to vote against concurring in H. R. 8532 as amended by S 1284.

Special Task Force
Virginia State Chamber of Commerce

Frank Armstrong, III, President
National Fruit Products Co.

Charles A. Ford, General Manager
General Electric Co., Waynesboro

David R. Waters, President
Garfinckel, Brooks Brothers,
Miller & Rhoads, Inc.

W. L. Zimmer, III, President
A. H. Robins Company



SENDING BLANK

Send the above message, subject to terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER-DO NOT FOLD
WU 1269 (R9/89)

September 13

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



September 13, 1976

Dear Mr. Elston:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Lloyd W. Elston
President
Peter Paul, Inc.
Post Office Box 310
Naugatuck, Connecticut 06770

cc: Ed Schmults

d1



September 13
THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise



AUG 19 1976

PETER PAUL, INC.
NAUGATUCK, CONNECTICUT

W. Elston
President

August 17, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I write this letter to express my grave concern over the parens patriae section of new antitrust legislation coming to you for signature.

I followed the progress of this legislation through the Congress and am appalled as well as surprised that it has progressed this far.

In my opinion, this legislation has terrible faults with the possibility for great injustice, increased costs, and an invasion of areas in which new anti-trust legislation is not needed.

As I understand the legislation, it would permit State Attorneys General to hire private attorneys to file antitrust claims on behalf of all state residents. The payment of these lawyers would certainly add to the attraction to file these suits, and would undoubtedly add to the cost of any settlement. Based on the experience in our country now with out-sized awards for insurance claims, I am certain that the corporation faced with a suit of this sort, would rather settle, in a sense react to blackmail, than undergo the cost to fight the suit in court.

Undoubtedly in the case of a nationally distributed product such as ours, if one Attorney General files a suit, we can be fairly certain that 49 other suits would be filed in the remaining states.



The President


August 17, 1976 - Page 2.

The ultimate cost of legislation will be borne by the taxpayer on the one side and the consumer on the other. I think that no one will be served by this but the legal fraternity.

I hope that you will use your power to veto because this is a bad bill.

Thank you.

Very respectfully yours,


Lloyd W. Elston
President

LWE/cr

cc: The Honorable
Philip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20500

The Honorable
John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D.C. 20500

The Honorable
John J. Rhodes
Minority Leader
U.S. House of
Representatives
Washington, D.C. 20515

The Honorable
Hugh Scott
Minority Leader
U. S. Senate
Washington, D.C. 20510



September 14, 1976

Dear Mr. Bartels:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing your letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. John P. Bartels
Vice President --
Materials Science Products
Pfizer Inc.
235 East 42nd Street
New York, New York 10017

cc: Ed Schmults

d1





PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

JOHN P. BARTELS
Vice President
Materials Science Products
212 573-3284

September 3, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Once again it is only your veto which will stand between Congress and disaster for the nation's economy. Congress is about to pass and send to your desk a bill which would permit Attorneys General of the states to blackmail American corporations. I am speaking of the parens patriae provisions of H.R. 8532.

I think that, by and large, businessmen are honest, law abiding people. I try my best to abide by the law and I think that is the rule - not the exception - in most corporations. We are careful to consult our lawyers when any action might violate the Sherman Act. However, as you know, the Sherman Act was written in broad constitutional-like terms in order to permit the courts to develop and to define what the law should be in this area. The Sherman Act has served us well as a broad mandate for our economy and the courts have been able to develop the law in this area, much as the Supreme Court has been able to shape constitutional concepts.

Up until now, we have been able to live with this situation although we have not always known whether present conduct which is believed to be lawful would or would not later be found to be a violation of the Sherman Act. However, under H.R. 8532, this peril would be unacceptable. To guess wrong as to what courts might later decide would mean financial disaster. Corporations would, as a practical matter, be unable to defend in court their position that no violation of the Sherman Act had occurred but would be forced into settlement.



This is not fair. It is not just. It is not within the spirit of our system of antitrust laws. Therefore, I hope, Mr. President, that you will veto H.R. 8532.

