

The original documents are located in Box 4, folder “Antitrust - Mail from Businessmen: John Marsh File (4)” 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 Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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 22, 1976

Dear Mr. Cooney:

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 M. Cooney
Executive Vice President
Fairmont Foods Company
1111 East Touhy Avenue
Des Plaines, Illinois 60018

cc: Ed Schmults

d1



SEP 29 1976

FAIRMONT FOODS COMPANY

1111 East Touhy Ave., Des Plaines, Illinois 60018 312-297-0100

Thomas M. Cooney
Executive
Vice President

September 20, 1976

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

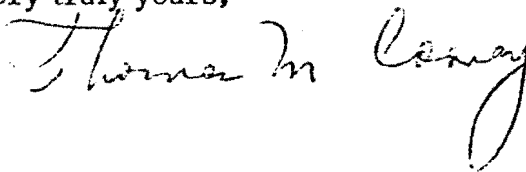
Dear Mr. President:

We urge veto of H. B. 8532, or any other bill which contains the so-called "parens patriae" provision empowering state attorneys general or state-retained private plaintiff's lawyers to institute antitrust litigation on behalf of residents of any state.

The "parens patriae" provision will do nothing to further discourage anticompetitive activity. It will, however, greatly increase opportunities for strike suits and civil litigation for political purposes.

Means already exist whereby persons who are truly injured by anti-competitive activity may seek recompense. This damaging legislation does not fulfill any real need, but simply adds to the onus of already overburdened legitimate business.

Very truly yours,



TMC:jmn

cc: The Honorable
Philip W. Buchen
Counsel 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
John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500

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



September 22, 1976

Dear Mr. Jones:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Landon Y. Jones
Executive Vice President
Pet Incorporated
400 South Fourth Street
St. Louis, Missouri 63166

cc: Ed Schmults

dl



PET
INCORPORATED

LANDON Y. JONES
EXECUTIVE VICE PRESIDENT

PET PLAZA
400 SOUTH FOURTH STREET
SAINT LOUIS MISSOURI 63166
TEL (314) 621-5400

August 26, 1976

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

Dear President Ford:

It seems more than obvious that Congress will submit for your signature antitrust legislation that is very comprehensive.

The Senate-passed Omnibus Bill, S. 1284, and the House Bill, H. R. 8532, both incorporate sections entitled "parens patriae" which extend cause for great alarm for it seems the Conference Committee will retain this measure in the final legislation.

The parens patriae provision will become a tool for financial and political blackmail in the hands of lawyers and attorneys general. There certainly can be no consumer benefit as unfounded charges could bring financial devastation to many and create bankruptcy proceedings and work stoppages.

The proposed legislation will increase the overall cost of doing business without creating any appreciable benefits.

I favor responsible enforcement of antitrust laws from the public and private sectors. I firmly believe the current measures to be sound and prudent. If there must be a different way to deal with antitrust problems, the way must be better or progressive rather than worse and endangering.

I urge your consideration of this view and encourage your veto of this antitrust measure.

Sincerely,

Landon Y. Jones

cc: The Hon. Philip W. Buchen
This copy for → The Hon. John O. Marsh, Jr.
The Hon. John J. Rhodes
The Hon. Hugh Scott



September 22, 1976

Dear Mr. Dean:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

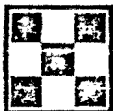
Mr. R. Hal Dean
Chairman of the Board
and Chief Executive
Officer
Ralston Purina Company
Checkerboard Square
St. Louis, Missouri 63168

cc: Ed Schmults

dl



AUG 28 1976



Ralston Purina
Company

R. Hal Dean
Chairman of the Board
and Chief Executive Officer

August 25, 1976

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

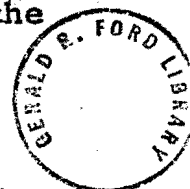
Dear Mr. President:

Re: "Parens Patriae" Legislation

I am writing to express my concern over the so-called "parens patriae" features of legislation recently passed by the House and Senate as a part of more comprehensive antitrust bills. I strongly urge you to veto any legislation containing such authority.

However viewed, this legislation is utterly wrong. There is no constructive criticism, or variation in approach, which will reformulate its fundamental misapprehension of business into meaningful law. I have yet to see any precise identification of the shortcomings which this proposal will allegedly correct, or any factual support for its apparent assumption that present antitrust procedures and remedies are inadequate. I suspect that any serious effort expended in these directions would reveal how groundless this legislation is.

We as a nation have, of course, before survived radical remedial legislation which produced far worse results than the imaginary problems it was designed to solve. What particularly concerns me about the current proposal is not only that it authorizes elected state officials to enforce federal statutes and thus set federal policy--a notion that by itself is shocking--but also that it permits state-retained private attorneys to act in the officials' behalf. Since the potential rewards of such litigation, in terms of attorneys fees, are enormous, this can only serve to encourage monstrous lawsuits on the most frivolous of grounds. And since the concomitant costs and risks of business defendants will be correspondingly extreme, the



Checkerboard Square

The President

- 2 -

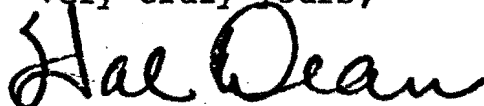
August 25, 1976

potential for "blackmail" settlements and politically motivated abuse is painfully clear.

