
ASLH NEWSLETTER



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NEWS OF THE SOCIETYAnnual Meeting 1991

Hold still California (Please!) Here we come again. Full details of the Meeting will be mailed out in mid-summer, and will probably reach members before they get the NEWSLETTER.

Briefly, the dates are October 25-26; and the Local Arrangements Chairman is JORDAN D. LUTTRELL at Meyer Boswell Books, 2141 Mission Street, San Francisco, CA 94110 (Tel: 415-255-6400). The Meeting Headquarters will be at the MIYAKO HOTEL (Tel: 415-922-3200), located at the corner of Post and Laguna Streets, close to most of the city's major attractions. Roomrates at the Miyako are \$98.00 single and \$108 double. A block of rooms has also been reserved in the nearby KYOTO INN (Best Western, Tel: 415-921-4000) whose rates are \$57.00 single and \$64.00 double. UNITED AIRLINES is the official airline, and anyone making a reservation with them should quote our meeting ID number: 426WO. The toll free number for airline reservations is 1-800-521-4041. Special arrangements have also been made with HERTZ Car Rentals. To get the special Meeting rates, call 1-800-654-2240 and give the Agent our Society's name and the date of the Meeting.

Annual Meeting 1992

Planning has begun for the 1992 Annual Meeting, which is to be held on the campus of Yale University in New Haven, Connecticut. The Local Arrangements Chairman, MORRIS COHEN, of the Yale Law School Library, reports that a block of rooms has already been booked at the COLONY INN, at a \$75.00 per night rate, and accommodation in one or two other hotels will be available also. New Haven can be reached in two hours or less by limousine from the New York airports and from Springfield and Bradley airports in Connecticut. Mr. Cohen's address is: Drawer 401-A Yale Station, New Haven, CT 06520 (Tel: 203-432-4992). The Program Chairman for the Meeting, ARTHUR E. MCEVOY, can be reached at The American Bar Foundation, 750 North Lakeshore Drive, Chicago, IL 60611 (Tel: 312-988-6500).

Major Contributors

The Society owes a special "thank you" to its forty-five "Sustaining" Members whose extra dues payments play a very important part in keeping us going. Their names, as of March 5, 1991, are:

Barbara A. Black
Maxwell H. Bloomfield
Harold I. Boucher
Henry J. Bourguignon
Donald P. Brewster
Bruce A. Campbell
Stanley Chodorow
Avern Cohn
Stephen A. Conrad
Thomas F. Cope
James W. Ely Jr.
Henry N. Ess III.
David H. Flaherty
Eric M. Freedman
Lawrence M. Friedman
Thomas A. Green
Kermit L. Hall
Conrad K. Harper
Stanley N. Katz
Yasuhide Kawashima
David Konig
George W. Kuehn
Michael de L. Landon

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A. W. B. Simpson
Rayman L. Solomon
Stephen N. Subrin
Sue Sheridan Walker
Nicholas D. Ward
Ruth G. Wedgwood
David P. Wood
Stephen C. Yeazell
Janet S. Loengard

And a very special "thank you" to our three "sponsoring" members

Barry H. Garfinkel
William P. La Piana

William M. Wiecek

Their generosity is much appreciated.

Missing Persons

During the past twelve months, mailings from the Society Office to the persons listed below have been returned as undeliverable. Anyone knowing the current address of any of them is asked to send it to the Secretary-Treasurer (see the back cover for his mailing address).

NameLast Known Address

Michael Bigelow
Candace Crawford
Prof. Alfonso Garcia (Life Member)
Nils V. Montan
Andrew Rabow
Marte Shaw
Richard Sigwalt
Barbara Todd

Carmel, Indiana
New Orleans, Louisiana
Madrid, Spain
Venture, California
Chicago, Illinois
Cartersville, Georgia
Washington, DC
London, Ontario

Nominating Committee Report

Nominating Committee Chairman, JUDITH K. SCHAFER (Murphy Institute, Tulane University) has reported the committee's nominations for officer positions and for vacancies to be filled on the Board of Directors. The candidates's names and descriptions and a ballot form will be mailed out to all members with the Annual Meeting information. The deadline date for returning the ballots will be printed on them. The election results will be announced at the Annual Meeting in San Francisco, and also reported in the next (Winter, 1992) issue of the NEWSLETTER.

ANNUAL MEETING SESSIONS

The Editor wishes to thank DAVID KONIG, Program Chairman and the various Panel chairs for taking the trouble to see that the following reports were sent in.

"Transatlantic Influences on Early American Legal Cultures"

DAVID LIEBERMAN (University of California, Berkeley) reports:

The stimulating panel began with a paper by Professor MORTIMER N. SELLERS (School of Law, University of Baltimore) on "American Republicanism: Roman Ideology in the U. S. Constitution". The paper was drawn from a large-scale reexamination (in progress) of the nature of early-American republicanism, in which Professor Sellers seeks to restore the crucial ancient Roman Sources for American republicanism and thereby to revise the more familiar scholarly emphasis on the republicanism of the English commonwealth tradition. Following a careful review of the relevant Roman republican authorities, including in particular Cicero and Tacitus, Sellers explored the impact of the Roman model on the 1789 Federal constitution, especially its provision for a strong Senate.

In a second excellent session paper, "Comparing Legal Cultures: Towards a New Method?", Professor JEFFREY K. SAWYER (Department of History, Philosophy and Legal Studies, University of Baltimore) reflected on some of the leading methodological challenges involved in his on-going comparative study of legal cultures. Stimulated by Alan Watson's recent emphasis on "legal transplants" as a pervasive source of western legal development, Sawyer considered the instance of the prolonged and often controversial reception of English common and statute law in the colony and then state of Maryland. While the reception appeared

as another instance of the triumph of legal transplants and of the legal tradition, Professor Sawyer showed this process was structured by native political imperatives and how (contra Watson) it could not be regarded as a simple episode in the "failure of legal imagination".

Professor STEPHEN A. CONRAD (School of Law, Indiana University) introduced a helpful discussion with a critical commentary on both papers. Among many points of interest, he challenged aspects of Professor Seller's characterization of developments in American republicanism in the 1770s and '80s. The issue was also addressed in a valuable comment from the floor by Professor J. R. POLE (Oxford University) who observed the fundamental importance of colonial political practices in shaping those provisions of the states and federal constitutions under discussion. Professor Conrad, later joined by several questioners, also provided a contrasting response to the methodological issues for comparative legal history explored by Professor Sawyer.

