

**The original documents are located in Box 3, folder “Antitrust - Mail from Businessmen: Edward Schmults File (5)” of the John Marsh Files at the Gerald R. Ford Presidential Library.**

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MERRILL W. HOYT - JIM LARICKS  
MILITARY  
SALES MANAGEMENT SERVICE  
1025 W. 8th Street  
Kansas City, Missouri-64101

September 8, 1976

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

SUBJECT: Parens Patriae Legislation

Dear Mr. President:

Having reviewed the "Parens Patriae Legislation" recently passed by the Senate, I urge you to veto this legislation when it reaches your desk.

Placing power in States Attorneys to hire private "plantiff" lawyers with state funds, leaves all businesses, large and small, at the mercy of any unscrupulous attorney and obtain large public paid fees.

Large companies would probably "settle" class action suits, though the action was unwarranted and could be termed "blackmail," rather than face trial costs and possible damages.

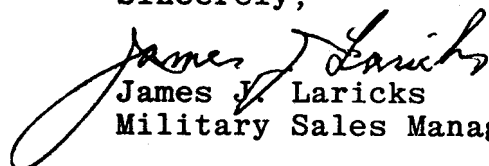
These costs and/or settlements would necessarily be passed along to the public in higher prices.

Small companies facing the same situation would have no choice but to defend themselves and, win or lose, would use funds necessary to continue operations, increase productivity and create more jobs. Some probably would find bankruptcy a necessity.

In summary, if this legislation becomes law, with the exception of "plantiff attorneys" every other American becomes a victim of increased taxes, further inflated prices, reduced national productivity, and possible loss of jobs.

I am confident from your past actions of vetoing proposed legislation that would be contrary to the equitable benefit to all Americans, you will continue to act accordingly.

Sincerely,

  
James J. Laricks  
Military Sales Manager



JJL/plg

# Mid-America Food Brokers, Inc.

September 8, 1976

20065 JAMES COUZENS HIGHWAY  
DETROIT, MICHIGAN 48235  
313/342-4080

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

COPY

Mr. President:

Have been reading much of late concerning "parens patriae". All of the information I have been able to gather has been most frightening as a citizen and also as a small businessman.

In an effort to avoid what many people feel to occur should "parens patriae" be allowed in legislation, I respectfully and strongly urge that you veto any bill with "parens patriae" as part of it.

Yours truly,

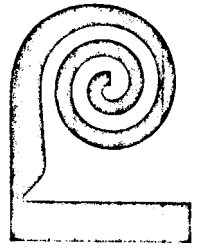
MID-AMERICA FOOD BROKERS, INC.

Harris Crane  
President

HC:is

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





**LAWRY'S  
FOODS, INC.**

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,

A handwritten signature in cursive script, appearing to read "R. N. Frank".

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 8, 1976

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

Dear President Ford:

As Vice President-Grocery Products Group, National Can Corporation and as a concerned citizen, I strongly urge you to oppose the passage of Senate Bill 1284, the Hart-Scott Antitrust Improvements Act, and particularly Title IV of the Act, known as the Parens Patriae Amendment. Title IV would authorize each State Attorney General to bring treble damage suits in Federal District Court in the name of his state, and with the use of state funds, against defendants who have allegedly violated the Sherman Act. This legislation would also allow State Attorneys General to hire private lawyers to bring such suits.

I am deeply concerned that this bill will encourage frivolous class action suits by private attorneys who do not have the best interests of the public at heart as do elected officials. The cost of trying these suits is so enormous that many defendants will accept a settlement rather than go to trial, even though they are certain of winning. Since the various states would be paying the expenses of the suit, plaintiffs' lawyers will not hesitate to go to trial, even though they may be certain of losing. The ultimate loser would be the American consumer/taxpayer. Not only would his taxes be paying the litigation expenses of the plaintiff, but he would also be paying higher prices for goods and services when the cost of defending these suits is ultimately reflected in retail prices. The only winner in suits such as these is the private attorney, whose fee is extraordinarily high. The Tetracycline



3/000818

The President  
September 8, 1976  
Page Two

class action cases, which have been cited by the proponents of Title IV of 1284 as a model for the fluid recovery mechanisms proposed in the Title, instead demonstrate the terrible inequities which can occur in such suits. The five defendants paid out \$213 million in settlements; of this amount, \$42 million, or 20%, was allocated for plaintiffs' attorney's fees, while only \$28 million, or 13%, was actually paid to consumers.

