INDEX—INTERNATIONAL TRADE BARRIERS

Aims and Interests in Trade
interrelation of domestic economy and foreign trade, 633; struggle for trade domination, 634; trade characteristics, 633; U. S. aims and interests, 636; barriers: tariffs, 637; quotas, 638; subsidies, 638; export controls, 639; collective activity to gain markets, 639; reciprocal trade agreements, 639; commodity agreements, 639; self-sufficiency, 640; cartels, 640; equal treatment to foreign business, 641; monetary problems, 641; monetary blocs, 642; financial agreements, 643; Export-Import Bank, 643; International Bank, 643; political trade barriers, 644; postwar trade outlook, 645.

American Banana Co. v. United Fruit Co., 671.

American Discriminations
under federal law, in general, 777-784; in tax matters, 777 ff.; Internal Revenue Code as to foreign corporations and non-resident aliens, 778 ff.; dividends-paid credit, 780; capital losses, 781; credit for foreign taxes, 781; withholding of tax, 781; failure to file returns, 782; regulated investment companies, 783; miscellaneous non-tax discriminations, 783; discrimination under state laws, 784 ff.; corporate entrance fees, land ownership, etc., 785; judicial protection against discrimination, 785; the Fifth and Fourteenth Amendments, 786 ff.; resort to treaties, 789; certain interpretation difficulties under treaties, 789 ff.; principles of treaty construction, 791; summary of principles of judicial protection, 793.

Arbitration in Foreign Trade Disputes
general treatment, 808-834; disputes as barriers to trade, 808; legal effect of arbitration clauses, 810; wording of clauses, 813; procedure in arbitration, 815; powers of arbiters, 818; required to observe the commercial law, 819; enforcement of awards, 821 ff.; under English and foreign law, 822; New York law, 823; arbitration tribunals: commodity associations, 825; same: arbitration associations, 827-831; the American Arbitration Association, 829; answering some criticisms of commercial arbitration, 832.

Bretton Woods Plan
the International Bank, 643; International Monetary Fund, 802, 803, 855.

Cartels (see also Restrictive Business Practices)
goals, 640; the U. S. "Proposals" as to restrictive business practices, 667; nations' diverse outlook, 668; as barriers to trade, generally, 684 ff.; economic warfare roots in philosophy of restriction, 686; cartel characteristics, 687; cartels vs. basic aspects of American trade policy, 688; foreign commerce within anti-trust laws, 690; a case study of cartel aims, 691; meeting cartelized foreign industry, 692; significance of Webb-Pomerene Act, 693; free trade as a goal despite postwar dislocations, 694.

Commercial Treaty Program
reciprocal trade agreements, 639; State Department's "Proposals," 647; historical sketch of commercial treaties, 648; table of treaties, 652; analysis of treaty coverage, 653; inadequacies under changed conditions, 655; significance of direct foreign investments, 656; significance of self-sufficiency efforts, 656; increasing role of government, 657; recent trends: minimizing double taxation, 658; same: commodity agreements, 658; prospects for modifying restrictive practices, 659; conclusions as to needs of an adequate treaty program, 661-662.

Commissioner v. East Coast Oil Co., 765.

Commodity Agreements
as barriers, 639; objectives, 658; justification and limitations, 658.

Compañía General de Tabacos de Filipinas v. Collector, 765.

Creditors, Treatment of (see Foreign and Domestic Creditors)

Direct Investment
in undeveloped countries, generally, 741-759; the shift to direct investment, 742; relative record of direct investment, 743; advantages of direct investment, 744; attitude of local governments, 745; risks of direct investment, 745; common criticisms of foreign enterprise, 746; charges of excess profits, 746; graduated royalties and taxation techniques, 747; special problem of utility companies, 748; quasi-colonial investment policies, 749; domestication of foreign enterprises, 750; insularity of the foreigner, 751; foreign business' resentment against social legislation, 751; partnership with local capital, 752; partnership with local governmental capital, 753; reappraisal of conventional procedures for adjusting disputes, 757; need for specialized tribunals, 758; long range interest of the foreign investor, 759.

Discriminations (see various titles; also, American Discriminations)

Export Controls (see Import & Export Controls)

Foreign and Domestic Creditors
comparative law survey, 690-712; the problem of equal treatment, 696; internationally scattered assets of debtor, 698; misunderstanding of American decision, 699; advantages of local vs. principal bankruptcy, 700; exequatur, 700; attachments preceding foreign bankruptcy, 701; priority through local bankruptcy, 701; branch creditors, 702; debtor with separate establishments, 703; case of nationalized Russian assets, 706; Litvinov assignment and the Pink case, 707; enemy assets, 709;
equal treatment by treaty, 710; international concern over creditor equality, 711.