"The Social and Political Construction of "Crime": A Comparative Perspective"

PAUL HAAGEN (Duke University) reports:

As LAWRENCE FRIEDMAN has noted, different societies define different ranges of behavior as criminal. Among those behaviors labelled as criminal some are prosecuted more aggressively at one time than at others according to perceptions of the social threat posed by the behavior involved. The two papers presented at the session explored why two very different societies defined two very different crimes in the ways that they did. Despite the claim of the title of the session, it was not really comparative, except insofar as the two papers suggested comparisons to the audience, moderator, and paper givers themselves. The topics and approaches were very different.

JONATHAN OCKO, Associate Professor of History at North Carolina State University and Associate Professor of Legal History at the Duke University School of Law, presented a paper that explored the way in which the Chinese dealt with the buying and selling of women during the Qing dynasty. He asked and attempted to answer why and by whom certain types of sales were regarded as criminal, and to explain the consequences of the fact that the crime was defined differently by custom and by the state.

Ocko began by noting that most transactions involving the sale, or things like the sale, of women were regarded as legal by the Qing state and as legitimate by the people (appropriately defined and qualified). There were, however, transactions at the

margin that the state treated as criminal and a larger, possibly different, class of transactions that were treated in custom as wrongful. The law code, he explained, unhelpfully defined the cases which were criminal as those that could be punished criminally.

Understandably unwilling to leave it as that, Ocko attempted through the close analysis of a group of cases - including the sad tale of Niu, Jinfeng and her lover Ma - to explain the categories of analysis used by the court in distinguishing between criminal and non-criminal sales. He argued that the courts looked at a variety of factors including the type of force used on the woman in connection with the sale, the standing of the woman sold and class of persons to whom she was sold. He noted that litigants, basing their claims on custom, often defined wrongful behavior in these matters differently and more expansively than did the state. After the Revolution, the state broadened its definition of what was criminal to include even the transactions that had constituted the core of what had been the legitimate market for the sale of women. In contrast to the older definitions of criminal sales which had attempted to protect the social order by punishing those sales which demeaned a woman by reducing her to a lower social status, the Revolutionary code attempted to prevent the commodification of women. This attempt has encountered substantial, and often effective, social resistance from traffickers in women who regard their activities as both legitimate and even positively useful.

VICTOR JEW, a doctoral student in U. S. History at the University of Wisconsin at Madison, presented a study of the way in which authority, in the form of the newly created fire marshals, re-characterized and re-interpreted the crime of arson at the end of the nineteenth and beginning of the twentieth centuries. Jew argued arson had been understood for most of the nineteenth century as a dark crime of revenge committed by the down and out and disaffected. The fire marshals, however, "discovered" that the majority of arsonists were in fact persons of good social standing, who hoped to defraud insurance companies. The fire marshals continued to recognize that there was a class of pyromaniacs, but treated them as both less important and as unfortunates who should be confined in mental institutions rather than prosecuted criminally. Pandering to prejudice, he noted, they also turned their attention to the usual suspects: vagrants, immigrants and Jews.

Jew's principal concern in his paper was to emphasize that the changing characterization of arson and arsonists was based on "alchemy" rather than "science." He noted that although the marshals filled their reports and observations with the language of science and scientific detachment in "an attempt at authority," in fact they knew relatively little about arsonists. What they produced, he argued, was "colored by old agendas and

old stereotypes" and produced to meet their own bureaucratic needs and those of the fire marshals principal supporters and patrons, the insurance companies. The characterization of arson, he concluded, proceeded largely from the social and professional needs of the characterizers.

"Law and Economics in Antebellum Louisiana"

JUDITH K. SCHAFFER (Tulane University) reports:

In "Securing Antebellum Credit Transactions With Slaves East Feliciana Parish: Louisiana, 1825-1840," RICHARD H. KILBOURNE, JR. presented the findings of a lengthy research project concerning the incidence of slaves being used as collaterals in credit transactions in one Louisiana parish. He concluded that throughout the antebellum period slaves were eighty to ninety percent of the collateral in formally collateralized credit transactions. Slaves, it appears, traded in a market very different from the land market. Slaves, it seems, were sold for cash or cash equivalents, whereas land usually sold on long-term credit of three and four years. The implications, according to Kilbourne, are obvious. Land was essentially illiquid and not suitable for collateralizing credit transactions. Slaves, on the other hand, were readily sold for cash; hence, they were ideal for collateralizing credit arrangements. Kilbourne was able to quantify the amount and extent for credit facilities available in the parish by conducting an exhaustive survey of the antebellum mortgage records and comparing those statistics with the 1840, 1850, and 1860 census reports.

In "Louisiana Tort Law, 1809-1860: A Test Case for the Horwitz Thesis," JAMES VIATOR of Loyola University School of Law in New Orleans delivered a detailed paper which provided a descriptive text of the Horwitz thesis on the transformation of antebellum American tort law, by applying it to the delictual obligations law (tort) that existed in Louisiana between 1809 and 1860. Professor Viator's well-presented and well-argued conclusion was that Horwitz had hypothesized far too broadly from his limited northeastern data base, and incorrectly concluded that "American tort law" had been more or less willfully transformed from a received "agrarian" law that was highly protective, almost paternalistic, over toward a harsher, negligence-based tort liability, more in conformity with fostering the Industrial and Transportation Revolutions of the early 19th century. Contrary to Horwitz's "transforming" devolution from a strict liability tort law to a fault-based system, Professor Viator found that Louisiana's tort law, in keeping with its Romanist-Continental heritage, has always been fault-based in its thinking.

Indeed, where there were changes in the standards of Louisiana tort (or delictual) liability, the movement was contrary to that described by Horwitz -- that is, Louisiana law became more protective of injured plaintiffs by imposing strict vicarious liability in torts caused by the employees of employers involved in shipping, trade, manufacturing, and agriculture. This was contrary to the development during the same period in the common law states, for as described by Horwitz, the evolution, or transformation, of "American" master-servant liability law was in the direction of a fault-based or negligence standard for recovery. Louisiana's master-servant liability, however, moved -- largely through judicial manipulation, if not distortion, of code articles providing for a fault-based liability -- over toward the species of strict vicarious liability that is common today in what is regarded as the more progressive and protective approach characteristic of modern, late twentieth century tort law.

