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Annotated Bibliography

1965-78

Dumping frequently has been treated in legal literature as a subject comfortably reviewed, from abstract economic theory to administrative practice, within a single law review article or note. As a consequence, many authors produce lengthy overviews, often duplicating the efforts of others.

The annotations below point to areas of particular strengths and weaknesses in the legal writing on the subject from 1965 to 1978. This allows the reader to move quickly to the leading discussions, without undue labor on repetitive pieces. The topical headings should not be considered airtight compartments. As noted, many authors attempt to cover every aspect of the problem.

DUMPING THEORY AND POLICY

- Anthony, Robert A. *The American Response to Dumping from Capitalist Economics—Substantive Premises, and Restructured Procedures after the 1967 GATT Code*, 54 CORNELL L. REV. 159-231 (1969). Introduction to classical economic theory of dumping, analyzed with reference to current conditions. Anthony also contrasts United States procedure with the GATT, and explores in detail problems of valuing imports from non-market economies (Yugoslavia).
- Barceló, John J, III. *Antidumping Laws as Barriers to Trade—the United States and the International Antidumping Code*, 57 CORNELL L. REV. 491-560 (1972). Barceló argues that mere price discrimination cannot be regarded as predation; hence, antidumping, as anti-price discrimination law, is protectionist rather than procompetitive. A lengthy review of the Antidumping Code follows, highlighting areas in which conformity with the Code would reduce protectionist potential.
- de Jong, H. W. *The Significance of Dumping in International Trade*, 2 J. WORLD TRADE L. 162-88 (1968). Thorough treatment of dumping theory.
- Fisher, Bart S. *The Antidumping Law of the U.S.: A Legal Economic analysis*, 5 L. & POL'Y INT'L BUS. 85-154 (1973).

Discussion of economic theory, including Viner's work, notes the destructive potential of dumping as a vehicle of unfair competition; measures classical economic thought against current trade patterns.

- SEAVEY, WILLIAM ARTHUR. *DUMPING SINCE THE WAR*. Oakland, Calif.: Office Services Corp. (1970) (thesis, University of Geneva). 182 pp. See Comparative Law, SEAVEY.
- VINER, JACOB. *DUMPING, A PROBLEM TO INTERNATIONAL TRADE*. New York: A. M. Kelley (1966). 381 pp. A reprint of the classic 1923 study of the economic theory of dumping. Also a compilation and critique of early legislative history of antidumping in the United States, United Kingdom, Canada, Australia, and Japan, among others.
- WARES, WILLIAM A. *THE THEORY OF DUMPING AND AMERICAN COMMERCIAL POLICY*. Lexington, Mass.: Lexington Books (1977). 130 pp. A foray into the welfare effects of dumping; also a review of the history of dumping regulation and current United States procedure with policy recommendations.
- YALE LAW JOURNAL. *The Antidumping Act—Tariff or Antitrust Law?*, 74 YALE L.J. 707–24 (1965). A very useful work. The note calls the Antidumping Act of 1921 a “curious hybrid” of tariff and antitrust ideas, and examines the Act's legislative history in light of the Trade Expansion Act of 1962. Calls for the application of an “anticompetitive effect” standard similar to that promulgated under *Standard Oil* in domestic antitrust law.

GENERAL ADMINISTRATION AND PROCEDURE

- Boone, Levi Daniel, III. *United States Protectionism in International Trade—the Laws, the Courts and the Economic Rationale—An Overview*, 61 KY. L.J. 935–62 (1972–73). A broad outline of difficult topics, useful as an introductory overview. The antidumping discussion centers on judicial review and general economic considerations behind trade legislation.
- Campbell, Robert M. *The Foreign Trade Aspects of the Trade Act of 1974*, 33 WASH. & LEE L. REV. 325–93 and 639–99 (1976). Highlights the changes of 1974 Trade Act, a monumental task.
- Connor, James C., & Buschlinger, Gerald. *The United States Antidumping Act: A Timely Survey*, 7 VA. J. INT'L L. 117–38 (1966). The authors focus on injury, LTFV, and industry definitions discussing the factors which Treasury and the ITC take into account. Includes brief comparisons of United States antidumping law to the GATT Code and antidumping proposals before the European community at that time. Somewhat dated.

