

QUESTIONS FOR CONSIDERATION FOR THE ANTITRUST CONVENER

A lawyer drafting proposed legislation must know precisely what those for whom she is drafting the legislation want and what they consider the evils they want to get at or the good that they want to occur. Thus, among the questions that must be considered are the following:

- 1) Is the goal to break-up existing enterprises or to prevent more mergers or ...
- 2) Is the concern with the overall size of firms or their dominance (e.g. percentage of ownership) within a media realm (e.g., book publishing, radio broadcasting, newspapers, etc).
 - a) As to the dominance issue, how are markets defined - e.g. globally or domestically or ...; what percentage makes it objectionable?
- 3) To what extent is the degree to which enterprise is involved across fields (cross-ownership) a concern?
- 4) Related to 2 and 3, is the concern/goal related to horizontal or vertical (e.g., conception of media content, creating product, producing copies, distributing, exhibiting or showing or selling product) size or dominance?
- 5) Is there a concern with who owns - e.g., ownership by non- media companies like GE or only dominance and size of ownership?
- 6) Is there a concern to promote particular types of ownership - e.g. by non-profits or by employees - or only to limit size/ dominance in ownership?
- 7) Although the plan for conference says we are "not to debate the merits of anti-trust but to proceed on the grounds that it is desirable," should we have answers to why we focus on the particular elements that we do within the above list?
 - i) related to the last question, is our concern with economic/market power to exclude competitors or merely with the evils (political or social) of being so large?
 - ii) related to the last question, should we be concerned with answers to objections our position, e.g., the objection that our position would make US enterprises less competitive globally, would lead to economic inefficiencies, etc?