

ASLH NEWSLETTER



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NEWS OF THE SOCIETY

A Letter From Our President

In keeping with the grand old tradition initiated last year, it is my privilege once again to present my annual report to the general membership of the Society on the state of the Society. Once again, I begin with an expression of my gratitude both for having been entrusted with the leadership of this estimable organization, and for the extraordinary support of the many people whose devotion to the interests of the Society has been the key to our having enjoyed a most successful year.

I was unable to attend the annual meeting in Charleston this year, but I am assured that it was a splendid occasion, a feast of reason and flow of soul, and on behalf of the Society I thank all those whose efforts made it so, and, in particular, our distinguished principal speaker, Lawrence Stone.

Our thanks are due to the outgoing Directors, Daniel Coquillette, Robert Gordon, Kermit Hall, Michael Hoeflich and Janet Loengard, for their service to the Society, and we congratulate and welcome our new Directors, Henry Bourguignon, Hendrik Hartog, Laura Kalman, James Oldham and Edward Purcell.

I am pleased to report that John T. Noonan, Jr., Judge of the U.S. Court of Appeals for the Ninth Circuit, has been elected an Honorary Fellow of the Society.

Congratulations to Gregory Alexander, winner of the 1987 Surrency Prize for his article "The Transformation of Trusts as a Legal Category, 1800-1914", published in the Fall, 1987 (Vol. 5, No. 2) issue of LAW AND HISTORY REVIEW.

Congratulations to Paul Brand, winner of the first Sutherland Prize for his article "The Education of Lawyers in Britain prior to 1400", appearing in HISTORICAL RESEARCH, Vol. 60 (1987).

Our Treasurer reports that the Society is in sound financial shape, but cautions that keeping us in that happy condition will require some thought and some work. In particular, it is not only desirable, but important as a practical matter, that we expand our membership. Once again, I ask all of you to do what you can in this connection, both by giving us suggestions for action that might be taken by the Officers and Directors, and by informing people known to you to be interested in legal history of the existence of the Society and the benefits of membership therein.

As predicted last year, the Society's arrangement with the University of Illinois Press for publication of the LAW AND HISTORY REVIEW is proving a happy one; only minor delays were

encountered in the first year and in 1989 we will be on schedule. Thanks to Mike Hoeflich and Bruce Mann, and to all who have submitted articles, essays and reviews, we have a learned Journal in which we can take much pride. Further on publications, Tom Green, Editor of our Studies in Legal History Series, tells us that fine manuscripts continue to come in, and that several contracts have been signed for books to come out in the next three years; as always we are grateful to Lewis Bateman of the University of North Carolina Press for his continued support of the Series.

Last year I reported to you that the ad hoc Committees on Practices and Procedure, and on Openness, had presented preliminary reports, and that the Committees would continue their deliberations and bring to the Board, this year, their findings, recommendations, and concrete proposals for implementation. Pursuant to the recommendations of the Committee on Openness the following action was taken at the Board Meeting this year:

1) A motion was approved that the Board "were minded to approve an amendment to the Society's bylaws in order to provide for election of the members of the Nominating Committee by the full membership" and the Committee on Openness was invited to suggest suitable wording for such an amendment to be voted on by the Board which -- if approved by a majority of the Board-- would then be submitted to the full membership on a ballot to be mailed out with the January, 1989 issue of the Newsletter.

2) A motion was approved that a business meeting be held (on a trial basis for at least two years) at the annual meeting.

3) A motion was approved that the Society's Newsletter henceforth contain publication of the minutes of the business meeting, committee assignments with addresses and telephone numbers, an abbreviated treasurer's report, a regular column by the president, a letters-to-the-editor section and an abbreviated report on each session at the annual meeting.

4) A motion was approved that steps be taken to arrange for publication of a membership directory showing name, address, field and telephone number on a bi-annual basis.

5) A motion was approved that an ad hoc committee be appointed to consider ways of involving more closely in the activities of the Society those graduate students working in the field of legal history.

I think that about wraps things up for this year. My very best wishes to you all for the New Year -- see you in San Francisco.

BARBARA A. BLACK

Annual Meeting

California, here we come! The 1989 Annual Meeting will be held in San Francisco, California, October 19-21. Make your plans now to attend this first-ever meeting of our Society on the West Coast.

All sessions will be held in the MIYAKO Hotel (Tel. 415-922-3200) where a block of rooms has been reserved at \$95.00 single, \$105.00 double rates. Another block of rooms has been reserved in the nearby KYOTO INN (Tel. 415-921-4000) for \$54.00 single and \$60.00 double.

The Society has contracted with UNITED AIRLINES to be our "Official Airline" for the meeting. By the terms of our agreement with them United will give "attendees" a choice "of either (i) a 5% discount off any United or United Express published fare in effect when tickets are purchased subject to all applicable restrictions, or (ii) a 40% discount off applicable United or United Express unrestricted coach fares (Y/YN) in effect when tickets are purchased." To qualify for either discount rate travel must be begun no earlier than October 16 and ended no later than October 24. "All reservations are subject to availability at time of reservation."

