

Michigan Journal of International Law

Volume 1 | Issue 1

1979

Front Matter

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Recommended Citation

Front Matter, 1 MICH. J. INT'L L. (1979).

Available at: <https://repository.law.umich.edu/mjil/vol1/iss1/21>

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**Michigan Yearbook of
International Legal Studies**

Volume 1

1979

Antidumping Law

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**Michigan Yearbook of
International Legal Studies**

VOLUME I

**ANTIDUMPING LAW:
Policy and Implementation**

Ann Arbor The University of Michigan Press

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Published in the United States of America by
The University of Michigan Press and simultaneously
in Rexdale, Canada, by John Wiley & Sons Canada, Limited
Manufactured in the United States of America

Library of Congress Cataloging in Publication Data
Main entry under title:

Antidumping law, policy and implementation.

(Michigan yearbook of international legal studies ;
v. 1) Bibliography: p.

Includes index.

1. Antidumping duties—United States—Addresses,
essays, lectures. 2. Antidumping duties—Addresses,
essays, lectures. I. Jackson, John Howard, 1932–
II. Series.

KF6708.D8A95 343'.73'057 79-23143
ISBN 0-472-09313-5

To William W. Bishop, Jr.,
professor emeritus, University of Michigan Law School

Preface

This is the initial volume in a series of publications to be entitled the *Michigan Yearbook of International Legal Studies*, published under the auspices of the University of Michigan Law School. The Law School has been honored to have both a distinguished faculty and an outstanding library collection in the area of international legal studies, and the students have felt for some time that greater use of the unique blend of these scholarly resources could be made.

The title of the series, focusing on “international legal studies,” was selected to avoid the artificial divisions inherent in the limited scope of “international law” or “comparative law.” As the first volume demonstrates, the profound effects which “municipal law” may have on international interactions of governmental and private entities cannot be excluded from examination. The international impact of law manifests itself in many ways. It is our intent that the broader scope encompassed within the concept of “international legal studies” will provide the comprehensiveness necessary in an era when international relations, and the role of law therein, are likely to undergo substantial change. Volumes in this series will treat all three of these subareas. However, whether one in particular is focused on, or aspects of each are considered together, is impossible to predict.

In order to understand the changing role of law in an evolving international arena, a coherent approach is necessary. Given the rapidity with which change occurs, it is all too easy to focus only on particular developments and to ignore the larger picture. The format of the *Yearbook*, a series of annual publications, each devoted to the systematic coverage of a single topic, will attempt to remedy that. Each volume will provide greater depth and breadth than would be possible in a single article while bringing to bear greater expertise in particular areas than would be possible in a work by a single author. The *Yearbook* will also serve as a forum for considered debate on the fundamental premises of the topic covered, as well as including discussions of how those premises are best implemented. Each volume will combine timeliness to ensure relevance and comprehensiveness to ensure general utility. We seek to provide in each volume a starting point for thought, discussion, research, and action—a tool for scholar, practitioner, and policy maker.

The selection of antidumping law as the initial topic is in keeping with these concerns. International trade is an ever-increasing aspect of both international relations and the domestic economy. Dumping presents a microcosm of the interactions of law, domestic politics, economic theory, and international relations. Moreover, antidumping law is an area in flux. The changes made or foregone in United States law in the Trade Act of 1974 are being reconsidered. Some discussions on the subject are taking place at the current Tokyo Round of multilateral trade negotiations in Geneva. There are indications that antidumping activity is increasing in states outside the United States. Trade with state-controlled economies presents new problems. Even the fundamental economic theory is still unsettled. This volume of the *Yearbook* is intended to provide a framework within which the various trends may be analyzed, and out of which a greater understanding of antidumping law, policy, and economics may be achieved.

To that end, this volume begins with an examination of the economic and policy bases of dumping and antidumping law. The procedures involved—in the Treasury Department and the International Trade Commission—are then explored from several perspectives, and changes are proposed and analyzed. Next, particular foreign and international aspects of antidumping are discussed. Finally, the Appendices summarize United States antidumping law and cases and foreign antidumping law. A comprehensive annotated bibliography facilitates access to the leading literature and aids research.

A project such as this would not have been possible without the support, assistance, and labor of many persons—more than can be noted here. This is particularly true when the publication of a book is preceded by a symposium. The planning for both began over a year ago. The symposium was held on November 3 and 4, 1978, at the University of Michigan Law School under the auspices of the International Law Society. The presentations made there were based on many of the papers in this volume.

Particular mention must be made of the work of Stuart Chemtob, past president of the International Law Society, and the support and advice of the members of the Faculty Advisory Committee. Finally, we must recognize the unique contributions of Professor John H. Jackson. Without his efforts in substance, organization, administration, and moral support, this venture would not have progressed very far. We are much in his debt.

The articles in this volume were prepared prior to the completion of the Tokyo Round of Multilateral Trade Negotiations and the subsequent implementing legislation enacted by the United States.

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Abbreviations

1974 Act	Trade Act of 1974, Pub. L. No. 93-618, 88 Stat. (1978), 19 U.S.C. §§ 2101-2487 (1976)
1921 Act	Antidumping Act of 1921, ch. 14, tit. II, 42 Stat. 11, (1921), <i>as amended</i> , 19 U.S.C. §§ 160-73 (1976) (also the Act)
1916 Act	Revenue Act of 1916, ch. 463, tit. VIII, 39 Stat. 798, 15 U.S.C. §§ 71-77 (1976)
Code	Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade, June 30, 1967, 19 U.S.T. 4348, T.I.A.S. No. 6431 (effective July 1, 1968). See also 32 Fed. Reg. 14,962 (1967) (also the Antidumping Code)
GATT	General Agreement on Tariffs and Trade, October 30, 1947, 61 Stat. (5) (6), T.I.A.S. No. 1700, 55 U.N.T.S. 194 (effective Jan. 1, 1948), <i>as amended</i> , T.I.A.S. No. 1890
ITC	United States International Trade Commission (also USITC), formerly the United States Tariff Commission (herein USTC). See 19 U.S.C. § 2231 (1976) (effective Jan. 3, 1975)
LTFV	Less Than Fair Value

This volume should be cited as:

1 MICH. Y.B. INT'L LEGAL STUD. ____ (1979)