Professor Viator concluded by noting that if Louisiana is considered a part of America in the early nineteenth century -- a topic which perhaps should be debated more thoroughly at a future session -- then the Horwitz thesis certainly cannot provide a global explanation for any alleged "subsidizing" transformation of tort law throughout antebellum America: Louisiana always espoused the civilian fault-based approach to delictual responsibility, and in the teeth of the Horwitz thesis, where Louisiana civilian thinking did show movement, it was in the direction of strict vicarious employer liability for the torts committed by their employees.

"Origins and Meanings of the Bill of Rights"

MICHAEL K. CURTIS (Wake Forest University) reports:

The session consisted of two papers one by PAUL FINKLEMAN (Brooklyn Law School) devoted to James Madison's "reluctant paternity" of the Bill of Right and one by RAYMOND T. DIAMOND (Tulane University School of Law) and ROBERT COTTROL (Rutgers University, Camden, School of Law) focusing on the right to bear arms in light of the Afro-American experience.

Paul Finkleman's paper focused on evolution in Madison's thought from his initial opposition to the Bill of Rights during ratification of the Constitution to his eventual tepid acceptance of the idea and introduction of the Bill of Rights in the first Congress. Finkleman's paper challenged the traditional assertion that Jefferson had persuaded Madison to change his mind on the question of the Bill of Rights. Instead Paul Finkleman suggested

that Madison's change was a result of his reading of the current political situation and of his desire to conciliate opponents of the Constitution and to head off a second Constitutional Convention.

The paper by Raymond Diamond and Robert Cottrol explored the second amendment in light of Afro-American history. The paper accepted the thesis that the second amendment was designed to secure an individual right to keep and bear arms. The authors then looked at the importance of that right for a group that, throughout much of American history, had been unable to rely on state protection. The Cottrol-Diamond paper presented an overview examining the right of Afro-Americans to bear arms from the colonial era to the present.

The Diamond-Cottrol paper, in particular provoked a very lively discussion both of the historical and policy issues raised by the paper.

Commentators for both papers were Michael K. Curtis of Wake Forest University Law School and SANFORD LEVINSON of the University of Texas Law School.

"Legal Development in Medieval England"

JOSEPH BIANCALANA (University of Cincinnati) reports:

In his paper "Processes of Legal Change in the Fourteenth Century" ROBERT PALMER of the University of Houston took issue with the view that legal change in the fourteenth century was brought about by lawyers arguing novel causes of action in court. This view, Palmer argued, rests on the assumption that Chancery had abandoned its control over the issuance of new writs. In fact, however, Chancery and Council took significant initiative in the development and authorization of new writs. Focussing on key moments in the development of the actions on the case and in assumpsit, but with some attention to the development of the promoting legal change. Palmer's argument requires one to rethink the view that the common law was judge-made law rather than the implementation of government policy. Discussion of Palmer's paper attempted to pin down more precisely the relation of Chancery to the Council during the periods important to Palmer's argument.

In his paper "Law and Fact in Litigation in the Early Yearbook Period" PAUL BRAND of the Institute of Historical Research, London, took issue with the view that the prevalence of the general denial and the general verdict meant either that lawyers and judges were disabled from shaping the law in discussions about the legal meaning of facts or that juries applied community norms in deciding cases. Brand showed in no

little detail that judges and lawyers controlled juries at the pleading stage, in the charging of the jury and debating the legal significance of the evidence and proof, in questioning jurors, and in debating whether judgment ought to be given on a jury verdict. Brand presented a picture of lawyers and judges who, by wielding official legal rules, were in control of juries and of the law.

"Civil Liberties in World War II"

A report on this panel has already been published in Western Legal History, vol. 3, no.2, p.p 341-78.

ACLS

KATHRYN T. PREYER (Wellesley College), our Society's Delegate to the American Council of Learned Societies reports:

The American Council of Learned Societies held its annual meeting of Delegates and Administrative Officers in Arlington VA April 25-26, 1991.

President Stanley Katz's report described the growth in the ACLS with new associate institutions and affiliate memberships, organizations not traditionally part of the ACLS but whose purpose is related to that of the constituent learned societies--for example, The Association of Research Libraries, the Society of American Archivists etc. being added. Future plans of ACLS activities include: 1) plans for an ACLS survey of member societies regarding their journals. This will help solve problems with the facilitation of information in the Humanities which result from the impact of new technology on libraries. The problems are manifold, nowhere more so than in the rapidly increasing cost of serials. 2) a small group conference to discuss the relationship between teaching and scholarship in search of an effective response to current allegations that inadequate faculty attention to teaching obtains in colleges and universities. 3) a four year project to develop curricula in the Humanities and Social Studies for grades K-12 is being considered. 4) Although IREX will become an independent organization with the ACLS as a member of its board, other foreign programs continue a relationship with ACLS. That with Taiwan prospers fruitfully, an American Studies reading room has recently opened in Hanoi, new funding with the SSRC will allow for new pre-doctoral programs in developing areas. The

binational program with Germany and now one with Japan flourish. The latter, funded from Japan, will be administered by the Japan Foundation with the ACLS and SSRC the principal connections in the U. S.

Despite such heartening developments, bad news dominated. New investment policies and energetic fund raising for the last five years have doubled the endowment of the ACLS which is now able to fund its own fellowships. However, more endowment funds and term grants are needed for the ACLS to maintain current spending levels for fellowships and administration. Toward this end the ACLS in 1990 applied for a second \$1,000,000 NEH Challenge Grant which, had it been funded, would have resulted in an \$875,000 matching grant from the Mellon Foundation. Unfortunately, the NEH approved only \$250,000 of the application. Securing only 1/4 of the grant hoped for has been a major disappointment, all the more so since the NEH is overwhelmingly the largest funder for the Humanities. With national resources diminished and with the foundations, normally a source of funds, now supporting new programs, fund raising for the Humanities becomes far more difficult. Members of the constituent societies of the ACLS were urged to make the case for the Humanities in every possible forum in order to combat the limited understanding in the nation of the value of the Humanities.

