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Equity No. 85-73

**In the District Court of the United States for
the Southern District of New York**

UNITED STATES OF AMERICA

v.

ALUMINUM COMPANY OF AMERICA ET AL.

PETITION

(Filed April 23rd, 1937)

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UNITED STATES OF AMERICA, PETITIONER

v.

ALUMINUM COMPANY OF AMERICA ET AL.,
DEFENDANTS

PETITION

To the Honorable, the Judges of the District Court of the United States for the Southern District of New York, sitting in equity:

The United States of America, by its attorneys, acting under the direction of the Attorney General of the United States, brings this proceeding in equity against Aluminum Company of America; Aluminium Limited; The Aluminum Cooking Utensil Company; Aluminum Goods Manufacturing Company; Aluminum Manufactures, Incorporated; Aluminum Ore Company; Aluminum Seal Company; Alcoa Power Company, Limited; Alton and Southern Railroad; Bauxite and Northern Railway Company; Carolina Aluminum Company; Cedar Rapids Transmission Company, Limited; Franklin Fluorspar Company; Knoxville Power

Company; Louisiana Terminal Company; Massena Securities Corporation; The Massena Terminal Railroad Company; Nantahala Power and Light Company; Ocean Dominion Steamship Corporation; The Republic Mining and Manufacturing Company; The St. Lawrence River Power Company; St. Louis and Ohio River Railroad; Surinamsche Bauxite Maatschappij; The United States Aluminum Company; The Coalesced Company; The Aloxite Corporation; J. H. Alger; George G. Allen; Earl Blough; L. Braasch; Ailsa Mellon Bruce; David K. E. Bruce; George H. Clapp; Safford K. Colby; André Henry Couïannier; Arthur V. Davis; Edward K. Davis; J. J. Demskie; M. B. deSousa; F. L. Farrell; Edwin S. Fickes; C. B. Fox; Aimé Geoffrion; George R. Gibbons; Roy A. Hunt; J. R. D. Huston; Alvah K. Lawrie; C. L. Lycette; Leighton McCarthy; Andrew W. Mellon; Paul Mellon; Richard K. Mellon; Union Trust Company of Pittsburgh, Richard K. Mellon, Jennie King Mellon, and Sarah Mellon Scaife as Executors of the Estate of R. B. Mellon, deceased; G. O. Morgan, Jr.; Charles H. Moritz; Winthrop C. Neilson; Sarah Mellon Scaife; George J. Stanley; W. C. Terry; Paul J. Urquhart; J. F. Van Lane; Irving W. Wilson; Robert E. Withers, defendants; and for its petition complains and alleges as follows:

JURISDICTION AND VENUE

1. This petition is filed and the jurisdiction of this Court is invoked to obtain equitable relief

against said defendants because of their violations jointly and severally, as hereinafter alleged, of the Act of Congress of July 2, 1890, known as the Sherman Antitrust Act.

2. The unlawful monopoly, attempts to monopolize, combination and conspiracy to monopolize, and contracts, combinations, and conspiracies to restrain trade and commerce, among the several states and with foreign nations, hereinafter described, have operated and have been carried on in part within the Southern District of New York, and many of the unlawful acts pursuant thereto have been performed by defendants and their representatives in said district. The interstate trade and commerce in aluminum and aluminum products, hereinafter described, is carried on in part within said district.

DESCRIPTION OF DEFENDANTS

3. Defendant Aluminum Company of America, hereinafter called Aluminum Company, is a corporation organized in 1888 under the laws of the State of Pennsylvania under the name of the Pittsburgh Reduction Company which was changed to the present name in 1907. In 1925 said corporation merged with it under the laws of the State of Pennsylvania the Canadian Manufacturing and Development Company, a corporation organized under the laws of that State. The principal office of Aluminum Company is in the Gulf Building, Pittsburgh, Pennsylvania, and it also maintains an

office where it transacts business and can be found, in the New York Central Building, New York City, in the Southern District of New York.

4. Defendant Aluminium Limited is a corporation organized by Aluminum Company in 1928 under the laws of the Dominion of Canada, carrying on business in Canada and elsewhere and having offices in Montreal, Canada, and in the British Empire Building, New York City, and in the Koppers Building, Pittsburgh.

5. Defendant The Aluminum Cooking Utensil Company is a corporation organized in 1901 under the laws of the State of Pennsylvania, by Aluminum Company, then called Pittsburgh Reduction Company, and since then has engaged in the manufacture and sale of aluminum cooking utensils as a wholly owned subsidiary of Aluminum Company. It carries on business and has offices at New Kensington, Pennsylvania.

6. Defendant Aluminum Goods Manufacturing Company is a corporation organized in 1909 under the laws of the State of New Jersey, and since then has engaged in manufacturing aluminum cooking utensils and other fabricated aluminum products and in selling the same in interstate trade and commerce in the same markets as defendant The Aluminum Cooking Utensil Company. It carries on business and has its principal office at Manitowoc, Wisconsin. In 1909 Aluminum Company acquired, and has since retained, 26 per cent of the

capital stock of defendant Aluminum Goods Manufacturing Company.

7. Defendant Aluminum Manufactures, Incorporated, is a corporation organized in 1919 under the laws of the State of Delaware, and carries on business at Buffalo, New York, Cleveland, Ohio, Detroit, Michigan, and Fairfield, Connecticut, and has principal offices at Cleveland, Ohio. In 1919 said corporation acquired the properties and business of Aluminum Castings Company, which had been organized under the laws of the State of Ohio in 1909 to consolidate a number of independent casting companies with Aluminum Company's foundry. In July 1922 Aluminum Company, then owning 58 per cent of the capital stock of defendant Aluminum Manufactures, Incorporated, a large producer of aluminum sand castings, entered into a contract with Aluminum Manufactures, Incorporated, by the terms of which Aluminum Company leased the foundries and other properties of defendant Aluminum Manufactures, Incorporated, for a period of 24 years, and acquired control of the Aluminum Die Casting Corporation organized under the laws of the State of New Jersey and engaged in the production of aluminum die castings, and acquired a substantial interest in the Aluminum Screw Machine Products Company, a corporation organized under the laws of the State of New Jersey and engaged in the production of aluminum bolts, nuts, and similar articles. Aluminum Company now owns 73 per cent of the capital

stock of defendant Aluminum Manufactures, Incorporated, and 100 per cent of the capital stock of Aluminum Die Casting Corporation and Aluminum Screw Machine Products Company, and by virtue of said lease and stockholdings is the largest producer in the United States of aluminum sand castings and aluminum die castings.

8. Defendant Aluminum Ore Company is a corporation organized in 1929 under the laws of the State of Delaware by Aluminum Company as a successor of the Aluminum Ore Company incorporated in 1909 under the laws of the State of Pennsylvania. It and the said predecessor corporation of the same name have been engaged since 1909 at East St. Louis, Illinois, in refining alumina from bauxite, as wholly owned subsidiaries of Aluminum Company. It has its principal offices in said Gulf Building, Pittsburgh.

9. Defendant Aluminum Seal Company is a corporation organized in 1914 under the laws of the State of Pennsylvania, and since then has engaged as a wholly owned subsidiary of Aluminum Company in manufacturing aluminum bottle seals and caps at New Kensington, Pennsylvania. It has offices in said Gulf Building, Pittsburgh.

10. Defendant Alcoa Power Company, Limited, is a corporation organized in 1925 under the laws of the Dominion of Canada, and since then has engaged as a wholly owned subsidiary of Aluminum Company in producing electric power in the Prov-

ince of Quebec, Canada. It has offices in Montreal, Canada, and in said Gulf Building, Pittsburgh.

11. Defendant Alton and Southern Railroad is a corporation organized in 1913 under the laws of the State of Illinois, and since then has engaged as a wholly owned subsidiary of Aluminum Company in transporting raw material and finished products to and from the refinery at East St. Louis, Illinois, of defendant Aluminum Ore Company. It has offices in said Gulf Building, Pittsburgh.

12. Defendant Bauxite and Northern Railway Company is a corporation organized in 1906 under the laws of the State of Arkansas by Aluminum Company, then called Pittsburgh Reduction Company, and since then has engaged in the transportation of bauxite from bauxite mines in Arkansas to main line railroads, as a wholly owned subsidiary of Aluminum Company. It carries on business in the vicinity of Bauxite, Arkansas, and has its principal office in said Gulf Building, Pittsburgh.

13. Defendant Carolina Aluminum Company is a corporation organized in 1906 under the laws of the State of North Carolina under the name of Tallassee Power Company, to engage in producing and marketing electric energy. In 1912 Aluminum Company purchased the capital stock of said Tallassee Power Company. In 1915 Aluminum Company purchased the properties of the Southern Aluminum Company, a corporation organized in 1912 under the laws of the State of New York to

engage in the production of aluminum, and transferred said properties to said Tallassee Power Company, which has engaged since then as a wholly owned subsidiary of Aluminum Company in the production of aluminum. Said Carolina Aluminum Company carries on business at Badin, North Carolina, and vicinity, and has its principal office in said Gulf Building, Pittsburgh.

