Jackson Studies Problems of GATT

With the return of 1959 graduate John H. Jackson as a professor of law, the University of Michigan Law School has added not only a youthful, but experienced instructor, but also a man active in the rapidly expanding field of international trade and economic relations.

Jackson graduated from Princeton in 1954 after which he served for two years as a counter-intelligence officer in the United States Army in Japan. He came to Michigan following his tour of duty and, among other distinctions, was awarded the Howard B. Coblentz Prize his senior year as the member of the Michigan Law Review staff whose work during the year had been the most satisfactory.

He was associated briefly with Foley, Sammard, and Lardner in Milwaukee, Wisconsin, and then went to the University of California at Berkeley as a professor of law, remaining there until he accepted the professorship at Michigan.

Therefore, the time spent in Geneva resulted in his recognition of a need for some indexing system for the voluminous number of documents the body has accumulated, in addition to his defining many of the legal problems related to GATT.

His solution to the indexing problem was a computerized system which combines the advantages of human coding by persons who have a knowledge of the field, and quick, relatively inexpensive printed output. "I estimate that this scheme is probably about 1/20th the cost of full text processing by the computer, and probably comparable or a little less costly than using humans alone without the assistance of the computer," Jackson told those at a meeting on "Electronic Data-Processing and International Law Documentation" sponsored by the American Society of International Law in Washington, D.C. in February of 1966. "In addition the result is somewhat superior to that which a human can do without the computer."

The results of his work with the legal problems surrounding GATT are not complete, but it is likely that a series of articles or a book will appear in the not too distant future, while he continues to explore the organization as it grows in importance. "Only about 20 countries were associated with GATT at its inception, but today it has grown to over 70 including virtually all the countries of the Western World and such Communist countries as Poland, Yugoslavia, and Czechoslovakia," Jackson explains. "It is of the nature of the Agreement that it should continue to grow in membership as well as in scope."

GATT's growth in scope comes through its periodic tariff negotiation "rounds," of which there have been seven since its beginning, the latest being known as The Kennedy Round. It is from these that the many legal problems associated with the organization arise.

"We have to deal with questions such as sanction and dispute-settlement procedure, treaty law problems, the legality of different internal practices under GATT, and the impact of national (municipal) laws upon the agreements and vice versa."

A result related to this GATT work has been Professor Jackson's materials for a new course called "International Trade and Economic Relations." It begins with a consideration of international trade contracts generally, moves to a study of government regulations of trade (tariffs and quotas), and concludes with work on international regulations of the nature of GATT, IMF, and Trade Treaty Commodity Agreements.

In addition to this winter-term course, Jackson presently is teaching Conflicts of Laws and a freshman Contracts section.

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Civil Liberties And Land Use Expert Added

"By offering a growing number of electives, seminars, and special courses, Michigan Law School is recognizing the varied functions performed by a great law school," states new faculty member Terrance Sandalow.

"Not only do these courses help to provide the background and to develop the technical skills so valuable in the practice of law, but they serve what I think are two other important functions," Sandalow explains. "They help prepare students for the diverse roles which lawyers play in today's society and, by acquainting students with the research in which the faculty is engaged, assist in bringing them within the 'community of scholars' heretofore reserved chiefly for the faculty members. Of course the law school is a professional school, but it also is an integral part of the intellectual community of the university. It should not only be creating craftsmen," Sandalow feels, "but students of the legal system as well."

Professor Sandalow was graduated from the University of Chicago undergraduate school in 1954 and from the Law School in 1957. He served as clerk for one year to Judge Sterry R. Waterman of the United States Court of Appeals for the Second Circuit, and then another as clerk to U.S. Supreme Court Justices Harold H. Burton and,
following Burton's retirement, as clerk to Potter Stewart before returning to Chicago in 1959 to practice. Two years later he accepted a professorship at the University of Minnesota Law School which he retained until coming to Michigan.

