

The antitrust laws do not reach this economic tendency. I believe that is true. The antitrust laws go only to conscious collusion or phenomena of that character.

Representative REUSS. Thank you.

Chairman PATMAN. Senator Proxmire?

Senator PROXMIRE. Judge Loevinger, I want to pursue something that Senator Sparkman started talking about.

The New York Times the other day had an article entitled "Small Businesses Declining in Area." Now, these figures I think are really sensational, and I was struck by them. Although I knew small retail businesses had been declining, I had no idea it had reached these fantastic proportions.

Let me read you this paragraph:

New tabulations of the 1960 Federal Census show that there are now 66,000 managers, corporate officials, and proprietors in retail trade in the New York metropolitan area. In 1950, there were 153,000 such shopkeepers.

In other words, a decline from 153,000 down to 66,000; so that there are less than half as many retail outlets, establishments, today, in New York, as there were only 10 short years ago.

Now, I am struck by this, because, at the same time, the population in the area increased very substantially, and the number of sales clerks increased very substantially; sales themselves increased far more than population did.

I would like to just read the following paragraph, before I ask you to comment.

The little store tended by a neighborhood shopkeeper has been replaced by a section of a large store. With exceptions becoming rarer, the butcher shops are departments in giant chain supermarkets; the bakeries are shelved walls and cases in the markets, and candies, mostly the product of automated factories, are sold in markets, variety stores, and gift shops.

Now, I am one of those who is sponsoring legislation to provide for a kind of retail price maintenance or fair trade, and I recognize the opposition which your Department has had for this kind of thing.

But I think when we see the impact of concentration, in retail trade, especially, and the fact that these individual stores, which provide very, very useful social values, of independence and initiative and so forth, particularly in small towns, but even in the big cities, are declining with such fantastic rapidity, I am just wondering if there is not some concern on the part of the Department of Justice and some willingness to reconsider the long-range habitual kind of dogmatic opposition to any legislation which will give small business an opportunity to have a fighting chance to survive—small retail business.

Mr. LOEVINGER. I think, Senator, if I may say so, you overstate the position of the Department of Justice. I do not think the Department of Justice has ever taken a dogmatic position against legislation that would seek to give small business a chance to survive.

However, I would like to take just a minute, if I may, to comment.

Senator PROXMIRE. Well, it is obvious that more than half the individual firms in New York did not survive. They have failed.

Mr. LOEVINGER. I have seen this article, and I agree with you. It is quite sensational. I do not believe it represents national figures, since the national figures that I am familiar with tend to show that there has been some increase in the number of businesses.