

U. S. v. CORN DERIVATIVES INSTITUTE
IN THE DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF ILLINOIS.

In Equity No. 11634.

UNITED STATES OF AMERICA, PETITIONER

VS.

CORN DERIVATIVES INSTITUTE, ET AL., DEFENDANTS.

ORDER AMENDING ORIGINAL DECREE

Upon reading and filing the Petition and Motion dated November 10, 1947, of Parker McColleston and Samuel A. McCain, attorneys for Corn Products Refining Company and Corn Products Sales Company, defendants in the above-entitled proceeding, and upon the consent of the United States by its attorneys, it is hereby ordered that:

(1) The decree entered April 6, 1932, as modified and amended by the Order entered April 20, 1943, be further amended by adding the following:

“Nothing in this decree shall be construed to restrict or prohibit in any way any action taken by any defendant, its officers, directors, managers, agents, servants, employees or any person acting on behalf of any such defendant, in good faith and within the fair intendment of the program for the conservation of grain and the procedures described in the letters, copies of which are attached hereto as Exhibits “A”, “B” and “C”, between the Attorney General of the United States and the Assistant to the President, or of any amplification or extension of time for such program established by further exchanges of letters between the Attorney General and the Assistant to the President.”

(2) That this order apply to each party to the above-entitled proceeding who now or hereafter consents to the entry of this order.

(3) That except as specifically modified by this Order and as modified by the decree entered April 20, 1943, the final decree of April 6, 1932, shall remain in full force and effect.

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(4) That this Court retains jurisdiction of said cause and of the parties therein named for the entry of such further orders as may be necessary in relation to the subject matter stated in said decree.

Entered this 12th day of November A. D. 1947.

BARNES

*Judge of the District Court
of the United States,
Northern District of Illinois.*

EXHIBIT A

October 8, 1947

Honorable Tom C. Clark
Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Clark:

As part of the program of the President and in accordance with the recommendations of the Citizens Food Committee to deal with the emergency confronting this country with respect to available supplies of grain, various industries have been requested to meet and to adopt programs which will result in the temporary elimination or reduction of the use of grain. Such elimination or reduction of the use of grain by such industries is an essential part of the program of the President and the Committee to cope with the present emergency.

Among the industries to which requests for action will be made are the distillers, the brewers, the manufacturers of industrial alcohol, the millers and the bakers. Others may be added as the program progresses. Each of these industries desires assurances from the Department of Justice that action by its members in compliance with requests from the Government pursuant to the President's program would not subject the members of these industries to prosecution by the Department under the antitrust laws. Requests will be addressed to specific industries and industry action in compliance therewith will be approved

by or on behalf of the President. Requests will be limited to the temporary period of the present emergency, a matter of months. No request involving action beyond the emergency will be made, and no industry member will be requested or authorized to coerce compliance with any arrangement.

We would appreciate an expression of your views whether, under such circumstances, compliance with Governmental request to conserve grain in order to aid in meeting the emergency confronting this nation would be regarded as a basis for antitrust proceedings by the Department of Justice.

Sincerely yours,
JOHN R. STEELMAN

EXHIBIT B

October 8, 1947

Honorable John R. Steelman
Assistant to the President
The White House
Washington, D. C.

Dear Mr. Steelman:

You have informed us that as part of the program of the President to deal with the emergency confronting this country with respect to available supplies of grain, various industries have been, and will be requested to meet and to adopt programs which will result in the temporary elimination or reduction of the use of grain. We further understand that such elimination or reduction of the use of grain by such industries is an essential part of the program of the President to cope with the present emergency.

This is to advise you that, under the circumstances you have described, action during a limited period, until January 31, 1948, of industry members looking toward the temporary elimination or reduction of the use of grain, as requested on behalf of the Government and approved by or on behalf of the President, will not be used by this

Department as the basis for proceedings against such industry members under the antitrust laws.

In the event that the emergency situation should continue beyond January 31, 1948, we would, of course, give further consideration to this matter.

Sincerely yours,
TOM C. CLARK
Attorney General

EXHIBIT C

November 3, 1947

Honorable John R. Steelman
Assistant to the President
The White House
Washington, D. C.

Dear Mr. Steelman:

You have informed us that as part of the program of the President to deal with the emergency confronting this country with respect to available supplies of grain, the wet and dry milling industries, have been, and will be requested to meet and to adopt programs which will result in the temporary conservation, elimination or reduction of the use of grain. We further understand that such elimination or reduction of the use of grain by such industries is an essential part of the program of the President to cope with the present emergency.

This is to advise you that, under the circumstances you described in your letter dated October 8, 1947, action during a limited period, until January 31, 1948, of the wet and dry milling industries, or any members thereof, looking toward the temporary conservation, elimination or reduction of the use of grain, as requested on behalf of the Government and approved by or on behalf of the President, will not be used by this Department as the basis for proceedings against the wet and dry milling industry or any member thereof under the antitrust laws or any consent decree presently in effect. If the respondents in the proceedings in which consent decrees have

been entered against members of the wet milling industry apply for an appropriate modification of the outstanding consent decree to permit their participation in the conservation program as described, this Department will not object thereto.

In the event that the emergency situation should continue beyond January 31, 1948, we would, of course, give further consideration to this matter.

With kind personal regards,

Sincerely yours,
TOM C. CLARK
Attorney General