

I predict that the problem is not going to be wholly and satisfactorily solved in my generation or yours. We will keep on trying, and we will keep on expediting our procedures as much as we can, consistent with due process.

The difficulty is that of course there is always the necessity for careful investigation and weighing of the evidence, if we are not to short-circuit our basic constitutional principles. There just is no quick, ready answer that I have to give to you.

This does to some extent, however, suggest the point that I tried to make earlier. It is not merely the antitrust policy that is involved. There are many other Government policies that are involved.

We find problems connected with Government procurements. The same complaint is sometimes made in relation to some of the Government contracting practices. It is sometimes said by small business that it is easier for big business to wade through the mass of paperwork that is required in contracting with the Government, and to wait for payment, than it is for small business to do this.

Practices have been undertaken to alleviate this complaint, and I believe they are being somewhat successful. There is no single answer across the board. We simply must be conscious of this problem, and keep working at it.

Senator SPARKMAN. Thank you.

And again I express my regret at having to leave.

Chairman PATMAN. I think I have just about enough time to read these questions, with the understanding that you will answer them when you look over your transcript.

Over at the House Small Business Committee we have been making a study of the tax-free foundations. I wonder if you have had an opportunity to consider those foundations that are engaged in business enterprise? Do you see anything contrary to the spirit and objectives of the antitrust laws in a situation where a corporation accumulates a large amount of funds, tax free, and then borrows those funds back to finance expansions of the corporation, or to finance the acquisition and merger of other corporations?

I can see some merit in giving tax exemptions for an individual or a family who want to establish a foundation for charitable purposes. But I am really wondering if it is proper for a business corporation to have a foundation. When a business corporation sets up its own foundation to carry out its own education programs or its own charities, or both, does it strike you that the corporation is beginning to take on the scope of a private government?

Do you have any recommendations to make for improving the effectiveness of the antitrust laws and the other laws intended to help maintain competition, and to prevent practices which tend to lessen competition or create monopolies?

Back in June I noticed a report of an interview that you gave to Anthony Lewis of the New York Times. In that piece Mr. Lewis quoted an official of the Antitrust Division as saying that—

It is probably true that we are affected by business uncertainty to the point where we are holding up cases with a novel or uncertain legal approach. We are sticking pretty much to the precedents, to the established lines.