

For IMMEDIATE Release

FEDERAL TRADE COMMISSION  
Washington

Tuesday, April 28, 1936

The Federal Trade Commission today made public the following self-explanatory letter:

"April 28, 1936

Mr. Stephen M. duBrul,  
General Motors Corporation,  
c/o American Trade Association Executives,  
United States Chamber of Commerce,  
Washington, D. C.

My dear Sir:

In the daily press of this morning you are reported as having criticised the Federal Trade Commission for its efforts to enforce the statutes against monopolies.

In an address delivered before members of the American Trade Association Executives, you are quoted as having recalled that the statistical set-up of an industry with which you are associated was 'wrecked because the largest company involved heard that the Federal Trade Commission was going to make an investigation \* \* \*.'

The Federal Trade Commission is not responsible for rumors about investigations it may be required to make under the law. The fact that the association you referred to 'was completely wrecked', as you say, because it 'heard' it might be investigated, may or may not be significant.

You are further quoted as saying 'The fact that the Commission has lost so many of their cases on appeal to the Courts speaks for itself.' The Commission's record in the matter of cases carried to the Courts does speak for itself.

From January 1, 1933, to date, thirty-one of the Commission's orders have been taken to various circuit courts. The Commission was affirmed in twenty-nine and reversed in two of these cases in the Circuit Courts of Appeals, but in the two cases in which the Commission's orders were not sustained by the Circuit Courts of Appeals, these Courts were themselves reversed by the Supreme Court of the United States, and the Commission upheld. One case in which a Circuit Court of Appeals sustained the Commission was reversed by the Supreme Court. The net result is that in thirty-one Commission cases taken to the higher courts, the Commission has ultimately lost only one. That was by a five-to-four decision by the Supreme Court in a Section 7 Clayton Act case not involving any trade association question, in which the Circuit Court of Appeals had affirmed the Commission.

"Mr. Stephen M. duBrul

I call this record to your attention only because such inaccurate and misleading statements as you are quoted to have made are calculated to lessen public confidence in a quasi-judicial body of the Government which does not make the laws, but whose duty it is to administer such laws as are entrusted to it for enforcement.

I ask that in the interest of fairness you give these facts the same public expression as has been given to your original remarks.

I am taking the liberty of sending a copy of this letter to the president of the United States Chamber of Commerce, as well as making its contents public.

Very truly yours,

Charles H. March  
Chairman. "