

Vol. I
TRANSCRIPT OF RECORD

(Pages 1 to 474)

(PLEADINGS, ORDERS, OPINIONS AND FINAL JUDGMENT)

Supreme Court of the United States

OCTOBER TERM, 1956

No. 3

UNITED STATES OF AMERICA, APPELLANT,

vs.

E. I. DU PONT DE NEMOURS AND COMPANY, ET AL.

**APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

FILED JUNE 14, 1955

PROBABLE JURISDICTION NOTED OCTOBER 10, 1955

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No. 99—Letter dated July 5, 1927, from Alfred P. Sloan, Jr. to Irene du Pont	4651	6853	
No. 100—Letter dated July 15, 1927, from Alfred P. Sloan, Jr. to Irene du Pont.....	4654	6856	
No. 101—Letter August 23, 1927, from Irene du Pont to Alfred P. Sloan, Jr.....	4658	6860	

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No. 102—Letter dated August 29, 1927, from Alfred P. Sloan, Jr. to Irene du Pont.....	4659	6861	
No. 103—Letter dated January 19, 1928, from Alfred P. Sloan, Jr. to Lamont du Pont.....	4661	6863	
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No. 105—Letter dated December 29, 1921, from "Vice President" to C. F. Ketterling.....	4667	6869	
No. 106—Letter dated March 10, 1923 from "Director of Research" to L. R. Beardslee (GMC)....	4668	6870	
No. 107—Letter dated April 12, 1923, from P. S. du Pont, to C. F. Ketterling	4669	6871	
No. 108—Letter dated June 15, 1923, from Alfred P. Sloan, Jr. to F. O. Clements (GMC).....	4670	6872	
No. 109—Letter dated June 20, 1923, from F. O. Clements to Alfred P. Sloan, Jr.....	4671	6873	
No. 110—Letter dated June 25, 1923, from Alfred P. Sloan, Jr. to F. O. Clements.....	4674	6876	
No. 111—Letter dated July 3, 1923, from F. O. Clements to Alfred P. Sloan, Jr.....	4675	6877	
No. 112—Letter dated July 20, 1923, from Alfred P. Sloan, Jr. to F. O. Clements.....	4677	6879	
No. 113—Report of Paint and Enamel Committee of General Motors Corporation, August 22, 1923.	4678	6880	
No. 114—Letter dated November 26, 1923, from H. C. Mougey to W. P. Allen (du Pont).....	4689	6891	
No. 115—Letter dated January 11, 1924, from W. P. Allen to F. O. Clements	4693	6895	
No. 116—Minutes of meeting of Paint and Enamel Committee January 22, 1924.	4697	6899	
No. 117—Letter dated January 26, 1924, from F. O. Clements to Alfred P. Sloan, Jr.....	4706	6908	
No. 118—Letter dated January 31, 1924, from Wm. P. Allen to Alfred P. Sloan, Jr.....	4709	6911	
No. 118A—Letter dated March 5, 1924, from W. P. Allen to Alfred P. Sloan, Jr.....	4710	6912	
No. 118B—Letter dated March 20, 1924, from "Secretary to the President" to W. P. Allen (Du Pont)	4712	6914	
No. 119—Letter dated March 21, 1924, from Wm. P. Allen to Alfred P. Sloan.....	4713	6915	
No. 120—Letter dated April 18, 1924, from H. H. Bassett (Buick Motor Company) to C. S. Mott, General Motors	4715	6917	
No. 120A—Memorandum dated May 2, 1924, from R. C. Williams (du Pont) to E. M. Flaherty	4717	6919	
No. 121—Memorandum, dated August 31, 1923, from C. S. Mott (G.M.C.) to Messrs. H. H. Rice and A. B. C. Hardy.....	4726	6928	

