

MEMORANDUM

Report on the Operations of the Institute for International and Foreign Trade Law of the Georgetown University Law Center for the Academic Year 1958/1959.

During the academic year 1958/1959, our Institute made great progress. The effects of the work done during this year will appear later on in many respects.

Publications

The first book published in the name of the Institute for International and Foreign Trade Law of Georgetown University Law Center proved to be a success. I attach hereto the book reviews by Edward Hewrey in the American Bar Association Journal, by Roy Jackson in the Villanova Law Review, by E. Jacobs in Tulane Law Review, as well as the one which appeared in Georgetown Law Journal. Other book reviews can be expected.

During the year, Dr. Ernst Mestmaecker published his German book on "Verwaltung, Konzerngewalt und Rechte der Aktionaere", which was prepared in the Institute. The preface of this book refers to our Institute as the source of much of his information, and makes special reverence to Father F Lucey and Dean Dugan. An extract of the book is going to be published in Georgetown Law Journal.

Research

A.- The Federal Trade Commission as an Example of American Economic Regulation of Commerce" was jointly written with research fellows Dr. Kurt H. Biedenkopf and Dr. Horst Bruecher. I have brought this

research to a preliminary end. An intensive study of the operations of the commission itself, its history and philosophy has been undertaken. Thereby the work of previous years has been continued.

In the course of our cooperation with the Frankfurt Institute, a draft opinion is being submitted within a short time.

It is planned to develop a substantial part of our work in the coming academic year to the preparation of a book on this topic. The Institute suggested the appointment of Mr. John Kennedy as research fellow to be paid out of Institute funds for the purpose of assisting in the preparation of this book.

B.-- The problem of the application of the American Antitrust Law on Foreign Institutions. The chapter included in our book on this problem has been vividly discussed. In the course of this discussion, I was asked to present the American view on this problem in the English "Journal of Business Law" and to publish an extensive review on "Anti-Trust and American Business Abroad" by Kingman Brewster. Both publications are appearing this month. The entire study has been thoroughly continued, and I expect to publish a law review article on this point during the coming academic year.

C.-- The General Agreement on Tariff and Trade and the European Market Treaty. Georgetown University, on the basis of an agreement with the Max Planck Institute Heidelberg, invited Helmuth Steinberger of the Heidelberg Institute to work as a research fellow to the Graduate School and our Institute. As a result of this work, Mr. Steinberger is completing a study on the GATT and the European Market Treaty. The Institute gave him support in many respects.

D.- Dr. Kurt Biedenkopf, one of our research fellows, extended the results of our Federal Trade Commission study to the parallel problem of the Administration of the relationship between big labor and big business. Dr. Biedenkopf was given substantial help by members of the Senate Committee on Monopoly Power. This study is going to be expanded continuously.

E.- In our historical section, we developed a study on an important problem of the historical inter-relation between the history of Common Law and Roman Law: The sources of Glanville as shown by Glanville's reference to "debt" and to the causa debendi. Dr. Horst Kaufmann, one of our research fellows, worked on this problem. From the beginning, our Institute was convinced that the problem of the legal inter-relation between nations cannot be studied without a thorough examination of the historical background. It was a special pleasure for the Institute and me to see that Dr. Kaufmann devoted his time to a study of one of the problems of the background of contracts. His paper is going to show that Holdsworth's assumption that Glanville's remarks on the action on debt and on causa debendi comes from the Roman Law cannot be sustained. We cooperated on this study with Professor Kuttner of Catholic University and his institute.

#### Lectures

Dr. Kaufmann, Georgetown University Alumni Hall, April 15, 1959, on "The Sources of Glanville";

Helmuth Steinberger, Georgetown University Law Center, April 28, 1959, on "GATT and the European Common Market Treaty".

### Collection of Material

During the academic year, Mrs. Kate Kronstein, the librarian of our Institute, has collected and catalogued a substantial amount of pertinent material. We have made a special collection of Governmental and Congressional material of several countries relating to our field. We received as a gift from Judge Thurman Arnold all T.N.E.C. Reports to be included in our collection.

### Plans

During the next year, we expect to prepare a number of publications i.e., papers prepared in the Institute in the academic year 1958/59:

- (a) Dr. Ernst Mestmaecker: a comparative study on the protection of minorities in subsidiary corporations connected with large combines.
- (b) Dr. Wolfgang Schmalz: a comparative study on the evaluation of public utilities for the purpose of rate making.
- (c) Dr. Horst Kaufmann: A study on the Sources of Glanville (compare supra)
- (d) Helmuth Steinberger: GATT and the European Common Market Treaty (compare supra)
- (e) Dr. Kurt Biedenkopf: A study of current labor-relation-problems.

In the following year, we are going to give special attention to the continuance of our study on the Federal Trade Commission (supra) as well as of the present work on the listing of foreign securities on American stock exchanges. This study is undertaken in connection with a research of one of our research fellows, Dr. Carsten Peter

Claussen, who arrived in Washington only last month. We expect that the next academic Year will be more a year of consolidation of the work we have done this year; the extension of the Schulte zur Hausen Gift which took place recently and the full understanding between Frankfurt and Georgetown universities permit us to plan ahead.