INDEX—THE SHERMAN ANTITRUST ACT AND ITS ENFORCEMENT

AGRICULTURAL MARKETING AGREEMENT ACT, 38.
American Steel Foundries v. Tri-City Council, 85.
ANTI-RACKETEERING ACT, 152.

ANTITRUST DIVISION

Adequate personnel of, 9-10; and its effect on
handling complaints, 96-98; plan of field organiza-
tion proposed for, 21-23; organization of Com-
plaints Section in, 90-91; handling of complaints
received by, 91-95; considerations affecting action
by, on complaints, 95-99. See Complaints, In-
vestigations, SHERMAN ANTITRUST ACT: En-
forcement.

BASEING POINT SYSTEM

described, 65-66; proposal to prohibit, considered,
72-73.
Bedford Cut Stone Co. v. Journeymen Stone Cutters' 
Ass'n, 85, 87.
Boycotts
analyses of cases involving, by industrial combina-
tions, 58-60; legal and illegal uses of, by labor
unions, 87-88.

BUILDING INDUSTRY

restraints of trade in, by producers of materials,
12, by distributors, 13, by contractors, 13, by labor,
13, by legislation, 13; effects on, of building in-
vestigation, 17-19; freeing competition in, as
means of preventing unbalanced economy in war-
time, 20.
Capper-Volstead Act, 38.
Chicago Milk Case (U. S. v. The Borden Co.), 82,
86, 89.
Clayton Act
provisions of, relating to labor unions, 84-85.
COMMON RIGHT TO CALLING

recognition of, in English law, 27-29, 40; in Ameri-
can constitutional law, 30-34, in Sherman Act, 41.

COMPETITION

effect of unevenness in degrees of, 6, of absence
of, 7; Sherman Act as dramatizing ideal of, 8-9;
prevalence of restraints on, in small businesses, 12,
in building industry, 12-14; situations where modi-
fied, 14; economic functions of, 31; role of, in
development of due process doctrines, 31-34; so-
cial legislation to establish equality in, 35-36; lim-
itations on rules permitting relief from, in early

English law, 36-37, under various federal statutes,
38-39, classified, 39; effect of price leadership on,
in price, 66-68; study of situation as to, in investi-
gating complaints, 95-96, 100-101; proof of, in
antitrust cases, 155-156.

COMPLAINTS

of Sherman Act violations: Complaints Section or-
ganized in Antitrust Division to handle, 90-91;
Sources of, illustrated, 91-92; volume of, received,
investigated and prosecuted (table), 92-93; initial
treatment of, by Antitrust Division, 93-95; eco-
nomic study in investigation of, 96, 100-101; fac-
tors limiting action on, 96-98; processes of investi-

CONSENT DECREES

see SHERMAN ANTITRUST ACT: Remedies.

CONSTITUTIONAL LAW

invocation of "privileges and immunities" and
"due process" clauses against slaughterhouse mo-
nopoly, 30-31; "freedom of contract" first recog-
nized as method of assuring competition, 31-33,
then as attribute of property, 33-34; indictment
not required in antitrust cases, 114; privilege
against self-incrimination before grand jury, 131-
132, at trial, 152.

CORPORATE OFFICIALS

bills to impose civil penalties on, violating Sher-
man Act, 110-111; admissions by, as binding cor-
poration, 153-155.

CUMMINGS, HOMER S.

DISTRIBUTION OF GOODS

problem of relation of price and, 6; totalitarian
versus democratic methods of assuring, contrasted,
6-8; social dangers in failure to achieve adequate
8; relation of Sherman Act to, 8-9; dislocation in,
cauised by war, 19-20.


Eastern States Retail Lumber Ass'n v. U. S., 59, 60.

EXPEDITING COURT

resort to, under Sherman Act, 146-147.

FEDERAL BUREAU OF SHERMAN ANTITRUST

investigations by, in antitrust cases, 94, 99-101.

FISHERIES COOPERATIVE MARKETING ACT, 38.

GERMANY

effect of industrial concentration in, 7.

GRAND JURY

accusatory and inquisitorial uses of, 112-113; need
for care in, proceedings in antitrust cases, 113,
115-116; use of, optional in antitrust cases, 114-
158  THE SHERMAN ANTITRUST ACT AND ITS ENFORCEMENT—INDEX

---

**Income Statistics**
- of corporations, 5; of families in U. S., 8.

**Information**
- use of, in antitrust cases, 112, 114-115.

**Injunction Suits**
- see SHERMAN ANTITRUST ACT: REMEDIES.

"Integrated" Combinations
- defined, 42; decisions involving, analyzed, 46-51; factors considered in cases involving, 51. See "Loose" Combinations.

**Intervenors**
- overemphasis on, in past antitrust cases, 10-11; significance of, in "integrated" and "loose" combination cases, 45.

In re Kittle, 136.

**Interrogaotories**
- use of, in antitrust civil cases under new Federal Rules, 139-141.

**Interstate Circuit, Inc., v. U. S., 70, 71.**

**Interstate Commerce Act, 38.**

**Investigations**
- preliminary, of complaints of Sherman Act violations, 94, 95-96; selection of cases for major, 96-98; units created for major, 98-99; processes employed in preliminary, 90-102, in aid of grand jury action, 102-103; use of file searches and subpoenas in, 102-103.

**Labor Unions**
- claim of, to exemption from Sherman Act, 82, rebutted by legislative history of act, 83-84; by Supreme Court decisions applying act to, 84, 85; by legislative history of Clayton Act, 84-85, by enactment of other legislation favorable to, 85-86; objections to exemption of, from Sherman Act, 86; need for case by case approach to determine legality of restraints by, 87; refusal of Antitrust Division to prosecute legitimate activities of, 87; illegal restraints by, illustrated, 87-89.