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No. 122—Letter dated October 29, 1923, from F. O. Clements to A. P. Sloan, Jr.	4728	6930
No. 125—Excerpts from minutes General Purchasing Committee meeting April 18, 1924, re Production Schedule Forecasts	4731	6933
No. 128—Letter dated January 18, 1926, from Alfred P. Sloan, Jr. to C. F. Kettering	4734	6936
No. 129—Letter dated March 11, 1926, from G. A. Lovett (Patent Section) to Alfred P. Sloan, Jr.	4735	6937
No. 130—Letter dated March 15, 1926, from Alfred P. Sloan, Jr. to James McEvoy (GMC)	4742	6944
No. 131—Letter dated December 3, 1927, from James McEvoy to John L. Pratt	4743	6945
No. 132—Letter dated March 8, 1927, from Alfred P. Sloan, Jr. to Thomas Midgley, Jr.	4744	6946
No. 133—Monthly Average Cotton and Rubber Wholesale Prices, 1923 through 1932	4745	6947
No. 134—Letter dated April 27, 1928, from James McEvoy to Alfred P. Sloan, Jr.	4746	6948
No. 135—Letter dated April 5, 1928, from Thomas Midgley, Jr. to Alfred P. Sloan, Jr.	4749	6951
No. 136—Letter dated August 30, 1928, from James McEvoy to J. L. Pratt	4750	6952
No. 137—Letter dated September 5, 1928, from Thomas Midgley, Jr. to A. P. Sloan, Jr.	4752	6954
No. 139—Letter dated October 30, 1919, unsigned, to W. S. Carpenter	4753	6955
No. 140—Telegram dated December 31, 1919, from "Carpenter" to James Lynah	4754	6956
No. 141—Telegram dated December 31, from "Lynah" to W. S. Carpenter	4755	6957
No. 142—Letter dated January 6, 1919, from James Lynah to W. S. Carpenter, Jr.	4756	6958
No. 143—Letter dated January 7, 1920, from W. S. Carpenter to James Lynah	4757	6959
No. 144—Letter dated February 2, 1920, from James Lynah to W. S. Carpenter	4760	6962
No. 145—Letter dated February 4, 1920, from W. S. Carpenter to James Lynah	4762	6964
No. 146—Letter dated September 5, 1922, from Alfred P. Sloan, Jr. to H. H. Main (GMC)	4764	6966
No. 147—Letter dated September 8, 1922, from James Lynah to Alfred P. Sloan, Jr.	4765	6967
No. 148—Letter dated September 11, 1922, from Alfred P. Sloan, Jr. to James Lynah	4766	6968
No. 149—Coordination of Purchases, revised to September 1, 1923	4767	6969
No. 150—Excerpt from Minutes of General Purchasing Committee, August 2, 1923	4783	6985

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No. 151—Letter dated February 6, 1923, from James Lynah to Alfred P. Sloan, Jr.	4784	6986	
No. 152—Excerpts from General Purchasing Committee Memorandum re Importance of Standardization, Policies and Procedures	4786	6988	
No. 153—Excerpts from General Purchasing Committee Memorandum re Illustrations of Standardization	4791	6993	
No. 154—Summary of Contracts Approved by General Purchasing Committee (GMC)	4821	7023	
No. 155—Summary of Products Rejected by General Purchasing Committee (GMC)	4875	7077	
No. 156—Excerpts from General Purchasing Committee Memorandum re Illustrations of Contracts Producing Savings	4897	7099	
No. 157—Excerpts from General Purchasing Committee Minutes of Meeting July 2, 1924	4901	7103	
No. 158—Excerpts General Purchasing Committee Memorandum re Two-Source-of-Supply question	4904	7106	
No. 159—Excerpts from General Purchasing Committee Minutes of Meeting January 4, 1923	4906	7108	
No. 160—Excerpts from General Purchasing Committee Memorandum re The Problem of Secrecy, Keeping Prices Confidential	4910	7112	
No. 161—Excerpts from General Purchasing Committee Minutes of Meeting October 29, 1924	4915	7117	
No. 162—Excerpts from General Purchasing Committee Minutes of Meeting July 2, 1924	4918	7120	
No. 163—Excerpts from General Purchasing Committee Minutes of Meeting November 9, 1925	4941	7143	
No. 164—Excerpts from General Purchasing Committee Minutes of Meeting July 23, 1926	4945	7147	
No. 165—Special Discounts on Purchases from du Pont showing Amount of Discount per Vehicle Sold	4953	7155	
No. 166—Excerpts from Minutes of General Purchasing Committee October 25, 1923	4954	7156	
No. 167—Agreement dated January 2, 1925, between E. I. du Pont de & Company (Chemical Products Division) and General Motors Corporation	4957	7159	
No. 168—Memorandum dated July 19, 1924, from James Lynah to H. G. Mougey (General Motors Research)	4960	7162	
No. 169—Letter dated July 25, 1924, from H. C. Mougey to James Lynah	4961	7163	
No. 170—Letter dated August 4, 1924, from James Lynah to Sherwin-Williams Company	4962	7164	
No. 171—Letter dated August 4, 1924, from James Lynah to Valentine Varnish Company	4963	7165	