To make reservations call the United Airlines Meeting Desk at 1-800-521-4041 between 8:00 a.m. and 11:00 p.m. Eastern Time, and refer to account number 409NK.

JORDAN D LUTTRELL, of Meyer Boswell Books, Inc., 982 Hayes Street, San Francisco, California, 94117 (Tel. 415-364-1839) is local arrangements chairman.

MICHAEL GROSSBERG, History Department, Case Western Reserve University, Cleveland, Ohio, 44106 (Tel. 216-368-2623) is Program Chairman for the San Francisco Meeting, and would appreciate receiving as soon as possible suggestions for panel sessions or individual presentations. Non-U.S. topics are especially needed in order to provide a balanced set of offerings.

Next Year's Meeting

The 1990 Annual Meeting of the Society will be held in Chicago, October 18-20.

Newsletters

At the meeting in Charleston the Society's Board of Directors voted to accept a recommendation from the Secretary that henceforth the NEWSLETTER be published in January and August

(rather than May and September) each year. We anticipate that the January date will enable news from the previous Annual meeting and the names of newly-elected Officers and Directors and Committee Chairs, to be communicated sooner to the full membership. And the August date will allow more time for election ballots to be distributed and returned before the upcoming Annual Meeting.

Board of Directors

After the ballot conducted last Fall, the Society's Board of Directors is now made up as follows:

Serving through 1989:

Richard H. Helmholtz
University of Chicago Law School
1111 E. 60 St. Chicago, IL 60637
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Georgetown University Law Center
600 New Jersey Avenue NW
Washington, DC 20001
Tel: (202) 662-9090

Edward A. Purcell
New York City

Treasurer's Report

Craig Joyce's report to the Board of Directors meeting in Charleston on October 20, 1988 included the following information:

General Fund

Balance as of 10/20/88	\$ 48,485.41
Estimated balance 12/31/88	49,110.41
Estimated deficit for 1988	< 5,122.98 >

Joseph H. Smith Memorial Publications Fund		
Balance as of 10/20/88	\$	24,948.65
Estimated balance 12/31/88		25,348.65
Donald Sutherland Memorial Fund		
Balance as of 10/20/88	\$	8,022.75
Estimated balance 12/31/88		7,672.75

Estimated 1989 budget

<u>Smith Fund</u>			
Estimated balance as of January 1, 1989			\$25,348.65
Estimated receipts:			
Investment income (\$25,000 X .055)	\$	1,375.00	
SLH royalties from UNC Press		750.00	
Studies in Legal History Editor -- payment from UNC Press		500.00	+ 2,625.00
Estimated expenditures:			
Studies in Legal History Editor -- stipend		1,000.00	
Surrency Prize for 1989		250.00	- 1,250.00
Estimated balance as of December 31, 1989			\$26,723.65
Estimated surplus for 1989			\$+1,375.00

Sutherland Fund

Estimated balance as of January 1, 1989			\$ 7,672.75
Estimated receipts:			
Investment income (\$7,500 avg. X .085)		637.50	+ 637.50
Estimated expenditures:			
Sutherland Prize for 1989		500.00	- 500.00
Estimated balance as of December 31, 1989			\$ 7,810.25
Estimated surplus for 1989			\$ +137.50

General Fund

Estimated balance as of January 1, 1989			\$ 49,110.41
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Estimated receipts:

Dues --			
1000 individuals at \$25		\$25,000.00	
350 institutions at \$45		15,750.00	
Other income via UIP		150.00	
Investment income (\$40,000 avg X .070)		2,800.00	
1989 Annual Meeting income		6,000.00	+49,700.00

Estimated expenditures:

Secretary's office (Univ. of Miss.)		9,000.00	
Treasurer's office (Univ. of Houston) -- out-of-pocket expenses only		250.00	
Investment and misc. charges		150.00	
Preparation of 1988 tax return -- Kraft Brothers		350.00	
University of Illinois Press --			
1000 individuals at \$18		18,000.00	
350 institutions at \$30		10,500.00	
miscellaneous services		250.00	
Amer. Coun. of Lrn'd Soc.		500.00	
National Humanities Alliance		300.00	
Nat'l Coord. Comm. for Prom. of Hist.		100.00	
1989 Annual Meeting expenses		6,000.00	-45,400.00

Estimated balance as of December 31, 1989			\$53,410.41
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Estimated surplus for 1989			\$+4,300.00
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Amendment to the By-Laws

In order that the Nominating Committee -- which nominates candidates each year for election as Officers or Directors of the Society -- may in future be themselves elected by the membership as a whole the Ad Hoc Committee on Openness has proposed an amendment to Article III, section 1 of the Society's By-Laws. The section presently states that: "Elections for directors and officers shall be held in the autumn of the year in which terms of office expire. The president appoints a nominating committee of at least three members to make nominations for directors and officers as required. The members will be informed of the appointment of the nominating committee so that they can suggest persons to be nominated. The nominating committee will make its report to the secretary who will mail ballots to the members prior to September 15 of the year an election is required. The ballot will allow members to vote for others than those nominated.