Unless the State Attorneys General are restricted from hiring private attorneys to prosecute these suits, there can be no assurance that the best interests of the public are being served. There is a substantial danger that a flood of irresponsible lawsuits against business firms will result, causing higher prices for consumers, business failures and further clogging of the already congested federal court system.

I want to stress to you that as a businessman, I favor responsible enforcement of the antitrust laws, since this is ultimately good for business and for the consumer. However, Title IV of S.1284 will engender irresponsible enforcement of the antitrust laws and, in doing so, will be a severe detriment to the very persons that it is supposed to protect--the consumers. It is for this reason that I feel that passage of S.1284 in its present form would be a serious mistake and would be a cruel hoax on the American consuming public. I again appeal to you to oppose its passage.

Very truly yours,

NATIONAL CAN CORPORATION

Thomas F. Costello

TFC/cp

3/000821



The President  
September 8, 1976  
Page Three

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

The Honorable  
John O. Marsh, Jr.  
Counselor 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

bcc: F. Considine - EXEC  
L. Everson - "  
W. Francois - "  
R. Kabaker - "  
R. Lederer - "  
W. Wells - "

September 9

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL

\_\_\_\_\_ For Direct Reply

\_\_\_\_\_ For Draft Response

XX \_\_\_\_\_ For Your Information

\_\_\_\_\_ Please Advise



THE WHITE HOUSE

WASHINGTON

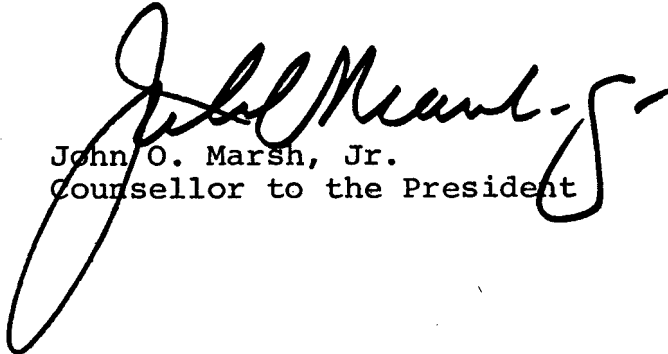
September 9, 1976

Dear Mr. Laricks:

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. James J. Laricks  
Military Sales Manager  
Sales Management Service  
1025 West 8th Street  
Kansas City, Missouri 64101



# JOHNSON LIEBER COMPANY

BROKERS • MANUFACTURERS AGENTS



P. O. BOX C19019  
SEATTLE, WASHINGTON 98119  
206-285-0910

6105 S. W. MACADAM  
PORTLAND, OREGON 97201  
503-245-3111

P. O. BOX 3567 TA  
SPOKANE, WASHINGTON 99220  
509-624-1381

100 W. INTERNATIONAL AIRPORT RD.  
SUITE 101  
ANCHORAGE, ALASKA 99502  
907-277-2668

P. O. BOX 20126  
BILLINGS, MONTANA 59104  
406-245-6159

1775 W. 1500 SOUTH  
SALT LAKE CITY, UTAH 84104  
801-487-0611

Portland, Oregon 97201  
September 3, 1976

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

Mr. President:

We are deeply concerned over a *parens patriae* clause included in an anti-trust bill recently passed by the Senate.

We urge you to veto any bill which is submitted to you with *parens patriae* as a part of it. Enactment of this legislation would foment unjustified multi-million dollar anti-trust suits.

Respectfully submitted,

James D. Doane

JDD:ls

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





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:

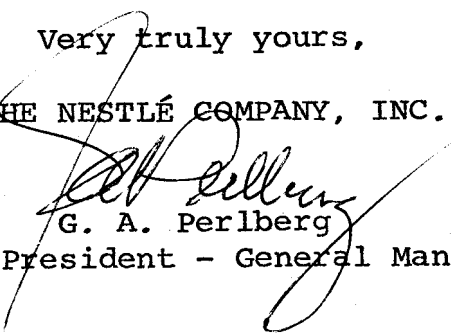
We know of no State in the Union whose judicial system can stand any significant increase in the volume of work which it must process. The parens patriae of the proposed legislation would make the already high volume of the Courts' work chaotic.