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No. 172—Memorandum dated January 22, 1925, from James Lynah to G. G. Allen, et al.....	4964	7166	
No. 173—Letter dated February 10, 1925, from James Lynah to F. J. Clements (GM. Research)...	4966	7168	
No. 174—Letter dated March 13, 1925, from H. C. Mougey to L. B. Valentine	4967	7169	
No. 175—Memorandum dated May 20, 1925, from James Lynah to H. G. Mougey	4968	7170	
No. 176—Letter dated May 23, 1925, from H. C. Mougey to James Lynah	4969	7171	
No. 177—"Test Panels Submitted to Mr. Lynah".....	4975	7177	
No. 178—Letter dated May 26, 1925, from "Director of Research" to "Paint and Enamel Committee"	4978	7180	
No. 179—Agreement dated July 1, 1925, between E. I. du Pont de Nemours & Company (Chemical Products Division) and General Motors Corporation	4979	7181	
No. 180—Letter dated August 27, 1925, from "Chairman Paint and Enamel Committee" to H. C. Weckler (Buick Motor Company).....	4984	7186	
No. 181—Letter dated August 27, 1925, from "Chairman, Paint and Enamel Committee" to John M. Scott (Olds Motor Works).....	4985	7187	
No. 182—Letter dated August 27, 1925, from "Chairman, Paint and Enamel Committee" to S. Houser (Fisher-Body Corporation)	4986	7188	
No. 183—Letter dated August 27, 1925, from "Chairman, Paint and Enamel Committee" to John MacQuaid (Chevrolet Motor Car Co.).....	4987	7189	
No. 184—Letter dated January 5, 1926, from "Manager, Automotive Sales" to James Lynah	4988	7190	
No. 185—Agreement dated January 1, 1926, between E. I. du Pont de Nemours & Company (Chemical Products Division) and General Motors Corporation	4998	7200	
No. 186—Agreement dated January 1, 1927, between E. I. du Pont de Nemours & Company (Chemical Products Division) and General Motors Corporation	5005	7207	
No. 187—Agreement dated January 1, 1928, between E. I. du Pont de Nemours & Company (Chemical Products Division) and General Motors Corporation	5010	7212	
No. 188—Agreement dated January 1, 1929, between E. I. du Pont de Nemours & Company and General Motors Corporation	5015	7217	
No. 189—Agreement dated January 1, 1930, between E. I. du Pont de Nemours & Company and General Motors Corporation	5018	7220	