Mr. President, it is fashionable in some of today's circles to believe that the nation's economic well-being is directly correlative to the presence or absence of massive antitrust litigation. I have heard proponents of measures such as these argue that this legislation will stimulate competition, lower prices to consumers, control inflation, reduce unemployment, and produce a myriad of other benefits too wonderful to describe. At best, however, this legislation will certainly lessen competition, raise consumer prices, create inflationary pressures, and increase employment only for antitrust lawyers. I respectfully request that you give this proposal the outright rejection it deserves.

Thank you for the opportunity to express these views.

Very truly yours,



R. Hal Dean

djb

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 22, 1976

Dear Mr. Sullivan:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important matter.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Paul V. Sullivan
President
Merchants Refrigerating Company
850 Third Avenue
New York, New York 10022

cc: Ed Schmults

dl





MERCHANTS REFRIGERATING COMPANY

850 Third Avenue, New York, N. Y. 10022

Telephone: 212-752-7272

August 31, 1976

OFFICE OF THE PRESIDENT

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

COPY

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 yours,

Paul V. Sullivan
President

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



September 22, 1976

Dear Mr. Green:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. C. R. Green
427 Sheridan Road
Kenilworth, Illinois 60043

cc: Ed Schmults

dl



August 26, 1976

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

Mr. President:

Re: Parens Patriae Legislation

Giving the fifty State Attorneys General the right to file multi-million dollar antitrust claims for alleged price fixing overcharges, on behalf of all state residents, is shocking. But that is what the House and Senate have done. Even more appalling, the legislation would permit state-retained private "plaintiffs" lawyers to bring such suits.

There is no question that this authority in the hands of State Attorneys General and private "plaintiffs" lawyers will foment multi-million antitrust suits against many, many companies - - the possible amount of damages can be terrific.

We strongly urge you, President Ford, to veto any bill which comes to you with a parens patriae section in it.

Respectfully yours,



C. R. Green
427 Sheridan Road
Kenilworth, Illinois 60043



September 22, 1976

Dear Mr. Mulligan:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Raymond J. Mulligan
President
Liggett Group Inc.
4100 Roxboro Road
Durham, North Carolina 27702

cc: Ed Schmults

dl



Liggett
group

Liggett Group Inc.

4100 Roxboro Road, Durham, N. C. 27702

Raymond J. Mulligan
President

August 30, 1976

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

Mr. President:

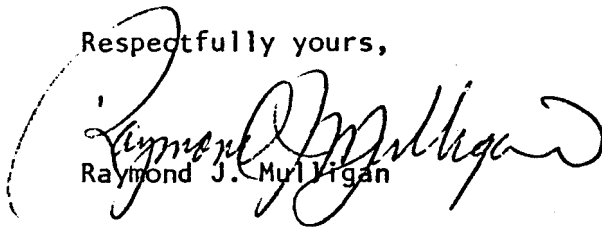
Your past record in vetoing inflationary, unproductive, and/or inequitable legislative bills has been outstanding.

I urge you strongly to veto any bills containing parens patriae features. Such legislation would be very counter-productive and destructive.

Parens patriae is immoral, as it would result in large "black-mail" litigation settlements. This could be severely damaging to important companies, and very unfair to their shareowners.

Thank you for your consideration.

Respectfully yours,


Raymond J. Mulligan

RJM:ald

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



September 22, 1976

Dear Mr. Nixon:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your view on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. James W. Nixon
President
Whitman's
Post Office Box 6070
Philadelphia, Pennsylvania 19114

cc: Ed Schmults

dl



Whitman's

CHOCOLATES DIVISION

PET
INCORPORATED



POST OFFICE BOX 6070

PHILADELPHIA PENNSYLVANIA 19114

TEL (215) 464-6000

JAMES W. NIXON
PRESIDENT

August 26, 1976

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

Dear President Ford:

It would appear that Congress will submit, for your signature, antitrust legislation that is very comprehensive. Certain portions of this legislation could be very detrimental to industry, and we feel compelled to urge that you veto this measure, when it reaches the White House.

I refer to Senate Bill S. 1284 and House Bill H.R. 8532. Both bills incorporate sections entitled, "parens patriae".

