

VOLUME 58, NUMBER 3, JULY 1984

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“History of Rural Life in America”

A special issue edited by Barbara R. Cotton

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United States v. AT&T

Court Documents, 1974-1984

"The largest corporate dismemberment ever."

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By virtually any measure—the size of the corporation involved, the number of consumers affected by the outcome, and the length and complexity of the litigation—the recently concluded case of the *United States v. AT&T* ranks at the top of all the major cases in American history involving law and business. Before the divestiture of its local phone companies on 1 January 1984, AT&T was, in terms of assets, the world's largest corporation; its \$150 billion in assets exceeded those of Exxon, General Motors, and IBM combined. Businesses, governments, and citizens alike depended on AT&T for most—if not all—of their phone service, as had been true for nearly a century. Now, after years in court and thousands of pages of legal motions and briefs, tens of thousands of pages of testimony, still more thousands of pages of reorganization plans, and hundreds of pages of the court's opinions (all published in our collection for the first time), AT&T has changed dramatically—into eight separate and independent companies—and the telecommunications industry has entered a new era of competition, invention, and uncertainty.

At its core, the *United States v. AT&T* was a classic antitrust case pitting the federal government against big business. There were allegations of monopolistic control over a major industry; and there were counterclaims, first, that no such control existed, and, second, that even if such control existed it was incidental rather than purposeful and unlawful.

Following more than six years of pretrial discovery, the trial commenced in January 1981 before Judge Harold Greene in the U.S. District Court in Washington, D.C. The trial was beginning its second year when, in a surprise move, the government and AT&T announced that they had reached a settlement, and that the settlement would involve the breakup of AT&T's Bell System. Attorneys for AT&T were willing to settle because, it was reported, they believed that the trial was not going well for their side, and because they were anxious to move into the business of computers and related services from which they had been barred for decades but in which they would now be allowed to compete under the terms of the proposed settlement. Attorneys for the government were willing to settle because the Reagan administration wanted to bring the long and costly case to an end. After six months of deliberation Judge Greene approved the basic principle of the settlement—divestiture of the local phone companies—and after another year he issued his final opinion.

Central to the settlement and to Judge Greene's opinion was the breakup of the Bell System. No longer does AT&T have the ability to control so many facets of the telecommunications industry. A new, smaller AT&T still supplies long-distance service and still owns a manufacturing unit (Western Electric) and a research unit (Bell Labs), but its total assets have decreased by more than two-thirds in the aftermath of its divestiture of its local phone companies. Moreover, the seven new regional phone companies (formed from the twenty-two local companies which had been wholly owned by AT&T) cannot give AT&T preferential treatment either in providing long-distance access to local customers or in purchasing equipment. These are revolutionary changes for the industry, and it will be years before their true impact can be assessed.

Whatever the ultimate assessment of the breakup of the Bell System, the common point of departure for any research or study of the past or future of AT&T and the telecommunications industry will be the landmark court case, the *United States v. AT&T*. As an antitrust case whose outcome is without parallel in legal history, the *United States v. AT&T* will be of great importance to attorneys and legal researchers. As a pivotal point in the evolution of the telecommunications industry, and as an exhaustively detailed examination of the history and business practices of the world's largest corporation, the *United States v. AT&T* will be of no less importance to business historians. For these attorneys, researchers, historians, and anyone else interested in the case, an authoritative record of the valuable documents generated by the case will be essential, and such a record is what is published for the first time in the *United States v. AT&T: Court Documents, 1974-1984*. Included among the more than 30,000 pages of this collection are the legal briefs and arguments, the pretrial and trial testimony, the major reorganization plans, the opinions and modifications of Judge Greene, and other documents. With all of these materials conveniently available, we at last are able to trace the development of the case, weigh the claims of the opposing parties, and begin to evaluate the outcome.

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