The Committee's proposed amendment would strike all of the present section after the opening sentence and replace it with: "A nominating committee composed of five persons elected by the membership of the Society shall make nominations for directors,

officers, and members of nominating committee as vacancies occur. The members of the committee shall serve staggered three-year terms, and the first committee so elected shall be composed of one person serving a one-year term, two persons two-year terms, and two persons three-year terms. The membership at large shall be able to place on the ballot for members of the nominating committee any name that is supported by petitions from 50 (fifty) individual members of the Society, such petitions reaching the secretary of the Society no later than June 1 of the year in which the election is to be held. The president may fill vacancies in the nominating committee until the next election. The president shall appoint the chair of the committee from those members elected. The nominees receiving the highest number of votes for the available position(s) shall be elected but whenever there is only a single position to be filled at least three nominees shall be presented to the membership. Any tie shall be broken by a vote of the officers and directors."

Article V, section 6, of the By-Laws states that "Amendments...shall be upon recommendation of the directors and officers and a two-thirds vote of those members voting." Accordingly, on December 5, 1988 the Secretary mailed out to the other officers and to the 1988 members of the Board of Directors a copy of the proposed amendment together with a request that they let him know whether they approved or disapproved of it "... no later than Monday, December 19." As of January 4 a majority had signified their approval. No Officer or Director had by then (or has since) signified that they disapproved.

Members of the Society are urged to indicate on the ballot included as an insert in this NEWSLETTER their approval or disapproval of the proposed change and to mail it back to the Secretary. To be counted ballots must be postmarked no later than March 31, 1989.

ANNUAL MEETING SESSIONS

The following summaries were all that had been received by the editor at the time of going to press. We hope to include reports of the other sessions in our next issue.

The Mode of Biography and Women in the Legal History of the West.

BARBARA BABCOCK of Stanford Law School led off with her paper "The Personal is Historical: Clara Shortridge Foltz and the California Constitution." Foltz was California's first woman lawyer practicing in the late 19th Century; Babcock traced Foltz's story from abandoned wife and mother to author of portions of the California Constitution guaranteeing women equal rights to a legal education and admission to the Bar. She painted Foltz as a

flawed, but important heroine.

MARI MATSUDA of the University of Hawaii Law School followed Babcock with her paper on Harriet Bouslag, a woman lawyer spearheading workers' rights in post World War II Hawaii. Matsuda concluded that liberal rights-oriented arguments, coupled with Bouslag's flamboyant style were successful in advancing the workers' often "radical" agenda.

Chair RONALD CHESTER of the University of California-Davis Law School and SARA SHARP of the History Department at Bowling Green State University followed with Comments. Chester raised issues concerning a peculiarly feminine view of history while Sharp commented on the methodology employed by the presenters. A lively discussion with the audience concluded the session.

Aspects of Civil Law and Society in the Medieval and Early Modern Eras.

The session featured three commendably brief papers based on archival research and comment by JAMES BRUNDAGE, a master of such evidence. In "Lying Witnesses and Social Reality: the Example of Marriage in the High Middle Ages" CHARLES DONAHUE asked the question whether an historian can know anything about a legal case when it is clear that the people who made the record are lying, and concluded, with some qualifications, that certain kinds of inferences can be drawn from such records. HECTOR MAC QUEEN, in his paper on "Parliaments, Councils and Courts in the Later Middle Ages: the Scottish Case in its European Context," offered a tentative assessment of the development of a central court out of the judicial activity of the Scottish king's council in the later middle ages, taking account of parallel developments in England and Western Europe. PHILIP UNINSKY analyzed the recourse available for injuries to honor and person in early modern Normandy and sketched some implications of this feature of the Norman legal system for the society of that region at the end of the eighteenth-century in a paper entitled "Violence, Honor and Litigation: Injures et Voies de Fait in Late 18th-Century Rouen." Brundage's excellent commentary briefly summarized the papers and asked questions of each participant to facilitate discussion. SUE SHERIDAN WALKER, as chair of the session, was ever vigilant to keep brevity and order amidst lively discussion from the floor. The audience interest in the Rouenese great capacity for drinking reminded long-attending members of the ASLH of the cocktail parties hosted by the Irish University Press before their bankruptcy. Peace was kept despite a question from the floor as to "what was truth?"