In our opinion, this provision will become a tool for financial and political blackmail in the hands of lawyers and attorneys general. Unfounded charges could bring financial devastation to many plaintiffs, and create bankruptcy proceedings and work-stoppages. It is very questionable that any real consumer benefit will come from this activity. We strongly favor responsible antitrust enforcement and feel that current regulations are both sound and prudent. If a different way must be found to deal with antitrust problems, we would hope

CANDY IS DELICIOUS FOOD • ENJOY SOME EVERY DAY



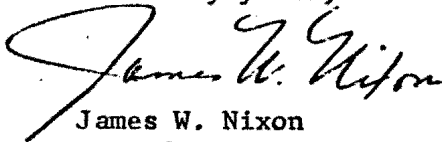
The President
The White House
Page No. 2

August 26, 1976

it would be progressive, rather than endangering.

In conclusion, I would urge your consideration of this viewpoint, and encourage you to veto what we consider to be an extremely poor antitrust measure.

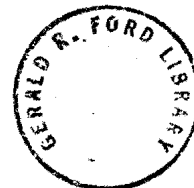
Sincerely yours,



James W. Nixon
President

JWN:egc

CC: Philip W. Buchen
John O. Marsh, Jr. ✓
John J. Rhodes
Richard S. Schweiker
Hugh Scott



September 22, 1976

Dear Mr. Bittner:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your view on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. John R. Bittner
Executive Vice President
Pet Incorporated
400 South Fourth Street
St. Louis, Missouri 63166

cc: Ed Schmults

dl



PET
INCORPORATED

JOHN R. BITTNER
EXECUTIVE VICE PRESIDENT

PET PLAZA
400 SOUTH FOURTH STREET
SAINT LOUIS MISSOURI 63166
TEL (314) 621-5400

August 30, 1976

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 anti-trust 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 yours,

John R. Bittner
John R. Bittner

JRB:sm

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

THIS COPY FOR  The Honorable
John O. Marsh, Jr.
Counsellor to the President

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

The Honorable
Hugh Scott
Minority Leader
U. S. Senate



September 22, 1976

Dear Mr. Schaeberle:

Just a short note to thank you for sending me a copy of your 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. R. M. Schaeberle
Nabisco, Inc.
East Hanover, New Jersey 07936

cc: Ed Schmults

dl



SEP 2 1976

Office of Chairman of the Board

August 30th, 1976

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

Dear Mr. President:

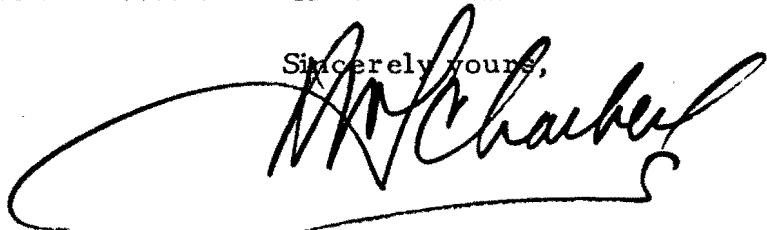
Re: Parens Patriae Legislation
S. 1284

The Senate recently passed a comprehensive antitrust bill which contains a parens patriae title which would authorize every State Attorney General to bring treble damage suits against a company on behalf of all state residents for alleged antitrust violations. The House has passed a corresponding bill and we understand a joint conference will be convoked soon. We respectfully urge that you exercise your veto when this legislation is presented to you.

We trust you will agree with Attorney General Levi that the parens patriae bill is dangerous legislation as it would allow the filing of enormous damage claims aimed at extracting "blackmail" settlements from defendant companies. The bill further provides that private "plaintiffs" lawyers may be hired with state funds to bring such suits.

We sincerely believe that your exercise of the veto of this legislation would be in the best interests of all American citizens.

Sincerely yours,



R. M. Schaeberle

CC: The Honorable Philip W. Buchen, Counsel to the President
The Honorable John O. Marsh, Jr. - Counsellor to the President
The Honorable John J. Rhodes, House Minority Leader
The Honorable Hugh Scott, Senate Minority Leader



September 22, 1976

Dear Mr. Schenk:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Boyd F. Schenk
Chairman of the Board
and President
Pet Incorporated
800 South Fourth Street
St. Louis, Missouri 61166

cc: Ed Schmults

dd





BOYD F. SCIENK
CHAIRMAN OF THE BOARD AND PRESIDENT

PET PLAZA
400 SOUTH FOURTH STREET
SAINT LOUIS MISSOURI 63166
TEL (314) 621-5400

August 24, 1976

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

Re: Impending Antitrust Legislation

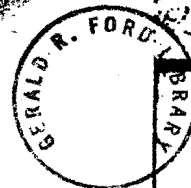
Dear President Ford:

This company has made its views known to Congress concerning antitrust legislation that seems about to be sent to your desk. Our efforts, along with those of many others, have been without effect.

Both the House and the Senate have passed antitrust bills with potentially horrendous consequences to business. We expect the product of the Joint Committee to retain the features. Your office, therefore, is our final appeal. We ask that you veto the impending antitrust bill, if finally passed, and in support we address one of its offensive, but perhaps the most dangerous, features.