The Haskins lecture, "A Life of Learning" was delivered this year by Milton Babbitt, Conant Professor Emeritus of Music at Princeton and the keynote address the following day was given by Derek Bok, the retiring President of Harvard. President Bok's impassioned lecture, "Improving Teaching in American Higher Education", described the practical suggestions for improving teaching skills which are under consideration at Harvard. Spirited responses followed from a distinguished panel and from the audience. Lynne Cheney, the Chairman of the NEH, now the traditional luncheon speaker, reminded the audience that, despite its disappointment over the ACLS application to the NEH, she has been successful in increasing the Congressional appropriation for the NEH. She reported that the NEH is inaugurating awards for good teaching as well as continuing its support of scholarly endeavors.

PERSONAL NOTES AND QUERIES

Office News

A GLORIA COOK, the Society's first ever salaried employee (although technically employed by the University of Mississippi her salary was paid entirely out of ASLH funds), graduated from "Ole Miss" in mid-May with a B.A. degree in Graphic Design and so

resigned her position as of the end of that month. For three and a half years, beginning December 1, 1987, she served in the Society's office both as a clerk-typist and as "editorial assistant" for this NEWSLETTER. The current newsletter cover and the Society's current stationery were both designed by her. We thank her for her years of hard work and her many contributions to the well-being and good governance of ASLH; and we wish her much success in her intended career as a professional design artist.

As of June 1, Gloria's position has been filled by A. CAROL COOK, a freshman in Liberal Arts. If Carol wants to know how anything is done, or where any file is located, she only has to ask her older sister, Gloria.

Members' News

The winner of the first Annual Arthur T. Vanderbilt Award in Legal History at Rutgers University School of Law--Camden is Ms. CAROL DOBSON. She is a graduating third-year student who won the award for her senior research paper, "The Sacco-Vanzetti Case's Impact on Justice Felix Frankfurter's Vision of the Legal Profession." As part of the award Ms. Dobson will receive a one year membership in the ASLH.

N. E. H. HULL, Associate Professor at Rutgers University School of Law--Camden, was awarded tenure by the university effective July 1, 1991.

She does not know if it indicates "any kind of trend or even if it is of any significance, but she thought members of the Society might find it interesting that American Legal History was added to this summer's curriculum at Rutgers Law School as the result of a student-initiated petition. So much for the idea that law students are only interested in hard-core law courses that can help them pass the bar exam."

Next year, 1991-1992, MICHAEL GROSSBERG (Case Western Reserve University) will be a Visiting Scholar at the American Bar Foundation and a Fellow at the Newberry Library in Chicago.

PETER CHARLES HOFFER (University of Georgia), is currently researching a biography of the late Judge Charles E. Clark. Clark served on the Second Circuit Court of Appeals (1939-63) and as Dean of Yale Law School (1929-39). He would appreciate hearing from anyone with correspondence, papers or personal recollections of Judge Clark.

ALAN DARNELL (Law Society of Upper Canada Archives) wants to hear from anyone interested in establishing an electronic bulletin board for legal scholarship. This service could provide up-dates to academics, researchers, archivists, and librarians concerning new publications, conferences, data bases, research tools and other aids and resources. The project could be set up in a number of ways, depending on the kinds of computer systems and networks that legal scholars and researchers have access to.

Anyone even mildly interested is urged to contact Mr. Darnell at the Archives, Osgoode Hall, 130 Queen Street West, Toronto, Ontario, Canada M5H 2N6.

USSR VISIT

President Friedman has authorized the Secretary-Treasurer to try to organize a delegation of ASLH members to go to the Soviet Union next spring as guests of the U.S.S.R. Center for International Projects. Headquartered in Moscow, the Center was founded to promote cooperation and the exchange of ideas and information between the people of the Soviet Union and the people of other nations. It is a non-profit, non-political organization whose objectives are to help bridge political and cultural differences, improve personal communication and facilitate lasting and rewarding relationships on an international level. It serves as a forum for business and government leaders, educators, scientists, professionals, and citizens who support the Soviet Union's transition to an open, democratic society and a free-market economy; and works with Soviet cultural organizations and business persons who wish to initiate international projects.

Dr. ANDREI MELVILLE, Director of the Center's U.S.S.R. office, was formerly with the Arbatov Institute of USA-Canada Studies as Head of the Department of Ideological Problems and Public Opinion, Vice President of the Soviet Peace Committee, and Chairman of the Advisory Board of the Center for Political and International Studies. In 1990, Dr. Melville served as Director for the major international conference, "Paving the Way to a Market Economy" at the Academy of the National Economy in Moscow.

The Director of the Center's U. S. A. Office is WAYNE STEWART, formerly Associate Director of the People to People, Citizen Ambassador Program and Director of International Legal Problems, who has extensive experience organizing international exchange projects. He served as Director for three major

conference events: the 1987 U.S./China Joint Session on Trade, Investment and Economics law, the 1988 U.S./Japan Bilateral Session--A New Era in Legal and Economics Relations, and the 1990 Moscow Conference on Law & Bilateral Economics Relations. Altogether, Mr. Stewart has arranged for American technical, professional and scientific delegations to visit over 50 countries to meet their counterparts.

The purpose of the delegation's visit will be to meet with judges, lawyers and legal historians in the Soviet Union who today are very anxious to talk to and establish contacts with their American counterparts. The delegates will also visit places of general historical interest in Moscow, Leningrad and one other Soviet city (probably Tallinn in Estonia).

The Center will take full responsibility for organizing the delegation's itinerary and program, handling logistical requirements and setting up appropriate meetings, briefings discussion sessions and site visits as well as social encounters sightseeing and cultural activities. The total cost for delegation member will be \$3,500 which will cover the return airfare New York--Moscow--New York and all meals and accommodation in suitable hotels. Departure from New York will be on or around May 15, 1992; returning on or around May 29.

The tentative schedule of activities proposed by the center is as follows:

LEGAL HISTORY DELEGATION TO THE SOVIET UNION

DAY 1 New York, New York

Delegation convenes in NEW YORK CITY for a welcoming orientation and briefing. Evening flight to MOSCOW. Overnight EN ROUTE.

Day 2 MOSCOW

Early afternoon arrival in MOSCOW. Balance of the day at leisure. Evening welcoming reception and dinner hosted by members of the Moscow College of Advocates, the Union of Barristers of the U.S.S.R., and the Ministry of Justice of the U.S.S.R.

