



# Department of Justice

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FOR IMMEDIATE RELEASE  
MONDAY, MAY 1, 1972

The Department of Justice filed a civil antitrust suit today charging the American Society of Civil Engineers with eliminating price competition among its members in the sale of engineering services.

Acting Attorney General Richard G. Kleindienst said the complaint and a proposed consent judgment -- which will become final in 30 days upon approval by the court -- were filed together in the U.S. District Court in New York City, where the ASCE maintains its national office.

ASCE is a non-profit membership corporation whose membership consists primarily of civil engineers or persons qualified in another branch of engineering.

The ASCE has approximately 64,000 member engineers located throughout the United States.

These engineers design and supervise the construction of roads, bridges, dams, industrial plants and other structures located both in the United States and foreign countries.

Acting Assistant Attorney General Walker B. Comegys, in charge of the Antitrust Division, said the suit charged that ASCE and its members have for many years

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combined to violate Section 1 of the Sherman Act by agreeing that ASCE members would not invite or submit price proposals, or quotations of fees to be charged for engineering services, under conditions that constitute price competition.

The suit also charged that ASCE and its members adopted and enforced a Code of Ethics which, until on or about October 19, 1971, contained a provision expressly prohibiting the invitation or submission of priced proposals under conditions that constitute price competition.

According to the complaint, as a result of these ASCE practices, price competition among ASCE members in the sale of their services has been eliminated, and customers requiring the services offered by members of the ASCE have been deprived of the benefits of free and open competition in the sale of such services.

The proposed consent judgment would enjoin ASCE from:

-- adopting any plan, program or course of action which prohibits ASCE members from at any time submitting price quotations for engineering services; and

-- adopting or disseminating, in any of its publications or otherwise, any rule, by-law, resolution or policy statement which prohibits or limits the submission

of price quotations for engineering services by ASCE members or which states or implies that the submission of price quotations for engineering services by ASCE members is unethical, unprofessional, or contrary to any ASCE policy.

ASCE is also directed by the proposed judgment to amend its Code of Ethics, manuals, rules, by-laws and any other policy statements to eliminate any provision which prohibits or limits the submission of price quotations for engineering services by ASCE members or which states or implies that such submissions are unethical, unprofessional, or contrary to any ASCE policy.

Comments to the Department of Justice and the Court regarding the proposed judgment are invited from members of the public during the 30-day waiting period prior to the judgment becoming final.