The Parens Patriae Provision: The antitrust legislation in both houses contains authority for state attorneys general to bring treble damage lawsuits on behalf of a state's citizenry and allows the attorneys general to engage private attorneys to file and prosecute litigation.

The purpose of the parens patriae provision, of course, is to negate the law as announced by the U. S. Supreme Court, and several Circuits before. If it becomes law, it will take a common law concept developed for the protection of "paupers, lunatics and other incompetents" for whom the state has historically acted as parens patriae, and transform



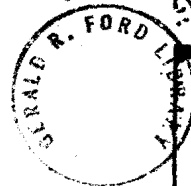
August 24, 1976

the concept to a tool for financial and political blackmail in the hands of lawyers and attorneys general. There certainly will be no consumer benefit.

We find such a law objectionable for many reasons, among which are:

1. The provision is an invitation to bring groundless antitrust complaints with virtually no restraints. It gives unscrupulous attorneys and attorneys general the power to bankrupt a business for their financial and political gain.
2. The financial blackmail is made possible because of the provision allowing attorneys general to engage private attorneys to bring and prosecute antitrust parens patriae suits. The abuses which have already arisen under the liberalized class action rules will be further extended.
3. Historically, the right to a lawsuit for antitrust violations has belonged to those injured by the violations. The parens patriae provision will eliminate the essential of proof of injury and damages. Such a provision may well be unconstitutional. Whether or not, it certainly destroys essential safeguards heretofore available for defense against exploitive suits.
4. Contingent liabilities in antitrust actions are potentially so huge that the mere existence of a suit against a business can have an adverse effect on its financing capability. The cost of defending is so great that this consequence is present even in the most confident circumstance that no offense has occurred. Additional laws should not be enacted to further the abilities of people willing unscrupulously to exploit circumstances having the consequence to place business in jeopardy so far as financing abilities are concerned.

Since facilitating of class action litigation by changes in the Federal Rules of Civil Procedure, the filing of class actions has grown explosively. It is no quirk that the



September 22, 1976

Dear Mr. Craven:

Just a short note to thank you for sending me a copy of your 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. J. B. Craven
Plant Manager
Purex Corporation
6901 McKissock Avenue
St. Louis, Missouri 63147

cc: Ed Schmults

dl



6901 McKissock Ave., St. Louis, Mo. 63147

August 30, 1976

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

Dear Mr. President:

Please allow me to register my deep concern regarding the recent legislation passed by Congress granting parens patriae authority. I shutter when I see our Congress giving authority to fifty State Attorneys General, and state-retained private "plaintiffs" attorneys as well, to file multi-million dollar price fixing overcharge claims against major corporations. The harrassment potential is too great, as is, the likelihood of large companies agreeing to a settlement when faced with the huge potential of the damage claim.

Mr. President, this type of legislation will undoubtedly increase costs of operation with a resulting increase in consumer costs. This is diametrically opposed to reducing the rate of inflation -- a reduction, which I am sure you will agree, is essential if we are to preserve our present economic system.

May we have your veto of this, and any future parens patriae legislation, which the Congress attempts to foist upon us.

Thank you.

Very respectfully yours,

PUREX CORPORATION


J. B. Craven
Plant Manager

JBC/jh

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

GDE (Carson 5)



September 22, 1976

Dear Mr. Skinner:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Lloyd E. Skinner
Chairman of the Board
Chief Executive Officer
Skinner Macaroni Company
Post Office Box 75
Omaha, Nebraska 68101

cc: Ed Schmults

d1





MACARONI CO.

P. O. Box 75 / Omaha, Nebraska 68101 / Telephone (402) 331-7000

Chairman of the Board
Chief Executive Officer

August 26, 1976

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

Dear President Ford:

Frankly speaking, the "parens patriae bill," which seems assured of passage in Congress, will open a Pandora's Box of antitrust suits and "blackmail" settlements unless you exercise your veto.

Parens patriae, as the bill has commonly become known, means "father of the country." If enacted, the legislation will more likely be the "father of antitrust lawyers."

Why on earth do we need private "plaintiff" attorneys, who act on appointment of a state attorney general, to reap huge profit from business through such suits? The Federal Trade Commission's job is regulation of business and antitrust action. With this bill we would open the door for "get-rich-quick" suits by ambitious lawyers, who convince the state attorney general they may have a case and are able to secure a handsome out-of-court settlement through threat of publicity a trial would bring.

Antitrust actions would be the next in a long line of lawyer's havens which started with car accidents and has now moved on to medical malpractice suits.

The danger of such legislation was pointed out by none other than Attorney General Edward Levi who noted the parens patriae bill would not only force business firms into "blackmail settlements" but may eventually lead to government price controls. (Parens patriae suite could be brought where there is a price change from a competitor.)

The consumer, which this legislation is masked as protecting, would be the loser here. Just as medical expenses have risen with malpractice suits, so could prices by businesses.