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,

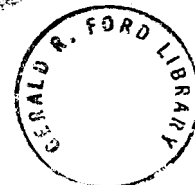
THE NESTLÉ COMPANY, INC.

  
G. A. Perlberg

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 9 ,

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH, JR.

\_\_\_\_\_ For Direct Reply

\_\_\_\_\_ For Draft Response

XX \_\_\_\_\_ For Your Information

\_\_\_\_\_ Please Advise





THE WHITE HOUSE

WASHINGTON

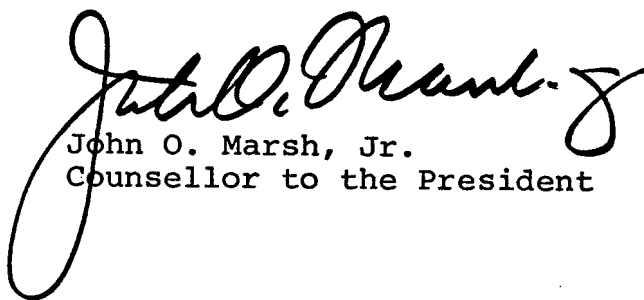
September 9, 1976

Dear Mr. Doane:

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. James D. Doane  
Johnson Lieber Company  
at Johns Landing  
6105 Southwest Macadam  
Portland, Oregon 97201



MERRILL W. HOYT - JIM LARICKS SEP 9 1976  
MILITARY  
SALES MANAGEMENT SERVICE  
1025 W. 8th Street  
Kansas City, Missouri-64101

September 8, 1976

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

SUBJECT: Parens Patriae Legislation

Dear Mr. President:

Having reviewed the "Parens Patriae Legislation" recently passed by the Senate, I urge you to veto this legislation when it reaches your desk.

Placing power in States Attorneys to hire private "plaintiff" lawyers with state funds, leaves all businesses, large and small, at the mercy of any unscrupulous attorney and obtain large public paid fees.

Large companies would probably "settle" class action suits, though the action was unwarranted and could be termed "blackmail," rather than face trial costs and possible damages.

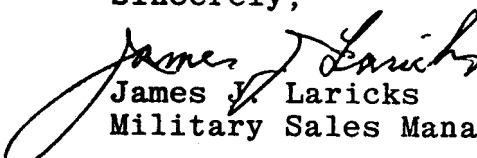
These costs and/or settlements would necessarily be passed along to the public in higher prices.

Small companies facing the same situation would have no choice but to defend themselves and, win or lose, would use funds necessary to continue operations, increase productivity and create more jobs. Some probably would find bankruptcy a necessity.

In summary, if this legislation becomes law, with the exception of "plaintiff attorneys" every other American becomes a victim of increased taxes, further inflated prices, reduced national productivity, and possible loss of jobs.

I am confident from your past actions of vetoing proposed legislation that would be contrary to the equitable benefit to all Americans, you will continue to act accordingly.

Sincerely,

  
James J. Laricks  
Military Sales Manager



JJL/plg

MILITARY SALES MANAGEMENT SERVICE  
1025 W. 8th Street  
Kansas City, Missouri 64101



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

# Hawaii - Far East Brokerage

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

September 10, 1976

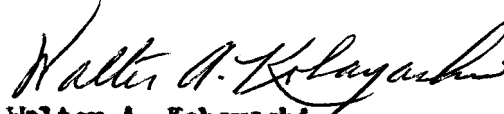
The President  
The White House  
Washington, D. C. 20500

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  
General Sales Manager

WAK:tc

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



September 10

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL

           For Direct Reply

           For Draft Response

XX            For Your Information

           Please Advise



THE WHITE HOUSE

WASHINGTON

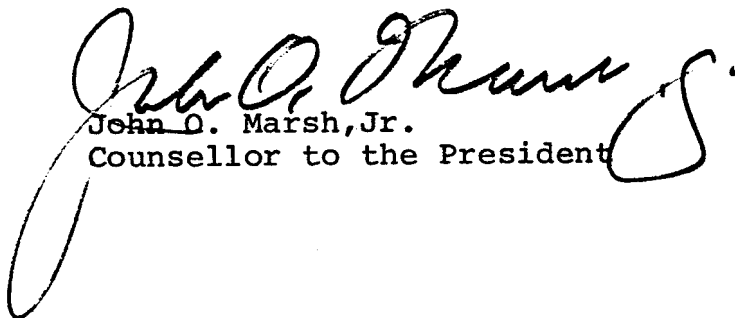
September 10, 1976

Dear Mr. Costello:

