

INSTITUT FÜR AUSLÄNDISCHES UND
INTERNATIONALES WIRTSCHAFTSRECHT

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Direktoren:

Prof. Dr. H. Coing, Prof. Dr. H. Kronstein, Prof. Dr. H.-J. Schlochauer

2. Juni 1964

O.K. June 8, 64 ✓

Lieber Jochen,

eigentlich hätte ich Dir schon letzte Woche schreiben sollen. Ich habe Werner geschrieben und gehofft, daß Ihr ja doch die "notes" austauscht. Heute möchte ich Dir aber doch einen Bericht schicken, der Dich ganz auf das laufende bringt.

Wie Du weißt, ist für mich - wie auch für unsere ganze Arbeitsgruppe - entscheidend, ob es möglich ist, auch eine über meine Arbeitszeit hinausgehende "Stellung" in Washington zu haben. Diese Stelle ist nur sinnvoll, wenn sie sich in den wissenschaftlichen Arbeitskreis unserer Gruppe hereinstellen läßt. Sie wird unfruchtbar, sobald in Washington die Gelder für "Außenzwecke", wie Reisen der Professoren oder research pools oder Herrschaft durch Herrn Jacobi, verwandt werden. Es kommt uns also im Moment darauf an, die anhängige Kartellstudie zu verwenden, um einen Testfall herzustellen, aus dem sich alles andere dann ergibt.

Die Notwendigkeit, eine Veränderung der geltenden Praxis herbeizuführen, hat sich für uns alle durch den Fall Cella gewissermaßen exemplifiziert. Vielleicht ~~xxx~~ hast Du schon den Brief von Ken Pye gesehen; auf jeden Fall schicke ich Dir nochmals eine Kopie und mein Cable an ihn.

Wir müssen also, wenn wir zu unserem Ziele kommen wollen, eine diese Praktiken voll ausschließende Methode finden.

Du weißt, daß wir uns mit Deiner Hilfe in dem sonntäglichen Rundschreiben an die Präsidenten der Universität mit dem Vorschlag gewandt haben, zu einer Vereinbarung im Rahmen der Universität selbst zu kommen.

Gestern ist der als Anlage beiliegende Brief von Father McGrath hier angekommen, der die erste schriftliche Antwort der Universität ist und wohl im Zusammenhang mit meinem Telefon- und Schriftwechsel mit Father Campal zu lesen ist. Wir erwarten also die Herren Father McGrath und Paul Dean hier am 2. Juli und werden vorher noch ein Memorandum von ihnen erhalten, das Du und Werner erhältst.



GEORGETOWN UNIVERSITY LAW CENTER
WASHINGTON, D. C. 20001

OFFICE OF THE ASSOCIATE DEAN

May 5, 1964

MEMORANDUM TO: Heinrich Kronstein

FROM: A. Kenneth Pye

RE: May 4, 1964 letter to Father McGrath

1. I am taking the liberty of replying to your letter of May 4, 1964 in hopes that some of the areas of disagreement may be resolved. I am sorry that my memorandum came as a shock to you. There was no material change from the draft which I showed you last week, except (1) to add the suggestions made by you to Part II, Sections (A) (B) and (C) and (2) adding the proposal for a permanent institute with which I thought you were in general agreement at our meeting with Professor Jaenecke last Tuesday.
2. I respectfully object to two observations made by you in the letter: (1) that the Law Center is engaged in a "new practical approach" of "learning law as a technique independent from the ideas and ideals" in which your work was conceived (p.3); and (2) that the present thinking in the Law Center has nothing in common with your and Dr. Schulte Zur Hausen's approach to "scholarship and Catholicism." I think both of these statements are erroneous and uncharitable. The difference between us is not a religious question nor a dispute between a practical approach and theoretical one. Neither is there any dispute over whether all research should be related to "ideas and ideals". The dispute concerns whether the Institute should continue on a permanent basis after your retirement with its scope limited to those areas of the law in which you have a special interest or whether its scope

should be broadened to encourage participation of our other colleagues by permitting them to engage in separate but related research projects in the area of their particular expertise. The proposal was designed to encourage research and publication for which Georgetown would receive credit. It embraces no "practical techniques". Three of the Professors named share our common faith and I know of nothing in the personal or professional lives of the others which would lend any support to a conclusion that their ideals are different from ours. To assume that these individuals would use the Institute solely for "accidental writing" is unjustified.