- more -



August 26, 1976

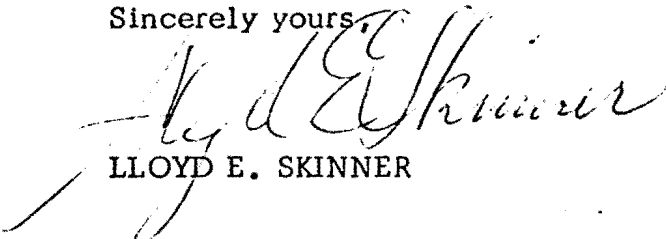
Our overcrowded court calendars would be pushed even further by parens patriae suits, which would benefit primarily the lawyers, not to mention cause business failure in some cases, drive prices higher and create the possibility of government price controls.

This is unjustified legislation to saddle our free enterprise system with. It appears that the burden of stopping this legislation rests on your shoulders.

Senator Barry Goldwater spoke of the ever creeping socialization of our society in his platform address to the Republican Convention. This bill, along with the Humphrey-Hawkins full employment fantasy, is a prime example of this.

I urge you to veto this parens patriae bill and allow the free enterprise system indeed to be "free."

Sincerely yours,



LLOYD E. SKINNER

LES:bh

CC: Philip W. Buchen
John O. Marsh, Jr. /
John J. Rhodes
Hugh Scott



September 22, 1976

Dear Mr. Zelinski:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Edward D. Zelinski
201 West Reynolds Street
Urbana, Ohio 43078

cc: Ed Schmults

dl



201 West Reynolds Street
Urbana, Ohio 43078
August 27, 1976

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

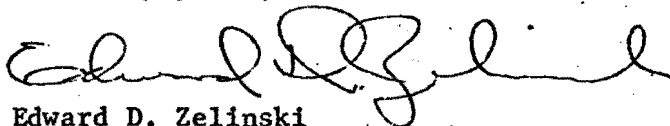
Dear Mr. President:

I am a trustee on our local hospital board, as well as a business man in a small town. With this exposure to both the business community and the hospital medical profession, I urge you to reject the parens patriae concept, even as limited and modified in pending Congressional proposals (S. 1284, H.R. 8532, et al).

Most objectional to me is the feature in both the House and Senate bills which allows State Attorney Generals to hire private "plaintiffs" to bring parens patriae suits. I have watched with alarm the increased cost for medical services because of mal practice suits, and the high cost of insurance to protect the medical profession.

Most of my friends and I can see the same thing happening to the cost of goods in this country should this bill pass. Inflation, which is of utmost concern to us all, would spiral out of sight. This bill, which has lead to appear to serve the consumer, can in reality only end up costing him far more than he will ever gain. We have all seen it happen to the cost of medical services and it can do nothing but increase the cost of goods from toothpicks to automobiles.

Sincerely yours,


Edward D. Zelinski



September 22, 1976

Dear Dr. Odioso:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Dr. Raymond Odioso
5020 Spring Grove Avenue
Cincinnati, Ohio 45232

cc: Ed Schmults

dl



RAYMOND C. ODIOSO

5020 SPRING GROVE AVENUE
CINCINNATI, OHIO 45232

August 27, 1976

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

Dear Mr. President:

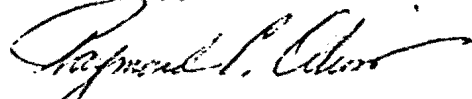
I am writing to urge you to reject the parens patriae legislation. This legislation is a blatantly punitive measure, designed to further inhibit the creativity of American business, and offers too many incentives for the fomenting of multi-million dollar antitrust suits for the primary purpose of gaining "blackmail" settlements.

There is a basic injustice to the concept, as I view it, in that it does not accomplish the ostensible purpose of protecting the consumer against sharp practices, and does not provide any disincentive for the filing of nuisance law suits by state attorneys to gain publicity. An examination of many widely publicized cases filed by FTC, and quietly dropped at a later date, demonstrates the probable outcome of this additional legislation.

Further, in justice, it would appear that an opportunity should somehow be provided for slandered companies to recover triple damages from the parties doing the suing if their innocence should be proved. Recent successful counter-suits by harassed physicians in malpractice cases provide an example of one way to reduce malpractice suits which are filed without cause. Basically, the difficulty with the present legislation is that it insures that there can be only one loser, the companies being sued.

In my opinion, this would appear to be the built-in injustice of the parens patriae legislation, which is just another example of the consistent efforts which are being made to stifle competition and the free enterprise system.

Sincerely,



Raymond C. Odioso, Ph.D.