English Influences on American Constitutionalism

The session dealing with "English Influences on American Constitutionalism" was held on Friday afternoon in what was a remarkably large room. JOYCE MALCOLM of Bentley College was the speaker who gave most attention to the "English Influences" part of the program. Addressing the topic, "A Shield Against the Power of the Sword: English Influence on American Constitutionalism," in a paper dealing with the background of the Second Amendment, Malcolm sought to correct the glaring defect of recent scholarship which has left so many of our "English sources" obscure. "This state of affairs," she correctly pointed out, "has been aggravated by the tendency to stress the uniqueness of America and a scholarly structure which divides the fields of English and American history by a chasm rarely bridged." Her paper is one bridge. HERBERT JOHNSON of the University of South Carolina spoke on the topic, "British and American Views of Property and Constitutionalism." Although he had a remarkably lengthy paper, Johnson did a splendid job of keeping his remarks well within the time limit. DAVID N. MAYER from Chicago-Kent College of Law spoke on, "Parchment Barriers?": The Jefferson-Madison Dialogue and English Real Whig Influences on the American Bill of Rights." The paper dealt with part of his current topic of research, the sources of Madisonian thought, which, in the case of the Bill of Rights, he also finds back in one strain of English politics. A highlight of the session was the comments of CORINNE WESTON of Herbert H. Lehman College. Direct, original, thought provoking, and scholarly, they defy summation as does her unique and much appreciated style of delivery. The chair was filled by JOHN PHILIP REID of New York University.

The Substance of Procedure: The Federal Rules at Fifty

The Society marked the fiftieth anniversary of the Federal Rules of Civil Procedure with a panel which examined the origins and background of the federal reforms. Both papers endeavored to place the 1938 reforms in the context of nineteenth-century American procedural reform efforts beginning with the Field Code. Professor STEPHEN SUBRIN of Northeastern University School of Law discussed the political agendas of various reform elements, while Professor ROBERT BONE of Boston University School of Law presented the conceptual framework which lay behind the procedural system nineteenth century reformers enacted. Professor STEPHEN YEAZELL urged in his comments that the socio-political and the intellectual historical approaches be integrated, while EDWARD PURCELL discussed the major consequences of overlooked procedural reforms such as the changes in the equity rules in the first part of the century.

Professor Subrin's work appears in 135 U. Penn. L. Rev. 909 (1987) and 6 Law and History Review (forthcoming). Professor

Bone's talk was taken from his forthcoming article in 89 Colum. L. Rev.

Implications of Obstructed and Infected English Air

ROBERT PALMER's paper took careful and deliberate aim at S.F.C. Milsom's conviction that the origins of case and assumpsit are obscure. He questioned Milsom's hypothesis that the allegation of *vi et armis* was fictional in writs of trespass and that it was not until the late fourteenth century, sometime around 1370, that the formal change in case and assumpsit occurred. With minimal hedging and no flinching Palmer asserted that Milsom is plainly wrong, that a good deal of "fourteenth century legal change . . . was carefully planned and controlled by Chancery and Council," that "trespass *vi et armis* fairly consistently meant forcible wrong," and that the change in case and assumpsit came in 1352 as a calculated response to the economic effects of the Black Death. Assumpsit, Palmer argued, "was originally the remedy devised by Chancery to make workers work well; trespass on the case in addition reflected the government's assumption of a general power to handle all those things in society that seemed necessary."

JANET LOENGARD's paper took note of the death of early case law on the subject of light and air and then proceeded to underscore the problems courts faced as they groped their way toward a workable doctrine. The principal issue was whether and in what circumstances custom, which favored anyone building on his own land, should be made to yield to the incompatible common law disposition to preserve and protect air and light. Ultimately, the conflicting social values would be reconciled according to "judicial views of what a city ought to be and of how both private good and common weal were best served."

DELLOYD GUTH rose to the daunting challenge of making an integrated comment on two papers that, despite James Oldham's inventive session title, dealt with wholly disparate subjects. Much to his own inventive credit he was able to find a unifying theme in the demographic concerns that informed both investigations. He remarked that at the heart of Palmer's study were the economic effects of a precipitous decline in population, while Loengard was properly sensitive to the impact of population growth in London on the doctrine of ancient lights. Guth sympathized with Loengard's frustration in having so few cases at common law to analyze, was struck by how heavily doctrinal development in this area was influenced by Roman law, and concluded, with regard to Palmer's paper, that although it was so obviously a "plea rolls tour-de-force," he would still like to see more evidence "about Chancery's deliberations in the 1340s, and 1352" before Milsom's analysis is to be abandoned. As was to be expected, a spirited discussion followed from the floor.

Court and Legislature in the New Nation

This session examined the early years of the House of Representatives and the Supreme Judicial Court of Massachusetts.