- DAM, KENNETH W. *THE GATT, LAW AND INTERNATIONAL ORGANIZATION*. Chicago: The Univ. of Chicago Press (1970) pp. 167-79. Summary of GATT antidumping procedures within the context of a treatise addressed to problems of application of legal rules to the organization of international life.
- Davis, Frederick. *The Regulation and Control of Foreign Trade*, 66 COLUM. L. REV. 1428-60 (1966). Introduction to "the administrative law universe of foreign trade regulation." Lucid and comprehensive as to legislative remedies available against foreign merchandise as of 1966.
- Feller, Peter Buck. *The Antidumping Act and the Future of East-West Trade*, 66 MICH. L. REV. 115-40 (1967). A thorough discussion, assessing antidumping, countervailing duties, price floors, and bilateral agreements as regulatory mechanisms. Somewhat dated by subsequent Treasury regulations.
- FULDA, CARL H., & SCHWARTZ, WARREN F. *CASES AND MATERIALS ON THE REGULATION OF INTERNATIONAL TRADE AND INVESTMENT*. Mineola, N.Y.: The Foundation Press, Inc. (1970), pp. 430-60. Casebook outline of antidumping law. Conflict between the GATT and United States law is stressed. Helpful, extensive citation to other sources.
- INTERNATIONAL TRADE LAW JOURNAL. *Authority of Secretary of Treasury to Withdraw Withholding of Appraisement Prior to Publication of Dumping Finding—International Antidumping Code of 1967—Jurisdiction of District Court to Grant Injunctive Relief in Certain Cases Arising Under the Customs Laws*, 2 INT'L TRADE L.J. 149-63 (1977). A review of *Timken Co. v. Simon*.
- JACKSON, JOHN H. *LEGAL PROBLEMS OF INTERNATIONAL ECONOMIC RELATIONS*. St. Paul, Minn.: West Publishing Co. (1977), pp. 691-753. Examines antidumping as one of the functional elements in international economic regulation; integrates national and international antidumping law. Also includes extensive excerpts from I.T.C. decisions.
- . *WORLD TRADE AND THE LAW OF GATT*. New York: The Bobbs-Merrill Co., Inc. (1969), pp. 401-38. A detailed examination of GATT Article VI. Presents drafting history and GATT practice, with focus on the definition of dumping, injury standards, and procedural matters.
- Kaye, Harvey, & Plaia, Paul Jr. *The Relationship of Countervailing Duty and Antidumping Law to Section 337 Jurisdiction of the U.S. International Trade Commission*, 2 INT'L TRADE L.J. 1-77 (1977). See *Unfair Competition and Antitrust*, Kay & Plaia.
- LAW AND POLICY IN INTERNATIONAL BUSINESS. *Effective Enforce-*