RCO/cw

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



September 22, 1976

Dear Mr. Lenhart:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important matter.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. John E. Lenhart
Manager of Engineering
Grocery Products Group
Purex Corporation
24600 South Main Street
Post Office Box 6200
Carson, California 90749

cc: Ed Schmults

dl



August 27, 1976

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

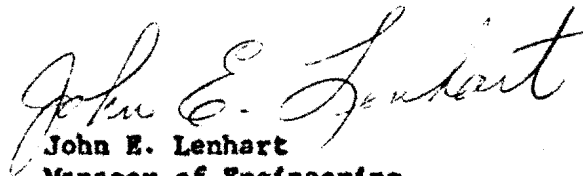
Dear President Ford:

I strongly urge your veto of the recent legislation passed by Congress granting parens patriae authority. Enactment of this legislation would have a very negative impact on our free enterprise system. Costs related to this legislation would be borne ultimately by the consumer in terms of higher prices.

Beneficiaries would be primarily those unscrupulous members of the legal profession, and the governmental agencies whose purposes are to line their own pocket or exercise more complete control over business and ultimately individual freedoms.

Your veto of the parens patriae legislation is another key to stopping further erosion of our freedom.

Very respectfully yours,



John E. Lenhart
Manager of Engineering
Grocery Products Group

JEL:gf

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



September 22, 1976

Dear Mr. Clark:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Henry B. Clark, Jr.
Executive Vice President
Castle and Cooke, Inc.
Drawer 2990
Honolulu, Hawaii 96802

cc: Ed Schmults

d1



HENRY B. CLARK, JR.
EXECUTIVE VICE PRESIDENT

August 31, 1976

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

Dear Mr. President: ANTI-TRUST LEGISLATIVE RELATIONS

The Senate recently passed an anti-trust bill, containing one critically dangerous title, referred to as parens patriae. This bill has been cleared to go to conference with the corresponding House bills.

The passage of such legislation would vitally and adversely affect orderly anti-trust prosecution and defense; would unsupportably add to the already serious congestion in the federal courts; and would encourage the offices of the States' Attorneys General to join the already overcrowded ranks of strike-suit lawyers.

I strongly urge, and sincerely request that you veto any bill referred to you which contains a parens patriae section.

Sincerely,

Henry B. Clark, Jr.
Henry B. Clark, Jr.

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



September 23, 1976

Dear Mr. Lamothe:

Thank you for your telegram indicating your views on the antitrust legislation.

I appreciate your communicating them to us and they will be carefully considered. I have also brought them to the attention of members of the President's staff who have been working on this subject.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. W. E. Lamothe
President
Kellogg Company
Battle Creek, Michigan 49015

JOM/dl

cc: Charlie Leppert
Ed Schmults -- backup



THE WHITE HOUSE

WASHINGTON

September 21, 1976

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX FRIEDERSDORF

FROM:

CHARLES LEPPERT, JR. *CLJ.*

Enclosed is a copy of a telegram which I received yesterday from the Kellogg Company regarding H. R. 8532.



SEP 20 1976

White House
Washington

1
2
3
4 WHD024 430P EDT SEP 17 76 WAC200(1443)(2-021707C261006)PD 09/178

1976 SEP 17 PM 4 47

5 TLX KELLOGG BAC C

6
7 ZCZC 07 BATTLE CREEK MICH 091776

8 PMS CHARLES LEPPERT, JR., SPECIAL ASSISTANT FOR LEGISLATIVE AFFAIRS

9
10 PLS HAND DELV

11 THE WHITE HOUSE

12 WASHINGTON, D.C. 20500

13
14 MR 8532 AS PASSED BY THE HOUSE YESTERDAY RETAINS THE "PARENS PATRIAE"
15 TRIPLE DAMAGE IONTI GENCY SEE PROVISION. THIS COULD INSPIRE LAWSUITS
16 BY PRIVATE LAW FIRMS TO COLLECT LARGE FEES CONTINGENT UPON WINNING
17 THE CASE, REGARDLESS OF GOOD FAITH OR IGNORANCE OF BREAKING ANTI-
18 TRUST LAWS.
19
20
21

22
23 WE ARE CONVINCED THAT THIS IS WRONG. WE ASK YOU TO LEND YOUR SUPPORT
24 IN URGING THE PRESIDENT TO VETO THIS BILL.

25
26 W. E. LAMOTHE

6
7 PRESIDENT
8 KELLOGG COMPANY
9
10 NNNN
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



September 24, 1976

Dear Mr. Wells:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Douglas B. Wells
President
Libby, McNeill & Libby
200 South Michigan Avenue
Chicago, Illinois 60604

cc: Ed Schmults

dl



UGLAS B. WELLS

August 31, 1976

The President
The White House
Washington, DC 20500

Dear Mr. President:

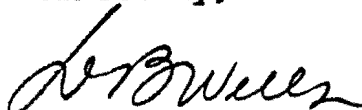
This letter respectfully requests that you veto Senate Bill S. 1284 and House Bill H.R. 8532, which have been joined for conference committee action. These two bills contain a provision for authorizing parens patriae action, which is of deep concern to me not only as a company official, but as a consumer.

With such a law in effect, business will be cast into an atmosphere of "forced" settlements for economic reasons leading directly to increased business expense as well as adding to the tax burden to support an already overcrowded court system. Such a provision, with its resultant unwarranted and unnecessary costs, if it is permitted to become law, can only also result in increased consumer prices.

