

As you say you are a lawyer, you are bound by the law and you are bound by the cases as they have implemented the law.

As we considered various suggestions, people came here and talked about tax cuts, and various other things. What about antitrust law revision?

Do you think your Department is prepared to make any recommendation to us as we deal with the question of improving our economy, with relation to the antitrust laws?

Mr. LOEVINGER. Well, I think I can give you at least a general answer to that, Senator Javits.

We have commented during the course of the last year and a half on between 300 and 400 legislative proposals from the viewpoint of antitrust.

Those range across the entire spectrum of the antitrust law enforcement or of antitrust law policy.

Basically, I believe that we feel that the antitrust laws are sound and substantively are well adapted to secure their basic objectives.

We have made some recommendations for legislation. The one I would urge upon this committee is probably not very controversial even, the provision for a civil investigative demand which has been passed by both Houses of Congress, either has been or I believe is about to be reported out by a conference committee as to certain minor differences between the Houses, and we would very much appreciate having that expeditiously enacted.

Senator JAVITS. Civil investigative demand, meaning the right to get data—

Mr. LOEVINGER. The right to get documents from corporations in civil investigations.

Senator JAVITS. Without subpoena before a grand jury?

Mr. LOEVINGER. Yes. I believe that substantially the entire conference committee is in accord on the resolution of the minor differences between the versions of the bills before the House and the Senate, and I believe that this will be presented to the Congress very shortly.

This is one of the major enforcement tools that we believe will be useful.

Now, notice, this has no substantive effect on the law at all. It simply is a matter of enforcement.

Senator JAVITS. So you do not recommend a substantive change in the law?

Mr. LOEVINGER. We are not recommending any substantive changes at this time, with the reservation that we have commented favorably on certain proposals that are not, I believe, fundamental to the antitrust laws. They tend to be relatively peripheral.

Senator JAVITS. Thank you so much, Mr. Chairman, and thank you, Senator Proxmire.

Chairman PATMAN. Thank you, Senator Javits.

Judge Loevinger, several of the panelists we had yesterday met with the staff and they commented on your report. These were Professors Adams, Lanzillotti, and Barber. They were all highly pleased with the report and the fact you have instituted this reporting procedure. They all did express disappointment, however, in one aspect of your