NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Spring Meeting
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RESOLUTION

SUPPORT OF TREBLE DAMAGE REMEDY IN ANTITRUST ACTIONS

WHEREAS, in 1890 Congress enacted the Sherman Act to prohibit "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among several States, or foreign nations,..."; and

WHEREAS, in enacting the Clayton Act, Congress provided that private parties injured by violations of Section 1 of the Sherman Act are entitled to three times the amount of actual injury to create both an effective deterrent against antitrust violations and an effective incentive to private enforcement of the antitrust laws; and

WHEREAS, the Attorneys General believe that the social, political, as well as economic considerations underlying the Sherman Act are still viable and that the treble damage remedy is essential to effective deterrence of antitrust violations and active enforcement of the antitrust laws by private parties; and

WHEREAS, Congress has appropriately recognized the unique position of local governments in antitrust litigation and as a result enacted "the Local Government Antitrust Act of 1984" which limited treble damage recovery in suits against local governments under certain conditions because of the major impact on the public treasury; and

WHEREAS, Congress was so convinced of the efficacy of the treble damage remedy that it adopted treble damages as the remedy in RICO cases in the Organized Crime Control Act of 1970, 18 U.S.C. § 1961;

NOW, THEREFORE, BE IT RESOLVED, that the National Association of Attorneys General:

1. Expresses its strong support of the treble damage remedy provided for in private antitrust actions; and

2. Opposes any legislation that would eliminate the treble damage remedy in any antitrust situation where it now applies; and

BE IT FURTHER RESOLVED, that the National Association of Attorneys General authorizes its Executive Director and General Counsel to transmit these views to the Administration, Congress, and other interested individuals.