- ment of U.S. Antidumping Laws: The Development and Legal Implications of Trigger Pricing*, 10 L. & POL'Y INT'L BUS. 969-1000 (1978). Brief summary of world steel trade and development of trigger prices. Analyzed in context of APA, Sherman Act, and Antidumping Code, and assessed in terms of political efficacy.
- . *A Roadmap to the 1974 Trade Act*, 8 L. & POL'Y INT'L BUS. 125-92 (1976). Useful guide to the major provisions of the Trade Act, and placing antidumping amendments in the perspective of the Act's overall scheme of trade regulation.
- . Yearly administrative review of Washington activity includes concise summary of antidumping measures of Treasury, Customs, and ITC. Located at:
- 10 L. & POL'Y INT'L BUS. 12-24 (1978).
 - 9 L. & POL'Y INT'L BUS. 31-51 (1977).
 - 8 L. & POL'Y INT'L BUS. 310-23 (1976).
 - 7 L. & POL'Y INT'L BUS. 445-59 (1975).
 - 6 L. & POL'Y INT'L BUS. 782-92 (1974).
 - 5 L. & POL'Y INT'L BUS. 556-65 (1973).
 - 4 L. & POL'Y INT'L BUS. 354-63 (1972).
- Marks, Matthew J. *United States Antidumping Laws—A Government Overview*, 43 ANTITRUST L.J. 580-90 (1974). Introduction to the subject.
- McDermid, John F., & Foster, David F. *The U.S. International Trade Commission's 30-Day Inquiry Under the Antidumping Act: Section 201(c)(2)*, 27 MERCER L. REV. 657-80 (1976). The authors examine the "30-Day Fast-Track" proceedings available to Treasury, comparing the scant legislative history with Treasury and ITC administration of the section. They conclude that Treasury will utilize the "fast-track," while the ITC discourages use through a literal reading of "possibility" of injury. They also argue that judicial review of fast track determinations is not available.
- Metzger, Stanley D., & Musrey, Alfred G. *Judicial Review of Tariff Commission Actions and Proceedings*, 56 CORNELL L. REV. 285-341 (1971). Assessment by former ITC Chairman and staff counsel, urging more limited scope of judicial review of ITC antidumping determinations. Their argument is set out with extensive quotation from relevant cases; it balances literature which stresses policy considerations in calling for broader review.
- Minchew, Daniel. *The Expanding Role of the United States International Trade Commission*, 27 MERCER L. REV. 429-40 (1976). Examination, by former ITC chairman, of growth in ITC authority under the 1974 Trade Act. Minchew views Congressional

measures as encouragement of ITC independence; ITC anti-dumping powers are incorporated into the analysis.

- Schwartz, Warren F. *The Administration by the Department of Treasury of the Laws Authorizing the Imposition of Antidumping Duties*, 14 VA. J. INT'L L. 463-85 (1974). Proposes reforms in Treasury administration of the antidumping laws, including: allowing counsel to evaluate data used by Customs in conducting their investigation; a single agency to determine both LTFV and injury; and limitation of dumping findings to firms with "a significant number of sales in contravention of the law."
- SEAVEY, WILLIAM ARTHUR. *DUMPING SINCE THE WAR*. Oakland, Calif.: Office Services Corp. (1970) (thesis, University of Geneva). 182 pp. See Comparative Law, SEAVEY.
- Styn, Ronald L. *Antidumping Act: Administration and Proposals for Change*, 17 STAN. L. REV. 730-49 (1965). A brief but complete introduction to administration of United States antidumping legislation, including: LTFV determinations, aggregation of complaints and injuries, the meeting-competition defense, retroactive assessment of duties, disclosure of information to the ITC, and judicial review of negative LTFV determinations or injury findings. The author presents a pragmatic approach to fine-tuning the law, yet raises some philosophical questions regarding United States free trade policy.
- United States Department of the Treasury. *Antidumping Duties*, in *United States International Economic Policy in an Interdependent World*, 1 COMPENDIUM OF PAPERS 395-408 (Commission on International Trade and Investment Policy 1971). Basic review of United States procedure. The official view.
- UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM. *The Trigger Price Mechanism: Limitation on Administrative Discretion under the Antidumping Laws*, 12 U. MICH. J. L. REF. 443-66 (1978). A short review of the United States steel industry, antidumping law, and trigger price evolution. Argues that trigger price may be protected from judicial review, except in response to charges of abuse of discretion.
- VANDERBILT JOURNAL OF TRANSNATIONAL LAW. *Customs Duties—Antidumping Act of 1921—The Secretary of the Treasury Has No Authority to Terminate a Withholding of Appraisement Prior to the Publication of a Dumping Finding Based on a Likelihood of Injury Determination by the International Trade Commission*, *The Timken Co. v. Simon*, 10 VAND. J. TRANSNAT'L L. 153-61 (1977). The author discusses *Timken* in the context of United States Antidumping Code obligations. The note suggests that *City Lumber Co. v. U.S.* may be authoritative in opposition to *Timken*.