RICHARD B. BERNSTEIN's paper on "The Development of the House of Representatives" in essence posed the question of why, in the first years of Washington's presidential administration, the policymaking center of gravity shifted from the House to the executive branch--where it has largely remained from that day to this. His answer was that Hamilton's aggressive executive leadership preempted the House of Representatives which at the time was locked in disagreement over its own appropriate role. The internal divisions were between those who saw the House as a deliberative policymaking body and those who saw it as an arena for the contest of interests waged by representatives of regions or interests. The commentator, RICHARD BAKER, took issue with the argument that the House was unique or that the Congress lost the policymaking initiative: He suggested that Bernstein's study include the Senate (and the Judiciary Act of 1789) and that the time frame be extended to the first twelve (rather than four) years of the Congress.

RUSSELL OSGOOD delivered a paper on Isaac Parker's term as Chief Justice of the Massachusetts Supreme Judicial Court and used the "Unitarian-Trinitarian Schism" as a way of understanding the essential character of Parker's jurisprudence. Osgood concludes that Parker was less a standard for things legal than, perhaps, for things social. Commentator KENT NEWMYER agreed with this assessment, noting that Parker was part of the "conservative elite that set out to shape and control" the state and the New England region through law; focusing on the cultural context of Parker's life (and beliefs) helps us understand Parker and the early Supreme Judicial Court more fully.

Black and White Justice in the Reconstruction South

DONALD NIEMAN presented a paper from his on-going research on trials in Reconstruction Texas. His paper demonstrated that in Washington County, Texas a large number of blacks were jurors, at both the grand and petit level, up through the 1880s. Nieman argued that black jurors were often able to protect other blacks from frivolous and racially motivated prosecutions. Nieman further showed that black jurors were vigorous in convicting whites or blacks who harmed black citizens of the County. White jurors, on the other hand, seemed far less concerned about prosecuting whites charged with acts of personal violence against other whites. LOU WILLIAMS presented detailed information on the prosecution strategies in the great South Carolina Ku Klux Klan Trials of 1871-72. She demonstrated that the federal attorneys sought to use incorporation of the Bill of Rights to protect black women, who would not be protected under legislation

designed to protect black voters. Williams concluded that these prosecutions ultimately failed to achieve their goals. In an elaborate comment that was a mini-paper in itself MICHAEL LES BENEDEICT challenged the conclusions of Williams, arguing that the KKK trials were more successful than she believed. PAUL FINKELMAN gave a brief comment tying the papers to some modern concerns including death penalty litigation. Finkelman then opened the session to what became a lively audience discussion on issues of reconstruction, law, and more modern questions of protecting women through the use of the federal constitution.

NEWS NOTES

Two ABA Programs

The American Bar Association and the Law and Society Association will jointly sponsor their third annual Workshop for Graduate Students, June 6-7, 1989, in Madison, Wisconsin. Sessions will focus on interdisciplinary teaching and research. Stipends of \$150 each are available to cover the expenses of students who are accepted to the program.

The 1989-1990 ABA Mini-Grant Program provides grants of up to \$1200 for college and university faculty directing campus projects to enhance undergraduate education about law, the legal process, and the role of law in society.

Application guidelines may be obtained from Jean Pedersen, ABA Commission on College and University Nonprofessional Legal Studies, 750 North Lake Shore Drive, Chicago, IL 60611. The application deadline for both programs is March 15, 1989.

New Western Legal History Series

The University of Nebraska Press announces the commencement of a new series in American legal history. The series is entitled "Law in the American West." The series editor is John R. Wunder of the University of Nebraska-Lincoln, and includes Lawrence Friedman of Stanford University, Harry Scheiber of the University of California-Berkeley, and Kermit L. Hall of the University of Florida on the editorial board. The series is designed to promote new scholarship concerning the history of law in the American West. Topically, the series encourages a broad range of subjects such as, but not limited to, the history of legal doctrine; legal personalities; law enforcement; common law evolution; significant case biography; law at local, territorial, state, or national levels; multi-cultural legal systems; crime; the bench and bar; family law; and civil law. Spatially, the series encompasses the trans-Mississippi and trans-Appalachian

West, including Alaska and Hawaii. Temporally, the series includes works embracing 18th and 19th century frontier America, and the 20th century west. Diverse approaches to western legal history will be fostered. Interdisciplinary studies, new methodologies, and regional or community studies are welcome. Traditional legal historical scholarship is also desired. Scholarly monographs are preferred, but collections of unpublished essays, memoirs, and autobiographies will also be considered. For additional information contact John R. Wunder, Department of History, University of Nebraska-Lincoln, 628 Oldfather Hall, Lincoln, NE 68588-0327.

Civil Rights and Law Symposium

"The Civil Rights Movement and the Law," a symposium to be sponsored by the University of Mississippi's School of Law and the Center for the Study of Southern Culture, will take place on March 31- April 2, 1989. The program will explore in detail the contributions of lawyers and judges in the civil rights field, with the focus on the civil rights movement in the South.