Sincerely yours,



John P. Bartels

Vice President - Materials Science Products

cc: The Honorable Philip W. Buchen
—The Honorable John O. Marsh, Jr.
The Honorable Edward Schmults
The Honorable John J. Rhodes
The Honorable Hugh Scott
The Honorable Jerome A. Ambro



September 14

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH JR. *John O. Marsh Jr.*

_____ For Direct Reply

_____ For Draft Response

_____ XX For Your Information

_____ Please Advise



September 16, 1976

Dear Mr. Frank:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with others here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Kenneth L. Frank
Senior Vice President
Universal Foods Corporation
433 East Michigan Street
Milwaukee, Wisconsin 53201

cc: Ed Schmults

dl



September 16

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

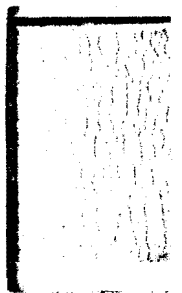
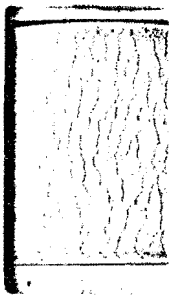
FROM: JOHN O. MARSH, JR. *John*

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise





UNIVERSAL *Foods* CORPORATION

KENNETH L. FRANK
SENIOR VICE PRESIDENT

September 13, 1976

The President
The White House
Washington, D.C. 20500

Dear President Ford:

It is our understanding that you will presently be considering a bill enacting parens patriae legislation, and the purpose of this letter is to urge you to veto any bill of that kind because it would place an overwhelming amount of authority in the hands of all State Attorneys General. Putting power into the State Attorneys General to bring treble damage suits against companies on behalf of all state residents provides an open field for the worst kind of law suits. Since it appears that Congress is set on passing such legislation, the country's only hope would be your veto.

Sincerely yours,

KLF.meg

cc: The Honorable Philip W. Buchen
Counsel to the President
The White House

✓ The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House

The Honorable John J. Rhodes
Minority Leader
U.S. House of Representatives

The Honorable Hugh Scott
Minority Leader
U.S. Senate



September 21, 1976

Dear Mr. Thacker:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this matter.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Dean R. Thacker
President
Quigley Company, Inc.
235 East 42nd Street
New York, New York 10017

cc: Ed Schmults

dl



September 21

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL

_____ For Direct Reply

_____ For Draft Response

XX _____ For Your Information

_____ Please Advise





QUIGLEY COMPANY, INC.

235 E. 42ND ST., NEW YORK, N. Y. 10017

DEAN R. THACKER - PRESIDENT
212 LR 3-3454

September 7, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

There is every indication that Congress is about to pass legislation that would give the Attorneys General of all fifty states the right to bring suit as "parens patriae" and recover treble damages for violations of the Sherman Act. The parliamentary rules of Congress, I understand, have created a rather complicated situation, but the bill presently before the Congress is H.R. 8532. I most strongly urge that, if Congress should pass such legislation, you exercise your veto power to save American business.

We here at Quigley - and I am sure this is true for the vast majority of American businessmen - make every effort to comply with the law in every respect. However, the antitrust laws present a particular problem in that the rules seem to be in a constant state of flux as the result of court decisions and changes in agency policies and personnel. A well-meaning businessman can easily run afoul of those laws despite conscientious efforts to comply.

Now Congress would add to this problem the hazard of treble damage claims by any number of Attorneys General on behalf of vast numbers of people within their states. Even the largest business organizations could be severely crippled if a court should find in favor of plaintiffs in such gigantic actions, so the defendants are compelled - no matter what the actual merits of the claim - to capitulate and settle. This is certainly not the type of justice our founding fathers contemplated, and it's nothing more than legalized blackmail on a grand scale.



I sincerely hope that, if Congress should pass legislation such as H.R. 8532 containing parens patriae provisions, you will save American business from its truly terrible effects by exercising your veto power.

Very truly yours,

Dean R. Thacker

Dean R. Thacker
President

cc: Hon. Philip W. Buchen
Hon. John O. Marsh, Jr.
Hon. Edward Schmults
Hon. John J. Rhodes
Hon. Hugh Scott
Hon. Norman F. Lent



September 21

THE WHITE HOUSE
WASHINGTON

TO: MIKE DUVAL

FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise

September 21

THE WHITE HOUSE
WASHINGTON

TO: JIM CAVANAUGH

FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise



September 21, 1976

Dear Mr. Ross:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this matter.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Henry L. Ross, Jr.
Vice President --
Consumer Products Operations
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

cc: Ed Schmults

dl



September 21

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH, JR. *JOM*

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise





PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

HENRY L. ROSS, JR.
Vice President
Consumer Products Operations

September 7, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

It is my understanding that Congress is about to pass and send to you another terrible piece of legislation on the theory that if it passes, and you do not veto it, the full burden will fall on the nation's corporations, and if you do veto it the Democrats will be able to use it to their political advantage. If the legislation were not so bad, I would be tempted to suggest that you not veto it but unfortunately, once again, it is only your veto which stands in the way of catastrophe.

