

Justice Deferred: Antidumping Legislation in the Robert Morgan Collection

Summary:

The Robert Morgan papers provide detailed insight into the forming of H.R.8149, the Customs Procedural Reform and Simplification Act of 1978, and the events that led to its creation.

In March 1968, U.S. electronics companies petitioned the Treasury to investigate Japanese-led electronics companies. The U.S. companies claimed that Japanese companies were illegally dumping television sets into the U.S., violating legislation such as the Antidumping Act of 1921 and the GATT— an agreement that led to the creation of the World Trade Organization. This dumping undercut domestic manufacturers, resulting in the sale or closing of numerous companies. The U.S. Tariff Commission investigated and found that the market was being harmed. However, the commission ruled that countervailing duties were not necessary.

Zenith Radio Corporation and National Union Electric Company sued 21 Japanese-owned electronics companies. They claimed that companies like Matsushita were conspiring to overtake the market. The Eastern District Court of Pennsylvania found that most of the evidence was inadmissible. The Appeals Court reversed the ruling, and the case made its way to the Supreme Court. The U.S. Supreme Court ruled against Zenith and National Union, citing their inability to prove that the actions of Japanese companies warranted damages.

After this loss, congress became involved. Numerous hearings led to the creation of H.R. 8149. It consists of four titles. Title I allows customs to update their business practices. Title II updates the Tariff Act of 1930 and other related laws. Title III ensures annual appropriations of funds to U.S. customs, beginning in the fiscal year 1980. Title IV declares parts of the act severable. If any part of the bill is unenforceable, the rest still applies.

Senator Robert Morgan heard the concerns of Zenith representative Bernard Nash. Mr. Nash argued that the bill lowered penalties for the actions that Japanese companies were accused of. In response to these concerns, Senator Morgan joined Senator Carl T. Curtis in proposing an amendment to the bill. When the amendment was adopted, a subpoena was levied against Mr. Nash. Senator Morgan joined the defense, using his previous work as a lawyer to defend Mr. Nash. The subpoena was quashed.

On October 3rd, 1978, H.R. 8149 was enrolled in the senate. The bill was signed into law by President Jimmy Carter, and Senator Morgan's efforts were successful in changing antitrust laws.

Scholarly Objectives:

This project examines Robert Morgan's involvement in the Customs Procedural Reform and Simplification Act of 1978 and examines the case as it pertains to the Robert Morgan Papers.

The documents in the collection are used to:

- Evaluate the events leading up to the Customs Procedural Reform and Simplification Act of 1978
- Examine Robert Morgan's impact on Antidumping legislation
- Examine a specific legal case that involved Robert Morgan's work in antidumping legislation
- Evaluate Robert Morgan's total impact on the passing of this bill

Link: [Justice Deferred](#)

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