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Brief History of the Founding o the Case Western Reserve Journal of International Law: Foreword

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Foreword and Dedication: A Brief History of the Founding of the *Case Western Reserve Journal of International Law*

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As one of the founders and the first Editor-in-Chief of the *Case Western Reserve Journal of International Law*, I am delighted to contribute this foreword and dedication to the twenty-fifth anniversary volume of the *Journal* and to set forth a brief history of the founding of the *Journal.*

In 1966, Louis A. Toepfer left Harvard Law School to become the Dean of the Case Western Reserve University School of Law. Under his guidance many new changes and advances took place. He expanded the curriculum, attracted dynamic young law professors, including Ronald J. Coffey, Lewis R. Katz, Ovid C. Lewis and Arnold W. Reitze, Jr., and he renewed the school's commitment to excellence. Dean Toepfer brought in practicing international lawyers, like Franklin L. Hartman, International Counsel for TRW Inc., to teach international business law and he arranged for Sidney B. Jacoby, professor of Georgetown University Law Center, to join the Law School as a visiting professor of comparative law in 1968-1969. There was a growing student awareness of the importance of international law and international business transactions.

With the increasing national reputation of the Law School, the *Case Western Reserve Law Review* was receiving articles covering areas of international law which we felt were too specialized for the *Law Review* and therefore, the *Journal* was able to start with a reasonable backlog of quality articles which was quickly supplemented by solicitations to prospective authors.

It was also apparent to some of us from our work on the *Law Review* that there was a large number of motivated students who wanted *Law Review* experience but were unable to obtain it due to the limited size of the *Law Review's* staff. A smaller specialized journal of international law would double the number of students involved in this learn-

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ing experience.

As I noted in the Preface of the first edition in 1968, the new *Case Western Journal of International Law* sought to promote scholarship and interest in the fields of international and comparative law by publishing lead articles, student notes and comments, and book reviews. The purpose of the new *Journal* was to stimulate student involvement and scholarship in these fields and to present the readers of the *Journal* with informative, diversified and current material of interest. As this was the second legal journal to be published at CWRU School of Law, new opportunities were opened to the student body to participate in scholarly legal writing and editing.

Cleveland is at the center of the industrial heartland of the United States and the Law School has greatly benefited from the large number of international corporations headquartered within a 100 mile radius of Cleveland as well as from the major corporate law firms with international legal experience based in Cleveland. The CWRU International Law Society had an active membership due to the guest speakers drawn from these resources and due in part to the international flavor of the wine and cheeses served after the Society's sponsored lectures.

When several students and I met with Dean Toepfer in his office in the summer of 1967 with the idea of starting the *Case Western Reserve Journal of International Law* I recall that he agreed to the endeavor on three conditions.

First, we had to make a commitment to him that the *Journal* would be a scholarly and professional undertaking and would be on a par with the international law journals being published at other major law schools. He would accept a second and specialized journal but he would not tolerate a second-rate journal. At the time, I was also the Executive Editor of the *Law Review*, David J. Newburger was the Editor-in-Chief of the *Law Review* and Bernard C. Johnson was the Business Manager of the *Law Review* and the Executive Editor elect of the new *Journal*. As we all fully supported the concept of the new *Journal*, we were able to assure the Dean that the professionalism of the *Law Review* including the training of new staff would be carried over to the new journal. It was agreed that our excellent secretary, Carolyn A. Moore of the *Law Review*, would also be the secretary for the *Journal*. The *Journal* staff could take up residence in rooms which had previously been used for storage by the *Law Review* in the basement of the "annex" building, which was a run-down house next to the old law school building on Adelbert Road. We moved the storage boxes out of the basement and painted the walls, but we never got rid of the mice.

Dean Toepfer's second condition was that the *Journal* should strive for financial self-sufficiency through the sale of subscriptions and any other appropriate *legal* means we could think of to generate funds. (I recall Robert M. Sheahen who was President of the CWRU Student Bar Association had some interesting ideas on this but they did not meet all of the Dean's criteria.) The Dean undertook to cover our shortfall in finances during the first few years out of school funds and he agreed, in principle, to match what we were able to raise ourselves.

We solicited subscriptions from every law school library, every student, all the parents and even got one grandmother to subscribe to the new *Journal.* The response was encouraging but not enough. Frank I. Harding III who was head of the CWRU International Law Society and a Managing Editor of the new *Journal* along with John R. Preston and the Business Manager, Lee J. Dunn, Jr., helped to sell advertisements which were featured on the back pages of the first two issues. I recall we sold a whole page ad to the Brown Derby Restaurant with the understanding that we would encourage our staff to eat there. (The fact that Bernard Johnson's family owned the restaurant may also have helped sell the ad.) We sold an ad to a men's clothing shop and I still have the trousers I bought in exchange for the ad — they did not fit me then and they do not fit me now, but it is hard to throw away a new pair of trousers even after 25 years. In addition to selling subscriptions at $4 per year, we also solicited "benefactors" at $100 per year, "sponsors" at $25, and "patrons" at $10. With the additional financial assistance of the Dean and the Student Bar Association, we finished the year with a very small surplus and the Dean was satisfied.

Third, Dean Toepfer required our guarantee that the *Journal* would continue as a permanent part of the Law School. He did not want to approve the starting of a new international law journal with the University's name on it if it was going to be a flash in the pan. We committed to him that we would make every effort to train and to instill the enthusiasm and dedication which we had in the junior staff.