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No. 190—Agreement dated January 1, 1931, between E. I. du Pont de Nemours & Company and General Motors Corporation	5022	7224
No. 191—Letter dated June 27, 1928, from James Lynah to William Richter (du Pont)	5026	7228
No. 192—"Performance of Quantity Discount Contracts" as of October 31, 1927	5027	7229
No. 193—Letter dated May 16, 1928, from O. H. Briggs to James Lynah	5029	7231
No. 194—Letter dated May 18, 1928, from James Lynah to O. H. Briggs	5030	7232
No. 195—Memorandum dated February 18, 1919, from R. R. M. Carpenter to P. S. du Pont	5031	7233
No. 195A—Excerpt from The New York Times, Sunday, March 21, 1920	5033	7235
No. 195B—Excerpt from The New York Times, Tuesday, March 23, 1920	5034	7236
No. 196—Excerpts from Memorandum re Meeting between President and Plant Managers, December 1, 1920 (GMC)	5035	7237
No. 199—Excerpt from Minutes of General Purchasing Committee meeting September 30, 1926	5042	7244
No. 200—Memorandum dated January 20, 1928, from Alfred P. Sloan to J. L. Pratt	5043	7245
No. 201—Memorandum dated January 21, 1928, from J. L. Pratt to Alfred P. Sloan, Jr.	5044	7246
No. 202—Letter dated October 23, 1922, from F. S. MacGregor to J. L. Pratt	5048	7250
No. 203—Letter dated November 1, 1922, from "General Manager, Accessory Divisions" to H. J. Forsythe (Hyatt Bearings Division)	5049	7251
No. 204—Letter dated January 9, 1926, from Jim Elms to J. L. Pratt	5050	7252
No. 205—Letter dated January 27, 1926, from E. G. Biechler (Deleo Light) to J. L. Pratt	5053	7255
No. 206—Letter dated July 16, 1926, from "Vice President" to J. J. Moosman	5054	7256
No. 207—Letter dated July 23, 1926, from J. J. Moosman to John L. Pratt	5055	7257
No. 208—Letter dated July 29, 1926, from J. J. Moosman to John L. Pratt	5057	7259
No. 209—Letter dated August 17, 1926, from J. J. Moosmann to John L. Pratt	5058	7260
No. 210—Letter dated August 20, 1926, from "Vice President" to J. J. Moosmann	5060	7262
No. 211—Letter dated January 31, 1929, from "Vice President" to Ed J. Fisher	5061	7263
No. 212—Letter dated February 8, 1929, from E. F. Fisher to J. L. Pratt	5062	7264

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No. 213—Letter dated September 28, 1931, from Mason V. Hanger Company (signature illegible) to John L. Pratt.....	5064	7266	
No. 214—Letter dated September 30, 1931, initialled JLP to Silas B. Mason.....	5065	7267	
No. 215—Letter dated September 30, 1931, initialled JLP to Edward F. Fisher.....	5066	7268	
No. 216—Letter dated October 16, 1931, from E. F. Fisher to J. L. Pratt.....	5067	7269	
No. 217—Letter dated May 27, 1926, from Pierre S. du Pont to John L. Pratt.....	5068	7270	
No. 218—Letter dated June 8, 1926, initialled JLP to P. S. du Pont.....	5069	7271	
No. 219—Letter dated September 16, 1926, initialled LduP to Alfred P. Sloan, Jr.....	5070	7272	
No. 220—Letter dated September 20, 1926, from Alfred P. Sloan, Jr. to Lammot du Pont.....	5071	7273	
No. 221—Letter dated September 28, 1926, from J. L. Pratt to Lammot du Pont.....	5072	7274	
No. 222—Letter dated September 30, 1926, initialled LduP to John Pratt.....	5074	7276	
No. 223—Letter dated October 1, 1926, from J. L. Pratt to Lammot du Pont.....	5075	7277	
No. 224—Letter dated September 22, 1926, from Lammot du Pont to John Pratt.....	5077	7279	
No. 225—Letter dated October 2, 1926, initialled JLP to Lammot du Pont.....	5079	7281	
No. 226—Letter dated October 25, 1926, initialled JLP to Lammot du Pont.....	5081	7283	
No. 227—Letter dated January 29, 1931, from "Chairman of the Board" initialled LduP to John Pratt.....	5082	7284	
No. 228—Letter dated February 6, 1931, from J. L. Pratt to Lammot du Pont.....	5084	7286	
No. 229—Extract from Minutes of Executive Committee Meeting (GMC) January 21, 1932.....	5087	7289	
No. 230—Letter dated August 12, 1926, from W. F. Harrington to John L. Pratt.....	5089	7291	
No. 231—Letter dated August 13, 1926, initialled JLP to W. F. Harrington.....	5091	7293	
No. 232—Letter dated December 29, 1925, initialled JLP to W. B. Foster (du Pont).....	5092	7294	
No. 233—Letter dated July 31, 1929, from E. G. Biechler to J. L. Pratt.....	5093	7295	
No. 234—Letter dated August 2, 1929, initialled JLP to E. G. Biechler.....	5094	7296	
No. 235—Letter dated September 28, 1931, from E. G. Biechler to J. L. Pratt.....	5095	7297	
No. 236—Letter dated October 6, 1931, from W. F. Harrington to John L. Pratt.....	5097	7299	