14. Defendant Cedar Rapids Transmission Company, Limited, is a corporation organized in 1914 under the laws of the Dominion of Canada, and since then has engaged as a wholly owned subsidiary of Aluminum Company in supplying electric energy to the producing and manufacturing plants of Aluminum Company at Massena, New York. It carries on business in the Provinces of Quebec and Ontario, Canada, and has offices at Toronto, Canada, and in said Gulf Building, Pittsburgh.

15. Defendant Franklin Fluorspar Company is a corporation organized in 1924 under the laws of the State of Delaware, and since then has owned and operated fluorspar mines in Illinois and Kentucky as a wholly owned subsidiary of Aluminum Company. It carries on business in Illinois and Kentucky and has its principal office in said Gulf Building, Pittsburgh. Fluorspar produced by said mines is a chemical solvent used by Aluminum Company in the production of aluminum.

16. Defendant Knoxville Power Company is a corporation organized in 1900 under the laws of the State of Tennessee, and since then has engaged as

a wholly owned subsidiary of Aluminum Company in supplying electric energy to the aluminum producing plant and the rolling mill of Aluminum Company at Alcoa, Tennessee. It has offices in said Gulf Building, Pittsburgh.

17. Defendant Louisiana Terminal Company is a corporation organized in 1928 under the laws of the State of Delaware to engage as a wholly owned subsidiary of Aluminum Company in wharfage at Westwego, Louisiana. It has offices in said Gulf Building, Pittsburgh.

18. Defendant Massena Securities Corporation was organized in 1929 under the laws of the State of New York to operate as a holding company for certain subsidiaries of Aluminum Company. It carries on business in the vicinity of Massena, New York, and has offices in said Gulf Building, Pittsburgh.

19. Defendant The Massena Terminal Railroad Company is a corporation organized in 1900 under the laws of the State of New York, and since 1906 has engaged as a wholly owned subsidiary of Aluminum Company (known until 1907 as Pittsburgh Reduction Company) in transporting materials to and from the aluminum producing works of Aluminum Company at Massena, New York. It carries on business in the vicinity of Massena, New York, and has offices in said Gulf Building, Pittsburgh.

20. Defendant Nantahala Power and Light Company is a corporation organized in 1929 under

the laws of the State of North Carolina, and since then has engaged as a wholly owned subsidiary of Aluminum Company in the production and sale of electric energy in said state. It has its principal offices in Bryson City, North Carolina.

21. Defendant Ocean Dominion Steamship Corporation is a corporation organized in 1925 under the laws of the State of New York, and since then has engaged as a wholly owned subsidiary of Aluminum Company in the transportation of bauxite and other materials from Dutch Guiana and British Guiana to East St. Louis, Illinois. It has offices at 17 Battery Place, New York City.

22. Defendant The Republic Mining and Manufacturing Company is a corporation organized in 1929 under the laws of the State of Delaware as a successor of American Bauxite Company incorporated under the laws of the State of Pennsylvania in 1909, and also of Republic Mining and Manufacturing Company incorporated under the laws of the State of Georgia in 1882. Said American Bauxite Company and Republic Mining and Manufacturing Company held and operated bauxite lands in Arkansas as a wholly owned subsidiary of Aluminum Company until said properties were taken over by defendant The Republic Mining and Manufacturing Company in 1929. Defendant The Republic Mining and Manufacturing Company since its incorporation in 1929 has operated as a wholly owned subsidiary of Aluminum Company,

with its principal office in said New York Central Building, New York City.

23. Defendant The St. Lawrence River Power Company is a corporation organized in 1902 under the laws of the State of New York, carrying on business in the vicinity of Massena, New York, and having offices in said Gulf Building, Pittsburgh. All of the capital stock of said corporation was acquired in 1906 by Aluminum Company, then called Pittsburgh Reduction Company, and said corporation has since been engaged in supplying electric power to the aluminum producing works of Aluminum Company at Massena, New York.

24. Defendant St. Louis and Ohio River Railroad is a corporation organized in 1920 under the laws of the State of Illinois, and since then has engaged as a wholly owned subsidiary of Aluminum Company in transporting raw materials and finished products to and from the refinery at East St. Louis, Illinois, of defendant Aluminum Ore Company. It has offices in said Gulf Building, Pittsburgh.

25. Defendant Surinaamsche Bauxite Maatschappij is a corporation organized in 1916 under the laws of Dutch Guiana, and since then has held and operated bauxite properties there as a wholly owned subsidiary of Aluminum Company. It has an office in said Gulf Building, Pittsburgh.

26. Defendant The United States Aluminum Company is a corporation organized in 1901 under the laws of the State of Pennsylvania, and since

then has engaged as a wholly owned subsidiary of Aluminum Company in manufacturing aluminum sheet, extrusions, moldings, castings and other aluminum products at Fairfield, Connecticut. It has offices in said Gulf Building, Pittsburgh.

27. Defendant The Coalesced Company is a corporation organized in 1929 under the laws of the State of Delaware, carrying on business at Pittsburgh, Pennsylvania, and having offices at 514 Smithfield Street in said Pittsburgh.

28. Defendant The Aloxite Corporation is a corporation organized in 1929 under the laws of the State of Delaware under the name of The Outside Corporation, which was changed to the present name in 1932. Said corporation carries on business and has offices at 514 Smithfield Street, Pittsburgh, Pennsylvania.

29. Defendant Union Trust Company of Pittsburgh is a corporation organized in 1889 under the laws of the State of Pennsylvania, carrying on business and having its offices in Pittsburgh, Pennsylvania.

30. The individual defendants Arthur V. Davis, Roy A. Hunt, Edwin S. Fickes, George R. Gibbons, Robert E. Withers, C. B. Fox, Safford K. Colby, Winthrop C. Neilson, George J. Stanley, Irving W. Wilson, David K. E. Bruce, George H. Clapp, Richard K. Mellon, Paul J. Urquhart, J. R. D. Huston, C. L. Lycette, and J. J. Demskie, have been and are officers or directors of, and have participated and participate in, the direction and man-

agement of defendant Aluminum Company and of other corporate defendants, and may be found in said New York Central Building, New York City, or in said Gulf Building, Pittsburgh; except said C. B. Fox who may be found at Missouri Avenue and 35th Street, East St. Louis, Illinois; except said George H. Clapp who may be found in the Frick Building, Pittsburgh; and except said Richard K. Mellon who may be found at the Mellon National Bank, Pittsburgh. Defendant George G. Allen until recently has been a director and has participated in the direction and management of defendant Aluminum Company and of other corporate defendants, and may be found at 30 Rockefeller Plaza, New York City.

31. The individual defendants Edward K. Davis, Earl Blough, J. H. Alger, G. O. Morgan, Jr., J. F. Van Lane, F. L. Farrell, Aimé Geoffrion, Leighton McCarthy, W. C. Terry, M. B. deSousa, L. Braasch, and André Henry Coüannier have been and are, officers or directors of, and have participated and participate in, the direction and management of defendant Aluminium Limited, and may be found at the offices of that company in the British Empire Building, New York City, the Canada Life Building, Toronto, Ontario, Canada, or at 1000 Dominion Square Building, Montreal, Quebec, Canada; except said André Henry Coüannier who may be found at 63 Avenue des Champs Elysées Paris, France; except said Aimé Geoffrion who may be found at 112 St. James Street, West Mon-

treas; and except said L. Braasch who may be found at Unter den Linden, 56, Berlin, Germany.

32. The individual defendant Andrew W. Mellon was a director of defendant Aluminum Company from 1892 to 1921, and participated in its direction and management during that period of time, and he and individual defendant Paul Mellon and individual defendant Ailsa Mellon Bruce have owned, and now own, a large proportion of the capital stock of defendant Aluminum Company, and also through their ownership of all the capital stock of defendant The Coalesced Company have owned, and now own, a large proportion of the capital stock of defendant Aluminium Limited, and thereby have influenced, and influence, the policies and activities of defendants Aluminum Company and Aluminium Limited. Said individual defendants may be found in Pittsburgh, Pennsylvania, care Mellon National Bank.

33. Defendant Union Trust Company of Pittsburgh and defendants Richard K. Mellon, Jennie King Mellon and Sarah Mellon Scaife are Executors of the Estate of R. B. Mellon, deceased, by virtue of letters testamentary issued to them December 8, 1933, by the Probate Court of Allegheny County, State of Pennsylvania, and said Executors in their official capacity, and said Richard K. Mellon and Sarah Mellon Scaife in their individual capacities, have owned or held, and now own or hold, a large proportion of the capital stock of defendant Aluminum Company. Said defendants,

in said capacities, through their ownership or possession of all of the capital stock of defendant The Aloxite Corporation, have owned or controlled, and now own or control, a large proportion of the capital stock of defendant Aluminium Limited, and by virtue of said stockholdings these defendants have influenced, and now influence, the policies and activities of defendant Aluminum Company and defendant Aluminium Limited. Said individual defendants may be found in care of defendant Union Trust Company of Pittsburgh, in said Pittsburgh.

34. The individual defendant Alvah K. Lawrie was for many years and until 1933 a director of defendant Aluminum Company and participated in its direction and management, and owned, and now owns, a substantial amount of the capital stock of defendant Aluminum Company and of defendant Aluminium Limited, and may be found at 930 Park Avenue, New York City.