MOSCOW, LENINGRAD, AND TALLINN

Day 3 Through Day 13

The delegation will participate in a series of briefings, meetings, discussions sessions and site visits arranged with representative from the following Soviet organizations:

- *The Supreme Court of the U.S.S.R.
- *The Ministry of Justice of the U.S.S.R.
- *The Procurature of the U.S.S.R.
- *The Ministry of Internal Affairs
- *The Moscow School of Law, Moscow State University
- *The Institute of State and Law of the U.S.S.R.
- *The All-Union Scientific Research Institute of the Soviet State System Development and Legislation
- *The All-Union Law Institute for Continuing Education
- *The Economic Council for the RSFSR.
- *The State Arbitration Commission of the U.S.S.R.

Cultural Activities: In MOSCOW the delegation would tour Red Square and Lenin's Mausoleum, the Kremlin including the Armory and Cathedral Square, the Museum of the Revolution, and a theater performance and evening river cruise would be arranged. In TALLIN activities would include a city tour and the "Old Town", an evening folk dance performance and a dinner-reception hosted by the Tallinn City Council and the Tallinn Bar Association. In LENINGRAD the delegation would visit Peter the Great's Grand Palace, the world renowned Hermitage, the Winter Palace, St. Isaac's Cathedral, take a stroll through Gorky Gardens and down the Nevsky Prospekt.

Day 14 Delegation departs for the United States

So that specific planning can go ahead, members of the Society interested (even just possibly) in being a delegation member are asked to write or phone the Secretary (MICHAEL LANDON, Department of History, University of Mississippi, University, MS 38677--Tel: 601-232-7148) as soon as possible. They will then be put on the mailing list and kept informed as plans develop further.

WHAT'S NEW

Austin & Winfield Announces New Publishing Program

Austin & Winfield, Publishers, announce the establishment of a new publishing program for legal scholarship and commentary. Manuscript proposals are invited from practitioners, scholars of law and legal history, and authors who have been or are currently in the judicial system.

Austin & Winfield, based in San Francisco, specializes in legal monographs, commentaries, treatises, bibliographies, and other books necessary to the work of legal scholarship. They are an independent publisher whose goal is the dissemination of

current, challenging research. For more information, or if you have a project for consideration, please contact Dr. Robert West, Austin & Winfield Publishers, P. O. Box 2529, San Francisco, CA 94129 (Fax: 415-434-3441).

Council For Court Excellence Study

The Council for Court Excellence is currently beginning a study of the Probate Division of the District of Columbia Superior Court.

Some of the Council's main areas of concentration in this study are public access, court personnel expertise, and uniformity of procedures and rules in the Probate Court. Any information you have available concerning these areas or any other studies that have been conducted would be greatly appreciated. Also, they would welcome any data you have about state jurisdiction code comparisons.

The Council's address is 1025 Vermont Avenue NW, Suite 510, Washington, DC 20005. Anyone with questions or suggestions concerning the study is invited to phone them (Tel: 202-783-7736).

"Chronoscope"

Television Interviews, 1951-1955

The National Archives announces publication of **"Television Interviews, 1951-1955: A Catalog of Longines Chronoscope Interviews in the National Archives."**

"Chronoscope", which was broadcast on CBS from 1951 to 1955 featured people in the news who could speak with authority on the issues of the day--Congressmen, diplomats, senators, statesmen, and national leaders in a variety of fields. The topics discussed included atomic energy, communism, the economy, elections, labor, McCarthyism, Korea, nuclear weapons, the Soviet Union, and foreign relations.

The new volume provides researchers with greater access to a unique historical resource. It is available in hardcover for \$25.00 (plus \$3.00 for shipping and handling) from the National Archives Trust Fund, P. O. Box 100793, Atlanta, GA 30384.

NEH Annual Report

The National Endowment for the Humanities 25th Annual Report is now available. It contains brief descriptions of Endowment programs as well as a complete listing of all Endowment grants,

entered by the division and programs in which they were funded, for fiscal year 1990 (October 1, 1989 through September 30, 1990).

The report is free while the supply lasts. Single copy requests may be sent to NEH 1990 Annual Report, Room 406, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

Philip Elman's Papers Go To Harvard

The Harvard Law School Library has announced the recent donation of the papers of PHILIP ELDMAN, 1941-1965 (LL.B., Harvard, 1939). The collection consists mainly of correspondence and notes from FELIX FRANKFURTER to Elman, the bulk dating from 1945 to 1960. The approximately 400 items in 4 manuscript boxes are a significant addition to the Library's already extensive holdings of Frankfurter's papers. Many items are handwritten notes Frankfurter wrote to Elman while listening to oral arguments on cases before the Supreme Court. Many reveal the private thoughts of Frankfurter about substantive law being discussed and about the argumentative abilities of particular counsel.

Frankfurter considered Elman his "law clerk-for-life." Like Frankfurter, Elman was a Jewish immigrant from New York City who attended City College of New York and had graduated from Harvard Law School with top honors. He was Frankfurter's law clerk on the Supreme Court for two years from 1941 to 1942. Their friendship continued while Elman later served in the Solicitor General's Office (1944-1960) and on the Federal Trade Commission (1961-1979). The collection is open to the public without restrictions.

CALLS FOR PAPERS

American Historical Association, 1992

The 1992 annual meeting of the Association will be held in Washington, D. C., December 27-30, 1992. The Program Committee welcomes proposals by all members of the Association, by scholars in related disciplines and by affiliated societies. They particularly wish to encourage panels and symposia on the themes of unification in history and the historical profession.

1992 will mark the quincentenary of the first Columbus voyage to America. 1992 will also mark the first formal steps towards a political integration of Europe. Both events merit reflection on the theme of unification and its consequences for the modern world.

The Program Committee also encourages proposals addressed to the theme of unification within historiography and the historical profession: approaches to new syntheses incorporating ethnic and gendered history, comparative history, new methodologies and new concepts of periodization. They also invite proposals which address professional issues concerning diversity in staffing and the pedagogical challenges which arise when a department addresses a plural history with a unified curriculum. Finally, it will be the committee's goal to encourage AHA members--who are all specialists in at least one of many subfields--to use the meeting of the one American professional association which represents all historians as an arena for general scholarly and professional communication.