PRACTITIONERS' GUIDES

- Clubb, Bruce E., & Feller, Peter B. *The Antidumping Law of the United States*, in 1 A LAWYER'S GUIDE TO INTERNATIONAL BUSINESS TRANSACTIONS, 85-117 (Walter S. Surrey and Don Wallace, Jr., eds.). Philadelphia: ALI-ABA (1977). The operation of United States law in LTFV, dumping margin, complaint preparation, ITC reporting, and duty assessment by Customs. Concise handbook for the practitioner.
- de Kieffer, Donald E. *How to Prepare an Antidumping Complaint*, 9 A.B.A. L. NOTES 67-70 (1973). A practical guide to drafting an antidumping complaint. (Current Regulations should be consulted.)
- Lorinczi, George G. *Import Relief Under the Trade Act of 1974*. 22 PRAC. LAW. 61-66 (1976). Outline of relief available.
- Rein, Bert W. *Legal Remedies Against Unfair Import Competition*. 9 A.B.A. L. NOTES 45-50 (1973). Provides short countervailing duties and patent infringement, and briefly analyzes the leading cases in these areas. Out-of-date, due to the 1974 Act and recent cases.
- Rossides, Eugene T. *Helping a Client Cope with Unfair Foreign Competition*, 28 BUS. LAW. 873-86 (1973). A simple introduction to antidumping and countervailing duty statutes.
- Weeks, James Keith. *Introduction to the Antidumping Law: A Form of Protection for the American Manufacturer*, 35 ALB. L. REV. 182-92 (1971). Analysis of LTFV requirements and injury standards is brief and now dated.

INJURY STANDARDS

- Baier, Lowell E. *Substantive Interpretations under the Antidumping Act*, 17 STAN. L. REV. 409-62 (1965). Well-documented analysis of the traditional Antidumping Act injury criteria. The author compares domestic and international price discrimination law (focusing on the Robinson-Patman Act and the Antidumping Act) and analyzes the compatibility of United States antidumping law with classical ideas of United States trade policy. The article provokes serious reflection on the goals of world trade, the objectives of antidumping law, and the interpretations of the law which will attain trade goals.
- Jonish, James E. *Recent Developments in U.S. Antidumping Policy*, 7 J. WORLD TRADE L. 316-27 (1973). A useful, well-documented survey of United States antidumping case law and policy from 1961 to 1971. Jonish uncovers three economic factors considered important in determinations of injury:

import growth or market penetration, domestic output trends, and domestic price trends. He also reviews policy changes of the period, changes designed to increase the number of affirmative injury determinations.

NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS. *Innovation and Confusion in Recent Determinations of the Tariff Commission under the Antidumping Act*, 4 N.Y.U. INT'L L. & POL. 212-39 (1971). A critique of the injury determinations of the ITC. The author notes the tension between Treasury and ITC injury determination, concluding that Treasury proceedings are less onerous, yet have the same effect, viz., revision of prices and cessation of LTFV imports.

———. *Antidumping Act—Determination of Injury—Purposeful Importation at Depressed Market Price Held Prohibitive Under Continuation of Injury Theory*, 3 N.Y.U. J. INT'L L. & POL. 376-90 (1970). An examination of the ITC theory that "continuation of original injury" includes subsequent injury by a different importer. The author finds that *City Lumber Co. v. U.S.*, 311 F. Supp. 340 (Cust. Ct. App. 1970), which upheld the theory, creates problems of overinclusiveness of LTFV imports from countries other than one in question, without evidence of intent.

TEXAS INTERNATIONAL LAW JOURNAL. *The Antidumping Act of 1921: Primary Lead Metal and the Injury Standard*, 10 TEX. INT'L L.J. 357-73 (1975). This Comment treats ambiguities in the language of the Antidumping Act of 1921 in light of the reformulation of the injury standard in *Cast Iron Soil Pipe from Poland* (1967), with special reference to the procompetitive aim of the Act. Maynard examines the legislative history of the Act, and finds that discretionary interpretation of key language (e.g., injury) has permitted the Act to be used as a barrier to imports, allowing United States industries to resist legitimate foreign import competition. He recommends that the Act be amended to clarify its procompetitive aim and to bring it into conformity with GATT.