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. Thomas P. Costello  
National Can Corporation  
8101 West Higgins Road  
Chicago, Illinois 60631



SEP 10 1976

September 8, 1976

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

Dear President Ford:

As Vice President-Grocery Products Group, National Can Corporation and as a concerned citizen, I strongly urge you to oppose the passage of Senate Bill 1284, the Hart-Scott Antitrust Improvements Act, and particularly Title IV of the Act, known as the Parens Patriae Amendment. Title IV would authorize each State Attorney General to bring treble damage suits in Federal District Court in the name of his state, and with the use of state funds, against defendants who have allegedly violated the Sherman Act. This legislation would also allow State Attorneys General to hire private lawyers to bring such suits.

I am deeply concerned that this bill will encourage frivolous class action suits by private attorneys who do not have the best interests of the public at heart as do elected officials. The cost of trying these suits is so enormous that many defendants will accept a settlement rather than go to trial, even though they are certain of winning. Since the various states would be paying the expenses of the suit, plaintiffs' lawyers will not hesitate to go to trial, even though they may be certain of losing. The ultimate loser would be the American consumer/taxpayer. Not only would his taxes be paying the litigation expenses of the plaintiff, but he would also be paying higher prices for goods and services when the cost of defending these suits is ultimately reflected in retail prices. The only winner in suits such as these is the private attorney, whose fee is extraordinarily high. The Tetracycline



3/000818

The President  
September 8, 1976  
Page Two

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Unless the State Attorneys General are restricted from hiring private attorneys to prosecute these suits, there can be no assurance that the best interests of the public are being served. There is a substantial danger that a flood of irresponsible lawsuits against business firms will result, causing higher prices for consumers, business failures and further clogging of the already congested federal court system.

I want to stress to you that as a businessman, I favor responsible enforcement of the antitrust laws, since this is ultimately good for business and for the consumer. However, Title IV of S.1284 will engender irresponsible enforcement of the antitrust laws and, in doing so, will be a severe detriment to the very persons that it is supposed to protect--the consumers. It is for this reason that I feel that passage of S.1284 in its present form would be a serious mistake and would be a cruel hoax on the American consuming public. I again appeal to you to oppose its passage.

Very truly yours,

NATIONAL CAN CORPORATION

Thomas F. Costello

TFC/cp





The President  
September 8, 1976  
Page Three

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

bcc: F. Considine - EXEC  
L. Everson - "  
W. Francois - "  
R. Kabaker - "  
R. Lederer - "  
W. Wells - "



September 11

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL

           For Direct Reply

           For Draft Response

  XX   For Your Information

           Please Advise



THE WHITE HOUSE  
WASHINGTON

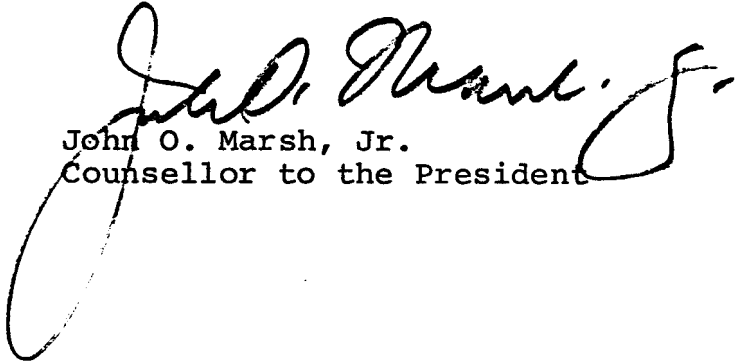
September 10, 1976

Dear Mr. Crane:

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. Harris Crane  
President  
Mid-America Food Brokers, Inc.  
20065 James Couzens Highway  
Detroit, Michigan 48235



# Mid-America Food Brokers, Inc.

September 8, 1976

20065 JAMES COUZENS HIGHWAY  
DETROIT, MICHIGAN 48235  
313/342-4080

COPY

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

Mr. President:

Have been reading much of late concerning "parens patriae". All of the information I have been able to gather has been most frightening as a citizen and also as a small businessman.

