That is a case that worked out all right. Many other cases do not work out that way.

I may give another instance, not quite as clear cut as that. I had a case one time where a small business became involved in hearings. The hearings were really directed against big businesses but the small business became involved. And in order to protect their rights, they had to move around to many different places in the country in connection with their hearings.

And again I was told by this particular small business that they simply could not bear the expense of that, and therefore their rights, they felt, were not protected.

I may say that I took that matter up with the Federal Trade Commission, and later our Committee on Small Business made a recommendation that the practice be changed; and I believe there were some rules put into effect changing it.

Now, the question that I will put is this: What is being done, or what can be done, to assure to small business prompt and reasonable action in order to protect them against practices of the kind that I have mentioned?

Goodness knows, there are hundreds of different practices that could be used as an example, but I just use those two to illustrate my question.

Mr. LOEVINGER. This is one of the very important problems with which we are concerned, Senator Sparkman. In a sense, this is merely an aspect of a similar but broader problem, which is how to reconcile the demands of due process with the necessity for expedition in the administration of justice. It is not only in antitrust laws or in aiding small business, that this problem arises.

Just yesterday I was reading an article in the New York Times magazine about indigent defendants who were sometimes held in jail for sometimes as long as a year, awaiting trial, at which time they might be acquitted. And yet, they would have been imprisoned for a year because they could not raise bail money and because there was no method of disposing more expeditiously of their cases. This is a general problem.

The converse of it, of course, is that of criminals who remain at large on bail for extended periods, although they are flagrantly guilty and are ultimately convicted.

In the business field, the problem is more difficult, because we are dealing with more complex phenomena, and therefore the gathering and the presentation of evidence becomes more difficult and takes longer.

There is within the Antitrust Division a procedure that we call our small business procedure, which involves an attempt to dispose of some of these problems simply by writing to the parties concerned.

Frequently, an inquiry by the Antitrust Division will dispose of the problem by calling the attention of the predatory business to the fact that the Government is interested. It may cause the predatory practice to cease.

We believe that improvement of the enforcement means afforded the antitrust agencies will help. We have hopes that Congress will at this session enact the civil investigative demand bill, which will give us a more flexible tool for enforcement and for prompt action.