Sandalow's primary non-professional activities, both in Chicago and Minneapolis have involved civil rights and civil liberties. He has been an active member of the American Civil Liberties Union, serving as Vice-President of its Minnesota Branch, and a member of the Minneapolis Commission on Human Relations. Among the cases in which Sandalow participated for the ACLU are Times Film Corp. v. City of Chicago, in which the ACLU unsuccessfully urged the invalidity under the First Amendment of a motion picture censorship ordinance, and In re Jennison, in which the ACLU successfully asserted the constitutional right to refuse, on religious grounds, to serve on a jury.

Here at Michigan, Sandalow will be teaching Municipal Corporations, The Federal Courts and the Federal System, Public Control of Land Use, and a section of the freshman course "Introduction to the Legal System." He is taking a different approach to this course by exploring the process of decision-making by courts and legislatures, rather than stressing the historical development of the law.

Currently, Sandalow is Assistant Reporter for the American Law Institute Project on the Public Control of Land Use and Development, the purpose of which is to draft model enabling legislation for adoption by state legislatures. "Present-day legislation dates back to the Standard Acts prepared under the auspices of the Department of Commerce in the 1920's," he explains. "Experience under these Acts and the changes in urban America since that time have made a revision of the legal framework both advisable and timely."

He points out that the Standard Zoning Enabling Act contemplated the division of each urban area into districts, some for residential use, others for business activity, and still others for industry. "In recent years, however, there has been a stress on the mixture of land uses rather than their separation, a technique which the Standard Act did not contemplate, and for which, consequently, it did not provide an adequate legal framework."

In addition increased migration into suburban areas and the proliferation of special districts in the years since World War II have brought to the fore problems only dimly perceived when the Standard Acts were drafted. Consequently, Sandalow explains, "existing legislation is inadequate to cope with the consequences of the fragmentation of governmental power characteristic of the nation's metropolitan areas. The system not only permits, it encourages each local government to act without regard for the impact of its policies on those who reside beyond its boundaries. The result has often been the sacrifice of the larger public interest to the short-range goals of each community."

Paul Carrington Heads Circuit Court Study

Are United States Courts of Appeals obsolete in their present form?

This is the question Professor Paul D. Carrington will try to answer as project director for a study of federal circuit courts, conducted under the auspices of the American Bar Foundation and financed with a $34,800 endowment from the American Bar Association.

"The federal appellate courts are overcrowded and overworked," observes Professor Carrington. "Although Congress has this year created ten additional circuit judgeships, this is not enough to meet the present demand for services. The workload has almost doubled since 1960, largely because of a rather puzzling rise in the rate of appeal. If the load continues to increase, there will soon be tremendous backlogs in most circuits. This will force the Courts of Appeals to become less and less deliberative; the quality of the process is in some jeopardy."

The study will give consideration to various solutions to the congestion. "One possibility," explains Carrington, "is to create more circuits, but the parochializing effect would be considerable, because the judicial business of the United States tends to be located in a few big districts."

"Another approach is to attempt to change the habits of circuit judges with respect to their use and creation of precedent, with a view to achieving greater national harmony. This seems unrealistic."

"A third approach would be the creation of specialized Courts of Appeals. The difficulties in this approach are the familiar dangers of expertise, particularly as they apply to the increasingly significant burden of criminal convictions which must be reviewed."

"Finally," notes Carrington, "there is the unattractive prospect of a fourth level, which would appear to place a heavy burden on federal litigants. Despite its initial lack of attraction, the difficulties associated with this last approach may prove to be the most tractable."

"Whether a patchwork of palliatives can meet the problem for the next decade or so depends on what happens to the rising demand curve. If it continues to rise," warns Carrington, "the bailing-wire approach is doomed. We will have to reconsider the ability of the present structure of the federal courts to meet our needs. This should not come as too great a surprise. The Judiciary Act of 1925 was the last major revision, and it has survived longer than any major judiciary act in our history."