35. The individual defendant Charles H. Moritz was for many years and until 1928 an officer of defendant Aluminum Company and participated in its direction and management, and thereafter was an officer and director of defendant Aluminium Limited, and participated in its direction and management. Said defendant owns a substantial amount of the capital stock of defendant Aluminum Company and of defendant Aluminium Limited, and may be found care Power City Trust Company, Niagara Falls, New York.

DESCRIPTION OF ALUMINUM INDUSTRY

36. Aluminum was discovered in 1827, and was regarded as a rare metal until 1886 when a process for its commercial production was discovered by one Charles M. Hall to whom a patent was granted in 1889, the same thereupon becoming the property of defendant Aluminum Company, then and until 1907 known as the Pittsburgh Reduction Company. In 1892 a patent covering a similar reduction process was granted to one Charles S. Bradley, said patent being sustained after protracted litigation with said Pittsburgh Reduction Company which thereupon purchased a license under said Bradley patent. Since the expiration of said Bradley patent in 1909, the process has been available to the public, no other patents having been granted.

37. The fundamental substance in the production of the metal aluminum is bauxite, an ore of reddish brown color found in extensive natural deposits, which when ground and chemically treated produces oxide of aluminum or alumina. In the production of aluminum this oxide is subjected to an electrolytic process through introduction into a bath of molten cryolite, with the result that the aluminum is deposited in a molten state on the bottom of the bath, being then drawn off and poured into molds or pigs. In the commercial production of aluminum by said electrolytic process, large quantities of electric energy are required which can be generated under favorable conditions more economically by water power than by steam.

38. Aluminum as a metal serves many purposes better than steel, nickel, tin, zinc, copper, or lead, its chief industrial competitors. Although aluminum in its early period of production was used chiefly in the manufacture of utensils, castings, and specialties, additional uses have been developed until it has now become essential in building construction, in the manufacture of refrigerators and radio apparatus, and in the production of equipment used in rail, air, and water transportation and in military and naval defense, its qualities being lightness of weight, electrical conductivity, resistance to corrosion, ductility, malleability, and strength when alloyed.

39. Aluminum Company and its wholly and partially owned subsidiaries are engaged, and for many years past have been engaged, in interstate and foreign trade and commerce in bauxite, alumina, aluminum, and products manufactured therefrom, as will more fully appear hereinbelow.

OFFENSES CHARGED

40. Defendants have violated and are now violating the provisions of said Sherman Antitrust Act, by monopolizing, attempting to monopolize, combining and conspiring to monopolize, and contracting, combining and conspiring to restrain, interstate and foreign trade and commerce, and more particularly by enabling the Aluminum Company to acquire and maintain a monopoly of bauxite, alumina, aluminum, and products manufactured

therefrom, and by excluding others from the fair opportunity to engage in interstate and foreign trade and commerce in said articles. Said monopoly, attempts to monopolize, combination and conspiracy to monopolize, and contracts, combinations and conspiracies to restrain, interstate trade and commerce in bauxite, alumina, aluminum, and products manufactured therefrom, will now be described in further detail, that is to say:

I

MONOPOLY OF ALUMINUM COMPANY AND SUBSIDIARIES

41. Aluminum Company, upon its incorporation in 1888, was capitalized at \$20,000 which represented cash paid in, and said Hall patent was in 1889 acquired in exchange for stock of the value of \$400,000. A total of \$2,200,000 was shortly thereafter received in cash from the sale of stock. Thereafter and in 1925 properties of a value of \$16,362,500, and cash in the amount of \$584,375, were received in exchange for stock. From time of incorporation to December 31, 1934, Aluminum Company paid cash dividends in the approximate total of \$82,000,000, and in addition, on or about June 1, 1928, in exchange for certain of its properties abroad, received stock from defendant Aluminium Limited of a stated value of \$22,988,814, said stock being thereafter distributed by Aluminum Company as a dividend. As of December 31, 1934, the net worth of Aluminum Company, as

shown by its Annual Report, was \$174,808,682 which after deducting said paid in capital represents profits of a total of \$155,241,807 from time of incorporation to December 31, 1934, over and above said dividends paid during said period of approximately \$105,000,000. Profits of such size in supplying the public with an article of prime necessity for which there has been, and will be, an increasing public demand, and for which there is no available substitute, are excessive and result from defendants' monopolization of this industry.

42. Aluminum Company and its wholly owned subsidiaries, defendants herein, have progressively increased their business until their sales of all aluminum products in 1929 reached a peak of \$92,901,261.

43. Defendant The Republic Mining and Manufacturing Company, wholly owned subsidiary of Aluminum Company, owns or holds more than 90 per cent of the bauxite deposits in the United States commercially suitable for the production of aluminum; and Aluminum Company controls and uses 100 per cent of the bauxite produced in the United States for the manufacture of aluminum.

44. Defendant Aluminum Ore Company, wholly owned subsidiary of Aluminum Company, produces at its plant in East St. Louis, Illinois, 100 per cent of the alumina used in the United States in the production of aluminum.

45. Aluminum Company, and its wholly owned subsidiary, defendant Carolina Aluminum Com-

pany, are the sole producers of virgin aluminum in the United States. Said virgin aluminum is produced at three plants operated by Aluminum Company, at Alcoa, Tennessee, Massena, New York, and Niagara Falls, New York; and at a fourth plant operated by Carolina Aluminum Company at Badin, North Carolina.

46. Aluminum Company owns and controls, and for many years past has owned and controlled, more than 85 per cent of the combined total of virgin aluminum produced and imported and of the competitive secondary or "scrap" aluminum, moving in interstate trade and commerce in the United States. More than half of the imported virgin aluminum is imported by Aluminum Company. Only a small portion of the available secondary aluminum is fully competitive with virgin aluminum.

47. Aluminum Company produces and sells more than 90 per cent of the aluminum sheet moving in interstate trade and commerce in the United States.

48. Aluminum Company produces and sells more than 95 per cent of the alloys of aluminum, commonly known as the hard alloys or duralumin, moving in interstate trade and commerce in the United States.

49. Aluminum Company produces and sells virtually 100 per cent of the extruded and structural shapes, wire, and cable for electrical transmission, and bars, rods, and tubing made of aluminum or

aluminum alloys, moving in interstate trade and commerce in the United States.

50. Aluminum Company is the largest producer and seller of aluminum castings, aluminum foil, and bronze powder moving in interstate trade and commerce in the United States.

51. Aluminum Company and defendant The Aluminum Cooking Utensil Company, wholly owned subsidiary of Aluminum Company, produce and sell approximately 50 per cent of the aluminum cooking utensils moving in interstate trade and commerce in the United States, and in addition Aluminum Company owns 26 per cent of the capital stock of, and is represented on the directorate of, defendant Aluminum Goods Manufacturing Company, largest domestic manufacturer of aluminum cooking utensils with the exception of defendant The Aluminum Cooking Utensil Company.

52. Aluminum Company and the licensees under its patents manufacture and sell approximately 80 per cent of the aluminum pistons moving in interstate trade and commerce in the United States.

53. By virtue of its 100 per cent monopoly of the production and sale of alumina and virgin aluminum in the United States, Aluminum Company has acquired and is maintaining a monopolistic control of the production and sale of alumina, aluminum, aluminum sheet, alloy sheet, basic fabricated products, and through them of products manufactured therefrom, sold in interstate and foreign commerce, and possesses the power to fix arbi-

trary, discriminatory, and unreasonable prices and to extend and perpetually maintain said monopolistic control and to exclude others who would, except for said monopolistic control, engage in competition with Aluminum Company in the production and sale of bauxite, alumina, virgin aluminum, and aluminum products manufactured therefrom. Because new enterprises desiring to engage in the aluminum industry would be placed at the mercy of a single powerful corporation controlling essential raw materials, and because of the great hazard necessarily involved in venturing into a business so completely monopolized by Aluminum Company and its wholly owned subsidiaries, said monopolistic control has had and will continue to have the direct and immediate effect of suppressing and preventing substantial competition which would otherwise arise in the production and sale in interstate and foreign commerce of bauxite, alumina, aluminum, and aluminum products manufactured therefrom, and is inimical to the public interest and in violation of Section 2 of said Sherman Antitrust Act.