In an effort to avoid what many people feel to occur should "parens patriae" be allowed in legislation, I respectfully and strongly urge that you veto any bill with "parens patriae" as part of it.

Yours truly,

MID-AMERICA FOOD BROKERS, INC.

Harris Crane  
President

HC:is

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



September 11

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MAXWELL

\_\_\_\_\_ For Direct Reply

\_\_\_\_\_ For Draft Response

XX \_\_\_\_\_ For Your Information

\_\_\_\_\_ Please Advise



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,

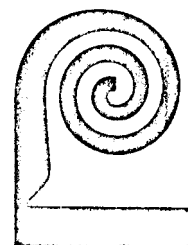
John O. Marsh, Jr.  
Counsellor to the President

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

cc: Ed Schmults

dl





**LAWRY'S  
FOODS, INC.**

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,

A handwritten signature in cursive script that reads "Richard N. Frank". The signature is written in dark ink and is positioned above the typed name.

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



**LAWRY'S FOODS, INC.**



**VISIT LAWRY'S  
CALIFORNIA  
CENTER**



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

568 SAN FERNANDO ROAD, LOS ANGELES, CALIFORNIA 90065



September 11

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 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 O. 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





Professional Marketing Associates

SEP 26 1976

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

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: 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

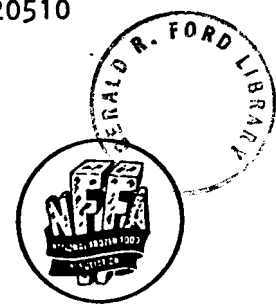
cc: - Gordon T. Beaham, III



DRY GROCERY DIVISION

• Albany Division  
1215 Western Ave.  
Suite 202  
Albany, N.Y. 12203  
(518) 438-6671  
Telex 14-5332

• Syracuse Division  
6033 Taft Road  
P.O. Box 365  
N. Syracuse, N.Y. 13212  
(315) 458-6500  
Telex 93-7452



FROZEN FOOD DIVISION

September 13<sup>1</sup>  
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

dl



AUG 19 1976

PETER PAUL, INC.

NAUGATUCK, CONNECTICUT

Lloyd 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





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

WHITE HOUSE MAIL  
RECEPTION & SECURITY  
AUG 19 1976  
Processed by: 2



L.W.Elston

P. O. BOX 310  
NAUGATUCK, CONNECTICUT  
06770

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



THE WHITE HOUSE

WASHINGTON

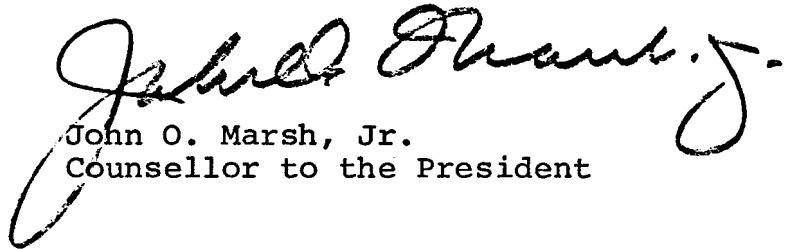
September 13, 1976

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



SEP 18 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:

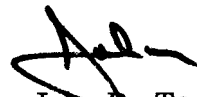
September 10, 1976

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  
 Honorable D. E. Satterfield, III  
 Honorable R. W. Daniel, Jr.  
 Honorable W. C. Daniel  
 Honorable M. Caldwell Butler  
 Honorable J. K. Robinson  
 Honorable H. E. Harris, II  
 Honorable W. C. Wampler  
 Honorable J. L. Fisher

10 Book Messages

Separate copy to each addressee

House of Representatives  
Washington, D. C. 20515

We anticipate that you will shortly be asked to approve H. R. 3532 as amended by S 1284, a bill which claims to strengthen antitrust

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

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WU 1289 (R9/89)

western union

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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

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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.