Unfortunately, conference committee rules prohibit the removal of the objectionable parens patriae feature from the bills. Hence, your Office as President is the resort of last appeal to bar this feature from becoming law.

Again, Mr. President, I respectfully request that you veto the conference bill with the parens patriae provision to eliminate the inevitable result I have expressed. Further, a veto would also avoid the potential impact of an extension of the antitrust laws as publicly reflected by Attorney General Levi when he expressed the thought that the next step after a parens patriae law may be the creation of a special government agency to authenticate the reasonableness of the prices that are charged in the marketplace, which I think we all would recognize as an unnecessary extension of government into the business sector.

Sincerely,



DBW:al



September 24, 1976

Dear Mr. Langdon:

Just a short note to thank you for sending me a copy of your letter to the President concerning the anti-trust legislation.

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

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. J. Lloyd Langdon
President
Pet Incorporated
Post Office Box O, C.R.S.
Johnson City, Tennessee 37601

dl

cc: Ed Schmults





DAIRY DIVISION

J. LLOYD LANGDON
PRESIDENT



GENERAL OFFICES: BRISTOL HIGHWAY

JOHNSON CITY, TENNESSEE 37601

P. O. BOX O, CRS

PHONE (615) 926-7171

August 30, 1976

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

Dear President Ford:

It is now apparent that Congress will submit for your signature very comprehensive antitrust legislation.

The Senate has passed Omnibus Bill, S. 1284, and the House has passed Bill H. R. 8532, both of which include sections entitled, "parens patriae." It appears likely that the Conference Committee will retain this section in the final legislation.

The parens patriae provision will become a tool for financial and political blackmail in the hands of lawyers and attorneys general. No consumer benefit will be realized if, as seems likely, unfounded charges bring financial devastation to many businesses and create bankruptcy proceedings and loss of jobs.

We favor responsible antitrust enforcement from the public and private sectors. We firmly believe the current measures, however, to be adequate, sound and prudent.

We urge your consideration of this view, and we urge that you veto this measure.

Sincerely yours,

J. Lloyd Langdon

JLL/jl

COPY FOR:

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



September 27, 1976

Dear Mr. Smythe:

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.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Kelvin J. Smythe
President
OIL MOP, Inc.
Post Office Drawer P
Belle Chasse, Louisiana 70037

cc: Ed Schmults

dl



September 27

THE WHITE HOUSE
WASHINGTON

TO: ED SCHMULTS

FROM: JOHN O. MARSH, JR. *J. O. Marsh*

_____ For Direct Reply

_____ For Draft Response

XX _____ For Your Information

_____ Please Advise



Plant Address:
Engineers Road
Belle Chasse, La. 70037 U.S.A.



SEP 27 1976

Mailing Address:
P. O. Drawer P
Belle Chasse, La. 70037 U.S.A.

OIL MOP, INC.

NEW ORLEANS, LOUISIANA

24 Hr. Phone (504) 394-6110

Telex 587-486

September 23, 1976

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

Re: Parens Patriae Legislation

Dear Mr. President:

I strongly urge you to veto any bill which comes to you with a parens patriae section in it. I refer to recent legislation passed in the Senate forming part of a comprehensive anti trust bill. It is my understanding that the bill has been cleared to conference along with three corresponding House bills for review.

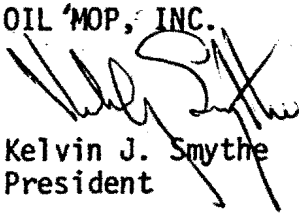
I am deeply concerned over the possible ramifications that this form of legislation could produce under our free enterprise system. While this type of legislation might be beneficial to private attorneys, and would place enormous authority with the fifty State Attorneys General, I do believe that the end result will be disastrous. This form of legislation can only serve to increase consumer costs and clog court rooms with a myriad of lawsuits alledgeing price fixing or anti trust violations.

Again, I urge you to veto any such legislation which would, in effect, stifle the free enterprise system as we know it.

Trusting in your judgement, I remain,

Very truly yours,

OIL MOP, INC.


Kelvin J. Smythe
President

KJS/lws

CC: The Honorables: Philip W. Buchen
John O. Marsh, Jr. ✓
John J. Rhodes



Antitrust

September 27, 1976

Dear Mr. Wright:

Just a short note to thank you for sending me a copy of your 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.

We greatly appreciate your giving us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. John M. Wright
President
J. A. Wright & Co.
60 Dunbar Street
Keene, New Hampshire 03431

cc: Ed Schmults

dl



September 27

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





J. A. WRIGHT & CO.

Cleaning Specialties Since 1873

60 DUNBAR STREET • KEENE, NEW HAMPSHIRE 03431

September 24, 1976

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

Mr. President:

After careful study, I firmly believe parens patriae legislation is not in the best interest of the American consumer nor American business in general.