II

PRESERVATION OF MONOPOLY BY RESTRAINTS UPON FOREIGN COMPETITION

54. Aluminum Company, its officers, directors, agents, affiliates, and wholly owned subsidiaries, from 1902 to the present have pursued a policy and have adopted various and sundry devices with ref-

erence to foreign competition designed to curtail, and having the effect of curtailing, shipments of aluminum and aluminum products from foreign countries to the United States, and have thereby protected and maintained the aforesaid monopolistic control of Aluminum Company in the United States. That is to say, Aluminum Company, its officers, directors, agents, affiliates, and wholly owned subsidiaries, have from time to time entered into agreements and understandings with the major aluminum companies of foreign countries to limit world production, remove accumulated stocks, fix prices, and allocate and restrict sales in world markets, with the intent and effect of restraining importations of aluminum into the United States; and have acquired substantial and sometimes controlling interests in foreign aluminum producing and fabricating companies, water power sites, power plants, bauxite deposits, and leucite deposits (substitutes for bauxite deposits), and have thereby intimidated foreign producers through control of raw materials and low cost producing facilities in foreign countries which could be used to undersell such foreign producers in world markets in retaliation against such foreign producers shipping aluminum or aluminum products to the United States, with the intent and effect of suppressing shipments of aluminum and aluminum products to the United States for sale in competition with Aluminum Company, and thereby protecting and maintaining the aforesaid monopo-

listic control of the Aluminum Company; and have purchased substantial interests in foreign aluminum companies in which major foreign producers of aluminum hold substantial interests, and have thereby created interlocking interests with most of Aluminum Company's world competitors, with the intent and effect of suppressing shipments of aluminum and aluminum products by such foreign producers to the United States for sale in competition with Aluminum Company. Said agreements, understandings, acquisitions, and purchases by Aluminum Company, its agents, affiliates, and wholly owned subsidiaries, will now be described in greater detail, that is to say:

55. In 1902, Aluminum Company, then called Pittsburgh Reduction Company, with the intent and effect of protecting and maintaining the aforesaid monopolistic control, organized under the laws of Canada the Northern Aluminum Company, Limited, later called Aluminum Company of Canada, to engage in the production and fabrication of aluminum in Canada, and caused said Northern Aluminum Company, Limited, to enter into an agreement or understanding, continued until 1906, with all of the European producers of aluminum, to allocate sales and fix prices of aluminum and aluminum products throughout the world, thereby restraining imports of aluminum into the United States.

56. On or about September 25, 1908, Aluminum Company, for the purpose and with the effect of

protecting and maintaining its aforesaid monopolistic control, caused said Northern Aluminum Company, Limited, to enter into a contract with Societe Anonyme Pour l'Industrie de l'Aluminium of Neuhausen, Switzerland, then the largest European producer of aluminum, hereinafter called the Swiss Aluminum Company, by the terms of which said Swiss Aluminum Company agreed not to sell aluminum in the American market defined as the Western Hemisphere exclusive of the United States, nor in the United States market which was to be reserved to Aluminum Company; and said Northern Aluminum Company, Limited, agreed not to sell aluminum in the European market, and engaged that Aluminum Company likewise would not sell in said market. The principal and restrictive provisions of said contract were canceled June 7, 1912, by decree of the United States District Court, Western District of Pennsylvania.

57. On June 10, 1912, three days after the entry of said decree of June 7, 1912, canceling the restrictive provisions of the aforesaid contract of September 25, 1908, Aluminum Company caused said Northern Aluminum Company, Limited, to enter into a contract with l'Aluminium Français, a corporation organized under the laws of France, hereinafter called the French Aluminum Company, with said Swiss Aluminum Company, with the British Aluminium Company, Limited, a corporation organized under the laws of Great Britain, with the Anglo-Norwegian Company, Limited,

a corporation organized under the laws of Norway, with the Aluminium Corporation Limited, a corporation organized under the laws of Great Britain, and with La Societa Italiana Per La Fabricazione Dell'Aluminio, a corporation organized under the laws of Italy. Said contract restricted and allocated sales of aluminum outside the United States, and provided that the quantity of aluminum to be sold in any one year by each of the parties, and the prices therefor, were to be fixed and determined by a Committee named by said signatories. All European parties to this contract were then engaged in the production of aluminum and in the exportation of the same to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company, and the purpose and effect of said contract were to restrict said exportations and restrain said commerce. The continuance of operations under said contract was rendered impracticable by the outbreak of the World War, and said contract was therefore canceled by the parties January 23, 1915.

58. In 1916 Aluminum Company, with the intent and effect of maintaining and extending its monopoly in the production and sale of aluminum, organized under the laws of British Guiana, the Demerara Bauxite Company, Limited, to hold and operate bauxite properties in that country, such company being retained as a wholly owned subsidiary until 1928 when it was transferred to defendant

Aluminium Limited which has since retained the same.

59. In 1916 Aluminum Company, with the intent and effect of maintaining and extending its monopoly in the production and sale of aluminum, organized under the laws of Dutch Guiana, defendant Surinaamsche Bauxite Maatschappij, retained since as a wholly owned subsidiary of Aluminum Company, to hold and operate bauxite properties in that country.

60. In 1921 Aluminum Company, with the intent and effect of maintaining and extending its monopoly in the production and sale of aluminum, incorporated Jadranski Bauxit Dioni'Co Drus'tvo under the laws of Jugo-Slavia to hold and operate bauxite lands there, said corporation being held as a wholly owned subsidiary until 1928 when it was transferred to defendant Aluminium Limited which has since retained the same.

61. In 1922 Aluminum Company purchased one half interest in, and obtained control of, Norsk Aluminum Company, a corporation organized under the laws of Norway, engaged in producing aluminum there and in exporting substantial and increasing quantities thereof to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company. The purpose and effect of said purchase were to eliminate said competition and to protect and maintain the aforesaid monopolistic control of Aluminum Company in the United States against importa-

tions of aluminum from Europe to the United States, by intimidating European producers through control of an important low cost producing plant whose output could be used to undersell such producers in European and world markets. Aluminum Company held such interest and control until 1928 when it transferred the same to defendant Aluminium Limited which has since retained said interest and control.

62. In 1922 Aluminum Company purchased one third interest in Det Norske-Nitrid Company, a corporation organized under the laws of Norway, the remaining two thirds interest being held equally by said French Aluminum Company and by said British Aluminium Company, Limited, said three European corporations being then engaged in producing aluminum and in exporting the same to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company. The purpose and effect of Aluminum Company's purchase were to eliminate said competition of said Det Norske-Nitrid Company, and to restrain said competition of said French Aluminum Company and of said British Aluminium Company, Limited, through the establishment of a joint venture with said French Aluminum Company and said British Aluminium Company, Limited, which were natural competitors of Aluminum Company and under free and unrestrained competitive conditions would offer their products in the United States in competition with Aluminum Company.

Aluminum Company retained said holding in Det Norske-Nitrid Company until 1928 when it transferred the same to defendant Aluminium Limited which has since held it.

63. In 1923 Aluminum Company, with the intent and effect of maintaining its monopoly in the production and sale of aluminum, purchased a 40 per cent interest in Carrieres de l'Arboussas, a corporation organized under the laws of France and owning and operating bauxite properties there. Aluminum Company retained said interest until 1928 when it transferred the same to defendant Aluminium Limited which has since retained the same.

64. In 1924 Aluminum Company acquired one third interest in Fonderie de Precision, a corporation organized under the laws of France and engaged there in the manufacture of aluminum die castings, the remaining interest being retained by said French Aluminum Company then engaged in producing aluminum in France and in exporting the same to the United States for sale therein in interstate trade and commerce in competition with Aluminum Company. A purpose and an effect of said transaction were, through the establishment of a joint venture with said French Aluminum Company, to suppress competition from said French Aluminum Company, which was a natural competitor of Aluminum Company and under free and unrestrained competitive conditions would offer its products in the United States in competition with

Aluminum Company. Aluminum Company retained said one third interest until 1928 when it transferred the same to defendant Aluminium Limited which has since held it.

65. In 1924 Aluminum Company acquired a 55 per cent interest in Det Norske Aktieselskab, a corporation organized under the laws of Norway and owning water powers and patents on electrode processes, and also acquired 100 per cent interest in the Kinservik Company and in the Laate-Fos Company, corporations organized under the laws of Norway and owning undeveloped water powers there. The low cost production of aluminum requires large quantities of electric energy in the economical generation of which water powers are essential and a purpose and effect of the above acquisitions were to restrain exports of aluminum to the United States for sale therein in interstate trade and commerce in competition with Aluminum Company, by threatening European producers with underselling in their own home markets through availability there of large resources for the economical generation of hydro-electric energy. Aluminum Company retained all said interests until 1928 when it transferred the same to defendant Aluminium Limited which has since held them.

66. In 1924 Aluminum Company acquired the capital stock of Societa Anonyme Mineraria Triesina, a corporation organized under the laws of Italy and owning and operating bauxite properties there. The purpose and effect of this acquisition

were to obtain substantial quantities of bauxite in Europe to aid in supplying the requirements of such aluminum producing plants there as Aluminum Company then held or might thereafter purchase or construct in connection with its aforementioned policy of restraining exportations of aluminum to the United States by threatening European producers with low cost production and underselling in their own home markets. Aluminum Company held said capital stock until 1928 when it transferred the same to defendant Aluminium Limited which has since retained said holding.

67. In 1925 Aluminum Company acquired from said French Aluminum Company one half interest in, and thereafter became a joint owner with said French Aluminum Company in, Societa Dell'Alluminio Italiano, a corporation organized under the laws of Italy and engaged there in manufacturing aluminum and aluminum products available for exportation to the United States and for sale therein in interstate trade and commerce in competition with Aluminum Company. The purpose and effect of such acquisition were to forestall said competition of said Societa Dell'Alluminio Italiano, and by the acquisition of such partial control of an important European aluminum producing company and through the establishment of another joint venture with said French Aluminum Company to restrain the latter's exports of aluminum to the United States

for sale therein in interstate trade and commerce in competition with the Aluminum Company. Aluminum Company retained said one half interest until 1928 when it transferred the same to defendant Aluminium Limited which shortly thereafter acquired the remaining interest and has since held said corporation as a wholly owned subsidiary.

