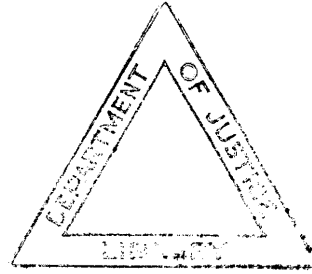


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AN ADDRESS
BY
TOM C. CLARK
ATTORNEY GENERAL
OF THE
UNITED STATES



Prepared for Delivery
Before the

INDIANA ASSOCIATION OF
INSURANCE AGENTS

Indianapolis, Indiana
Wednesday, November 19, 1947
12:00 Noon

Mr. Chairman and members of the Indiana Association of Insurance Agents:

I have a double reason for being glad to be with you in Indianapolis today. First because I have the opportunity to participate in your 48th annual convention. And I am also glad because I have this opportunity to meet with many old friends.

I have found my remarks must be most carefully made, and hence I use this manuscript.

A couple of days before the recent elections I had been invited by a local Chamber of Commerce to deliver a patriotic address in connection with the visit of The Freedom Train to a certain city.

In the course of my remarks, I naturally praised our great American form of government. I mentioned that the city in which I was then speaking had a good form of government.

The next day -- in screaming, glaring, half-page advertisements in local newspapers -- in blazing black bold-face type -- there appeared the statement: "You Have Good Government Here," said United States Attorney General Clark. The ads were inserted by enterprising Republicans.

You can envision the excitement on the part of the members of my Party when they read the statement. Probably disgusted, too. But after the vote was counted, the Democrats won.

To top it off, some friend wrote me that all they had to do to elect Democrats was to have Tom Clark endorse the Republicans. Perhaps I need a casualty insurance policy on my speeches.

In this connection, I am reminded of a client I had when in private practice, who talked to me about a casualty policy. I asked him, "Have you ever had any accidents?"

(OVER)

"No," he said. Then he added, in a spirit of helpfulness, "But last summer a mule kicked two of my ribs in, and knocked over the lantern and set fire to the barn."

"And don't you call those accidents?"

"Naw," he replied, "the crazy mule meant to do it."

Seriously, however, you in this field and we in the Department of Justice have much in common. We are both engaged in insurance business. You insure people against loss from fire and casualty - providing them with security in these fields - while the Department of Justice provides security in the field of law and order.

We are both trustees for the future. The security that you offer and the security that is offered by law enforcement officers both afford the protection essential to the peace of mind of the American people.

Basically, the nature of insurance is cooperative, and its heart is good faith and the protection of the public interest. Thus, it has properly been made the object of special attention by the people and by Government.

Only those who are impressed with the spirit of public responsibility have a rightful place in the business of insurance.

Upon its integrity rests the fortunes of millions of homes and businesses. It does much to make possible the extension of the credit that keeps this country's industry going.

In a sense you who are engaged in the business of insurance are the very keystone of the American economy. Because of your position you, of necessity, play an important part in the great tasks before us.

We have passed from many troubles of the immediate post-war era into a tougher and more trying period. We are beset on several fronts.

We have the spirit and the economic power to do the task ahead of us. Certain jobs that some people claimed could not be done during the war - were done by industry. They were done by breaking down each job to the components that could be understood and handled. They were done by everyone pitching in and doing his share. Team work - that was the answer.

Even the smallest machine shop was able to handle some part of the most intricate war machine. Then these parts were brought from all the little shops, put together, and they worked. They worked because each one of these places knew what it had to do and did it to the best of its knowledge and ability.

Why should it be such a far cry from this war-time task to our peacetime economic one? We were a united people against a common enemy. We were moving in one direction, because the Nation's life with all of its glorious heritage was at stake. In the country's severest crisis we did not fail.

Then came victory, and the celebration. Then the complacent letdown, followed by the relapse of the patriotic fervor so vitally necessary in wartime.

With the war's end, the American people cast off their singleness of purpose. In true democratic fashion they began to move in many directions - talked and acted as suited their fancy. That is characteristic of democracy. It releases the energies of every human being.

This democratic process places on each of us heavy responsibilities - and one of these responsibilities is to sift out the true from the false. Peddlers of pernicious propaganda take advantage of our right of free speech. They make the welkin ring with false promises and malicious charges.

They would pit class against class, and race against race, in order to destroy in peace-time the unity that characterized this nation in war.

For example, there are some foreign diplomats, and their stooges or satellites, if you prefer, who accuse America of imperialistic designs. They would make our friendly neighbors believe that we would annex them; that we are greedy for more land; that we have a passion to govern more people. As President Truman said, "Such talk is nonsense."

Nonsense is the best word to describe such phoney propaganda! Such bedtime stories will not scare the American people, nor will they disturb our neighbors. Uncle Sam has no chip on his shoulder.

But we must stay alert. Twice in one generation our Nation was lulled into innocent slumber. Both times our country awoke in the midst of the nightmare of war. It must not happen again!

Yet, today, with the lessons of yesterday still burning in our memory, there are some who would put dollars above humanity, who would not come to the rescue of those who are hungry for food and hungry for freedom. They would weight down our ships of friendship with anchors of "ifs" and "buts" and "maybe's", and slow up the sailings.

The problems of peace that we face across a front as broad as this land, cannot be done alone by a single individual, by a group of individuals, nor by government. Everyone of us must help - we must close ranks - industry and labor and all the varied groups that go to make up our great Nation.

The free enterprise system, manned by people like you who comprise the Indiana Association of Insurance Agents know your communities and their people, and sparked by the enlightened self-interest of the competitive spirit, should be permitted to play its fullest role. The wonderful thing about this free enterprise system is that it serves both the individual and society.