UNIVERSITY OF PITTSBURGH LAW REVIEW. *Comparison of Standards for Injury Under Escape Clause Procedure and the Antidumping Act*, 29 U. PITT. L. REV. 435-45 (1968). Comment finds little practical difference between antidumping and escape clause injury standards, although causality may be more difficult to show under escape clause provisions.

UNFAIR COMPETITION AND ANTITRUST

Adams, Walter, & Dirlam, Joel B. *Dumping, Antitrust Policy and Economic Power*, 14 BUS. TOPICS 20-29 (1966). The authors express concern that antidumping legislation is being converted

into a protectionist tool. Fearing a whittling away of competitive guidelines, the authors explore the proposed Herlong-Hartke bill (1965), which would have set a standard based on injury to competitors rather than injury to competition.

- Applebaum, Harvey M. *The Antidumping Laws—Impact on the Competitive Process*, 43 ANTITRUST L. J. 590–607 (1974). Applebaum traces the conventional argument that imports, dumped or not, are a source of competition. Potential conflict between antidumping law and United States raw materials requirements is assessed.
- Baier, Lowell E. *Substantive Interpretations Under the Antidumping Act*, 17 STAN. L. REV. 409–62 (1965). See Injury Standards, Baier.
- Epstein, Barbara. *The Illusory Conflict Between Antidumping and Antitrust*, 18 ANTITRUST BULL. 1–22 (1973). In a frequently cited article, Epstein expounds the minority view that antidumping enforcement facilitates a competitive world economy, suggesting that a firm must have monopoly power to dump.
- Fischbach, John T. *The Need to Improve Consistency in the Application and Interpretation of Section 337 of the Tariff Act of 1930 and Section 5 of the Federal Trade Commission Act*, 8 GA. J. INT'L & COMP. L. 65–80 (1978). The statutory language of § 337 and § 5 are virtually identical. However, the interpretation and enforcement of the statutes by the ITC and FTC is different. The author, an ITC employee, discusses the bureaucratic difficulties encountered by agencies with overlapping jurisdictions and offers suggestions for improvement.
- Hemmendinger, Noel; Barringer, William H.; & Kossel, T. Leonard. *Section 337: A Case for Repeal or Change*, 8 GA. J. INT'L & COMP. L. 81–114 (1978). This article analyzes the ITC broadening of § 337 to a full-scale antitrust status, encompassing dumping and other unfair means of competition. The authors explore the congressional intent behind the 1974 revision of the Act, concluding that the ITC is overstepping its authority (as was subsequently held in *Welded Stainless Steel*). They forecast a breakdown of ITC proceedings as a result of increased advocacy by counsel in juxtaposition to severe statutory time constraints.
- Hiscocks, R. *International Price Discrimination: The Discovery of the Predatory Dumping Act of 1916*, 11 INT'L LAW. 227–48 (1977). Hiscocks contends that the 1916 Act, resurrected by the *Zenith* case, may be used as an international price discrimination statute on the lines of *Robinson-Patman*.
- JOURNAL OF INTERNATIONAL LAW AND ECONOMICS. *The Revitalization of Section 337 of the Tariff Act of 1936*, 11 J. INT'L L. &