68. In 1925 Aluminum Company and said French Aluminum Company and said Swiss Aluminum Company organized, and thereafter became joint owners of, Aluminio Espagnol, incorporated under the laws of Spain to manufacture aluminum and aluminum products there. The purpose and effect of said joint ownership were to restrain the exports to the United States of said French Aluminum Company and of said Swiss Aluminum Company through the establishment of a further joint venture with said French Aluminum Company and an initial joint venture with said Swiss Aluminum Company, which were natural competitors of Aluminum Company and under free and unrestrained competitive conditions would offer their products in the United States in competition with Aluminum Company. Aluminum Company retained its said holding until 1928 when it transferred the same to defendant Aluminium Limited which thereafter sold said holding to said French Aluminum Company.

69. In 1925 Aluminum Company incorporated Primorski Bauxite Company under the laws of

Jugo-Slavia to hold and operate bauxite lands previously acquired there. The purpose and effect of acquiring said bauxite lands were to obtain substantial quantities of bauxite in Europe to aid in supplying the requirements of such aluminum producing plants as Aluminum Company then held or might thereafter purchase or construct in connection with its aforementioned policy of restraining exportations of aluminum to the United States by threatening European producers with low cost production and underselling in their own home markets. Aluminum Company held said Primorski Bauxite Company as a wholly owned subsidiary until 1928 when it transferred the same to defendant Aluminium Limited which has since retained said company.

70. In 1926 Aluminum Company incorporated Forces Motrices du Bearn under the laws of France to hold and develop a large water power acquired there. In 1912 Aluminum Company had incorporated Bauxites du Midi under the laws of France to hold and operate bauxite properties acquired there for the purpose and with the effect of holding substantial quantities of bauxite in Europe to aid in supplying the requirements of such aluminum producing plants as Aluminum Company might thereafter purchase or construct in connection with its aforementioned policy of restraining exportations of aluminum to the United States by threatening European producers with low cost production and underselling in their own home markets.

The special purpose and effect of incorporating Forces Motrices du Bearn and Bauxites du Midi, as aforesaid, were to enable Aluminum Company at its will to produce aluminum commercially in France and thus to offer the threat to said French Aluminum Company of low cost production and destructive competition in its own home market, if, despite the aforesaid joint ventures of Aluminum Company and said French Aluminum Company, the latter should export aluminum to the United States in such quantities or sell therein at such prices as to interfere with the aforesaid monopolistic control of the United States market by Aluminum Company. Aluminum Company held said Bauxites du Midi and said Forces Motrices du Bearn as wholly owned subsidiaries until 1928 when it transferred said companies to defendant Aluminium Limited which has since held them.

71. In 1927 Aluminum Company incorporated Prodotti Chimici Napoli under the laws of Italy to engage in the refining of alumina from leucite, for the purpose and with the effect of obtaining substantial quantities of alumina in Europe to aid in supplying the requirements of such aluminum producing plants there as Aluminum Company then held or might thereafter purchase or construct in connection with its aforementioned policy of restraining exportations of aluminum to the United States by threatening European producers with low cost production and underselling in their own home markets. Aluminum Company retained said

Prodotti Chimici Napoli as a wholly owned subsidiary until 1931 when it was transferred to defendant Aluminium Limited which has since held it.

72. In 1928 Aluminum Company caused to be incorporated under the laws of the Dominion of Canada defendant Aluminium Limited to which Aluminum Company transferred all its business and holdings outside of the United States, except defendant Surinaamsche Bauxite Maatschappij, defendant Cedar Rapids Transmission Company, Limited, defendant Alcoa Power Company, Limited, and said Prodotti Chimici Napoli. As consideration for said properties, defendant Aluminium Limited issued all of its capital stock to Aluminum Company which thereupon distributed said stock proportionately among its own stockholders, Andrew W. Mellon, R. B. Mellon, and Arthur V. Davis, who together then held the majority of the capital stock of Aluminum Company, receiving more than 50 per cent of said stock of defendant Aluminium Limited. As a result of said stock distribution, the ownership of a majority of the shares of stock in both Aluminum Company and defendant Aluminium Limited has since remained in a small group of persons, defendants herein, common to both corporations, prominent in the organization of Aluminum Company, who through such stock ownership, the close relationships among officials of both corporations, and the use by both corporations of the same banking, legal, and other facilities have since controlled the

policies and activities of both Aluminum Company and defendant Aluminium Limited. The officers and directors of Aluminium Limited from the time of its organization have been, almost without exception, individuals formerly identified with the direction and management of Aluminum Company. Defendant Aluminium Limited has offices in the United States, and many of its directing officials function and reside there.

73. Defendant Aluminium Limited upon its organization assumed the contractual obligations of, and continued the relationships and associations of, Aluminum Company with foreign producers of aluminum, and has since effected further contractual relationships with said foreign producers.

74. Defendant Aluminium Limited produces large quantities of aluminum at low cost in Canada and Norway, and has shipped occasional quantities of aluminum to the United States for sale to Aluminum Company, but it does not export any aluminum to the United States for sale in interstate trade and commerce in competition with Aluminum Company although the United States is a logical market for products of Aluminium Limited; and Aluminum Company does not export any aluminum, or any products fabricated therefrom, for sale abroad in competition with defendant Aluminium Limited which directs its own operations so as to aid and supplement the operations of Aluminum Company and other corporate defendants. The failure of Aluminum Company and defendant

Aluminium Limited to compete with each other is the result of the common control of said corporations by a small group of stockholders and of agreements and understandings between said corporations.

75. Defendant Aluminium Limited was organized as aforesaid with the intent and effect of establishing said common control and transferring to Aluminium Limited as a foreign corporation the aforesaid contractual obligations which Aluminum Company had entered into with foreign aluminum producers, and enabling Aluminium Limited as a foreign corporation to enter into further contractual obligations with said foreign producers restricting competition in world markets and curtailing imports of aluminum into the United States, thereby attempting to evade the prohibitions of said Sherman Antitrust Act and the injunctive provisions of said Decree of June 7, 1912.

76. Defendant Aluminium Limited, whose policies have been, and are being, directed through the aforesaid common control exercised over it and Aluminum Company, promotes contractual arrangements and understandings with foreign producers of aluminum pursuant to which exportations of aluminum to the United States for sale therein in interstate trade and commerce in competition with Aluminum Company have been, and are being, unlawfully restrained.

77. In July 1931, defendant Aluminium Limited, whose policies were then directed through the

aforesaid common control exercised over it and Aluminum Company, acting in the latter's behalf, entered into a contract with said French Aluminum Company, said British Aluminium Company, Limited, said Swiss Aluminum Company, and the Vereinigte Aluminium Werke, hereinafter called the German Aluminum Company, a corporation organized under the laws of Germany and engaged there in the production of aluminum and in the exportation of the same to the United States for sale in interstate trade and commerce in competition with Aluminum Company. Said parties and their subsidiaries then were, and are now, the only substantial producers of aluminum outside of the United States, except for production which has recently developed in Russia whose product is not exported. Pursuant to the terms of said contract, said parties in October 1931, incorporated Alliance Aluminium Compagnie under the laws of Switzerland, the capital stock of said corporation being subscribed and paid for by said parties, defendant Aluminium Limited acquiring 28 per cent of said stock and also representation upon the Board of Governors of said Alliance Aluminium Compagnie. The sums so received by said Alliance Aluminium Compagnie were employed in purchasing from its stockholders, and in holding, such accumulated stocks of aluminum as said stockholders had been unable theretofore to market. Said contract of July 1931, limited the future production of each of the parties to such amounts of aluminum as should

be thereafter determined by said Board of Governors, and authorized said Board to fix the prices for said aluminum. Said contract also provided that alumina should be sold only to stockholders of said Alliance Aluminium Compagnie.

78. Prior to and at the time of said contract of July 1931, said foreign producers held large quantities of aluminum for which there was no market and in the production of which they had incurred heavy financial obligations, and the intent of defendant Aluminium Limited in participating in said contract and in acquiring a substantial stockholding in said Alliance Aluminium Compagnie, and the effect thereof, were (1) to provide for the availability of sufficient funds with which to purchase surplus stocks of aluminum in the world market, thereby preventing the exportation of such surplus to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company at prices lower than those fixed and established by said Aluminum Company, and (2) to provide against future surplus accumulations abroad which might enter into said commerce, and (3) to suppress exportations of aluminum to the United States in the future at such prices or in such amounts as to endanger the aforesaid monopolistic control of Aluminum Company.

79. In 1931 defendant Aluminium Limited, whose policies were then directed through the common control exercised over it and Aluminum Company,

acting in behalf of and pursuant to an understanding with Aluminum Company, entered into a contract with said British Aluminium Company, Limited, said French Aluminum Company, said German Aluminum Company, and said Swiss Aluminum Company, by the terms of which their competition in sales in Japan of aluminum and aluminum products was restricted. An intent in and an effect of the execution of said contract were the establishment by defendant Aluminium Limited of further interlocking interests with said European producers tending to restrain exportations of aluminum to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company.

