

denied certiorari from a decision of the Court of Customs and Patent Appeals.³ The importers made a second unsuccessful attempt to upset the finding of dumping as to importers other than Elof Hansson in the *Hoenig Plywood* case. The validity of the finding was again upheld by the Customs Court and the importer abandoned its appeal in February, 1964.

After the finding of dumping was made, dumping duties were imposed by a protracted procedure involving preparation of a master list of Swedish hardboard home market prices for each year. It was nearly a year and a half after the August, 1954 finding before the master list covering 1953 and 1954 entries of Swedish hardboard was finally prepared in January, 1956. It was another year and a half thereafter before the master list covering 1955 entries was finally prepared. No master list for 1955 entries was prepared until 1958 and master lists for 1957, 1958 and later entries were not prepared until 1963.

In most cases where these duties were finally assessed, appeals were taken for reappraisal to the Customs Court and, at one point, there were more than 350 such cases pending before that Court. Incredibly, even as late as November, 1967, there were still approximately 100 hardboard antidumping cases pending on the Customs Court calendar, many of these cases having been first filed as early as 1958.

The deterrent effect of the Antidumping Act upon hardboard importers was dissipated by virtue of the lengthy administrative delays in enforcing the dumping finding. The vast increase in the volume of hardboard imports referred to earlier in this Statement are clear testimony to this fact. Moreover, the dumping duties imposed on entries of Swedish hardboard, were watered down as the result of administrative "adjustments," and the duties ultimately imposed were mere token duties for the most part. Yet despite this dismal record of enforcement, five Swedish hardboard producers were released from finding on August 21, 1956, and another on October 1, 1956. All of the Swedish producers were released by January 8, 1964.

During the period of time the dumping finding was in effect with respect to Swedish hardboard, domestic industry attempted to cooperate with and to assist the Department of Justice in defending the more than 300 Customs Court cases which ultimately ensued. Our attempt was frustrated, however, by the lack of cooperation given by the Customs Bureau. The Commissioner of Customs went so far as to instruct his department not to disclose any facts regarding assessments of antidumping duties of Swedish hardboard to the public. That instruction was used to prevent the domestic hardboard industry's attorneys from learning any of the pertinent facts regarding the pending suits—either to inform domestic industry of the actions taken to enforce the findings or for any other purpose. In both 1956 and 1958, attempts made by domestic industry to ascertain facts surrounding implementation of the hardboard dumping finding were rebuffed by the Assistant Secretary of the Department of the Treasury who advised that no information could be disclosed.

The effect of this attitude and the policy of confidentiality has operated to prevent domestic industry from deriving the intended benefits of the Antidumping Act whenever the Department of the Treasury of the Customs Bureau chooses not to actively implement it. This lack of vigorous enforcement has been shielded by a wall of confidentiality even where the matter is in the courts. We submit that such a policy is in direct conflict with the intent of the Antidumping Act and that it amounts to administrative frustration of congressional purpose.

Our unhappy experience with the Antidumping Act and the manner of its enforcement demonstrates the need for congressional reaffirmation of the principles underlying the Act, and new legislation that will compel administrative adherence to those principles.

Specifically, we suggest legislation requiring the Customs Bureau to streamline the time-consuming procedures which have heretofore characterized enforcement of the Act. The technique of allowing "adjustments" to undermine the levy of dumping duties should be eliminated. The policy of confidentiality should be reversed. (The amended procedures under the Antidumping Act have made a

³ In the first appeal to reappraisal involving dumping duties assessed on Swedish hardboard, *Elof Hansson, Inc. v. United States*, 41 Cust. Ct. 519 (R.D. 9212) (1958), the Customs Court upheld the validity of the finding of dumping. The Third Division of that Court, in the Appellate Term (43 Cust. Ct. 627), A.R.D. 114 (1959) reversed. In turn, the Court of Customs and Patent Appeals reversed that decision and upheld the validity of the finding of dumping (296 F. 2d 779 (C.C.P.A. 1960); cert. denied, 368 U.S. 889 (1961)).