Judges Charles Clark, Nathaniel R. Jones, William C. Keady, Robert R. Merhige, Jr., Constance Baker Motley, Matthew J. Perry, Elbert P. Tuttle, and John Minor Wisdom are among the distinguished individuals who have agreed to serve on the national advisory board for the symposium and to participate in the program. Attorneys John Doar, Philip J. Hirschkop, Nicholas deB. Katzenbach, William M. Kunstler, and Charles Morgan, Jr., are also serving on the advisory board along with Julius L. Chambers, director of the NAACP Legal Defense Fund; Frank R. Parker, representative of the Lawyers' Committee for Civil Rights Under the Law; Morton Stavis, president of the Center for Constitutional Rights; and law professors Derrick A. Bell Jr., Arthur M. Kinoy, and Burke Marshall. Jack Greenberg, vice dean of the School of Law at Columbia University, is chairman of the advisory board and will be the overall moderator for the sessions.

Professor John Hope Franklin will give the opening address on Friday, March 31, 1989 that will provide a historical framework for the symposium. The program on Saturday and Sunday will consist of panel discussions of such topics as "Desegregation and Education" and "Voting Rights and Jury Discrimination."

For more information about the 1989 symposium contact the Dean's Office, School of Law, The University of Mississippi, University, MS 38677; telephone 601-232-7361.

Tax History Research Center

In 1987 the Academy of Accounting Historians, in conjunction with the School of Accountancy at the University of Mississippi, established the Tax History Research Center on the University of Mississippi campus. The primary purpose of the Center, which houses tax services dating back to 1909 and a variety of other tax materials, is to promote research in tax history. For further information contact Dr. Tonya K. Flesher, School of Accountancy, University, MS 38677 (Tel. 601-232-5147).

Georgetown University Bicentennial Project

Georgetown's Year-long Bicentennial project, "Constitutional Government in a Changing American Society," aims at fostering public interest in the history of constitutional issues and their relevance to American Society. A session on "Executive Establishment and Executive Leadership" was held September 5-7, 1988. Upcoming sessions include the following:

"Religion and the Constitution," April 13-14
 --contact Professor Mark Tushnet, 600 New Jersey Avenue, N.W. Georgetown University Law Center, Washington, D.C. 20001 (Tel. 202-662-9106).

"Religion and Public Policy," April 14-15, 1989
 --contact Dr. Phyllis O'Callaghan, School for Summer and Continuing Education, ICC 306, Georgetown University, Washington, D.C. 20057 (Tel. 202-687-5746).

"The Judiciary Act of 1789," September 21-22, 1989
 --contact Assistant Dean June M. Jones, 600 New Jersey Avenue, N.W. Georgetown University Law Center, Washington, D.C. 20001 (Tel. 202-662-9039).

The conference series will be further communicated to the American public in a special radio series called the Georgetown Forum that is heard on National Public Radio Station, in public lectures by conference directors and participants, and in the televising, videotaping, audiotaping, and publishing in magazine articles and books of all or portions of the conference proceedings. Partial funding for these outreach activities is included in the grant from the national Endowment for the Humanities.

Messages can be left for the conference directors at (202) 687-1789 or write to them at The Bicentennial House, 3612 O. Street, N.W., Georgetown University, Washington, D.C. 20057.

Northern District of California Prize

A \$1000 prize is offered for the most significant essay on any person, incident, or aspect of the history of the U.S. District Court for the Northern District of California.

Any submission with a clear connection with the history of the Northern District will receive serious consideration. In addition to traditional historical sources, the court has all its case files and docket books extant since 1851 -- the use of which will be facilitated and is encouraged.

The cash award of \$1000 will be presented to the winner chosen by a committee selected by the board of Directors of the Society. (The committee will not award the prize if no suitable entries are received.)

Entries should not exceed 7500 words (exclusive of footnotes) and should be submitted to the Secretary-Treasurer of the U.S. District Court for the Northern District of California Historical Society, P.O. Box 36112, San Francisco, CA 94102 by June 30, 1989. For further information, call (415) 556-3488.

Law Day U.S.A. 1989

The American Bar Association has announced that the theme of Law Day U.S.A. 1989 will be "Access to Justice." Law Day U.S.A., celebrated annually on May 1, was established by United States Presidential Proclamation in 1958 and reaffirmed by a Joint Resolution of congress in 1961 to create a day for the American people to celebrate their liberties and to rededicated the ideals of equality and justice under laws. The 1989 theme is intended to increase "access to justice" for all Americans and to urge all citizens to educate themselves about the legal system. The American bar Association is the national sponsor of Law Day U.S.A., and local sponsors include state and local bar associations, libraries, schools, churches, law enforcement agencies, and service clubs. the varied events being planned range from no-cost legal consultations and mock-trials to television and radio call-in programs. The ABA produces a detailed Planning Guide to assist with planning and conducting educational/informational materials. For information and a free copy of the Law Day Planning Guide (which will be ready for mailing in late January) contact Law Day U.S.A., American Bar Association, 8th Floor, 750 North Lake Shore Drive, Chicago, IL 60611 (Tel. 312-988-6134).