80. In 1931 defendant Aluminium Limited, whose policies were then directed through the common control exercised over it and Aluminum Company, acting in behalf of and pursuant to an understanding with Aluminum Company, entered into a contract with said British Aluminium Company, Limited, restricting competition in sales of aluminum and aluminum products by the contracting parties in India. An intent in and effect of the execution of said contract were the establishment by defendant Aluminium Limited of a further interlocking interest with said British Aluminium Company, Limited, tending to restrain its exportations of aluminum to the United States for sale therein in interstate and foreign commerce in competition with Aluminum Company.

81. Aluminum Company submitted to the Department of Justice its proposal to acquire the aforesaid interests in Norsk Aluminum Company and Det Norske-Nitrid Company (described in paragraphs 61 and 62 hereinabove), and in 1922 obtained the consent of the then Attorney General to a modification of the aforesaid decree of June 7, 1912, to remove injunctive prohibitions against said acquisitions. Aluminum Company also submitted to the Department of Justice its proposal to purchase the aforesaid properties of the Southern Aluminum Company (referred to in paragraph 13 hereinabove), and obtained from an official of said Department a letter stating that the Department saw nothing in the facts submitted by counsel for Aluminum Company which would call for action by the Department under the aforesaid decree of June 7, 1912. In none of these transactions did the Department of Justice have before it the question as to whether or not said acquisitions, considered together with other acquisitions and facts alleged in this petition, constituted violations of said Sherman Antitrust Act. Except as hereinabove alleged, Aluminum Company at no time submitted to the Department of Justice proposals or facts relating to acquisitions or transactions set forth in this petition.

82. The aforesaid agreements and understandings of Aluminum Company and Aluminium Limited with foreign producers, and the aforesaid acquisitions and purchases abroad have been de-

signed to restrain, and have had the effect of restraining, imports of bauxite, alumina, aluminum and aluminum products into the United States and sales thereof in interstate and foreign trade and commerce in competition with Aluminum Company, in violation of Section 1 of said Sherman Antitrust Act; and have thereby materially aided in establishing, protecting, and maintaining the aforesaid monopolistic control of Aluminum Company in the United States. The existence and maintenance of said monopolistic control under such circumstances and by such means is inimical to the public interest and in violation of Section 2 of said Sherman Antitrust Act.

III

ACQUISITION AND MAINTENANCE OF MONOPOLY BY UNFAIR AND OPPRESSIVE TACTICS

83. The aforesaid monopolistic control of the aluminum industry in the United States by Aluminum Company has been acquired, extended, and maintained by unfair, unreasonable, and oppressive agreements and understandings and by contracts, combinations and conspiracies in restraint of interstate and foreign trade and commerce, which will now be described in greater detail, that is to say:

84. In 1894 Aluminum Company, then called the Pittsburgh Reduction Company, knowing that large quantities of low cost electric energy were necessary for the commercial production of alumi-

num, and with the intent and effect of forestalling competition in the production and sale of aluminum and of extending its monopoly therein beyond the life of the patents heretofore described, in its contract with the Niagara Falls Power Company, a New York corporation, for power for Aluminum Company's new aluminum producing plant at Niagara Falls, New York, required said Niagara Falls Power Company, then outstanding in hydroelectric development, to agree not to supply power to any other aluminum producing company, said prohibition being still in full force and effect. Aluminum Company purchases substantial quantities of mechanical power from said Niagara Falls Power Company under an exclusive arrangement whereby it receives discriminatory rates and advantages not made available to others.

85. In 1902 Aluminum Company, then called the Pittsburgh Reduction Company, knowing that large quantities of low cost electric power were required for the commercial production of aluminum, and with the intent and effect of forestalling competition in the production and sale of aluminum, and of extending its monopoly therein beyond the life of the patents heretofore described, caused said Northern Aluminum Company, Limited, in its contract with the Shawinigan Water and Power Company for power for said subsidiary's new plant at Shawinigan Falls, Canada, to require said Shawinigan Water and Power Company, a Canadian corporation, then outstanding in hydro-elec-

tric development, to agree not to supply power to any other aluminum producing company. Said prohibition is still in full force and effect.

86. On July 25, 1905, Aluminum Company, then called the Pittsburgh Reduction Company, entered into a contract with the General Chemical Company, a New York corporation, to acquire therefrom all the capital stock of the General Bauxite Company, a Delaware corporation, owning and operating bauxite lands in the States of Georgia, Alabama, and Arkansas, the contract of purchase providing that for a period of 50 years said Bauxite Company would supply the bauxite requirements of said Chemical Company in an amount not exceeding 50,000 tons annually; and that bauxite lands then owned, or acquired during said period, by said Pittsburgh Reduction Company, would be held subject to the performance of said contract. It was further provided in said contract of purchase that said Bauxite Company would not sell, other than to said Chemical Company, bauxite for domestic manufacture of sulphate or hydrate of alumina, or of alum and its compounds, the same being products manufactured by said Chemical Company, and that said Chemical Company would not use or knowingly sell bauxite so supplied to it by said Bauxite Company, or any bauxite, or the products thereof, for the purpose of conversion into the metal aluminum. Said restrictive provisions imposed restraints upon said Chemical Company greater than were necessary to afford

fair protection to the interests of Aluminum Company and were employed with the intent and effect of preventing said Chemical Company, then in a strong financial position, from engaging in the commercial production of aluminum after the expiration of said patents. Said provisions were canceled June 7, 1912, by decree of the United States District Court, Western District of Pennsylvania.

87. On or about January 1, 1907, Aluminum Company entered into a contract to purchase alumina from the Pennsylvania Salt Manufacturing Company, a Pennsylvania corporation, the vendor agreeing as part of the consideration that during the life of the contract, a period of five years, Aluminum Company having the option to renew for like period, said vendor would not engage in the manufacture of aluminum nor allow any company in which it owned a controlling interest to do so, nor invest its capital in any way, through the purchase of stock of any corporation or otherwise, in the manufacture of aluminum, nor sell alumina for use in the manufacture of aluminum to any one other than Aluminum Company. Said restrictive provisions imposed restraints upon said Pennsylvania Salt Manufacturing Company greater than were necessary to afford fair protection to the interests of Aluminum Company and were employed with the intent and effect of preventing said Pennsylvania Salt Manufacturing Company, then in a strong financial position, from

engaging in the commercial production of aluminum. Said provisions were canceled June 7, 1912, by decree of the United States District Court, Western District of Pennsylvania.

88. On or about April 20, 1909, Aluminum Company purchased from the Norton Company, a Massachusetts corporation manufacturing an abrasive called alundum, the capital stock of the Republic Mining and Manufacturing Company, a corporation organized under the laws of the State of Georgia owning and operating bauxite properties in the States of Georgia, Alabama, and Arkansas. It was agreed in the contract of purchase that Aluminum Company would annually supply said Norton Company with 50,000 tons of bauxite for a period of 40 years during which time Aluminum Company would not use any bauxite produced by it in the United States or Canada or sell any of said bauxite to others than the Norton Company, for the manufacture of alundum, nor directly or indirectly engage or assist in any business competitive with said Norton Company in the manufacture of alundum; that during such period said Norton Company would not use or sell any of the bauxite supplied by Aluminum Company or any other bauxite or product thereof, for the purpose of conversion into aluminum, nor directly or indirectly engage or assist in any business competitive with Aluminum Company in the manufacture of aluminum. Said restrictive provisions imposed restraints upon said Norton Company greater than

were necessary to afford fair protection to the interests of Aluminum Company and were employed with the intent and effect of preventing said Norton Company, then in a strong financial position, from engaging in the commercial production of aluminum. Said provisions were canceled June 7, 1912, by decree of the United States District Court, Western District of Pennsylvania.

89. In 1909 Aluminum Company acquired, and has since retained, 26 per cent of the capital stock of, and representation upon the directorate of, defendant Aluminum Goods Manufacturing Company then engaged in the manufacture of aluminum cooking utensils and other fabricated products and in selling the same in interstate and foreign commerce in competition with defendant The Aluminum Cooking Utensil Company. The purpose and effect of said acquisition were to obtain for Aluminum Company an important influence over the policies of defendant Aluminum Goods Manufacturing Company and to restrain said competition. Aluminum Company and its officers now own approximately 31 per cent of the capital stock of defendant Aluminum Goods Manufacturing Company, and two of Aluminum Company's officers are directors of defendant Aluminum Goods Manufacturing Company. In 1931 defendant Aluminium Limited caused Aluminum Goods, Limited, to be incorporated under the laws of the Dominion of Canada to engage in the manufacture of

utensils and other products, defendant Aluminium Limited retaining 51 per cent of the capital stock, the remaining shares thereof being sold to defendant Aluminum Goods Manufacturing Company. The purpose of the sale of 49 per cent of the capital stock of said Aluminum Goods, Limited, to defendant Aluminum Goods Manufacturing Company, and the effect thereof, were to give defendants Aluminum Company, Aluminium Limited, and Aluminum Goods Manufacturing Company a monopolistic control of the interstate and foreign trade and commerce in aluminum cooking utensils in the United States and Canada.