Democratic government, as we understand it, must operate in an environment of freedom. When men are free to think as they please, to enter a business of their own choosing and to compete fairly in ideas and business, the result is a flexibility that responds to the changing needs of our Nation. It is this flexibility that gives strength and permanence to democratic government and its way of life.

We know - our record tells us so - that the free enterprise system is the best way to encourage and develop new industries, to advance art and science, and to distribute the most goods to the greatest number of people at the lowest cost. It helps to assure the preservation of our form of government, and a high standard of living. As a group we have never wavered in these beliefs. If the system fails to work at all times, do not blame the principle of free enterprise - some predatory group may have thrown a monkey wrench in the machinery. We in the Department of Justice are determined to keep vibrant this competitive method.

Here are some facts that totalitarians cannot laugh off - or shout down. We in the United States, with only 6 percent of the world's population, use seventy-five percent of all the autos made in the entire world, we have fifty percent of the radios and fifty-four percent of the refrigerators. We consume fifty-two percent of the coffee, we use half or more of the world's production of rubber, and one-third of all the soap, and this is no plug for my good friend Chuck Luckman. Incidentally, he is doing a great job in the nation's food-saving program.

We are the envy of the world with respect to nearly all the materials that people need for health and the enjoyment of life. And we are called upon to save most of the world from collapse.

We should feel proud of the role that we are playing in the world drama. Throughout the earth today America stands as a symbol of hope and inspiration. Wherever our GI's have trod, the Goddess of Liberty has left her mark.

Liberty-loving peoples everywhere beseechingly look to America. There are wicked forces at work all over the world that would snuff out Freedom. And, I am sorry to say, some are here in our own country. Greedy people, as well as those who are careless or complacent, undermine the ideal of democracy.

May I re-emphasize that we shall never reach Freedom's heights by stepping on the backs of the helpless and downtrodden. Our Torch of Freedom must not be dimmed, or its light may flicker out forever. Tyrannical ideologies are abhorrent to us. Yet they flourished in countries which once had a competitive business system.

If we Americans check competitive effort - if we become a people afraid to venture or invest - we shall never build that better world.

Whenever powerful, highly disciplined forces presume to stop progress, to create a fear of new advances, to inhibit competitive endeavor, we must arise with all our might and say, "Stop." Believers in the American tradition must oppose and expose every vicious restraint upon freedom of enterprise. Undemocratic practices can scuttle our way of life. This is presently illustrated by the spiral of prices in some quarters. Wild inflation with its wrecking by-products would wreck our Nation - and make room for a dictator.

The story of individuals and organizations selfishly intent upon privileges for themselves at whatever cost to others is told in some of the Federal Government's antitrust cases.

For example, let us look at the picture in the hosiery industry where efforts were made to keep low-priced full-fashioned hosiery from reaching

the market. To kill competition, some illegally entrenched companies spent vast sums in the purchase of machinery. Then they deliberately destroyed that machinery.

Now don't think I am complaining about American business in general. I am a champion of American business men.

These men referred to are in the minority - far in the minority. They should not be allowed to operate. Many a football game has been lost by one poor player. On the whole, American business men play the game squarely. They give the other fellow a chance and are willing to pass on a reasonable part of their gains to the public. They believe in and support our antitrust laws. They know the necessity for them.

These antitrust laws give life to the principle that business men shall have the opportunity to compete in an open market without fear of restraint or combination, and be free from reprisal by unlawful monopoly tactics. These laws are our first line of defense against the creation of a privileged class.

There is one fundamental misconception frequently expressed about the antitrust laws. Some fear that they are intended to regulate business. Nothing could be further from the fact. Their purpose is simply to prevent regulation or control by predatory monopoly groups, and to uphold the freedom to compete.

The place of insurance in our free enterprise system was clarified by the decision of the Supreme Court in the South-Eastern Underwriters Case. In that matter, the Court held that the business of insurance is interstate commerce and subject to the Sherman Act.

Public Law 15 followed this decision. As I see it, the moratorium granted by this law has two basic purposes.

First, the moratorium gives the various branches and groups in industry an opportunity to rearrange practices wherever necessary to conform to competitive principles.

Second, certain practices, such as combined rate-making are regarded by some as necessary to the efficient operation of the business. Where the States agree with this concept they are able to assume the responsibility for such practices by regulating them and establishing appropriate public safeguards against any abuse. I think, however, it is reasonable to assume that Congress didn't intend the law to be a device for establishing islands of immunity from the antitrust laws for the furtherance of private group interests. Nor do I believe that you would favor such a result.

Most States, among them your State of Indiana, have adopted regulatory laws for the purpose of complying with Public Law 15.

This process represents the spirit of America in an age of enterprise - especially the atomic age. When industry and the executive branch of the government cannot agree the courts make the final decision. Can you imagine what would happen in our country, and the world, if one company got control of atomic energy? It would mean the death knell to private enterprise, and goodbye to our democratic form of government. That must never happen!

Today, if somewhere in our land an unknown determined Morse, an unknown dreamer Bell, an unknown venturesome Wright, is building the proverbial better mouse-trap, the antitrust laws guarantee him the chance to make the mouse-trap available to the world.

In this critical period of human history, we must write the greatest and most important insurance policy of all time - insurance for world peace and freedom for all peoples everywhere.

The premium comes high, as all premiums of good insurance policies do.

Heretofore, it has been paid in lives. And still the "insurance policy" has not been iron-clad.

Today, we seek to write an unbreakable peace insurance policy - a life policy. And it must not be paid for in blood.

This policy's premium is the Golden Rule. It is penned with the ink of friendliness and helpfulness.

Guarding our heritage, working together in harmony, united in our mission to help a weary world regain its self-reliance, we shall, with God's help, overcome our foes from without, conquer the foes from within, and march on triumphantly to a better and brighter America and a world blessed with peace and happiness. Bless you all.