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No. 237—Extract from minutes of the meeting of the Executive Committee (GMC) August 8, 1930....	5098	7300	
No. 238—Extract from minutes of meeting of the Finance Committee (GMC) September 8, 1930.....	5099	7301	
No. 239—Letter dated August 25, 1931, from E. G. Robinson (Kinetic Chemicals, Inc.) to J. L. Pratt..	5102	7304	
No. 240—Letter dated August 28, 1931, initialled JLP to E. G. Robinson	5105	7307	
No. 241—Excerpts from an address by C. F. Kettering...	5106	7308	
No. 242—Letter dated April 16, 1919, from Frank A. Howard to E. M. Clark.....	5111	7313	
No. 243—Letter dated August 15, 1919, unsigned, to John Marshall (du Pont).....	5115	7317	
No. 244—Letter dated December 23, 1919, from E. H. Kelly (GMC) to W. C. Durant.	5120	7322	
No. 245—Letter dated April 8, 1920, from F. O. Clements to C. F. Kettering	5123	7325	
No. 246—Letter dated November 19, 1921, from L. du Pont to C. F. Kettering	5126	7328	
No. 246a—United States Letters Patent No. 1,787,419.	5128	7330	
No. 247—Telegram dated August 23, 1922, from "Midgley" to Doctor E. H. Bolton (du Pont).....	5130	7332	
No. 248—Telegram dated August 24, 1922, from W. S. Harrington to Midgley	5131	7333	
No. 249—Telegram dated August 25, 1922, from W. F. Harrington to Midgley.....	5132	7334	
No. 250—Letter dated November 13, 1922, from Norman Roberts to Thomas Midgley, Jr.	5133	7335	
No. 251—Letter dated November 18, 1922, initialled TM to Dr. Norman Roberts	5136	7338	
No. 252—Memorandum dated November 20, 1922, from Thomas Midgley to C. F. Kettering.....	5137	7339	
No. 253—Letter dated December 18, 1922, from Walter G. Whitman (Massachusetts Institute of Technology) to Thos. Midgley, Jr.	5140	7342	
No. 254—Letter dated Nov. 30, 1922, from E. Krause (Institute of Technology—Berlin) to "Esteemed Herr Professor".....	5141	7343	
No. 255—Memorandum dated February 3, 1923, from T. Midgley, Jr. to C. F. Kettering.....	5143	7345	
No. 256—Memorandum dated April 9, 1923, by Thomas Midgley, Jr. re Atlantic Refining Company..	5144	7346	
No. 256A—United States Letters Patent No. 1,697,245...	5149	7351	
No. 257—Memorandum dated November 26, 1923, from J. H. Senior, et al. to E. M. Clark, et al.	5151	7353	
No. 258—Memorandum dated June 18, 1924, (unsigned)...	5154	7356	
No. 259—Memorandum dated June 18, 1924, EMC	5157	7358	