I am speaking of H.R. 8532 and in particular the portion of that legislation which would give to Attorneys General the authority to institute law suits as "parens patriae" for treble damages for Sherman Act violations. The proponents of this legislation know full well that such suits would be brought, not for the purpose of deciding the issues in litigation, but for the purpose of inducing corporations to settle. It is pure and simple blackmail. Class actions which have been brought on behalf of far fewer claimants than those which would be represented in parens patriae litigation are never tried. They are always settled, and the reason is that corporations simply cannot bear the risk, even though small, of losing such a suit.



The original House version had at least limited the more far-reaching effects of this legislation to "willful" violations. However, the word "willful" was stricken so that these blackmail suits could be brought for the most innocent kinds of violations, which can easily occur in this constantly expanding area of the law.

Certainly, blackmail actions should not be allowed in the ill-defined areas of the Sherman Act. Businessmen do not

know what kind of conduct will or will not later be found to be a violation of the Sherman Act. We operate in the dark because Congress has been unwilling to face up to the challenge of telling businessmen precisely what kind of conduct falls within the prohibitions of this statute, leaving the development of antitrust laws to the courts. To impose the kind of risks created by *parens patriae* in areas of the law which are not clear but which are still being developed by the courts is unfair and unjust.

Businessmen simply cannot live with H.R. 8532 and we must therefore ask, Mr. President, that, as politically painful as it might be, you veto this terrible piece of legislation.

Henry L. Ross, Jr.
Sincerely yours, *HRJ*

Henry L. Ross, Jr.
Vice President - Consumer Products

cc: Hon. Philip W. Buchen
Hon. John O. Marsh, Jr.
Hon. Edward Schmults
Hon. John J. Rhodes
Hon. Hugh Scott
Hon. Stewart B. McKinney



September 21, 1976

Dear Mr. Stewart:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. J. R. Stewart
Stewart Company of Alaska
Post Office Box 3-368
Anchorage, Alaska 99501

cc: Ed Schmults

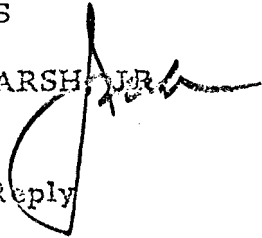
dl



September 21

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL JR. 

 For Direct Reply

 For Draft Response

 XX For Your Information

 Please Advise



STEWART COMPANY OF ALASKA

BROKER / MANUFACTURERS REPRESENTATIVE

P.O. BOX 3-368

ANCHORAGE, ALASKA 99501



September 13, 1976

ANCHORAGE

907-277-4312

President Gerald R. Ford
White House
Washington, D.C. 20500

PARENS PATRIAE

Dear Mr. President:

I urge you to veto any bill passed by Congress that contains a parens patriae clause. This is a monstrous thing, and the enormous cost will be passed on to consumers. It will only enrich attorneys.

I manufacture nothing. My life savings, however, are invested in stocks and bonds, and these will become very risky if this bill passes. I can assure you these investments will be liquidated promptly if this bill passes, with or without your signature. I frankly believe a lot of investors will sell securities.

I am a conservative, balance the budget Republican. If this legislation passes, and the stock market drops, you could lose the election. I don't think the country can stand a liberal, labor oriented president at this point.

Sincerely,

J. R. Stewart

JRS:bds

copy: The Honorable Philip W. Buchen
✓ The Honorable John O. Marsh, Jr.
The Honorable John J. Rhodes
The Honorable Hugh Scott



September 21, 1976

Dear Mr. Gross:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Wesley E. Gross
Director of Public Affairs
Dairymen, Inc.
604 Portland Building
200 West Broadway
Louisville, Kentucky 40202

cc: Ed Schmults

dl



September 21
THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH, JR. *JOM*

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise





Dairymen, Inc.

GENERAL OFFICE • 604 PORTLAND BUILDING 200 WEST BROADWAY LOUISVILLE, KENTUCKY 40202 • 502/584-8123

September 17, 1976

The Honorable Gerald R. Ford
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D. C.

