



REMARKS BY
J. ^{AMES} HOWARD McGRATH
ATTORNEY GENERAL
OF THE
UNITED STATES

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It always brings me pleasure to meet my brethren of the bar. As a long-time practitioner before the bar of Rhode Island I am particularly pleased to greet members of the bar of this neighboring State of Connecticut, with whom we Rhode Island lawyers share a common background and so many traditions.

In 1636, the same year that Roger Williams rebelled against the intolerance of the Massachusetts Bay Colony and commenced the colonization of Rhode Island and Providence Plantations, the Reverend Thomas Hooker pushed his way westward from Massachusetts to the Connecticut Valley to found this city of Hartford.

Hooker established here a plan of popular government on a broad democratic basis, a plan often characterized as the first written constitution of modern democracy.

A similar system of government was established very soon thereafter in Rhode Island.

So it occurred that at the time of the Revolution only Connecticut and Rhode Island deemed it unnecessary to adopt constitutions, and, after making some changes in their royal charters, continued to govern themselves for a considerable time as before.

I am particularly honored to appear before you tonight as Attorney General of the United States. The State of Connecticut has, I believe, produced two Attorneys General, the latest of whom was a man we all know and whom we admire for his legal ability and his human qualities -- Homer Cummings, one of the greatest public servants of our generation.

It is with a sense of great humility that I have approached the duties of the office of Attorney General, with its tremendous responsibilities.

The office brings to a lawyer not honor alone. For ours is a government of laws, which makes heavy demands upon those who administer the law. The Attorney General has placed upon him the solemn duty to administer the law equally, without favor and without prejudice, but with faithful adherence to the basic principles of our legal system.

One of the great law enforcement tasks of the Department of Justice is in the field of antitrust actions. It is my firm conviction that the anti-trust laws are the cornerstone of our American system of free competitive enterprise.

As Attorney General, I gladly accept responsibility for the enforcement of those laws. And I promise continued vigorous and effective enforcement.

One of my very first decisions as Attorney General was to authorize filing of the civil complaint against A & P - The Atlantic and Pacific Tea Company.

The reaction of A & P to the filing of this complaint was, under the guise of outraged innocence, a nationwide advertising campaign to discredit the Government's case. The truth is that A & P has been convicted in a criminal case of substantially the same practices charged in our complaint. The truth is that A & P's slick advertising is designed to deceive the American public.

The criminal conviction of the A & P was unanimously affirmed by the Court of Appeals for the Seventh Circuit, and A & P paid maximum fines totaling \$175,000.

In that criminal case the Court found that A & P's bigness was not due to efficiency and enterprise, as A & P would have us believe, but to the (and I quote) "predatory application of its mass purchasing power" and the abuse of that power through boycotts, blacklisting, preferential rebates,

price wars and below-cost retailing in strategic areas to eliminate competition. The Government's action in the civil A & P case is not and is not intended as an attack against bigness or efficiency. It is an attack against A & P's vicious practices and restraints.

According to the Court in the criminal case, the A & P had operated a vicious squeeze against both suppliers of food products and competing retailers. This squeeze resulted from the abuse of its mass purchasing power to obtain preferential rebates. As a result, the alleged lower prices of A & P were financed by A & P's competitors who were required to pay higher prices. This has been referred to as a two-price system. One price to A & P and a different price to A & P's competitors.

This civil case will abolish the illegal two-price system. Accordingly, the price of merchandise sold to competitors of A & P should be reduced. This in turn should enable them to reduce their prices to consumers and compete with A & P on a fair basis. As over 90 per cent of the American public buy their food from retailers other than A & P, the general public benefit should be substantial.

In the criminal case the Court also found that A & P's prices were deliberately reduced in particular stores and heavy net losses were sustained for long periods in order to drive out competition. To compensate for these losses retail prices in A & P stores in noncompetitive areas were increased. As the Court of Appeals put it: "There must inevitably be compensation somewhere in the system for losses somewhere else, as the overall policy of the company is to earn \$7 per share per annum on its stock." It would appear that once A & P has eliminated competition the purchaser may expect to pay higher prices in order to offset planned losses of A & P stores in competitive areas.

The successful prosecution of the pending civil suit -- contrary to A & P's misleading advertising -- will not increase but should decrease grocery prices. It will reduce prices in those A & P stores which must now maintain a sufficient profit to pay for the losses sustained in planned price wars by other A & P stores. It will decrease the cost of food to A & P competitors who were forced to pay higher prices to producers and suppliers to finance A & P.

This suit does not seek the closing of a single A & P store. If any stores are closed by the A & P company it will be in a lock-out against the public interest.

The A & P case is part of a planned antitrust program to attack restraints of trade that may ultimately lead to monopoly power. We did not invite this contest but we will not shrink from it. It is our duty to enforce the law. That duty we are honor bound to discharge. No amount of paid advertising can deter us from vigorous enforcement of the antitrust laws.

The existence of monopoly power and its ruthless use in disregard of the public interest threaten economic freedom, retard efficiency and curtail progress. Our system of free enterprise cannot survive unless the advantages of competition accrue to all of us.