90. On or about November 16, 1910, Aluminum Company purchased from one Gustave A. Kruttschnitt and one James C. Coleman 720 shares of the capital stock of defendant Aluminum Goods Manufacturing Company, said vendors being required to agree that for a period of 20 years thereafter they would not compete in the United States east of Denver with either of said defendants. Said vendors had been engaged theretofore in the manufacture of aluminum cooking utensils and in the sale of the same in interstate trade and commerce, and the purpose and effect of said restrictive provisions were to restrain said interstate trade and commerce by the elimination of said vendors from the aluminum industry during said period of time. Said restrictive provisions were canceled June 7, 1912, by decree of the United States District Court, Western District of Pennsylvania.

91. On or about October 21, 1912, Aluminum Company and defendant Northern Aluminum Company, Limited, entered into a contract with Southern Aluminum Company, as heretofore alleged a corporation organized in 1912 under the laws of New York to engage therein in the production of aluminum, and with Societe Generale des Nitrures, a joint stock company organized under the laws of France and owning certain patents for the production of alumina from bauxite, the two last named corporations being controlled by said French Aluminum Company, then a large European producer of aluminum. Said contract provided for the formation of a corporation in the United States to own said patents and to operate thereunder, the capital stock of said new corporation to be subscribed and paid for by the contracting parties. The purpose and effect of said contract were to prevent the manufacture of alumina under said patents by others in the United States and Canada, and to create an interlocking interest between Aluminum Company and said French Aluminum Company through their joint operations in the production of alumina, and thereby suppress imports into the United States of aluminum and aluminum products by said French Aluminum Company. The manufacture of alumina under said patents proved to be impracticable, and said contract was therefore canceled by the parties in 1920.

92. In March 1918 Aluminum Company entered into a contract with the Cleveland Metal Products

Company, a corporation organized under the laws of Ohio and since 1915 engaged at Cleveland, Ohio, in the production of aluminum sheet and its sale in interstate and foreign trade and commerce in competition with Aluminum Company. Prior to said contract the said Cleveland Metal Products Company was the first and only competitor of Aluminum Company in the United States in the production and sale of aluminum sheet. Pursuant to the terms of said contract the Aluminum Rolling Mill Company was incorporated under the laws of Ohio to purchase and operate the rolling mill theretofore owned and operated by said Cleveland Metal Products Company, Aluminum Company then purchasing 60 per cent of the capital stock of, and obtaining the control of the management and operation of, said Aluminum Rolling Mill Company. The purpose and effect of said contract were to re-establish Aluminum Company's complete monopoly in the production and sale of aluminum sheet, by the elimination of the competition of said Cleveland Metal Products Company. In August 1923, in compliance with an order of the United States Circuit Court of Appeals, Third Circuit, Aluminum Company divested itself of said stock of the Aluminum Rolling Mill Company by selling the same to the Cleveland Metal Products Company. Shortly thereafter Aluminum Company obtained a judgment against said Aluminum Rolling Mill Company for indebtedness, and acquired said rolling mill at sheriff's sale.

93. In 1919 defendant Aluminum Goods Manufacturing Company, 26 per cent of whose capital stock was then owned by Aluminum Company, and upon whose directorate Aluminum Company then had representation, and for whose policies and activities Aluminum Company therefore shared responsibility, purchased the aluminum sheet rolling mill at St. Louis, Missouri, then owned and operated by the Bremer-Waltz Corporation which was engaged in the production of aluminum sheet and in the sale thereof in interstate trade and commerce in competition with Aluminum Company, and was the only competitor of Aluminum Company in the United States in the production and sale of aluminum sheet. The purpose and effect of such purchase were to eliminate said competition.

94. In 1924 Aluminum Company purchased, and has since retained, one third of the capital stock of Republic Carbon Company, a corporation organized under the laws of Delaware to manufacture at Niagara Falls, New York, carbon electrodes suitable in the production of aluminum and of special grades of steel. The demand for carbon electrodes had materially declined with the termination of the World War, and the Republic Carbon Company had determined therefore to engage in the production of aluminum. In furtherance of this plan large sums of money had been expended in locating and acquiring bauxite lands and in overcoming legal obstacles raised in connection therewith by a

subsidiary of Aluminum Company. Because of its possession of bauxite lands, of long term contracts for the supply of hydro-electric energy, of a plant equipped to manufacture carbon electrodes, and of ample financial resources, the Republic Carbon Company offered to Aluminum Company the threat of competition in the production of aluminum and its sale in interstate and foreign commerce, and the purpose and effect of said purchase were to forestall said competition.

95. In 1924 Aluminum Company, then owning patents covering the casting processes for the commercial production of aluminum pistons, and being the sole domestic producer of virgin aluminum, a product indispensable in the manufacture of such pistons, acquired an exclusive license to manufacture and sell aluminum pistons under the basic patents covering the design or structure of such pistons. The purpose and effect of acquiring said exclusive license were to obtain for Aluminum Company a monopoly in the production and sale of such pistons in interstate and foreign commerce, which is still held by Aluminum Company and its licensees.

96. In 1924 one James B. Duke, a citizen of the State of New Jersey, who controlled extensive hydro-electric properties in the United States and Canada and who commanded large reserves of capital, entered upon negotiations to engage in a joint venture with one George D. Haskell, a citizen of the State of Massachusetts, who possessed valuable in-

formation with respect to the production of aluminum, to produce aluminum for sale in interstate and foreign trade and commerce in competition with Aluminum Company. Said Duke and said Haskell formulated plans to use the electric energy developed by the aforesaid water powers and expended substantial sums of money in furtherance of this project. In 1925 defendant Arthur V. Davis, then President of Aluminum Company, acting on its behalf and knowing of the plans of said Duke and said Haskell, with the intent of eliminating them as potential competitors, entered into an agreement with said Duke under the terms of which (1) Canadian Manufacturing and Development Company, controlled by said Duke and owning power sites on the Saguenay River in Canada, merged with Aluminum Company, (2) said undeveloped water powers in Canada were conveyed to Aluminum Company as part of said merger, and (3) Duke undertook to furnish Aluminum Company with important quantities of electric energy. As an immediate and intended result of said agreement, said Duke abandoned the aforesaid joint venture with said Haskell, said Duke and his associates obtained one ninth of the capital stock of the reorganized Aluminum Company and membership on the directorate thereof, and said Duke and said Haskell were eliminated as potential competitors of Aluminum Company. Under the terms of said merger, Aluminum Company paid many millions of dollars in excess of the true value of the

properties acquired by it, for the purpose of eliminating said potential competition. The additional water power acquired by Aluminum Company was far in excess of its legitimate requirements, and was not needed for the normal operation and development of Aluminum Company. Aluminum Company, after said merger, organized under the laws of the Dominion of Canada the defendant Alcoa Power Company, Limited, since retained by it as a wholly owned subsidiary, to hold and develop said water powers; and through its wholly owned subsidiary, the Aluminum Company of Canada, theretofore known as said Northern Aluminum Company, Limited, Aluminum Company in 1926 constructed a large low cost aluminum producing plant on said Saguenay River. Aluminum Company in 1928 transferred said Aluminum Company of Canada to defendant Aluminium Limited which has since held the same.

97. In 1926 Aluminum Company acquired 53 per cent of the capital stock of the Duke Price Power Company, a corporation organized under the laws of the Dominion of Canada and owning and operating on said Saguenay River a hydro-electric plant which complemented said undeveloped water powers obtained by Aluminum Company through its said merger with said Canadian Manufacturing and Development Company. Said plant and water powers comprised all the facilities available on said Saguenay River for the production of electric energy, of a capacity of approximately 1,540,000

horsepower. A purpose and an effect of said stock acquisition were to enlarge the capacity of Aluminum Company for low cost production outside of the United States, to operate as a further threat to dissuade European producers from interfering with Aluminum Company's aforesaid monopoly of the United States market. Aluminum Company retained said stock until 1928 when it transferred the same to defendant Aluminium Limited which has since held said stock.

98. In 1927 Aluminum Company was then, as theretofore and now, the sole producer of virgin aluminum in the United States, and fixed and established the prices for all virgin aluminum moving in interstate trade and commerce, said product being indispensable in the manufacture of aluminum sheet. Aluminum Company also produced in excess of 90 per cent of the aluminum sheet moving in interstate trade and commerce, and fixed and established the prices for all aluminum sheet moving in interstate trade and commerce. Sheet Aluminum Corporation, of Jackson, Michigan, and Fairmont Aluminum Company, of Fairmont, West Virginia, both of which began operations in 1926, were in 1927 producing aluminum sheet and selling the same in interstate and foreign trade and commerce in competition with Aluminum Company, and were required because of said Aluminum Company's control over prices to purchase virgin aluminum at, and to sell their aluminum sheet at, prices established by Aluminum

Company, all of which Aluminum Company well knew. Knowing also that the respective prices for virgin aluminum and aluminum sheet theretofore maintained by it for a period of years would limit to a narrow margin of profit the operations of any competing sheet manufacturer selling his sheet in interstate trade and commerce, Aluminum Company during the period August 1 to October 20, 1927, effected changes in the respective prices of virgin aluminum and of aluminum sheet which so reduced the differentials between the prices of these two products that such competing sheet manufacturer, even though he should roll efficiently and should conduct his business with thrift, skill, and good judgment, could not continue operations without incurring losses destructive of his business. As a result, after said price changes in 1927 said Sheet Aluminum Corporation was obliged virtually to suspend operations, and said Fairmont Aluminum Company was obliged to suffer serious losses, to curtail its operations substantially, and to establish an interlocking interest with a foreign producer of aluminum in order to remain in business. The competition offered by said Cleveland Metal Products Company during the period 1915 to 1918 was, as heretofore alleged, terminated in 1918 when its mill came under the control of Aluminum Company. The competition offered by said Bremer-Waltz Corporation was, as heretofore alleged, terminated in 1919 when its mill was acquired by defendant

Aluminum Goods Manufacturing Company. Said Sheet Aluminum Corporation and said Fairmont Aluminum Company afforded the only other competition of consequence in interstate trade and commerce in aluminum sheet encountered by Aluminum Company, and the purpose of effectuating said reductions in differentials was to eliminate the competition of said Sheet Aluminum Corporation and of said Fairmont Aluminum Company and to preserve Aluminum Company's aforesaid monopolistic control of said trade and commerce, the practical effect of said reductions being the virtual elimination of the competition of said Sheet Aluminum Corporation, the contraction of the competition of said Fairmont Aluminum Company, and the preservation of said monopolistic control.

