Resolution Opposing Government Involvement in Commercial Negotiations

WHEREAS, it is the mission of the American Legislative Exchange Council (ALEC) to advance the Jeffersonian principles of free markets, limited government, federalism and individual liberty, and

WHEREAS, the American economy has been and continues to be among the most vibrant in the world, creating the highest standards of living and benefits for its citizens, and

WHEREAS, in America’s capitalist system disputes will sometimes arise between commercial entities and those commercial entities will negotiate to resolve their disputes, and

WHEREAS, in those few instances where commercial disputes are not resolved amicably the parties have access to the courts or may voluntarily submit to arbitration, and

WHEREAS, America’s system of commercial negotiation has led to an explosion of programming choices including some 550 national programming networks, and

WHEREAS, cable networks run the gamut from news networks to religious networks to sports networks to educational and children’s networks and beyond, and

WHEREAS, many networks have successfully negotiated with all manner of video distributors, including cable operators, Direct Broadcast Satellite operators, telephone companies and others for carriage of their networks without any government intervention, and

WHEREAS, a myriad of programming choices have resulted from the successful private negotiation of contracts between program networks and video distributors without government interjection requiring the parties to submit to mandatory arbitration, and

WHEREAS, parties ought to be free to negotiate without the threat of government intervention tipping the scales in one party’s favor.

THEREFORE LET IT BE RESOLVED, that ALEC calls upon the government to oppose efforts to adopt legislation requiring mandatory arbitration to resolve commercial disputes, and

THEREFORE LET IT BE FURTHER RESOLVED, that ALEC believes the marketplace, as established by America’s capitalist system, the most successful and enduring economic system ever conceived, is fully capable of resolving private negotiations without invoking the heavy hand of government.
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