Another of the great tasks of the Department of Justice is the protection of the civil rights -- the human rights -- of the American people. I regard this as one of the most important of our functions. As each of us here knows, not only Connecticut and Rhode Island, but the United States were born out of the universal search and longing of men for freedom.

The founders of our great democracy, through the Declaration of Independence and the Constitution of the United States, defined and fashioned a form of government which recognizes the inalienable rights and the dignity of man -- a form of government which is the servant of its citizens. With the Bill of Rights they strove to guarantee that the people under this government would forever retain their essential human freedoms.

All of us here, as lawyers, are sworn to defend these keystones of American democracy, but Government lawyers and the Attorney General have a special responsibility for preserving and defending the principles of supremacy of law over all men and equal treatment of men under the law.

The Bill of Rights embodies, not by indirection but in the explicit language of law, our belief in freedom. The 13th, 14th, and 15th Amendments to the Constitution give even more explicit voice to the urge of the people of the United States for freedom. After the adoption of the 13th, 14th, and 15th Amendments the Congress, in a series of statutes known as the Civil Rights Acts, sought to insure equality in the rights and privileges which all citizens might enjoy, but over the years this legislation has been reduced and nullified to a few remnants of the original laws.

I think it important to reiterate, as did the President in a message to the Congress on this subject, that our basic human freedoms are now better cared for and more vigilantly defended than ever before, but any thoughtful observer will note that there remains a serious gap between American ideals and some of our practices.

There is in the Department of Justice a Civil Rights Section which is engaged in a continuing effort to enforce the basic human rights. But the laws now available to it for this purpose are dull and unwieldy tools.

I believe deeply in equal rights and privileges for all under our Government. As a member of the United States Senate I worked for the enactment of legislation adequate to assure these purposes. As Attorney General I shall continue to urge the enactment of such legislation and shall enforce, to the very utmost of my ability, existing laws in the Civil Rights field.

One of the constant dangers in our failure to provide equality of treatment for all individuals is that of dividing our people.

There are among us in the United States purveyors of hate and bigotry who, willingly or unwittingly, represent ideologies which are alien to our way of life. These are disciples of confusion, who would divide and deliver us to the forces of evil which are abroad in the world -- to slavery for a foreign state. Behind the iron curtain there has been imposed a system of government that subjugates a man to the service of the State. This system recognizes no rights in man, no freedoms for him -- it crushes his mind, blocks his social and cultural progress, and kills his joy in living.

There are among us also organizations such as the Ku Klux Klan, whose leaders, demagogues, thrive on confusion, fear, and racial and religious tensions.

We would be false to ourselves and untrue to our cherished American ideals if we failed to recognize the threats which these false prophets present.

Each time these misled and altogether un-American groups meet they contradict, by their very abuse of the right of free speech and free assembly, the principles to which the United States is dedicated and which it must maintain before the world.

In my capacity as Attorney General of the United States I wish to state here and now that all the Federal laws at my command, and all that Congress deems fit to give me in the future, will be enforced to the very limit in routing and stamping out any organization or group which aims at extermination of our priceless liberties.

I shall approach in the same spirit the other manifold functions which rest on the Attorney General in the administration and interpretation of the law. He is the legal adviser to the President and the executive branch of the Government, and in this capacity, participates in the formulation of legal policies in a field which is as broad as are the operations of the Federal Government. He is himself an administrative officer called upon in many important matters to determine the rights and privileges of citizens. He is also chief counsel for the United States in the courts of the land, with special responsibilities for the direction and supervision of the litigation of the United States.

The Department of Justice has a staff which totals over 26,000 persons. Approximately 9,000 of these are in the Federal Bureau of Investigation, 7,000 in the Immigration and Naturalization Service, and 4,600 in the Bureau of Prisons. About 1,650 attorneys, including United States Attorneys and their assistants, carry on the legal work of the Department.

The Department of Justice also, of course, has a deep interest in the general prevention of crime and the punishment of criminals. While the tremendous crime wave that so many expected as an aftermath of the war fortunately has not developed, a study of trend reflects some very alarming increases in serious crimes.

It is shocking to realize that during 1948 a serious crime was committed at the rate of one every 18.7 seconds. Moreover, the increase in

the number of crimes involving violence and brutality has been too great to pass unnoticed.

It is my intention, as Attorney General, to wage a relentless war on criminality. Every effort will be made, not only to apprehend and secure the punishment of criminals, but to discover, study and analyze the causes of this dangerous crime trend in the United States and to devise methods to improve and remedy the situation. I shall support vigorously the fine work which Mr. Hoover and the FBI are doing, and shall see to it that the other branches of the Department lend every possible effort to this end.

When I took the oath of office as Attorney General I undertook to discharge faithfully the duty of enforcing all the laws of the United States, That I shall endeavor to do, and not in any temporary campaign or crusade, but throughout my term of office.

I shall do this without witch hunts. The clock will not be turned back in my term to the time when such activities took place in the historic cradle of liberty. I have studied carefully the Bill of Rights, the priceless charter of human liberties which guarantees to the American citizen that his basic freedoms shall not be invaded, and I shall faithfully support and defend it.