

Report on Interviews at Harvard and Yale, and New York City

The following report concerns the reactions to the founding of the Institute expressed at interviews held in cooperation with the Law Journal and in connection with its symposium on the Du Pont Case.

1. General observations

Deserving of special note were the sincere courtesy and respect accorded the name of Georgetown by both professors and attorneys, among them six members and one conferee of the Attorney General's antitrust committee. The standing of the Law Center appears to be universally recognized. From a practical viewpoint, Georgetown is regarded as unique for its closeness to governmental activity at Washington and for its successful exploitation of that asset. Professor Brewster, of the International Legal Studies program, expressed his regret that Harvard lacks that vicinity which he considers vital to his specialties.

More particularly, all the interviewees voiced appreciation of the work and influence of Dr. Kronstein in their fields, and demonstrated a real interest in being better informed of that work as a result of the founding of the Institute.

2. Suggested studies

Questions, requests and offers of cooperation indicated a widespread and active interest in the unique potential of the Institute as an international clearing house of practical and theoretical information and as a training program for future attorneys.

At Yale, there is no program in any phase of international trade law. At Harvard, emphasis is on American law as it affects doing business in markets abroad. Grants have been received for foreign tax and corporation law research and for a study of liability problems in foreign trade in the atomic energy industry.

The entire sphere of European trade law developments is virgin territory though of great import to American trade. Educators and practitioners alike showed great interest in research on this topic. Professor Brewster suggested that such a study should be made par excellence by the Institute, based on its internal sources, especially in Germany, which no other program could approximate for actuality and authoritativeness. He added the thought that this might form the outline of a special course

for american practitioners, who he thought would be very interested.

It was also suggested by several interviewees that the A.B.A., and particularly the New York City Bar Association, would be eager to obtain studies in foreign trade law. In this connection, it was urged that Professor Gardner, specializing in international trade treaties at Columbia, be contacted. He is on the committee concerned with integrating the various studies sponsored by the Bar Association in the country on various aspects of the topic.

Mr. Crotti referred to an interview which he had recently obtained with the president of IGE who expressed an immediate interest in the student exchange program and mentioned a number of problems for study in German and other patent law, which the firm's patent department will forward to the Institute.

Mr. Kopelmanas, Fulbright visiting post-graduate professor at Yale and former counsel of the UN Economic Commission for Europe, made a suggestion as to what the next step in the unification of markets would consist in, namely, the standardization of contracts in international transactions. He plans to establish an institute at Paris to formulate, for each industry separately, commercial contracts having identical effect under continental and British laws. He has already accomplished this in several instances and suggests that the approach might be of value in american foreign trade as well.

Professor Lipson, formerly an attorney in the field of foreign trade, and now of Yale, echoed this contention, saying that the outstanding foreign trade problem is not the operation of subsidiaries abroad but the formulation of contracts and foreign taxation. The opinion at Harvard corresponded to some extent with this view.

3. Program suggestions

Mr. McAllister, who specializes in extraterritorial antitrust cases, as well as Professors Brewster and Bowman expressed a desire to participate in a continuing exchange of information with the Institute. They requested to be informed of the method the Institute might develop for such contact and of the terms of the exchange, both financial and technical.

Professor Bowman noted that Yale could not offer its foreign students either the program of studies of the Institute nor the facilities of Washington. Yet, he said, Yale often received men with outstanding backgrounds and developed interests in furthering liberal trade policies. At present, a French and a British student are at Yale, both having several years' experience with governmental trade affairs. Seeing the Institute's function to be most promising as an opportunity for foreign students to learn about the economic, political and social mentality of America as expressed in its trade regulation, Professor Bowman suggested that the Institute might profit from inviting such students to Washington for an interview to acquaint them with its facilities and to help them secure aid for study at Georgetown, if a fellowship should not be available.

Professor Brewster extended an invitation to any foreign student whom the Institute might send to Harvard for a brief visit to survey the thinking and material obtainable there. He indicated receptiveness to a possible Institute proposal for reciprocating this offer by extending its special facilities to Harvard foreign students, on a similar basis.

Dean Rostow, of Yale, thought that a Ford grant might facilitate the extension of Institute operations, and offered to share any information he might obtain on the process through his experiences in aiding Mr. Kopelmanas. Professor Brewster also encouraged approaching the Ford Foundation, remarking that their grants in international law have, in Harvard's experience, allowed total freedom of research to the university.

4. Recommendations

The immediate service which the Institute can perform is the compilation of an index of materials available at both Institutes, including both published and unpublished papers by the members as well as a bibliography of the field, covering all American and foreign works.

Inclusion in the foreign program of visits to other law schools, for periods up to a month, would benefit both the students and the Institute's research resources.

Cooperation with the Law Journal would assist the publication with ideas and research and enable the Institute to reach professors and attorneys whom it might otherwise only serve through an organ of its own. In this connection, the following points are urged for inclusion in the procedure of cooperation:

i) A topic should be selected each year for a full- or partial-issue symposium. Research on all phases of it should be carried on, set down in note form, and discussed by Journal and Institute members assigned to the project. Based thereon, questions may be drawn up and referred, preferably in person, to authorities in the field for comment, together with the basic notes.

ii) The comments may be edited and submitted for the authors' approval, or reported as legal "news". Such short but full coverage on current issues would establish the Journal as a special service in addition to its normal function.

These recommendations concern "firsts" in a field which promises to grow with foreign trade expansion and the influence of the European Common Market. These projects may help to establish the Institute in a leading position to bring together ideas and stimulate the thinking in the field as well.

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