- ECON. 167-200 (1976). A brief history of the standards, procedures and adjudications of the ITC and its predecessor, the Tariff Commission. It takes the view that § 337 will transform the ITC into a bulwark for the protection of American industry against the onslaughts of foreign and unfair competition.
- Kaye, Harvey, & Plaia, Paul, Jr. *The Relationship of Countervailing Duty and Antidumping Law to Section 337 Jurisdiction of the U.S. International Trade Commission*, 2 INT'L TRADE L.J. 1-77 (1977). This article explores countervailing duty, antidumping and antitrust legislation and the jurisdictional relationship that § 337 has to each. In discussing the interrelationship between the statutes, the authors suggest that ITC jurisdiction should be utilized concurrently whenever a case is not clearly within the scope of other legislation. Extensive use of case materials.
- Prosterman, Roy L. *Withholding of Appraisement Under the United States Antidumping Act: Protectionism or Unfair-Competition Law?*, 41 WASH. L. REV. 315-26 (1966). The withholding of appraisement before a final determination of dumping, the author claims, places an unfair burden on importers and constitutes an effective bar to importation. Reforms are discussed.
- Rogers, Robert P. *The Illusory Conflict Between Antidumping and Antitrust: A Comment*, 19 ANTITRUST BULL. 369-75 (1974). Reply to Epstein (18 ANTITRUST BULL. 1; see *Unfair Competition and Antitrust*, Epstein). Excursion into economic theory in attempt to show that dumping may enhance, rather than diminish, competition under some conditions.
- Rosenthal, Douglas E., & Sheldon, Thomas E. *Section 337: A View from Two Within the Department of Justice*, 8 GA. J. INT'L & COMP. L. 47-64 (1978). The article traces the development of the ITC's role in antitrust and antidumping enforcement under § 337. It suggests that the ITC is overstepping its jurisdiction by interpreting § 337 as an antitrust statute. The authors are Justice department attorneys.
- Silbiger, Thomas. *Trade Act of 1974: New Remedies Against Unfair Trade Practices in International Trade*, 5 DEN. J. INT'L L. & POL'Y 77-112 (1975). An attempt to explore the effect of the 1974 Trade Act on the 1921 Antidumping Act, § 337 of the 1930 Tariff Act and countervailing duty laws. Somewhat dated, although valuable as an exploration of ITC decisions prior to 1974.
- TEXAS INTERNATIONAL LAW JOURNAL. *The Antidumping Act of 1921: Primary Lead Metal and the Injury Standard*, 10 TEX. INT'L L.J. 357-63 (1975). See *Injury Standards*, TEXAS INTERNATIONAL LAW JOURNAL.
- . *Unfair Competition—Antidumping Act Protects Domestic*

Portion of a Multinational Corporation from Unfair Competition by Foreign Branch of Same Corporation, Potassium chloride from France, West Germany, and Canada, 6 *TEX. INT'L L. J.* 361-67 (1971). The note supports the ITC's evaluation of the purpose of the Act as extending protection to employees of the domestic industry, but finds an additional consideration reflected in the legislative history: protection of domestic consumers against monopoly pricing by foreign producers.

WILCZYNSKI, JOZEF. *THE ECONOMICS AND POLITICS OF EAST-WEST TRADE*. New York: Praeger (1969). pp. 138-90. See Comparative Law, WILCZYNSKI.

ANTIDUMPING CODE

Barceló, John J., III. *Antidumping Laws as Barriers to Trade—the United States and the International Antidumping Code*, 57 *CORNELL L. REV.* 491-560 (1972). See Dumping Theory and Policy, Barceló.

Feller, Peter Buck. *The International Antidumping Code—The Confrontation and Accommodation of Independent Executive and Legislative Powers in the Regulation of Foreign Commerce*, 5 *J. INT'L L. & ECON.* 121-38 (1971). A review of the struggle between the legislature and the executive in trade policy. Feller also examines the Renegotiations Amendment Act, designed to clarify the interests of the two branches.

Hutchison, Alan D., & Ketchum, Thomas Brian. *Brief in Support of an International Antidumping Agreement*. 112 *CONG. REC.* 24,047 (1966). See Comparative Law, Hutchison & Ketchum.

INTERNATIONAL LEGAL MATERIALS. *U.S. Analysis: International Antidumping Code in Relation to U.S. Antidumping Act, 1921*, 7 *INT'L LEGAL MATERIALS* 905-29 (1968). The analysis relates each provision of the Code to the relevant provisions of the Act, and regulations and administrative practice thereunder, to July 1, 1968. This is a reprint from: *International Antidumping Code: Hearings before the U.S. Senate Comm. on Finance*, 90th Cong. 2d Sess. 297-315 (1968).

LLOYD, PETER. *ANTIDUMPING ACTIONS AND THE GATT SYSTEM*. London: Trade Policy Research Centre (1977). 54 pp. An examination of the economic effects of dumping, the Antidumping Code, and possible divergence between Code assumptions and economic reality. Particular attention to the experience of Australia.