**Import and Export Controls**

general treatment, 795-807; import quotas, 796; same: administration, 796; same: history and development, 798; same: elimination and relation to currency controls, 801; the sterling bloc, 803; export controls, 805; same: administration, 805; same: history and development, 806; same: impact upon national life, 807; same: elimination, 807.

**Investment in Foreign Countries (see Direct Investment)**

**Limitations on Foreign Enterprise**

restrictions abroad, generally, 720-740; post World War I trends and present trends, 720-723; rational basis of some restrictions, 724; ownership of land and soil, 724; oil, 726; labor laws, 727; same: Cuban 50% law, 727; equal pay provisions, 728; factors in choice of foreign country to do business in, 729; immigration policies and requirements, 729; registry of foreign corporation, 730; business from which aliens are excluded, 732; methods of business organization, 733; use of resident agents, 734; use of travelling salesmen, 734; subsidiary corporations, 736; local forms of business associations, 736; special provisions as to foreign participation, 737; requirements as to stockholders, incorporators, directors and meetings, 738; consequences of registering a foreign corporation, 738; effect of tax laws, 740.

**Monetary Problems**

influences of monetary controls, 641; monetary blocs, 642; financial agreements, 643; Export-Import Bank, 643; International Bank of Reconstruction and Development, 643.

**National Aims in Foreign Trade (see Aims and Interests in Trade)**

**Political Barriers**

preferential geographical areas, 644.

**Proposals for Expansion of World Trade and Employment**

State Department's Proposals, 647, 663 (footnote), 722; policies reflected, 666; specific reference to restrictive business practices, 667; flexibility as to nation's unilateral action on cartels, 674 ff.; prima facie violation as to restrictive practices, 676.

**Protection of Foreign Investments**

peace treaties, world recuperation and trade barriers, 835 ff.; present day factors vs. prospects of lifting trade barriers, 835; interests of trade and modern theories of unrestrained force, 838; trade and confiscation of private enemy property, 838; present day attitudes on confiscation, 840; confiscation and confidence in foreign investments, 842; direct investments abroad by American citizens, 844; legal implications of non-intervention policy, 844; nationalization movement in Latin America, 845; tax and other discriminations, 846; Calvo Clause, 846.

**Reciprocal Trade Agreements**

U. S. program, 639, 650.

**Restrictions Affecting Corporations (see also Limitations on Foreign Enterprise)**

liberalism as to the corporate privilege, 713; limitations on freedom of association, 714; certain Latin-American formalities, 714; certain restrictions on foreign corporations as aliens, 715; personnel restrictions affecting stockholders and directors, 716-717; citizenship requirements for employees, 717; voting limitations, 718; attraction of capital vs. restrictions, 719.

**Restrictions on Foreign Business (see Limitations on Foreign Enterprises)**

**Restrictive Business Practices**

the U. S. "Proposals," 663-667; the Proposals' specific reference to restrictive practices—cartels, 667; nations' diverse outlook on cartels, 668; relation of the Proposals to U. S. anti-trust laws, 669; characteristic of U. S. sanctions against cartels, 670; U. S. anti-trust laws and foreign trade, 671; jurisdiction over foreign trade practices, 673; unilateral application of anti-trust laws, 674; the Proposals' prima facie violations, 676; the Proposals in light of immediate economic necessities, 677; recommendations: flexibility, 679; same: an international administrative agency, 680; same: clarifying jurisdiction, 680; same: dovetailing our own anti-trust administration, 682.

**Sherman Anti-Trust Act (see Cartels; Restrictive Business Practices)**

**Taxation**

tax inducements to foreign trade, generally, 760-775; unilateral relief from double taxation under U. S. law, 760 ff.; direct credit for taxes paid abroad, 761; indirect credit for income of a foreign subsidiary, 762; corporations with income from U. S. possessions, 763; western hemisphere trade corporations, 764; tests for meritng exemption, 765; comparison and summary of types of unilateral relief, 767; bilateral relief from double taxation, 769; main principles, 769; shipping profits, 770; Franco-American treaty, 770; influence of League of Nations' committee, 771; Second Franco-American tax convention, 772; British-American income tax convention, 772; interest and royalties, 773; permanent establishment rule, 773; need for revised unilateral relief to supplement bilateral, 775.

**Treaties (see Commercial Treaty Program)**

*United States v. Aluminum Co. of America, 672*

*Webb-Pomerene Act* in relation to anti-trust law, 693.