AJLH Book Review Editors

The Editorial Board of the American Journal of Legal History announces the appointment of Judith K. Schafer as book review editor for North and South American books and of Henry J. Bourguignon as book review editor for non-American books.

Any members of the American Society for Legal History who would like to review books should write to the appropriate book review editor indicating your name, address and the fields of legal history for which you would like to write reviews.

Address your letter to:

Judith K. Schafer, book Review Editor
North and South America
Murphy Institute of Political Economy
Tulane University
108 Tilton Hall
New Orleans, LA 70118-5698

or:

Henry J. Bourguignon, Book Review Editor
Non-American Books
University of Toledo College of Law
2801 w. Bancroft Street
Toledo, OH 43606

American Catholic Historical Association Prizes

Congratulations to our colleague JAMES A. BRUNDAGE (Wisconsin-Milwaukee) who, on December 29 last in Cincinnati, Ohio, received the ACHA's John Gilmary Shea Prize for his book, Law, Sex, and Christian Society in Medieval Europe, which was published by the University of Chicago Press in December of 1987. The award was announced by the chairman of the committee of judges, Margaret Mary Reher of Cabrini College, Radnor, Pennsylvania at the Association's Annual Meeting.

After stating that more than thirty books had been entered in the competition this year and that many of them were of high quality, Professor Reher said that the members of the committee had agreed unanimously on the choice of Dr. Brundage's book, which is the fruit of twenty years of research.

The prize is named in memory of the famous historian of American Catholicism, John Gilmary Shea (1824-1892), and consists of \$300. It is given each year to the American or Canadian author who, in the judgment of the committee, has made the most original and significant contribution to the historiography of the Catholic Church in the form of a book published during the

previous twelve-month period ending September 30.

On the same occasion the Association's fourteenth annual Howard R. Marraro Prize was awarded to Professor Charles M. Radding of Michigan State University for his book, The Origins of Medieval Jurisprudence: Pavia and Bologna, 850-1150, which was published this year by Yale University Press.

(Note: The Secretary has sent a letter to Professor Radding congratulating him on his achievement and inviting him to join our Society.)

London Seminar

The Institute of Historical Research, housed in the University of London Senate House in London, England, is now the home of a monthly inter-disciplinary seminar devoted to all aspects and periods of the history of law. The seminar welcomes members of our Society, and even better still, offers of papers. Further information about the Seminar and its current program of speakers can be obtained from Professor David Sugarman, Department of Law, University of Lancaster, LA1 4YW, England.

Societe Jean Bodin

Professeur J. Vanderlinden, Secretary General of the Societe Jean Bodin Pour la Histoire Comparative des institutions, reports that at their meeting in Brussels last October their executive committee elected Professor Robert Feenstra as their new President and Professor Michel Humbert as their Vice President.

He also reports that his Society has decided to prepare a Yearbook of Institutional and Legal Historians, to be published in connection with their next Congress, which is to be held in Budapest, Hungary, May, 1990. Any ASLH member who would like to be included can obtain a copy of the necessary form from our Secretary, Michael Landon's office at the University of Mississippi History Department. The Yearbook will go to press no later than October 1, 1989.

Rare Materials Course

The Rare Book School of the Columbia University School of Library Service is offering a course this summer on "Rare Materials in Anglo-American Law," taught by Morris L. Cohen and David Warrington. For more information contact Richard Noble, Rare Book School, School of Library Service, Columbia University, New York, N.Y. 10027.

RECENT PUBLICATIONS OF INTEREST

- Harold J. Berman, "Toward an Integrative Jurisprudence: politics, Morality, History," 76 California Law Review (No. 4, July 1988), 779-802.
- Jeremy Black, "George II and the Juries Act: Royal Concern about the Control of the Press," 61 Historical Research (October 1988), 359-362.
- Edward J. Bloustein, "Holmes: His First Amendment Theory and His Pragmatist Bent," 40 Rutgers Law Review (No. 2, 1988), 283-302.
- John Broad, "Whigs and Deer-Stealers in Other Guises: A Return to the Origins of the Black Act," 119 Past & Present (May 1988), 56-72.
- Anthony Brundage. England's 'Prussian Minister': Edwin Chadwick and the Politics of Government Growth, 1832-1854. University Park: Pennsylvania State University Press, 1988.
- D. E. Chunn. "Rehabilitating Deviant Families Through Family Courts -- The Birth of Socialized Justice in Ontario, 1920-1940," 16 International Journal of the Sociology of Law (No. 2, May 1988), 137-158.
- John B. Clutterbuck, "Karl Llewellyn and the Intellectual Foundations of Enterprise Liability Theory," 97 Yale Law Journal (No. 6, May 1988), 1131-1152.
- Stephen A. Conrad. "Metaphor and Imagination in James Wilson's Theory of Federal Union," 13 Law & Social Inquiry (No. 1, 1988), 1-70.
- David P. Currie. "The Constitution in the Supreme Court: Civil Rights and Liberties, 1930-1941," Duke Law Journal (No. 5, November 1987), 800-830.
- Mary L. Dudziak, "Desegregation as a Cold War Imperative," 41 Stanford Law Review (November 1988), 61-120.
- Laura Engelstein, "Gender and the Juridical Subject: Prostitution and Rape in Nineteenth-Century Russian Criminal Codes," 60 Journal of Modern History (September 1988), 458-495.
- Robert A. Ferguson. "Holmes and the Judicial Figure," 55 University of Chicago Law Review (No. 2, Spring 1988), 506-547.