Long, Russell B. *United States Law and the International Antidumping Code*, 3 *INT'L LAW.* 464-90 (1969). Senator Long

explains his view of congressional limitations on United States implementation of the Act, reviewing the statutes, resolutions, and legislative history dealing with the Code and outlining several areas of conflict between the Code and United States law. Long cites congressional sources exhaustively.

Pintos, Eugenia S., & Murphy, Patricia J. *Congress Dumps the Anti-dumping Code*, 18 CATH. U. L. REV. 180-92 (1968). A brief exploration of conflicts between the GATT International Antidumping Code and the Antidumping Act of 1921. The article characterizes the conflict as an indication of the "rivalry between the Congress and the Executive branch for control of United States foreign trade policy." A summary of congressional hearings on the Code is included.

SEAVEY, WILLIAM ARTHUR. *DUMPING SINCE THE WAR*. Oakland, Calif.: Office Services Corp. (1970) (thesis, University of Geneva) 182 p. See Comparative Law, SEAVEY.

Shannon, T. F., & Marx, W. F. *The International Antidumping Code and United States Antidumping Law—An Appraisal*, 7 COLUM. J. TRANSNAT'L L. 171-202 (1968). Concluding that there was little, if any, authority for the negotiation of the GATT Code, the authors compare the Code with United States law and find several areas of inconsistency, including the timing of the antidumping procedures and the standard of injury in the ITC. The 1974 Trade Act has rendered parts of this article out of date.

UNIVERSITY OF PITTSBURGH LAW REVIEW. *The Kennedy Round GATT Anti-Dumping Code*, 29 U. PITT. L. REV. 482-516 (1968). Introduction to antidumping law, including a history of the relevant United States and international provisions, with a detailed comparison of the GATT Antidumping Code with the Antidumping Act of 1921. Arguing that United States law and the Code are generally consistent, the author notes three particular areas of disagreement: the addition of 8 percent profit in the United States LTFV calculation, the Code's requirement of simultaneous consideration of LTFV sales and injury determinations, and the retroactive 120-day application of antidumping duties under United States law. Amending legislation, he says, is required for conformity with the Code.

COMPARATIVE LAW

ABA Section Committee on Tariffs and the GATT. *Analyses of the Antidumping Laws of the Federal Republic of Germany, France, Italy, and the United Kingdom*, 10 A.B.A. SECT. INT'L & COMP. L. BULL. 14 (1965). The Committee walks the reader

- through the administration and procedure of each country's antidumping law, pointing out the areas of similarity and difference. EEC Regulation 459/68 and the Antidumping Code have resulted in changes in the landscape since 1965.
- Connor, James C., & Buschlinger, Gerald. *The United States Antidumping Act: A Timely Survey*, 7 VA. J. INT'L L. 117-38 (1966). See General Administration and Procedure, Connor & Buschlinger.
- Ehle, Dietrich. *Basic Aspects of the Antidumping Regulations of the Common Market*, 3 INT'L LAW. 490-505 (1969). Informative guide, concentrating on the language of the EEC regulations.
- Hutchison, Alan D., & Ketchum, Thomas Brian. *Brief in Support of an International Antidumping Agreement*, 112 CONG. REC. 24,047 (1968). Analysis of the antidumping laws of the parties to GATT, with specific suggestions including: a more explicit definition of "like product"; a more precise definition of "material injury"; uniformity in the procedural guidelines, including reasonable notice and opportunity for the foreign producer to rebut the domestic government's findings. Many of the authors' suggestions can be found in the 1967 Code.
- SEAVEY, WILLIAM ARTHUR. DUMPING SINCE THE WAR. Oakland, Calif.: Office Services Corp. (1970) (thesis, University of Geneva). 182 pp. Good discussion of the economic theory of dumping and the evolution of GATT Article VI, followed by an outline of United States, United Kingdom, EEC and Canadian practice as of 1970. Seavey then details the Antidumping Code history and requirements. Perhaps most useful in setting the GATT and national laws in the perspective of economic and political goals since WW II.
- Van Bael, Ivo. *The EEC Antidumping Rules—A Practical Approach*, 12 INT'L LAW. 523-39 (1978). A detailed discussion of Council Regulation 459/68, describing substantive requirements and prescribed procedures, with commentary, from the viewpoint of a practitioner. Fleshes out the Regulation highlights and discrepancies between theory and practice; highly critical of Community discretion and the dearth of information available during or after proceedings.
- VINER, JACOB. DUMPING, A PROBLEM IN INTERNATIONAL TRADE. New York: A. M. Kelley (1966). 381 pp. See *Dumping Theory and Policy*, VINER.
- WILCZYNSKI, JOZEF. THE ECONOMICS AND POLITICS OF EAST-WEST TRADE. New York: Praeger (1969). pp. 138-90. The book is the result of the author's doctoral thesis at the University of London. The chapter on dumping is thorough, examining dumping by both Socialist and Western countries in their trade with each