Because they wish to help program participants pursue their theme of unification in history and among historians, the Committee will make special efforts to form panels from appropriate single paper proposals and incomplete session proposals received by the first deadline of **November 1, 1991**. After that date, only complete session proposals will be considered. All proposals should include a brief (3 page maximum) curriculum vitae for each participant, including teaching areas, publications and papers presented during the last five years. Sessions proposals should include a one-page statement explaining 1) the significance and purpose of the session and 2) the content of each presentation. Names, addresses (including summer addresses) and telephone numbers for all participants should be attached. **The final deadline for the submission of completed proposals is February 15, 1992.**

Send six (6) copies of proposals devoted to American (U.S., Canadian and Latin American) or Oceanian history to Fred Hoxie, D'Arcy McNickle Center for the History of the American Indian, The Newberry Library, 60 W. Walton St., Chicago, IL 60610. Six (6) copies of proposals devoted to European, Asian, African or general World History should go to Jo Ann McNamara, Department of History, Hunter College, 695 Park Avenue, New York, New York 10021.

All program participants, except for foreign scholars and scholars from other disciplines, must be bona fide members of the AHA. Participants in the 1991 program will not be eligible to participate in the 1992 program unless a strong justification can be made for their doing so.

Missouri Valley History Conference, 1992

The 35th Annual Missouri Valley History Conference will be held in Omaha, Nebraska, March 12-14, 1992. Proposals for papers and sessions in all areas of history are welcome. Such proposals, accompanied with one-page abstracts and vitae, should be sent by November 1, 1991, to William C. Pratt, MVHC Coordinator, University of Nebraska at Omaha, Omaha, Nebraska 68182.

A Conference in Toronto, Canada, 1992

The Law Society of Upper Canada Archives, with the assistance of the Osgoode Society and the Law Foundation of Ontario, are calling for papers to be presented at a Conference on "Law, State and Society in History", to be held 15-17 May, 1992 at Osgoode Hall in Toronto. Papers and/or panels touching on the following subjects are solicited: "State Trials--Dissent and Repression"--"Power, Authority and the Law"--"Law in Colonial Societies"--"Independence of the Bar"--"Aboriginal Rights and Land Claims"--"Gender and Justice" plus "Sources/Methods in Legal History."

The deadline for receiving proposals is September 15, 1991. Submissions and vitae should be mailed to: Carolyn Strange, Research Co-ordinator, Law Society of Upper Canada Archives, 130 Queen Street W. Toronto, Ontario, Canada, M5H 2N6 (Fax: 416-947-5967).

FELLOWSHIPS AND GRANTS

"1992-93 Exchange Programs with China"

The Committee on Scholarly Communication with the People's Republic of China announces its 1992-93 National Program for Advanced Study and Research in China, which supports scholars and advanced graduate students to visit China, and Chinese scholars to visit the United States. Research grants will be awarded primarily for individual projects; those interested in collaborative research must submit discrete proposals. All program participants, except Chinese fellows, must be American citizens or permanent residents. Funding is provided by the U. S. Information Agency, Department of Education, National Endowment for the Humanities, and the Luce, Starr, and Li Foundations.

The Graduate Program supports individuals enrolled in a graduate program in social sciences or humanities to do coursework or dissertation research at a Chinese university or research institute for one year, beginning September 1992. The application deadline for the Graduate program is October 12, 1991.

The Research Program supports individuals in the social sciences or humanities who hold a Ph.D. or equivalent at the time of application to do in-depth research on China, the Chinese portion of a comparative study, or an exploratory survey of an aspect of contemporary China. Grants are offered for two to twelve months between July 1, 1992 and December 31, 1993. The application deadline for the Research Program is October 12, 1991.

The China Conference Travel Grants Program supports individuals with a Ph.D. or equivalent in the social sciences and humanities to present results of recent research on an aspect of China studies at a conference in the PRC. Grants are given for partial travel only and do not support travel to lecture, teach, or consult, nor travel to conferences dealing primarily with the improvement of teaching methods or skills. The application deadlines for the China Conference Travel Grants Program are based on the date of the conference in China as follows:

<u>Conference Date</u>	<u>Application Deadline</u>
June-August 1991	April 1, 1991
August-October 1991	June 1, 1991
October-December 1991	August 1, 1991
December 1991-February 1992	October 1, 1991
February 1992-April 1992	December 1, 1991
April 1992-June 1992	February 1, 1992

Chinese Fellowships for Scholarly Development support Chinese scholars in the social sciences and humanities with a master's or doctoral degree (or equivalent) from a Chinese institution to conduct of post-graduate research at a U. S. institution. Grants are offered for five months between August 1, 1992, and July 31, 1993, with preference given to nominees whose host will secure support for a second semester. American scholars must nominate Chinese candidates to the program; Chinese scholars cannot apply directly. Scholars enrolled in U.S. degree programs are not eligible. The nomination deadline for Chinese Fellowships for Scholarly Development is November 23, 1991.

For further information on the above programs, write the CSCPRC, National Academy of Sciences, 2101 Constitution Avenue, Washington, DC 20418.

ACLS Fellowships and Grants

The American Council of Learned Societies invites applications for the following Fellowships and Grants:

Fellowships: Deadline: September 30, 1991 Amount \$20,000 maximum. Period: 6-12 months between July 1, 1992 and December 31, 1993---designed to help scholars devote six to 12 months to full time research. The stipend plus any sabbatical salary and other grants, may not exceed the candidate's normal academic year salary.

Grants-in-Aid. Deadline: November 1, 1991. Amount \$3,000 maximum. Tenure: between May 1, 1992 and May 1, 1993---designed to assist scholars with the expenses of specific programs of research in progress. These expenses may include personal travel and maintenance away from home necessary to gain access to materials, research or clerical assistance, and reproduction of materials. Awards for living expenses at home to relieve the applicant of the necessity of teaching beyond the conventional academic year will be made only in exceptional cases. Grants are not ordinarily made for the purchase of personal computers, books, or other non-expendable materials.

Applicants must be citizens or permanent legal residents of the United States, and are required to hold the Ph.D. or its equivalent as of the application deadline date. "Equivalent" may be taken to mean scholarly maturity as demonstrated by professional experience and publications. Scholars enrolled for a degree are not eligible.