- C. J. Fuller. "Hinduism and Scriptural Authority in Modern Indian Law," 30 Comparative Studies in Society and History (No. 2, April 1988), 225-248.
- Larry G. Gerber. "Corporatism in Comparative Perspective: The Impact of the First World War on American and British Labor Relations," 62 Business History Review (No. 1, Spring 1988), 93-127.
- Anne B. Goldstein, "History, Homosexuality, and Political Values: Searching for the Hidden Determinants of Bowers v. Hardwick," 97 Yale Law Journal (May 1988), 1073-1103.
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- Michael Grossberg. "Legal History and Social Science: Friedman's History of American Law, the Second Time Around," 13 Law & Social Inquiry (No. 2, 1988), 359-384.
- Catherine Wells Hantis. "Legal Innovation Within the Wider Intellectual Tradition: The Pragmatism of Oliver Wendell Holmes, Jr.," 82 Northwestern University Law Review (No. 3, Spring 1988), 541-595.
- C. Robert Haywood. Cowtown Lawyers: Dodge City and its Attorneys, 1876-1886. Norman: University of Oklahoma Press, 1988.
- Charles A. Heckman. "Establishing the Basis for Local Financing of American Railroad Construction in the Nineteenth Century: From City of Bridgeport v. The Housatonic Railroad Company to Gelpcke v. City of Dubuque," 32 American Journal of Legal History (No. 3, July 1988), 236-264.
- Craig Horle. The Quakers and the English Legal System, 1660-1688. Philadelphia: University of Pennsylvania Press, 1988.
- Morton J. Horwitz. "The Warren Court: Rediscovering the Link Between Law and Culture," 55 University of Chicago Law Review (No. 2, Spring 1988), 450-457.
- Herbert Hovenkamp, "Regulatory Conflict in the Gilded Age: Federalism and the Railroad Problem," 97 Yale Law Journal (No. 6, May 1988), 1017-1072.
- _____. "The Political Economy of Substantive Due Process," 40 Stanford Law Review (December 1988), 379.
- _____. "The Classical Corporation in American Legal Thought," 76 Georgetown Law Journal (No. 5, June 1988), 1593-1690.

- _____. "Labor Conspiracies in American Law, 1880-1930," 66 Texas Law Review (No. 5, April 1988), 919-966.
- Michael John. "The Peculiarities of the German State: Bourgeois Law and Society in the Imperial Era," 119 Past & Present (May 1988), 105-131.
- M. Kaino. "Some Introductory Comments on the Historical Background of Japanese Civil Law," 16 International Journal of the Sociology of Law (No. 3, August 1988), 383-394.
- David Kasserman. Fall River Outrage: Life, Murder, and Justice in Early Industrial New England. Philadelphia: University of Pennsylvania Press, 1987.
- James Lindgren. "The Elusive Distinction Between Bribery and Extortion: From the Common Law to the Hobbs Act," 35 UCLA Law Review (No. 5, June 1988), 815-910.
- Charles McClain. "Of Medicine, Race, and American Law: The Bubonic Plague Outbreak of 1900," 13 Law & Social Inquiry (No. 3, Summer 1988), 447-514.
- David K. Millon, "The Sherman Act and the Balance of Power," 61 Southern California Law Review (July 1988), 1219-1292.
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- Elizabeth B. Monroe. "Spanning the Commerce Clause: The Wheeling Bridge Case, 1850-1856," 32 American Journal of Legal History (No. 3, July 1988), 265-292.
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- Joanne Ruth Walworth, "Beyond Legal Remedy: Divorce in Seventeenth-Century Woodbridge, New Jersey," 105 New Jersey History (Fall-Winter 1987), 1-35.
- W. Welsey Pue and Barry Wright, (eds.). Canadian Perspectives on Law and Society: Issues in Legal History. Ottawa, Ontario: Carleton University Press, 1988.