In writing this dedication to the twenty-fifth anniversary volume of the *Case Western Reserve Journal of International Law,* I think I can safely say that we have fulfilled the Dean's third requirement.

The entire student body of the Law School was offered the opportunity to participate on the *Journal* staff and to submit manuscripts for possible publication. The first issue of the *Case Western Reserve Journal of International Law* was published in the fall of 1968 with a staff of 32 law students (only four of whom were also on the *Law Review*). In its 71 pages, the first issue of the *Journal* contained a welcoming Foreword by William W. Bishop, Jr. the Editor-in-Chief of the *American Journal of International Law,* an article on arbitration commissions, a note on labeling of imported products, a comment on foreign direct investment regulations, 16 brief "articles noted" which were reviewed and written by students and edited by Carl D. Dool, a book review by Professor Sidney Jacoby, and several short book reviews edited by William D. Buss. For the second issue of the first volume of the *Journal* Thomas B. Schneider took over as Business Manager and Alan D. Cohen and John N. Gulick, Jr. were brought onto the editorial staff. The torch was passed successfully when John R. Preston (Class of 1970) was appointed the Editor-in-Chief for the second volume of the *Journal* with an increased staff of 40 students for the next school year.

In 1968 student-run journals specializing in international law were published at only eleven law schools. By founding the *Case Western Reserve Journal of International Law,* Case Western Reserve joined an impressive list of pioneering institutions that included Columbia, Cornell, Harvard, Stanford and the University of Virginia. Today, student-run international law journals are more common, reflecting an ever increasing interest in and, dare I say, necessity for international law and international business transactions.

The *Case Western Reserve Journal of International Law* continues to provide students with opportunities to participate in scholarly legal writing and editing. Membership on the *Journal's* staff continues to be open to the entire CWRU Law School student body and the *Journal*'s staff is currently composed of 11 editorial board members, 20 associates, and 79 staff members. The involvement of such a large number of law students speaks well of the *Journal* and of the importance placed on international legal perspectives by the Law School and its faculty.

The *Journal's* editors and staff are assisted by Professor Sidney Picker, Jr., professor of international law, as Faculty Advisor, and by an Advisory Board consisting of five prominent legal scholars and international lawyers. Dean Peter M. Gerhart of the Law School has continued the tradition of maintaining a strong personal interest and support for the *Journal.*

The *Journal* has an impressive subscription list including university libraries, law firms and individuals. Its volumes are also located on the shelves of law libraries and official court libraries in all the States and in libraries in twenty-four foreign countries. The *Journal* is published three times a year and the volume for each year now averages a very impressive total of 700 scholarly pages.

Readers of this special twenty-fifth anniversary volume of the *Case Western Reserve Journal of International Law* will note that the current editors and staff of the *Journal* have continued its high level of professionalism.

This anniversary volume of the *Journal* is devoted to articles about international taxation. H. David Rosenbloom and Christine W. Booth have contributed a thorough analysis of the creditability of the United Kingdom's Advance Corporation Tax under Section 901 of the United States Internal Revenue Code. Ian A. Saunders has written an authoritative discussion on the subject of United Kingdom anti-tax avoidance law with particular emphasis on the deficiencies which result from piecemeal development in this area of the law. Interesting and topical student notes have been written and edited on the subjects of United States environmental legislation and the GATT, and the impact of the Dealers' Contracts Law on multinational companies operating in Puerto Rico for this anniversary issue of the *Case Western Reserve Journal of International Law.*

The *Case Western Reserve Journal of International Law* has gone from strength to strength and I was pleased to note from the cumulative index of the *Journal* the broad diversity and vast number of articles that have been published during the *Journal's* first 25 years. During the same period new courses in internationally-related fields have been added to the Law School's curriculum and the school's library collection of international materials has become substantial.

The year 1992 marks the 100th anniversary of the founding of

Case Western Reserve's School of Law. This year also marks the launching of an ambitious new undertaking to make the Law School's curriculum and the student body more international in scope. At the center of this effort is the Gund Foundation International Law Center, the result of a $2 million grant from the Cleveland-based George Gund Foundation. The center's key functions are to attract law students from around the world, to send CWRU law students abroad to study and work, to sponsor international lecturers and visiting professors, and to develop a global perspective in the Law School's curriculum through new courses in such topics as European Community law and comparative law. Dean Peter Gerhart has recently noted that existing courses will place more emphasis on how foreign and domestic law affect transnational issues. The importance of understanding the relationships between U.S. law and the laws of other countries can only increase, Dean Gerhart maintains.[1]

Increasing numbers of law graduates are embarking on careers that will include their involvement in areas of international law and international business transactions and the *Case Western Reserve Journal of International Law* has an important responsibility to stimulate these interests and contribute to the increasing body of knowledge in these areas.

It is with pleasure that I congratulate the Case Western Reserve University School of Law on the twenty-fifth anniversary volume of the *Case Western Reserve Journal of International Law.* I dedicate this special twenty-fifth anniversary volume of the *Journal* to all the authors, editors, staff members, and teachers who have contributed to the success of the *Journal* during its first 25 years, and I wish the *Journal* and its future editors and staff every success for the next 25 years.

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[1] *See* J. Bendix, *Pride and Practicality*, CWRU-THE MAGAZINE OF CASE WESTERN RESERVE UNIVERSITY, Nov. 1992, at 34.