3. The scholarly work conducted by the Institute and by the individuals associated with it is impressive. You are aware that I have supported such scholarship, wherever possible. I think that it is misleading, however, to confuse your work and the work of all students and professors who have come to Georgetown or gone to Frankfurt from Georgetown with the work of the Institute. Such writing could continue under my proposal. Hopefully under the proposal more work would be accomplished by Georgetown professors, and published in English, with even more credit accruing to the University. Of the 34 publications listed, 17 are in German (including all of the work in Jurisprudence); 11 of the remaining works are the results of your scholarship or that of John Miller, or the product of your joint work; 7 were published by former German and American fellows, research assistants and a visiting professor. No publication by any other member of the Georgetown faculty is listed.

4. Your activities as a mediator in German-American problems are deserving of great praise. The problem is that this is the work of Heinrich Kronstein not the work of the Georgetown Institute. A new director would not have your contacts, your reputation, or your capacity.
5. Your related activities in bringing speakers to the University, encouraging the award of degrees to distinguished Jesuits, and extending scholarships to Georgetown College students have been outstanding. Would a new Director be able to accomplish any of these things?
6. The grants to Georgetown professors to go abroad have been significant, as noted in my memorandum.
7. I am in accord with the program planned for the next three years.
8. I know of no Georgetown Professor who has a deep personal interest in the Institute or who is willing or qualified to direct an Institute with its present scope. Past efforts to associate closely Ryan, Bradley, Father Harbrecht, Burrus, Metzger, and me have not succeeded primarily because these professors desire to engage in their own studies in fields of their particular expertise. In addition, the present relationship with Frankfurt almost requires that a Professor speak German. Our professors do not speak or read German. Over one-half of the publications credited to the Institute could not be read by any of these individuals.
9. FINANCES
 - (1) No professor in the Law Center including the Dean, has a private secretary supported by University funds.
 - (2) In the cost analysis contained in my memorandum no charge was made for rooms occupied by Mrs. Weyersberg or you. The amount of \$1200 was charged for rent (\$50.00 per month for each of two rooms). This is the rental rate for rooms occupied by all research projects in the Law Center.

- (3) The \$8000.00 contributed by Dr. Schulte zur Hausen goes into the Institute. It is not available for any other Law Center activity. You are carried at full salary on the Law Center budget. The \$8000.00 Schulte zur Hausen fund contribution (and the \$15,000.00 Ford Foundation contribution) was used to defray the costs of a visiting professor, research assistant, and administrative costs of the Institute. In no sense was the \$8000.00 a subtraction of the cost to the University. It did permit broader activities by the Institute.
 - (4) I must insist that my analysis of the Law Center contribution is accurate. You may recall that you noted a Law Center contribution of \$12,000.00 per year in the recent application to the Ford Foundation.
 - (5) There can be no doubt that you are and have been paid much less than the salary which you would have received at a number of other Universities. This is also true of several other of our colleagues. The University is indebted to the valuable work of Mrs. Kronstein in arranging the Institute Library.
10. It is my impression from your letter that the Institute proposed by me as a permanent institute would be unacceptable to Frankfurt. This is not the impression I received from either Professor Jaenecke or you last week. I see no reason why the exchange professor program, and related research activities could not continue along the lines I have suggested.
 11. I have no objection to the continuation of the present Institute as a University supported project.

12. I trust that you are aware of my high esteem for you and the Institute. I think I have been more closely related to it than any other member of the faculty. I also appreciate that the funding has been largely the result of your efforts. I have been partly responsible for bringing to the University a similar amount for the internship and bail projects. Each of these projects is dear to me. However, I have and will insist that the scope of these projects be changed or that they be dropped if either requires the permanent appropriation of University funds needed to encourage research, promote publication, or improve teaching in the Law Center.

13. Your letter of May 4 refers to my memorandum. I had regarded the memorandum as a basis for discussions between us and had not sent a copy to Father McGrath. In view of your comments regarding what you conceive to be our difference in approach to scholarship and Catholicism, I feel required to send a copy to him with a copy of this memorandum.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Ken".