

Statement of  
**The Honorable Mike DeWine**

United States Senator  
Ohio  
September 19, 2002

Thank you Senator Kohl for holding this hearing, and thank you for the leadership that you have provided as Chairman of the Antitrust Subcommittee. I commend you for the bipartisan manner in which this Subcommittee operates. Over the years, we have agreed on many issues, disagreed on some others, but this Subcommittee has been productive because we always have been able to work very closely together. I look forward to continuing that work.

Before I get to the rest of my statement, I also would like to thank the Chairman and our witnesses for their flexibility in starting today's hearing a little bit early.

I am going to have to leave shortly to attend an Intelligence Committee hearing shortly, but I wanted to be here to give a brief statement because vigorous antitrust enforcement is a critical part of our economic system, and oversight is a key responsibility of this Subcommittee.

We are pleased to welcome Assistant Attorney General Charles James of the Antitrust Division and Chairman Tim Muris of the Federal Trade Commission to the hearing today. I appreciate the leadership that you both have provided to your respective agencies, and I look forward to continuing our work together, as we have worked with the Antitrust Division and the FTC in the past.

This oversight hearing is taking place in a different economic environment than we had at our last oversight hearing. In fact, ever since Senator Kohl and I began serving on the Antitrust Subcommittee back in 1997, the economy had been in the midst of a tremendous wave of mergers and consolidation. Today, that wave has, to some extent, abated.

Nonetheless, as Senator Kohl has stated, vigorous antitrust enforcement remains vitally important to creating and maintaining a competitive environment that will benefit our economy. In fact, in these times of corporate scandal and economic uncertainty, it is even more important that companies compete vigorously, effectively, and fairly.

The Antitrust Division and the FTC are, of course, essential to making sure that happens, and I join Senator Kohl in urging both agencies to continue actively enforcing our antitrust laws -- something I know you both agree is quite important.

I'd like to briefly address two issues that I feel are particularly important. The first is the ongoing consolidation that we are seeing in the entertainment, news, and media industries. I have expressed concern about concentration in these industries in the past, and I remain concerned

about it today. This concentration raises particularly important public policy questions that go beyond the traditional antitrust analysis.

The consolidation in the entertainment, news, and media industries has left more and more voices under the control of fewer and fewer media owners. This leaves citizens with fewer sources of the information and news that are necessary in a vibrant and open marketplace of ideas. Senator Kohl and I are planning to hold a hearing to examine this issue, probably early next year, and I look forward to working on this important issue in the Subcommittee.

My second area of concern is in the area of civil, non-merger enforcement. I think that as we have seen a decline in the number of mergers, we are seeing an increasing number of firms turning to joint ventures or other joint conduct instead.

While such arrangements differ from full-fledged mergers, they often have significant competitive impact, and require similar, vigorous scrutiny from the antitrust agencies.

Since these arrangements do not fall under the auspices of the Hart-Scott-Rodino Act, the agencies are not required to examine them under the statutory merger timelines. Despite the lack of statutory timelines, it is important that the agencies review these arrangements within reasonable time periods, without of course sacrificing careful, thorough, economically sound analysis.

Mr. Chairman, I look forward to working with you and the rest of this Subcommittee, and our witnesses, to ensure that such enforcement will continue. Thank you, Mr. Chairman.