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REPORT OF THE ATTORNEY GENERAL'S COMMITTEE ON ANTITRUST LAW— A SYMPOSIUM

INTRODUCTION

A half year has passed since the *Report of the Attorney General's National Committee To Study the Antitrust Laws* was published. Its ultimate impact is not yet clear, but it has already generated intense controversy. It is the hope and intention of the Editors that this collection of articles by eminent lawyers and economists will promote comprehension of the *Report* as well as clarify troublesome problem areas in the realm of antitrust law.

To open the symposium, the Honorable Stanley M. Barnes, present head of the Antitrust Division and Co-Chairman of the Committee, discusses in a prologue some of the why and how of the Committee and the overall significance of the *Report*. In a similar vein is the article by Professor Louis B. Schwartz who presents a functional analysis of what the Committee set out to do, how it did it, and how its methods compare with other antitrust studies—principally that of the T. N. E. C.

Each of the remaining six articles deals substantively with one area of antitrust law. Their presentation is in the order in which the topics appear in the *Report*. First, Professor George J. Stigler writes of preventive antitrust law with particular emphasis on his proposals for practical guides to administration of the anti-merger provi-

sion of the Clayton Act. Two papers follow on the Distribution Chapter: Professor James A. Rahl studies the entire chapter including refusals to deal, exclusive dealing, "fair trade" and price discrimination; and Professor Morris A. Adelman illustrates the difficulties that arise when the Robinson-Patman Act fails to operate upon economic price discrimination. Next Laurence I. Wood, Esq., takes up the Patent Chapter to make explicit three fundamental but unexpressed premises of the chapter and to make clear the fact that the Committee did not inquire into the desirability of the patent system per se. The proper relationship of antitrust law and labor is the theme of Professor Archibald Cox. Exploring five types of labor activity that have an effect upon trade, Professor Cox presents his conclusion of the proper scope of applicability of antitrust law upon them and appends a suggested statute to accomplish that result. Concluding the symposium, two Philadelphia lawyers, Bernard G. Segal, Esq., and his colleague, Edward W. Mullinix, Esq., analyze the suggestions embodied in the *Report's* chapter on enforcement.