I therefore urge that you veto any legislation with a parens patriae section in it.

Respectfully yours,

J. A. WRIGHT & CO.

John M. Wright
President

JMW:mlm

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



October 1, 1976

Dear Mr. Burgess:

Many thanks for sending me a copy of your recent letter to the President concerning the antitrust legislation.

As I am sure you are aware, the President signed this legislation last evening. I am attaching some press releases on this for your information, which I am hopeful will help to explain why the President signed this bill.

We are grateful to you for giving us the benefit of your views on this legislation.

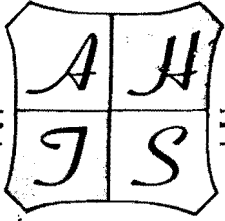
Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Bill J. Burgess
Chairman
Republican Central Committee
Henry County, Missouri
Post Office Box 5913
Lenexa, Kansas 66215

dl





ANDERSON-HUTCHISON

TREASURE-STOCKTON, INC.

A/C 913 888-1103 • 8929 ROSEHILL ROAD • P. O. BOX 5913 • LENEXA, KANSAS 66215

September 27, 1976

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

Dear Mr. President:

It has been brought to our attention that the Senate has passed a Comprehensive Anti-Trust Bill, which if not vetoed, will enact parens patriae legislation.

Parens Patriae authority will, in our opinion, serve no good purpose and certainly be damaging to our free enterprise system.

We would very much appreciate your reconsideration to vetoing any bill which comes to you with parens patriae as part of it.

Very truly yours,

Bill J. Burgess,
Chairman,
Republican Central Committee
Henry County, Missouri

BJB/clt

cc: Gordon T. Beaham, III

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



October 4, 1976

Dear Mr. Jennings:

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

As I am sure you are aware, the President recently signed this bill. I have enclosed some press releases which I hope will be helpful to you in understanding his reasons for signing this legislation.

We greatly appreciate your taking the time to give us the benefit of your views on this important issue.

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Richard Jennings
President
Haig Barberian, Inc.
Post Office Box 1403
217 Tenth Street
Modesto, California 95353

d1





HAIG BERBERIAN, INC.

FUNSTEN NUT DIVISION

PET
INCORPORATED

P.O. BOX 1403
217 TENTH STREET
MODESTO, CA. 95353
(209) 529-0721

RICHARD JENNINGS
PRESIDENT

September 29, 1976

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 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.

Continue ...



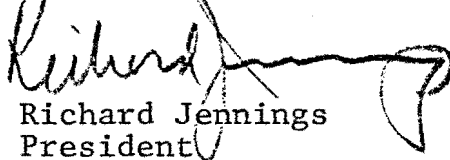
The President
September 29, 1976
Page Two

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 yours,

HAIG BERBERIAN, INC.


Richard Jennings
President

RJ/jh



October 7, 1976

Dear Harry:

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

As I am sure you know, the President recently signed this bill. I have enclosed some press releases which I hope will be helpful in understanding the President's reasons for signing this legislation.

With kindest personal regards, I am

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Harry E. Figgie, Jr.
Chairman and Chief
Executive Officer
A-T-O Inc.
4420 Sherwin Road
Willoughby, Ohio 44094

dl



OCT 6 1976



Harry E. Figgie, Jr.
Chairman and Chief Executive Officer

September 29, 1976

Mr. John O. Marsh, Jr.
Assistant to the Vice President for
Defense Affairs
Office of the Vice President
Washington, D. C. 20007

Dear Jack:

I am sending you a copy of the wire I have just sent to President Ford. Don't let the President give the Justice Department a weapon like this.

Sincerely yours,

A handwritten signature in cursive script that reads "Harry E. Figgie, Jr." with a flourish at the end.

Harry E. Figgie, Jr.

HEF/plh
encl.



WJ LAWMASTER

*
ATTORNEY WILBY

212150273 144425T

ZCZC 01 WILLOUGHBY 0910 SEPTEMBER 20

PNS PRESIDENT GERALD FORD

CAPITOL HILL

WASHINGTON D C 20410

BT

I URGE YOU TO VETO HR 3538 STOP ALL THREE OF THE AREAS
ARE SEVERE INVASION OF PRIVACY ON THE CONDUCT OF AMERICAN
ENTERPRISE STOP I DO NOT CONSIDER ANY ONE OF THE THREE
AREAS TO BE PALATABLE STOP YOU WILL JUST BE PLAYING INTO THE HANDS
OF GOVERNMENT ADMINISTRATION BODIES WHICH ARE ALREADY HAM STRINGING
US STOP

IN TITLE III THE "PARENTS PATRIE" PROVISION IS EXTREMELY
DANGEROUS AND IN ITSELF DESERVES A VETO STOP

HARRY L FIGGIE JR
CHAIRMAN OF THE BOARD AND
CHIEF EXECUTIVE OFFICER OF
AED INC

335420

NNNNEND

ACCEPTED

09001

2-PC

