

**STATEMENT OF ROBERT J. VAN GEMERT, ASSISTANT SECRETARY
AND ASSISTANT GENERAL COUNSEL, SAFEWAY STORES, INC.**

Mr. VAN GEMERT. Chairman Rosenthal and Representatives, I am Robert J. Van Gemert, assistant secretary and assistant general counsel of Safeway Stores, Inc.

Mr. ROSENTHAL. May I interrupt for just a minute?

Mr. Magowan is chairman of the board and Mr. Winstead, who is the division manager of the Safeway Stores, were the gentlemen we addressed the request to. We requested them to appear. They are with you, or not with you?

Mr. VAN GEMERT. They are not with me, no, sir. They have asked me, however, to express their apologies to the subcommittee. Mr. Magowan was not available. He has been on a business trip.

Mr. ROSENTHAL. You are counsel for Safeway?

Mr. VAN GEMERT. I am assistant general counsel and I am house counsel.

Mr. ROSENTHAL. You appear here as a lawyer or as a principal?

Mr. VAN GEMERT. I appear here as a principal, and I would be very happy to give my testimony under oath.

Mr. ROSENTHAL. Well, no, we would be happy to take it under oath but in view of the facts I do not think that is necessary. I merely want to know, you are familiar with the management and the operating procedures in the Washington area?

Mr. VAN GEMERT. I am familiar with the management and the operating procedures of our company in general, and I have some detail regarding that in Washington.

Mr. ROSENTHAL. Where is your office?

Mr. VAN GEMERT. The headquarters office in Oakland, Calif.

Mr. ROSENTHAL. Where are you from?

Mr. VAN GEMERT. If I may explain for just a second, Mr. Chairman.

Mr. Winstead does extend his apologies for not being here. However, he is not here because Safeway is presently engaged in cooperating with the Federal Trade Commission in a study of the charges that these ladies have brought against Safeway.

Mr. ROSENTHAL. Is he down there this morning?

Mr. VAN GEMERT. No, sir; he is not down there this morning, but he has been there for 2 days testifying under oath, sir, and he is subject to recall. I considered it most inappropriate when he is exposing our company's operating records and policies, opening our books in a private investigation or hearing, for him to appear in a public forum.

Mr. ROSENTHAL. In other words he is appearing—rather he is not appearing here today not because he had another commitment or he is tied up—he is not appearing on the advice of counsel?

Mr. VAN GEMERT. For the reason I gave, sir, so that proper deference can be accorded to the judicial process of the Federal Trade Commission which is looking at this matter in a lawyerlike manner.

Mr. ROSENTHAL. In other words, he is not appearing here today based on your legal recommendations?

Mr. VAN GEMERT. Yes, sir; I want to make that clear. He wanted to be here. He believes deeply in our company's policies and operating procedures. He knows that they have been followed in this particular division and he would have liked to have been here and to have an-