Fellowships for Postdoctoral Research in East European Studies. Deadline: December 2, 1991. Amount \$30,000 maximum. Period: 6-12 months between July 1, 1992 and July 1, 1993----- Scholars may apply for fellowships to undertake a period of at least six consecutive months of full-time research. Applicants are required to hold the Ph.D. or its equivalent as of the application deadline date. "Equivalent" may be taken to mean scholarly maturity as demonstrated by professional experience and publications. The fellowships are intended primarily as salary replacement to provide time free for research; the funds may be used to supplement sabbatical salaries or awards from other sources, provided they would intensify or extend the contemplated research. In special circumstances untenured scholars or younger independent scholars without an academic appointment may apply for support to be used over any period of one to three years. Decisions will be announced in early May, 1992.

The ACLS also is offering **Fellowships for Advanced Graduate Training in East European Studies and Dissertations Fellowships in East European Studies**, deadline for both of which is **December 2, 1991**; also **East European Language Training Grants and Graduate Student East European Travel Grants**, the deadline for both of which is **March 2, 1992**.

Application forms for programs administered by the ACLS should be requested in writing from the Office of Fellowships and Grants, ACLS, 228 East 45th Street, New York, New York 10017-3398. No part of the inquiry or application procedure may be conducted by Fax. The Council does not supply application forms to institutional grants and development offices, and will respond only to requests from potential applicants. Any application request must contain the following information:

1. Highest academic degree held and date received;
2. Country of citizenship or permanent legal residence;
3. Academic or other position;
4. Field of specialization;
5. Proposed subject of research or study;
6. Proposed date for beginning tenure of the award and duration requested;
7. Specific award program for which application is requested;
8. Graduate students should include current level of graduate study, department and institution where enrolled, and where the planned work would be conducted.

Awards made by the ACLS for 1991-92 include the following:

A fellowship for predoctoral research to DRUCILLA L. CORNELL (Cardozo School of Law): "Sexual difference, Politics and the law".

Grants-in-Aid for postdoctoral research to JUDY ANN KUTULUS (St. Olaf College): "Communists and Civil liberties: the ACLU's 1940 trial of Elizabeth Gurley Flynn" and BARBARA JOAN STARK (University of Tennessee Law School): "The international covenant on economic, social and cultural rights and State Constitution."

A Fellowship for a Recent Recipient of the Ph.D. to NADINE BERENGUIER (Harvard University): "Family, law and 18th century French novels."

American Bar Association Mini-Grants

JOSHUA LAZERSON, Project Manager for the ABA's Commission on College and University Nonprofessional Legal Studies, reports that the Commission has awarded mini-grants to seven institutions for the 1991-1992 academic year. The following are of particular interest to ASLH members:

American University (Washington D.C.)----\$750

"Course Development & Faculty Senate Seminar on 'Western Legal Traditions'" partial funding for a week-long faculty seminar to discuss thematic and instructional issues for a general education course, "Western Legal Traditions," drawing upon historical and comparative materials.

Project Director: LOUISE SHELLEY, Chair/Justice, Law & Society

Emory University (Atlanta, GA)----\$1,000

"Computer Courseware on the History and Structure of American Courts" development of a software package on the history of the federal courts, and the structure of federal and state courts, utilizing Hypercard 2.0 for the Apple Macintosh; evaluation and preliminary distribution. The package is designed to be a supplementary, self-study resource for students in judicial process, law and politics, and related courses.

Project Director: MICHAEL GILES, Political Science

St. Mary's University (San Antonio, TX)----\$1,200

"Course and Materials Development for 'Mexican-Americans and the Law: The Last 25 Years'" development of a new course on Mexican-Americans and the Law and supporting materials, including a book of readings and videotaped interviews with leaders of MALDEF and SVREP; use of student interns from law, history, and political science to develop materials.

Project Director: RAY LEAL, Public Justice

Sullivan County Community College (Loch Sheldrake, NY)----\$1,200

"Program on Women and the Law" partial funding for a month-long symposium and related activities on women and the law, in conjunction with Women's History Month (March, 1992). Keynote speaker, panel discussions, and feature film festival will comprise key elements of the program; student interest to be mobilized through competitions for best essay, art logo, and speech.

Project Director: MARIE HENRY, Chair/Social & Behavioral Science.

Applications for the 1992-93 grants will be available in late 1991 and due in March, 1992. The Commissions address is: 541 North Fairbanks Court, Chicago, IL 60611-3314 (Tel: 319-988-5736, Fax: 312-988-5032).

Studies In France: The Camargo Foundation

An educational trust established under the laws of the State of New York, the foundation maintains a center of studies in France for the benefit of scholars and creative writers who wish to pursue projects in the humanities relative to France. The Foundation offers, at no cost, a dozen furnished apartments and a reference library in the city of Cassis which is a half-hour from Marseilles and Aix-en-Provence by car.

Applicants may include:

- members of university and college faculties who wish to pursue special studies while on leave from their institutions, or
- graduate students whose academic residence and general examination requirements have been met and for whom a stay in France would be beneficial in completing the dissertation required for their degree.

Although the selection of fellows is based only on an evaluation of the projects proposed and of the applicants' professional qualifications, final awards will necessarily be made according to the availability of space. Candidacy is open to qualified persons of all nationalities on a non-discriminatory basis and the selection is made by a committee whose choices are ratified by the Board of Trustees. First-time applicants will normally have priority over repeat applicants.

The application deadline is March 1st for the following academic year. For more information write to: The Camargo Foundation, Jane M. Viggiani, P. O. Box 32, East Hadham, CT 06423.

American Antiquarian Society Fellowships

The American Antiquarian Society (AAS), in order to encourage imaginative and productive research in its unparalleled library collections of American history and culture through 1876, will award to qualified scholars a number of short-and long-term Visiting Research Fellowships during the year June 1, 1992 - May 31, 1993.

Several categories of awards are offered for short- and long-term research at AAS. One category provides funding (from the National Endowment for the Humanities) for six to twelve months' residence at the Society, while the other categories provide one to three months' support. Research Associate status (without stipend) will be available to qualified applicants. Through an arrangement with the Newberry Library, AAS encourages applicants for joint short-term fellowship tenure in both Chicago and Worcester Massachusetts. Fellowships offered are as follows:

AAS-National Endowment for the Humanities Fellowships - for six to twelve months of support (maximum \$30,000) for research on any subject on which the Society has strong holdings. Not open to foreign nationals (except those who have been resident in the U. S. for at least three years) or to degree candidates.