**Leader v. Apex Hosiery Co., 82.**

**Local 167 v. U. S., 85.**

**Loewe v. Lawler, 84.**

"Loose" Combinations
- defined, 42-43; types of restraints imposed by, 51-52; analyses of cases involving: price fixing agreements by, 52-55; price uniformity in, 55-56; adherence to published prices by, 56-57, uniform terms or methods of sale in, 57, interchange of trade information by, 57-58; analyses of cases involving coercive restraints by, 58-60. See "Integrated" Combinations.

**Madison Oil Case (U. S. v. Socony Vacuum Oil Co., Inc.), 123, 128.**

**Maple Flooring Mfrs. Ass'n v. U. S., 58.**

**Marine Insurance Ass'n, 39.**

**Market Leadership**
- compared to price leadership, 65. See Price Leadership.

**Monongie & Co. v. Lowry, 59.**

**Motion Picture Patents Co. v. Universal Film Mfg. Co., 69.**

**Nat. Ass'n of Window Glass Mfrs. v. U. S., 87.**

**Norris-LaGuardia Act, 86.**

**Northern Securities Co. v. U. S., 46.**

**O'Mahoney Bill, 110.**

**Paramount Famous Lasky Corp. v. U. S., 59.**

**Patents**
- restrictions based on, in building industries, 12-13; constitutional provision for, 74; purpose of, 74; evolution of, laws, 75, rights of holder of, 75-76; increasing complexity of industrial uses of, 76; complexity and expense of litigation involving, 76-77; effect of, on imposing restraints, 77; combinations of holders of, to avoid deadlocks, 77; licensing agreements and their abuses, 78; inquiry by TNEC into abuses of, 78-79; suggestions to TNEC for legislation limiting restrictions by, 79-80; need for clarifying law on relation of, to antitrust laws, 80-81; grand jury investigation of abuses of, 81; suit against glass container industry involving restrictions by, 81.

**Perlman v. Firestone Tire & Rubber Co., 131.**

**Presentments**
- by grand jury, described, 134-135.

**Price Fixing**
- analyses of cases involving, agreements, 52-55.

**Price Leadership**
- conditions for maintenance of, 56, 64; reasons for resort to, 63-64; relation of, to standardization of product, 64-65, to busing point system, 65-66, 72-73, to formula prices, 66-68, to control of production, 68-69; similarity of, to market leadership, 65; analyses of cases involving legality of, 55-58, 69-71; proposed legislation to restrict, considered, 72-73.
Public Statements

policy of issuing, of reasons for instituting antitrust proceedings, 15-16.

Restraint of Trade

early common law cases of, 27; relation of, to establishment of common right to calling, 27-29, 40; careful restrictions placed on exceptions to rule against, 36-39; breadth and flexibility of rule against, 40-41.

Sherman Act

Schechter Corp.

RULES OF CIVIL PROCEDURE

new Federal, discussed: Rule 26, 139, 140, Rule 30, 139, Rule 32, 140, Rule 34, 143, Rule 36, 144, Rule 43, 149, Rule 45, 141.

Schechter Corp. v. U. S., 150.

SHERMAN ANTITRUST ACT: ENFORCEMENT

function of, to dramatize ideal of competition, 8, 10; inadequate enforcement of, in past, and its effect, 9-14; sources of confusion as to policy under, 10-11; case method of clarifying, 14-15; use of public statements to clarify, 15-16; choice of remedies under, 16-17, 104-110; need for proceeding under, against all combinations in single field, 17; results obtainable by effective enforcement of, 17-19; as means of preventing unbalanced economy in wartime, 19-20, and profiteering, 20; proposed plan of organization for effective enforcement, 21-23; relative importance of cases involving "integrated" and "loose" combinations, 43; refinement in character of restraints now encountered in, 61-66; policy as to, against patent restraints, 80-81, against labor union restraints, 87-89. See Complaints, "Integated" Combinations, Labor Unions, "Loose" Combinations, Patents, Price Leadership.

SHERMAN ANTITRUST ACT: HISTORY

economic pressures leading to enactment, 24-25; first bill and its revision, 25-26, 37; early English common law background of, 26-29, 36-37; American constitutional law background of, 30-32; relating to labor union claim of exemption, 83-84.

SHERMAN ANTITRUST ACT: REMEDIES

criminal and civil, 104; policy as to use of criminal, 104-105, civil, 105-106; use of injunction to require affirmative action, 106; policy as to concurrent use of criminal and civil, 106-107; considerations governing use of consent decrees, 108-110; proposed legislation for civil penalties, 110-111. See Grand Jury, Trials.

Shipping Act, 39.

Standard Oil Co. of N. J. v. U. S., 43, 44, 45, 46, 47, 52, 84, 105.
U. S. v. Wells, 126, 128.
U. S. v. Winslow, 49.

Venue
rule as to, in Sherman Act cases, 115, 145.

War
Sherman Act as preventing economic unbalance in time of, 19-21; complaints received by Antitrust Division at outbreak of, 20.

Wagner Act (NLRA), 38.

Webb Export Trade Act, 38.

Witnesses
secrecy of testimony of, before grand jury, 124-125; use of hostile, before grand jury, 127, 128-129, 138-139; privilege of, against self-incrimination before grand juries, 131-132, at trials, 152; impeaching or refreshing recollection of, by use of grand jury transcript, 132-134; selection of, in antitrust cases, 148-149; cross-examination of defendants', 150-152; testimony by corporate officials as corporate admission, 153-155; proof of competition by, 156.