

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States of America v. New Orleans Chapter, Associated General Contractors of America, Inc., U.S. District Court, E.D. Louisiana, 1940-1943 Trade Cases ¶56,016, (Jan. 15, 1940)

[Click to open document in a browser](#)

United States of America v. New Orleans Chapter, Associated General Contractors of America, Inc.
1940-1943 Trade Cases ¶56,016. U.S. District Court, E.D. Louisiana, New Orleans Division, January 15, 1940.

Civil proceedings under the Sherman Anti-Trust Act against associated construction contractors are terminated, upon agreement of all parties, by entry of a consent decree permanently enjoining the association and its members from including in construction bids arbitrary charges for eventual distribution to unsuccessful bidders or for maintenance of the defendant trade association.

Thurman Arnold, Assistant Attorney General; Tom C. Clark, Thomas J. Murphy, Special Assistants to the Attorney General; Rene A. Viosca, United States Attorney; J. Skelly Wright, Assistant United States Attorney; Attorneys for Plaintiff.

Eberhard P. Deutsch; Attorney for Defendant.

Before Borah, District Judge.

Final Decree

BORAH, D. J.: The United States of America having filed its complaint herein on the 15th day of January 1940, and the defendant having duly appeared by counsel and filed its answer herein; and having consented to the entry of this decree without contest and before any testimony had been taken; and the United States by its counsel having consented to the entry of this decree and to each and every provision thereof, and having moved the Court for this injunction—,

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

[*Jurisdiction*]

I. That the Court has jurisdiction of the subject matter hereof and of the defendant hereto and that the complaint states a cause of action for the purpose of this decree.

[*Activities Enjoined*]

II. That the defendant and all members thereof and each and all of its respective officers, representatives, agents, servants, successors, employees, and all persons acting or claiming to act on behalf of or under the defendant be and they are hereby perpetually enjoined and restrained:

1. From carrying out or continuing to carry out directly or indirectly, expressly, or impliedly, any combination or conspiracy to restrain interstate trade and commerce through the use of any one or more of the following means, to wit:

[*Inclusion of Charges*]

(a) The agreeing among themselves or the adopting of any resolution relative thereto, or by any concerted action, whereby members of the defendant association are required to or should include in their bids to be submitted on construction work, arbitrary amounts, determined by the defendant association and its membership, which said amounts would on the award of the construction work be distributed by the successful bidder among the unsuccessful bidders thereon.

(b) The agreeing among themselves or the adopting of any resolution relative thereto, or any concerted action whereby members of the defendant association are required to or should include in their bids to be submitted on

construction work, arbitrary amounts determined by the defendant association, which said amounts are intended to be used for the use and benefit of the defendant association

[*Abetting Enjoined Activities*]

2. From aiding, abetting, inducing, or assisting individually or collectively, others to do any of the things which the defendant is herein restrained from doing.

[*Financing from Dues*]

III. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant association, having submitted to the Court the following resolution for financing of said association in the future:

RESOLVED that the dues of members of the New Orleans Chapter, Associated General Contractors of America, Inc. be and the same are hereby fixed at one-tenth of one (1/10%) per cent of the gross amount of contract work in the Parishes of Orleans, St. Bernard, and Jefferson, Louisiana, awarded to each member during the current year, the dues as to any individual contract to be calculated at not less than ten (\$10.00) dollars nor more than seven hundred fifty (\$750.00) dollars, and all dues to be payable quarterly; provided that the board of directors of the chapter may, by appropriate action, increase or decrease the rate of dues, and may change the basis thereof to make them classified, graduated, or progressive; provided further that no member shall, pursuant to agreement with other members, or under any rule or regulation of this chapter, or otherwise be required to add the amount of his dues to his estimates for contract work; provided further, however, that nothing contained in this resolution shall be construed to prohibit any member from taking into account the element of dues in figuring his bids.

the same appearing to be not inconsistent with the provisions of this injunction, shall be and is hereby declared lawful and made a part of this decree.

[*Access to Records*]

IV. That for the purpose of securing compliance with the judgment, authorized representatives of the Department of Justice shall, upon the request of the Attorney General or an Assistant Attorney General, be permitted access, within the office hours of the defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of the defendant, relating to any of the matters contained in this judgment; that any authorized representative of the Department of Justice shall, subject to the reasonable convenience of the defendant, be permitted to interview officers or employees of the defendant, without interference, restraint, or limitation by the defendant; that the defendant, upon the written request of the Attorney General, shall submit such reports with respect to any of the matters contained in this judgment as may from time to time be necessary for the proper enforcement of this judgment.

[*Retention of Jurisdiction*]

V. That jurisdiction of this cause be, and it hereby is, retained for the purpose of enforcing, enlarging or modifying the terms of this decree upon application of the plaintiff or of any of the defendants.