Dear Mr. President:

As a farmer-owned cooperative that has had more than our share of what we think is unwarranted action by the Justice Department, we have grave concerns about H. R. 8532, the Antitrust legislation that would give broadened powers to the Justice Department and State Attorneys General.

We are particularly concerned with the proposed legislation since it provides for contingency fees paid to private lawyers and treble damages even in cases where there was clearly no willful intent to fix prices.

We believe this legislation will not provide significant protection to consumers, but rather will simply make more wealth for private lawyers at the expense of consumers.

Therefore, in behalf of our 7,400 dairy farmer owners and 3,600 employees in 13 Southeastern states, we respectfully urge you to veto H. R. 8532.

Sincerely,

Wesley E. Gross
Director of Public Affairs

WEG:j



September 21, 1976

Dear Dr. Gilgore:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this matter.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Dr. Sheldon G. Gilgore
President
Pfizer Pharmaceuticals
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

cc: Ed Schmults

dl



September 21, 1976

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL *Jo*

_____ For Direct Reply

_____ For Draft Response

XX For Your Information

_____ Please Advise





PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

SHELDON G. GILGORE, M.D.
PRESIDENT
PFIZER PHARMACEUTICALS

September 3, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

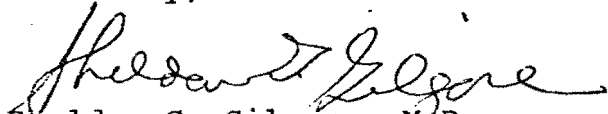
Congress is about to enact, and send to your desk, H.R. 8532 containing, among other things, parens patriae provisions. Although it might seem reasonable on the surface to permit states to sue as "parens patriae" to redress wrongs to their citizens arising out of Sherman Act violations, the evils of this legislation are direct and serious.

Violations of the Sherman Act can be, and in the past have been, based on the flimsiest kind of evidence. Nevertheless, courts have permitted inferences of such violations to be drawn from weak circumstantial evidence. If such charges are made when only one claim is involved, the charge can be defended against in court, but when states represent as parens patriae claims on behalf of all of their citizens and when such suits by a number of states are consolidated by the multi-district panel so that in one law suit are involved claims on behalf of most, if not all citizens of the United States, the risk of litigation is far too large for a corporation to accept. The proponents know that this provides them with an opportunity for blackmail and that is exactly what they intend. H.R. 8532 would deny the courts to business.



Another factor in the unfairness of this legislation is the uncertainty of the antitrust laws. Antitrust law is still developing through court decisions. No one knows today what the law will be tomorrow. Before creating the legal monster of *parens patriae* Congress should at least provide businessmen with a clear expression of what is and what is not a violation of the Sherman Act. Certainly Congress should not be permitted to avoid its responsibility to enact just laws by enacting this kind of legislation which would give the states Attorneys General the power of life and death over corporations which are earnestly trying to abide by the law.

Sincerely,



Sheldon G. Gilgore, M.D.
President - Pfizer Pharmaceuticals

cc: Hon. Philip W. Buchen
→ Hon. John O. Marsh, Jr.
Hon. Edward Schmults
Hon. John J. Rhodes
Hon. Hugh Scott
Hon. Stewart B. McKinney



September 21, 1976

Dear Mr. Hock:

Just a short note to thank you for sending me a copy of your recent letter to the President concerning the antitrust legislation.

I have taken the liberty of sharing this letter with those here at the White House working on this issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Conrad Hock, Jr.
Chairman of the Board
and President
Williams Foods, Inc.
1900 West 47th Place
Westwood, Kansas 66205

cc: Ed Schmults

d1



September 21

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS
FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

XX _____ For Your Information

_____ Please Advise



WILLIAMS FOODS, INC.

1900 WEST 47TH PLACE • WESTWOOD, KANSAS 66205

CONRAD HOCK, JR.
CHAIRMAN OF THE BOARD
AND PRESIDENT

September 14, 1976

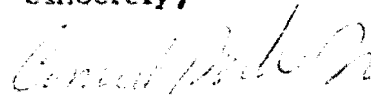
The President
The White House
Washington, D. C. 20500

Dear Mr. President:

I strongly suggest that you veto any Bill with Parens Patriae
as part of it.

Thank you.

Sincerely,



CH:w

cc: The Honorable Philip W. Buchen
The Honorable John O. Marsh, Jr. ✓
The Honorable John J. Rhodes
The Honorable Hugh Scott