other. Particularly valuable is the historical exposition which concentrates on the Australian experience.

TRADE POLICY

- Baier, Lowell E. *Substantive Interpretations Under the Antidumping Act*, 17 STAN. L. REV. 409-62 (1965). See Injury Standards, Baier.
- Commission on International Trade and Investment Policy (Williams Commission). UNITED STATES INTERNATIONAL ECONOMIC POLICY IN AN INTERDEPENDENT WORLD. Washington, D.C.: Government Printing Office (1971). 394 p. Report to the President of the United States by a panel of scholars, business leaders and union representatives. Issues related to dumping are to be found at pp. 71-109. See General Administration and Procedure, United States Department of the Treasury.
- Coudert, Alexis. *The Application of the United States Antidumping Law in the Light of a Liberal Trade Policy*, 65 COLUM. L. REV. 189-231 (1965). Brief review of legislative history, administration and Tariff Commission injury findings. Argues that antidumping law and administration should be consistent with United States international trade obligations under GATT and MFN agreements. Informative but new dated analysis.
- Feltham, Ivan R. *Canadian Perspectives on Terms of Trade, Rationalization of Production, Antidumping and Countervailing Duties*, 68 AM. SOC. INT'L. L. PROC. 92, 100-7 (1974). (Seminar, A North American Market? U.S.-Mexican-Canadian Perspectives on Terms of Trade and Rationalization of Production; Antidumping and Countervailing Duties). Briefly notes United States problems in application of antidumping laws. Proposals for United States-Canadian consultation and dispute resolution mechanisms and dispute resolution mechanisms are discussed as well.
- Hutchison, Alan D., & Ketchum, Thomas Brian. *Brief in Support of an International Antidumping Agreement*. 112 CONG. REC. 24, 047 (1966). See Comparative Law, Hutchison & Ketchum.
- Marks, Matthew J., & Malmgren, Harold B. *Negotiating Nontariff Distortions to Trade*, 7 L. & POL'Y INT'L BUS. 327-411 (1975). This excellent article examines the major nontariff distortions to trade facing United States negotiators as they entered the Geneva Round in February 1975. Marks and Malmgren, formerly with Treasury and the Special Trade Representative, respectively, examine the interaction of national and international policy in subsidies and countervailing duties, dumping

duties, technical standards, government procurement, and agricultural policy. The central substantive problem is definition of legitimate domestic economic measures in view of international trade repercussions. The mandate of the 1974 Trade Act is contrasted with relevant international standards.

- Metzger, Stanley D. *U.S.-Canadian-Mexican Trade Relations*, 8 AM. SOC. INT'L L. PROC. 92-100 (1974) (Seminar, A North American Market? U.S.-Mexican-Canadian Perspective on Terms of Trade and Rationalization of Production; Antidumping and Countervailing Duties). Metzger's paper discusses antidumping as a nontariff barrier, with some attention to problems apparent in the then-pending 1974 U.S. Trade Act.
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- Styn, Ronald L. *Antidumping Act: Administration and Proposals for Change*, 17 STAN. L. REV. 730-49 (1965). See *General Administration and Procedure*, Styn.