

Frankfurt/Main  
February 12, 1964

Brian A. McGrath, S.J.  
Academic Vice President  
Georgetown University  
Washington, D.C. 20007  
U S A

Dear Father McGrath:

Our friendly and personal relationship to you and your University encourages us to write to you personally and to discuss with you the present state of our common academic endeavors in the field of international trade law and some aspects of the future cooperation between our Institutions.

An imminent change in the directorship of the Frankfurt Institut für ausländisches und internationales Wirtschaftsrecht, brought about by the creation of a Max-Planck-Institut für vergleichende Rechtsgeschichte under the direction of Professor Coing, has led us to an assessment of the present and future programs of our Institute in the international law field. One of the most important aspects of these programs is the joint operation of the Frankfurt Institute with the Washington Institute for International and Foreign Trade Law at Georgetown University Law Center. An evaluation of this operation has focussed our attention on a number of problems which we should like to present to you for your consideration and advice.

In 1961 the Ford Foundation, upon a joint application of our Institutes für ausländisches und internationales Wirtschaftsrecht and for International and Foreign Trade Law, made a three year grant totaling \$ 75.000 to our Institute. The purpose of this grant was to broaden and intensify the international aspects of our activities. From the outset, the Ford Foundation, however,

left no doubts that its support was of a transitory rather than permanent nature. It was intended to permit the Institute sufficient time and support to examine both the continued need for and the possibilities of continued support of its International Program on a more permanent basis.

The scope and results of our International Program during the past years have proven to our fullest satisfaction that the need for a permanent continuation of such programs is as great as ever. Our Institutes, on the basis of their past records, have established an excellent reputation which is not limited to Germany and the United States. They have become known as both a platform for individual academic study in the field of international and foreign trade law and as an instrument for the establishment and maintenance of contacts and cooperation between international and national governmental agencies, business, the bar and the academic world. Other German and American Universities of eminence have expressed interest in participation in our programs and in making use of the special possibilities offered by the unique combination of our Frankfurt and Washington Institutes. A study of international and national regulations of energy resources and an examination and comparative evaluation of agricultural legislation in Europe and the USA are but two of the more important projects anticipated.

To insure the continued success of our common endeavors two problems are of paramount importance:

1. To secure future and more permanent financial support for our International Program, and
2. to establish a permanent and more formal relationship with the Washington Institute.

As to the financial support the Frankfurt Institute is present engaged in negotiations with potential supporters. The outcome of these negotiations to no small extent depends, however, on the

answers to problem No.2: The relationship to the Washington Institute for International and Foreign Trade Law.

Both the conference and the academic study aspects of our past programs in the international law area have demonstrated that such programs cannot be conducted successfully by Frankfurt alone. The Washington Institute has proven to be the turnpike of all programs involving direct or indirect U.S. participation, i.e. all major international projects. Cooperative efforts between other German and U.S. Universities which were not based on permanent establishments dedicated to such purpose, did not exceed the scope of a normal program for the exchange of persons. Thus the permanent establishment of an Institute in Washington, corresponding in academic purpose to the Frankfurt Institute, is mandatory for the continuation of the International Program.

During the past years Professor Kronstein's Institute for International and Foreign Trade Law at your University's Law Center has ably fulfilled this function. Thanks to your special interest in and support for this Institute and to Professor Kronstein's willingness to assume the extra burden of serving both our Universities and Institutes, all our projects were brought to a successful conclusion. In view of this record we would consider it most fortunate if your University would find it possible to assist us in establishing a corresponding Institute of a permanent nature in Washington. The personal relationship established between our Universities during the past years of cooperation, the existence of the present Washington Institute and our mutual interest in the continuance of the International Program make such a solution seem most desirable. Only as a matter of last resort would we therefore turn to other U.S. institutions of higher learning to invite their assistance in this matter.

On the basis of our past experience with the Frankfurt Institute and its various projects we feel that the permanent operation of

such an Institute is determined by the following factors:

1. The Institute should be established in such a way as to permit the maintenance of permanent working facilities. Aside from secretarial help this calls for a permanent institute staff composed of young men who have completed their legal education. Professor Kronstein tells us that during the past he has employed such men as research fellows with considerable success.
2. The Institute should be directed by an Institute Director. This position of Institute Director seems to us to be especially important to the future success of any common endeavor. Naturally the work of Institute Director - at least at the present level of activities - is not significant enough in itself to attract persons of sufficient academic caliber; nor will our budget presently allow us to support such a director solely through the Institute. In Frankfurt the combination of Institute directorship and faculty membership has served well to overcome this problem. Georgetown University Law Center has followed the same course in the case of Professor Kronstein. One of the main questions determining the future relationship of our Institutions will be the possibility of continuing this practice with a successor to Professor Kronstein, if the latter should desire to retire or lessen his present work load. Since the problem of succession cannot be solved quickly, arrangements for finding a suitable person and for arranging his status within the University should be made soon in order to insure an adequate period of instruction and work for the successor in cooperation with Professor Kronstein.
3. Programs of cooperation such as ours naturally turn on questions of personal relationship and mutuality of interest. It follows, therefore, that the choice of director for a Washington Institute is of direct consequence to the success of our program. At the Frankfurt Institute selection of qualified successors depends on the consent of a board of advisers to the Institute. Maybe it would be possible to create a similar board for the Washington Institute and entrust it with similar functions.

4. Such a board - aside from insuring the continuity of the Institute program and purpose - could also serve as an instrument to facilitate the cooperation of other U.S. Universities. We are presently examining the possibility of extending the supporting basis of the Frankfurt Institute beyond Frankfurt University. Similar possibilities should be examined for a Washington Institute. Such newly won cooperation would also permit us to benefit from a more permanent interest for and contribution to our projects by prominent academicians of other Universities.

Professor Jaenicke who is closely associated with our Institute is well informed about our cooperative efforts and will be in Washington next week. We would be grateful indeed, if you could examine the possibility of continuing our common program along the above mentioned lines, and if you could give us the benefit of your advice as to how the outlined principles can be realized. It would truly be worthy of the 50th anniversary of our University if on the occasion of your visit to Frankfurt an accord on the future cooperation of our Institutes in the field of international trade law could be reached.

Very sincerely yours,

Prof.Dr.H.Coing

Prof.Dr.H.Kronstein

Prof.Dr.H.-J.Schlochauer