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## Symposium: Introduction

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## INTRODUCTION

*Daniel Jay Baum\**

A single theme permeates the articles of this symposium: to probe the flexibility of the Robinson-Patman Act in the context of the realities of enforcement. The authors have placed limitations on themselves. There is, for example, no general discussion of the need for legislative revision. Rather, there is an in-depth consideration given to the status of the law as it is and probably will be.

In this regard, the Federal Trade Commission is the entity charged with the responsibility for developing a coherent Robinson-Patman enforcement policy. There may be private suits before federal district courts. There may be review of both private suits and FTC proceedings before the courts of appeals. Still, as an expert body, the Commission must discharge the duty of providing guidance to the courts both as to understanding industrywide practices and, perhaps more important, as to shaping an interpretation of the provisions of the Robinson-Patman Act that further clarify the nation's antitrust policy.

In molding a body of law, the authors, all familiar with the lifeblood processes of the Commission, imply their awareness that the agency does not have complete freedom. It is somewhat bound by tradition and the values of the staff. There is, in sum, a line of continuity that can be bent but ought not be broken if the agency is to remain effective.

The symposium papers are constructive in approach. Although five of the eight contributors are members of the private bar who, from time to time, may find themselves in the position of defense counsel, they have not raised the act as an enigma, as something against which to inveigh. Rather, applying antitrust principles, they have examined the statute and sought to make it meaningful. Ridicule has not been their end.

A final word should be said about the mechanics of drafting the articles, which were submitted initially to the National Conference on Law and Business: The Robinson-Patman Act, which was held September 24-25, 1965, at the University of Notre Dame. The contributors did not work in isolation. Instead, where related subject matter was being developed, one author met with another. From the discussions that followed, the participants sought to avoid duplication and bring heightened refinement to their assigned topics.

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