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No. 261—"Proceedings of a Conference to Determine Whether or Not There is a Public Health Question in the Manufacture, Distribution, or Use of Tetraethyl Lead Gasoline" by the Surgeon General, U. S. Public Health Service	5158	7360	
No. 262—"The Use of Tetraethyl Lead Gasoline in its Relation to Public Health" by the Surgeon General, U. S. Public Health Service.....	5176	7376	
No. 263—Diagram illustrating "Savings Equal to Gasoline Consumed by All Vehicles in 25 States"....	5201	7400	
No. 266—Diagram illustrating "Percent Increase or Decrease from 1925"—Trends in Passenger Car Engine Design	5202	7401	
No. 267—Memorandum dated June 19, 1922, from H. C. Mougey to "Mr. Clements" ..	5203	7402	
No. 267A—Extract from Minutes of Meeting of General Motors Board of Directors September 25, 1919	5206	7405	
No. 268—Letter dated June 15, 1926, from E. W. Webb to J. N. Huff (American Research Laboratories, Inc.)	5210	7409	
No. 269—Unsigned letter dated June 15, 1926 to Gilbert A. Currie (Dow Chemical Company) ..	5211	7410	
No. 270—Unsigned letter dated June 30, 1926, to T. B. Huff (American Research Laboratories, Inc.)	5213	7412	
No. 271—Letter dated July 9, 1926, from T. B. Huff to E. W. Webb ..	5216	7415	
No. 272—Letter dated August 26, 1926, from "President" to T. B. Huff.....	5217	7416	
No. 273—Letter dated October 7, 1926, from "President" to Harold H. Healy.....	5219	7418	
No. 274—Letter dated April 21, 1927, from Frank A. Howard to William Benham (Department of Justice)	5222	7421	
No. 277—Letter dated July 2, 1936, from Cesare Protto (du Pont) to E. W. Webb	5235	7434	
No. 278—Letter dated February 8, 1938, from "Edward" to E. I. du Pont de Nemours & Company ..	5237	7436	
No. 279—The Dow Chemical Company Research Report on Lead Tetraethyl Process.....	5238	7437	
No. 280—The Dow Chemical Company Research Report on Tentative Process for Tetra Ethyl Lead..	5256	7455	
No. 281—United States Letters Patent No. 1,805,756.....	5265	7464	
No. 282—Dow Chemical Company Report dated April 18, 1931	5271	7470	
No. 283—Unsigned, undated "Memorandum"	5272	7471	
No. 284—Memorandum re "Reasons why we should not manufacture lead tetra ethyl and reasons why we should manufacture tetraethyl lead" dated June 28, 1926.....	5274	7473	

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No. 285—C. E. Wilson Employment History with General Motors Corporation	5277	7476	
No. 286—Excerpt from Minutes of Joint Meeting of Operations and Executive Committees (GMC) July 17, 1930.....	5279	7478	
No. 287—Memorandum dated August 25, 1930, from C. E. Wilson to J. L. Pratt.....	5281	7480	
No. 288—Excerpt from Minutes of Finance Committee Meeting (GMC) September 8, 1930.....	5283	7482	
No. 289—Excerpt from Minutes of Joint Meeting of Operations and Executive Committees (GMC) March 12, 1931.....	5285	7484	
No. 290—Excerpt from minutes of Finance Committee Meeting (GMC) March 23, 1931.....	5289	7488	
No. 291—Excerpt from Minutes of Executive Meeting (GMC) April 9, 1931.....	5291	7490	
No. 292—Memorandum dated June 11, 1931, from C. E. Wilson to Operations Committee.....	5293	7492	
No. 293—Excerpt from Minutes of Executive Committee Meeting (GMC) October 29, 1931.....	5296	7495	
No. 294—Undated Memorandum from W. F. Armstrong to J. L. Pratt, et al.....	5299	7498	
No. 295—Memorandum dated December 17, 1931, from C. E. Wilson to Operations Committee.....	5301	7500	
No. 296—Excerpt from Minutes of Finance Committee Meeting (GMC) September 12, 1932.....	5303	7502	
No. 299—Letter dated December 13, 1948, from Melville C. Williams (Department of Justice, Chicago) to Ferris E. Hurd	5305	7504	
No. 300—Letter dated December 17, 1948, from Willis L. Hotchkiss (Department of Justice, Chicago) to Ferris E. Hurd	5309	7508	
No. 301—Letter dated December 20, 1948, initialled FEH to Melville C. Williams (Department of Justice, Chicago)	5312	7511	