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

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

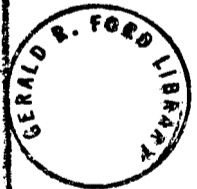
W. L. Zimmer, III, President  
A. H. Robins Company

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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





UNIVERSAL *Foods* CORPORATION

KENNETH L. FRANK  
SENIOR VICE PRESIDENT

September 13, 1976

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Washington, D.C. 20500

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Counsel to the President  
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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 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. 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



AUG 19 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,

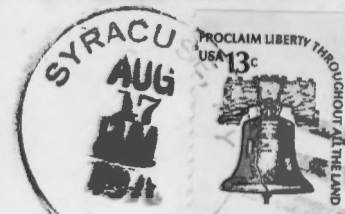
Lorne C. D. MacBeth



cc: Mr. John Marsh  
Counselor to the President

32 The Orchard  
Salt Springs Road  
Fayetteville, New York 13066

Mr. John Marsh  
Counselor to the President  
The White House  
Washington, D. C. 20500



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



SEP 13 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:

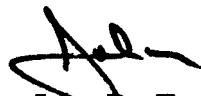
September 10, 1976

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



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

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2



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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

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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



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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

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CALL LETTERS

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CWA 009737

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western union

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CALL LETTERS

FCB

CHARGE TO

CWA 009737

each section of this important legislation can be considered and judged

September 13

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL, JR.

           For Direct Reply

           For Draft Response

  XX   For Your Information

           Please Advise





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





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

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

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS  
FROM: JOHN O. MAHER JR.

\_\_\_\_\_ For Direct Reply

\_\_\_\_\_ For Draft Response

XX For Your Information

\_\_\_\_\_ Please Advise



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

d1



# Hawaii - Far East Brokerage

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

September 10, 1976

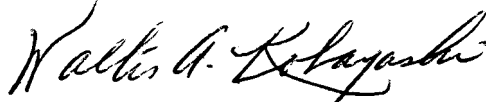
The President  
The White House  
Washington, D. C. 20500

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  
General Sales Manager

WAK:tc

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



September 13

THE WHITE HOUSE  
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSHALL 

           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



SEP 12 1976

*Laura Scudder's*  
SNACK FOODS DIVISION **PET**  
INCORPORATED

*Doug Ferguson*  
president

1525 north raymond avenue

anaheim, california 92805

September 7, 1976

phones: (714) 772-5151  
(213) 860-5564

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.

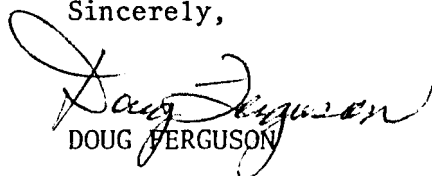
There are many objectionable features of the antitrust bills recently clearing both houses, but one is of particular importance. The Senate omnibus bill, S. 1284, in Title IV, and House bill HR 8532, involve parens patriae provisions giving attorneys general authority to bring treble damage lawsuits 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/paw





*Laura Scudder's*  
SNACK FOODS DIVISION **PET**  
INCORPORATED

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*1525 north raymond avenue*

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*anaheim, california 92805*

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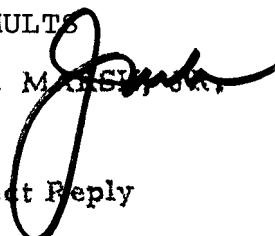


The Honorable John O. Marsh, Jr.  
Counsellor to the President  
The White House  
Washington, D. C. 20500

September 13

THE WHITE HOUSE  
WASHINGTON

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



\_\_\_\_\_ For Direct Reply

\_\_\_\_\_ For Draft Response

XX For Your Information

\_\_\_\_\_ Please Advise



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

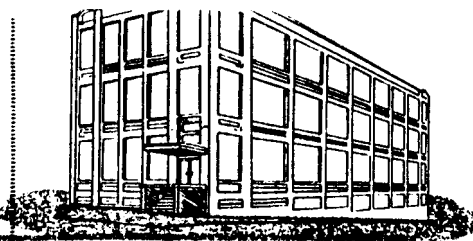
cc: Ed Schmults

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

President

Gerald Hoerres:cb



# 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

