

Northwestern Journal of International Law & Business

Volume 2
Issue 2 *Fall*

Fall 1980

Symposium: Transnational Issues in American Antitrust Law

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Symposium: Transnational Issues in American Antitrust Law, 2 Nw. J. Int'l L. & Bus. 334 (1980)

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SYMPOSIUM

TRANSNATIONAL ISSUES IN AMERICAN ANTITRUST LAW

<i>James A. Rahl</i>	International Application of American Antitrust Laws: Issues and Proposals	336
<i>Mark R. Joelson</i>	The Need for a Thoughtful Assessment of the Application of U.S. Antitrust Law to International Transactions	365
<i>Douglas E. Rosenthal</i>	What Should be the Agenda of a Presidential Commission to Study the International Application of U.S. Antitrust Law?	372

On September 30, 1980, the United States Senate passed a bill that would establish a commission to study the international application of American antitrust laws.¹ The creation of this commission was prompted in part by the popular belief that the current application of U.S. antitrust laws impedes vigorous American export activity to the detriment of our competitive standing in world markets.² On the other hand, several foreign nations, angered by extraterritorial application of U.S. laws, have recently enacted statutes that inhibit the ability of antitrust plaintiffs in the United States to obtain discovery and to collect judgments. In this vein, Britain's Protection of Trading Interests Act of 1980 and Canada's proposed C-41 are noteworthy.³ It is thus an appropriate time to consider whether there should be a restructuring of American antitrust policy in light of other domestic and international objectives of the United States.

Whether the 97th Congress establishes a commission or not, our foreign trading partners will continue to press for further accomodation

¹ For the text of the Bill as passed by the Senate, see 126 CONG. REC. S13,814-15 (daily ed. Sept. 30, 1980).

² See, e.g., Ongman, *Is Somebody Crying "Wolf"? An Assessment of Whether Antitrust Impedes Export Trade*, 1 NW. J. INT'L L. & BUS. 163 (1979).

³ For an analysis of the British Protection of Trading Interests bill, see Comment, *The Protection of Trading Interests Act of 1980: Britain's Response to U.S. Extraterritorial Antitrust Enforcement*, 2 NW. J. INT'L L. & BUS. 476 (1980).

between American antitrust enforcement and their own policies. The Symposium which follows, *Transnational Issues in American Antitrust Law*, includes articles by three authorities—Professor James A. Rahl, Mark R. Joelson and Douglas E. Rosenthal—and provides an important fund from which such a commission or other serious students of American antitrust may draw. It is hoped that this particular Symposium will be one in a series of several to address this broad concern.