99. During the period 1924 to 1931 Aluminum Company was then, as theretofore and now, the sole producer of virgin aluminum in the United States, and fixed and established the prices for all virgin aluminum moving in interstate trade and commerce, said product being indispensable in the manufacture of aluminum alloy sheet. Aluminum Company also manufactured such a large proportion of the total domestic output of aluminum alloys, a product resulting from mixing aluminum in a molten state with other metals, that it was able to, and did, establish the prices for all

aluminum alloy sheet moving in interstate trade and commerce. Knowing that the Baush Machine Tool Company, of Springfield, Massachusetts, its first, and therefore its only, competitor in the field of aluminum alloys, had been manufacturing aluminum alloy sheet uninterruptedly since 1919 and selling the same in interstate trade and commerce, and had become an important producer thereof by 1924, and knowing that any competitor in said manufacture and sale would be required because of Aluminum Company's control over prices to purchase virgin aluminum at, and to sell his sheet at, prices established by it, Aluminum Company during the period 1924 to 1931 effected changes in the respective prices of virgin aluminum and of aluminum alloy sheet which so reduced the differentials between the prices of virgin aluminum and of said sheet that any competitor in the manufacture, and sale in interstate trade and commerce, of aluminum alloy sheet, even though he should roll efficiently and should conduct his business with thrift, skill, and good judgment, would be unable to carry on operations without incurring losses destructive of his business. As an immediate and intended result, said Baush Machine Tool Company was obliged to conduct its said sheet operations at losses which accumulated over said period 1924 to 1931 until said company was compelled virtually to suspend

such production, Aluminum Company having since encountered no competition of consequence in the production of aluminum alloy sheet and its sale in interstate trade and commerce. The purpose and effect of said reductions in differentials were to eliminate said competition of said Baush Machine Tool Company and to establish, extend, and maintain Aluminum Company's aforesaid monopolistic control of said trade and commerce.

100. The aforesaid monopolistic control of the aluminum industry by Aluminum Company, acquired, extended, and maintained as aforesaid, has been used by defendants to fix arbitrary, discriminatory, oppressive and unreasonable prices for aluminum and aluminum products manufactured therefrom. From the time of its original development to the present, Aluminum Company has made unfair and arbitrary price discriminations against small and independent manufacturers, and has discriminated in favor of its wholly and partially owned subsidiaries engaged in competition with said independent manufacturers, and has granted unfair and discriminatory rebates to favored customers, and has refused to sell aluminum, supplied inferior aluminum, and delayed shipments, to said independent manufacturers, and has extracted information from said independent manufacturers as to the prices bid by them on contracts sought by Aluminum Company's said subsidiaries, and has

coerced said independent manufacturers to buy aluminum exclusively from Aluminum Company by representing that their supply would otherwise be cut off. By virtue of the aforesaid monopolistic control, defendants possess the power to continue to fix and adopt arbitrary, discriminatory, oppressive and unreasonable prices and competitive practices.

101. On March 1, 1937 defendant Aluminum Company of America, exercising its aforesaid power to fix oppressive and unreasonable prices, arbitrarily announced an advance of 1¢ per pound in the carlot price of virgin ingot, which it had theretofore maintained at a level of 19¢ per pound since October 1934. This unwarranted advance was made notwithstanding the fact that said defendant had increased its production of virgin aluminum from 119,295,000 pounds, valued at \$22,070,000, in 1935, to 224,929,000 pounds, valued at \$41,612,000, in 1936, and had experienced an increase in earnings from \$9,571,206, or 55¢ per share of common stock, after preferred dividend requirements, in 1935 to \$20,866,936, or \$8.65 per share of common stock, after preferred dividend requirements, in 1936. Moreover, this advance in price was especially unjustifiable since every indication pointed to an all-time high production for 1937, with a substantial increase in earnings over those of 1936.

102. In participating in the agreements, understandings, acquisitions, purchases, and arbitrary, discriminatory, oppressive and unreasonable prices and competitive practices hereinbefore referred to, defendants have suppressed and eliminated competition and excluded others who would otherwise venture into competition in the aluminum industry, and have monopolized, attempted to monopolize, combined and conspired to monopolize, and have entered into contracts, combinations and conspiracies to restrain, the aforesaid interstate and foreign trade and commerce in bauxite, alumina, aluminum and aluminum products manufactured therefrom, to the great detriment of potential competitors, independent manufacturers, consumers of aluminum and aluminum products, and the public, and in violation of Sections 1 and 2 of said Sherman Antitrust Act.

103. In order that the aluminum industry in all its branches may be open to those who may desire to enter therein, and that competition may arise and that the benefits therefrom may accrue to the public, and that the interstate and foreign trade and commerce in aluminum and in the products manufactured therefrom may be wholly unrestrained and the existing monopoly therein destroyed, Aluminum Company and all other defendants herein should be restrained from continuing

said practices, contracts, relationships, combinations and conspiracies, and from entering into any further contracts, relationships, combinations and conspiracies of like or similar nature, and should be required to make such divestiture of their properties and holdings as will terminate said monopolistic control and effect competitive conditions in the industry.

PRAYER

Wherefore and inasmuch as adequate remedy in the premises can be obtained only in a court of equity, Petitioner prays:

(1) That said monopoly, attempts to monopolize, combination and conspiracy to monopolize, and contracts, combinations, and conspiracies in restraint of, interstate and foreign trade and commerce, be adjudged and decreed to be unlawful, and that the agreements, understandings, acquisitions, purchases and practices alleged in this petition be adjudged and decreed to be in violation of said Sherman Antitrust Act.

(2) That the Court adjudge and decree that all of the defendants herein have monopolized, attempted to monopolize, combined and conspired to monopolize, and contracted, combined and conspired to restrain, the aforesaid interstate and foreign trade and commerce, in violation of Sections 1 and 2 of said Sherman Antitrust Act.

(3) That defendants and each of them, their officers, directors, agents, representatives, and all persons and corporations acting or claiming to act on behalf of them, or any of them, be perpetually enjoined from monopolizing, attempting to monopolize, combining or conspiring to monopolize, or agreeing, combining or conspiring to restrain, the aforesaid interstate and foreign trade and commerce, and from engaging in or participating in practices, contracts, relationships or understandings, or claiming any rights thereunder, having a tendency to continue or revive any of the aforesaid violations of said Sherman Antitrust Act.

(4) That Aluminum Company be adjudged and decreed to be a monopoly in violation of Section 2 of said Sherman Antitrust Act.

(5) That Aluminum Company be dissolved and that its properties be rearranged under several separate and independent corporations in such a manner as to dissolve effectively the aforesaid monopolistic control and prevent further violations of said Sherman Antitrust Act, and that all of the defendants herein, corporate and individual, be required to make such divestiture and conveyances of their stockholdings and properties as shall be necessary to accomplish such dissolution.

(6) That the Court appoint such receivers and trustees as may be necessary or appropriate to effectuate a dissolution of Aluminum Company and the aforesaid monopoly.

7. That the agreement or understanding whereby defendant Aluminum Company and defendant Aluminium Limited have refrained from competition with each other be adjudged and decreed to be an illegal combination and conspiracy to restrain and monopolize interstate and foreign trade and commerce, and that in order to establish an effectual guarantee against further suppression of competition between said two corporate defendants through similar agreements or understandings each defendant herein, corporate or individual, owning any of the capital stock in both defendant Aluminum Company and defendant Aluminium Limited be ordered to divest itself or himself of all stockholdings in one or the other of said corporate defendants; that each defendant herein, corporate or individual, be perpetually enjoined from simultaneously holding or controlling, directly or indirectly, or through subsidiary corporations, agents, representatives or assignees, any of the capital stock of both defendant Aluminum Company and defendant Aluminium Limited, or any of the capital stock of defendant Aluminium Limited and any other corporate defendant herein.

(8) That Petitioner have such other, further, general, and different relief as the nature of the case may require and the Court may deem proper in the premises.

(9) That Petitioner recover costs of this suit.

(10) That writs of subpoena issue, directed to said defendants, commanding them and each of

them to appear herein and to answer under oath each allegation contained in this petition and to abide by and perform such acts, orders and decrees as the Court may make in the premises.

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APRIL 23, 1937.