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THE BERNSTEIN LECTURES: A FOREWORD

EDWARD CAVANAGH*

In this issue, the *St. John's Law Review* is pleased to publish the 1998 and 1999 Lewis Bernstein Memorial Lectures by Thomas E. Kauper, Henry M. Butzel Professor at Michigan Law School, and William E. Kovacic, Professor at George Washington University Law School, respectively.

The Lewis Bernstein Memorial Lecture was established in memory of the late Mr. Bernstein, St. John's Law School Class of 1938, by his family and friends in 1995. Lew Bernstein's legal career was devoted to public service. Following his military service in World War II, Mr. Bernstein joined the Antitrust Division of the United States Department of Justice. From 1958 to 1977, he served as Chief of the Special Litigation Section of the Antitrust Division. He headed up major cases brought by the Antitrust Division in the 1960s and 1970s, including the *IBM Litigation* and *In re Antibiotics Antitrust Litigation*. Any lawyer litigating an antitrust matter of consequence in that era would encounter Mr. Bernstein sooner or later.

As an antitrust enforcer, he was a formidable figure, respected by colleagues and adversaries alike. The younger lawyers with whom he worked with at the Antitrust Division, for whom he served as mentor and teacher, especially revered him. Few lawyers could match his encyclopedic knowledge of the antitrust law, but it was Mr. Bernstein's humanity rather than his intellect that most touched those with who he worked. St. John's University School of Law is proud to sponsor a lectureship in memory of its son who has so well exemplified the virtues that it seeks to instill in all of its students.

Since its inception, the Lewis Bernstein Memorial Lecture has become a showcase event at the Law School, attracting leading scholars and practitioners in the antitrust field.

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Professors Kauper and Kovacic fit comfortably within that elite group. Professor Kauper analyzes merger control upon European law. His discussion is particularly relevant in light of the ever-increasing cross-border merger activity. Professor Kovacic, drawing on his experience as an antitrust consultant to transitional economics in Asia and Africa, suggests criteria for a model antitrust enforcement agency and then candidly analyzes current American antitrust enforcement policy against these model criteria. Both articles are intellectually rigorous and informative, and they make a valuable contribution to the antitrust literature.