

one way or the other. We are proceeding here under certain allegations of the complaint. We have nothing to do in my judgment, with any decree that was entered into with this respondent by the Department of Justice. The Commission has its own method of procedure and has elected to proceed against this respondent under certain allegations in that complaint upon which the Commission stands and upon which, if the facts warrant it, they can issue an order. I do not see for the life of me how the consent decree is going to enter into that.

MR. WHITELY: May I make one short statement?

This decree is offered as proof that certain acts by the respondent are unfair methods of competition in commerce and I may state in that connection that the matter was very fully and carefully considered by the Chief Counsel of the Commission and it was under his advice and instruction that something over a year ago I secured a copy of the decree certified to by the Clerk of the Court for the purpose of offering it in evidence.

MR. SMITH: What was the action of the Chief

Counsel got to do with that?

MR. WHITELY: The action of the Chief Counsel,

Mr. Smith, as looked through, or the opinion of the Chief Counsel is looked to by the Commission as its law officer, just as the opinion of the Attorney General would be looked