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A price squeeze occurs when a vertically integrated firm "squeezes" a rival's margins between a high wholesale price for an essential input sold to the rival and a low output price to consumers for whom the two firms compete. Price squeezes have been a recognized but controversial antitrust violation for two-thirds of a century. We examine the law and economics of the price squeeze, beginning with Judge Hand's famous discussion in the *Alcoa* case in 1945, and concluding with the Supreme Court's 2009 *Linkline* decision, which applied a strict cost-based test to price squeeze claims. While *Alcoa* has been widely portrayed as creating a "fairness" or "fair profit" test for unlawful price squeezes, Judge Hand actually adopted a cost-based test, although a somewhat different one than most courts and scholars would adopt today. We conclude that strictly cost-based predatory pricing tests such as the one the Supreme Court developed in its 1993 *Brooke Group* decision are not always appropriate to the concerns being raised in a price squeeze. We also consider several efficiency explanations, the importance of joint costs, situations in which the dominant firm uses a squeeze to appropriate the fixed-cost portion of the rival's investment, as well as those where the shared input is a fixed rather than variable cost for the rival. Ultimately, we find little room for antitrust liability except in one circumstance: where a squeeze is used to restrain the rival's vertical integration into the monopolized market. That situation is not captured by the *Linkline*'s cost-based rule.

ARTICLES

This Article investigates prosecutorial discretion in death penalty prosecution in Missouri. Based upon an empirical analysis of all intentional-homicide cases from 1997–2001, this Article concludes that Missouri law gives prosecutors unconstitutionally broad discretion in charging these cases. This Article also finds that prosecutors exercise this broad discretion differently, leading to geographic and racial disparities in sentencing, and concludes with proposals for statutory reform.

While trademarks promote a competitive and productive marketplace, the Patent and Trademark Office runs the current system of trademark registration as a monopoly of questionable productivity. Delays in obtaining trademark registrations result in a risk to applicants of investing substantial sums into ultimately unregisterable marks. This Article proposes a system of privatized trademark registration as a solution, with features including: multiple entities serving as registrars; an optional expedited process; and quality-control mechanisms. To explore the viability of trademark privatization, the Article relies on the theoretical privatization literature and practical examples in which government exclusivity has been removed from intellectual-property (and other) decision-making. By challenging the PTO's monopoly, the Article pursues a more general discussion about improvements to the existing system of trademark registration.

NOTES

The advent of the Internet and the digitization of everything have resulted in greater convenience at the expense of personal privacy. Privacy advocates in the United States decry the dearth of legal protection, calling for regulation of the data collection industry along with other reforms. The industry responds with self-regulatory measures and highlights the many benefits of online services such as search engines and social networking sites. This Note echoes claims that privacy is essential to a democratic society. Requiring all users to forgo conveniences in favor of increased privacy, however, is paternalistic and undermines the very values privacy advocates seek to protect. This author envisions technology-facilitated and legally protected "pseudonymity" as a desirable compromise, empowering users to protect their personal data as much or as little as they like.

The discretionary waiver of removal found at former section 212(c) of the Immigration and Nationality Act, though repealed by Congress in 1996, remains available to certain eligible legal permanent residents (LPR) convicted by a plea entered prior to April 24, 1996. By its plain language, the waiver was limited to LPRs who, returning to the United States after a temporary departure, faced exclusion from admission to the United States under a ground of inadmissibility found at section 212(a). Sixty years of administrative and judicial decisions have seen the expansion of the waiver into the deportation context. The Board of Immigration Appeals and federal courts have held that the constitutional guarantee of equal protection requires that LPRs in deportation proceedings who are "similarly situated" to LPRs in exclusion proceedings, and who differ only in terms of a recent departure from the country, be treated equally with regard to their applications for section 212(c) relief. A three-way split has emerged among the U.S. courts of appeals in determining the appropriate test to decide whether deportable LPRs are similarly situated and thus eligible for section 212(c). This Note explores the complex history of the availability of the section 212(c) waiver in deportation proceedings, particularly for LPRs convicted of aggravated felonies, and urges the U.S. Supreme Court to adopt the offense-specific test utilized by the Second Circuit, as it is the only approach that safeguards the guarantee of equal protection for LPRs in deportation proceedings.

ARIZONA CASE NOTES

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