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ARTICLES

1 National Cooperative Research Act of 1984: Cartelism for High-Tech Ventures (and Others?)

John A. Maher and Nancy J. LaMont

The National Cooperative Research Act of 1984 (NCRA), emerged as Congress' response to concern that "antitrust laws" were obstructing successful American participation in joint research and development ventures. Among the most salient and curious features of the Act are its inclusive-exclusive language, its therapies, its "rule of reason" and its limited liability provisions. While NCRA is a domestic act, it has wide reaching international implications. Effective exploitation of NCRA's benefits, by foreign investors as well as American investors, depends upon an understanding of what activities fall within its scope and how its features operate.

65 The Unsolved Problem in Taking Evidence Abroad: The Non-Rule of *Aerospatiale*

Prof. William L. Wilks and Nancy E. Goldberg

In the *Aerospatiale* decision, the United States Supreme Court attempts to define the powers of American courts to compel discovery from foreign litigants in those courts, in light of the Hague Evidence Convention. This article initially examines the various interpretations of the Convention used to solve the "apples/oranges" problem, encountered by litigants from different nations and incompatible jurisprudential systems, when they seek to obtain evidence located outside the U.S. or in the control of a foreign litigant. The Court's response to this problem is later addressed by an analysis of its decision, which seems to confuse the situation further, for it offers to lower courts broad discretion coupled with vague guidelines to make such decisions.

COMMENTS

95 The Political Influences of Effective Treatymaking in America's Backyard: The Guatemala Peace Plan — A Case Study

R. Karl Hill

with a forward by *Senator William V. Roth, Jr.*

When a peace treaty seeks to "democratize" a country, it must include provisions which ensure that the political structures of that country are, in fact, changed. After analyzing the Guatemala Peace Treaty and the Reagan-Wright Plan, this comment, using Nicaragua to illustrate its point, concludes that a treaty in Central America, to be effective, must comport with the interests of the United States.

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129 Indefinite Detention of Cuban Aliens: Is the End in Sight?

Francis G. Troyan

In spite of the fact that international law dictates that a sovereign should be able to protect its borders, international law also dictates that every human being has the right to be free from unnecessary detention. For nearly eight years the United States has indefinitely detained Cuban aliens who arrived in the Mariel boatlift of 1980. This comment examines this policy and offers alternatives to improve the plight of the Cubans without sacrificing the safety of Americans in general.

CASE IN CONTROVERSY

155 Shocking Revelations at Hydro-Quebec: The Environmental and Legal Consequences of the Quebec-New York Power Line

Ian Mark Paregol

When parties contract to build the world's largest hydroelectric project, upon whom should the burden fall to mitigate the costs to the environment resulting from the lack of foresight and research into the effects of the projects? In the recent past, society's view has been too myopic to comprehend the importance of the environment to all of humanity in sustaining life. Accordingly, people must participate in the decision-making process of national and international corporations in order to police environmentally deleterious activities.