Kate B. and Hall J. Peterson Fellowships - for one to three months' support (maximum \$2,550) for research on any subject for which the Society has strong holdings. Dissertation writers and foreign nationals are eligible.

Frances Hiatt Fellowships - for one to two months' residence (maximum stipend \$1,700) by persons, including foreign nationals, at work on doctoral dissertations.

AAS-American Society for Eighteenth-Century Studies Fellowships - for one to two months' residence (maximum stipend \$1,700) by persons working in any area of American eighteenth-century studies. Degree candidates are not eligible.

For all AAS fellowships, the deadline for receipt of completed applications, including letters of recommendation, is January 15, 1992. Announcement of the awards will be made by about March 15, 1991. At least two AAS-NEH fellowships will be awarded, together with thirteen to sixteen short-term awards. A brochure containing full details and information about the Society's collections, along with application forms, may be obtained by writing JOHN B. HENCH, Director of Research and Publication, American Antiquarian Society, 185 Salisbury Street Worcester, Massachusetts 01609 (Tel: 508-752-5813 or 755-5221)

Woodrow Wilson Fellowships

Created by the Congress of the United States as the nation's official memorial to its twenty-eighth president, the Woodrow Wilson International Center for Scholars seeks to commemorate through its residential fellowship program both the scholarly depth and the public concerns of Woodrow Wilson. As President

Wilson wrote, "The man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts, and the man who must act upon them, must draw near to one another and feel that they are engaged in a common enterprise."

The Woodrow Wilson Center awards approximately 40 fellowships annually in an international competition to individuals with outstanding project proposals representing the entire range of scholarships, with a strong emphasis on the humanities and social sciences. The Center especially welcomes projects which transcend narrow specialties.

Applications from any country are welcome. Men and women with outstanding capabilities and experience from a wide variety of backgrounds (including government, the corporate world, and the professions, as well as academia) are eligible for appointment. For academic participants, eligibility is limited to the postdoctoral level, and normally it is expected that academic candidates will have demonstrated their scholarly development by the publication of some major work beyond the Ph. D. dissertation. For other applicants, an equivalent degree of professional achievement is expected. Fellows do not pursue contract research.

Where appropriate, Fellows are associated with one of the Center's six programs: Asian; East and West European; International Studies; Kennan Institute for Advanced Russian Studies; Latin American; and United States.

Each Fellow is assigned a furnished office available every day on a round-the-clock basis. The Center's main offices are located in the original Smithsonian Institution Building, on the Mall in central Washington, and include conference rooms, a reference library, and a Fellows' lunchroom. Professional librarians provide access to the major public, university, and special libraries in the area, and other research facilities. Manuscript typing services and IBM compatible personal computers are available, and each Fellow is assigned a part-time research assistant. The Center helps Fellows find appropriate housing.

The Center seeks to follow the principle of no gain/no loss in terms of a Fellow's previous year's salary. However, the combination of limited funds and a Congressionally established ceiling makes it essential for most applicants to seek supplementary sources of funding: foundation grants, sabbatical support, or other fellowships. In no case can the Center's stipend exceed \$50,000; the average yearly stipend is approximately \$36,000. Travel expenses for Fellows, their spouses, and dependent children are also provided. One round of competitive selections is held each year. The deadline for receipt of applications is **October 1, 1991**. Decisions on

appointment will be made by March 1, 1992. Further information and application forms may be obtained from: The Fellowships Office, the Woodrow Wilson Center, Washington, DC 20560 (Tel: 202-357-2841, Fax: 202-353-4439).

NEH Reference Materials Awards

The National Endowment for the Humanities Reference Materials program supports projects that organize essential resources for scholarship and improve access to information and collections. Awards are made in two categories: Tools and Access. Dictionaries, historical or linguistic atlases, encyclopedias, concordances, catalogues raisonnés, grammars, descriptive catalogues and data bases are eligible in the Tools category. Archival arrangement and description projects, bibliographies, bibliographical data bases, records surveys, cataloguing projects for prints, graphic, film, sound, and artifact collections, and indexes and guides to documentation are eligible in the Access category. The deadline for both categories is September 1, 1991 for projects beginning after July 1, 1992. For more information, write to: Reference Materials, Room 318, NEH, Washington, D. C. 20506.

JUDICIAL HISTORY JOB OPENING

The **Federal Judicial History Office** has an opening for an historian. Qualifications sought include knowledge of judicial history; experience in the production of reference tools, archival collection, database creation and management, administration of public history programs; good writing and research skills. History Ph.D. or equivalent required. Salary up to the equivalent of GS-13, step 5 (\$50,260). For a complete job announcement and application requirements, write to Personnel, Federal Judicial Center, 1520 H Street N.W., Washington, D.C. 20005. Cite announcement #91-27. Position will remain open until filled. EOE.

RECENT PUBLICATION OF INTEREST

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- Larry D. Ball, "The Frontier Sheriff's Role in Law and Order," 4 Western Legal History (Winter/Spring 1991), 13-26.
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- ✓ D. A. Bell, "Lawyers into Demagogues: Chancellor Maupeou and the Transformation of Legal Practice in France, 1771-1789," 130 Past & Present (February 1991), 107-141.
- D. Bernstein, "The Supreme Court and Civil Rights, 1886-1908," 100 Yale Law Journal (December 1990), 725-744.
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- J. K. Cole, "A Wide Field for Usefulness--Women's Civil Status and the Evolution of Women's Suffrage on the Montana Frontier, 1864-1914," 34 American Journal of Legal History (July 1990), 262-294.
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- Peter Charles Hoffer, "Principled Discretion: Concealment, Conscience, and Chancellors," 3 Yale Journal of Law and Humanities (Winter 1991), 53-82.
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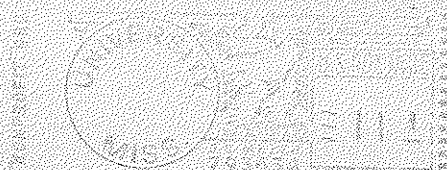
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