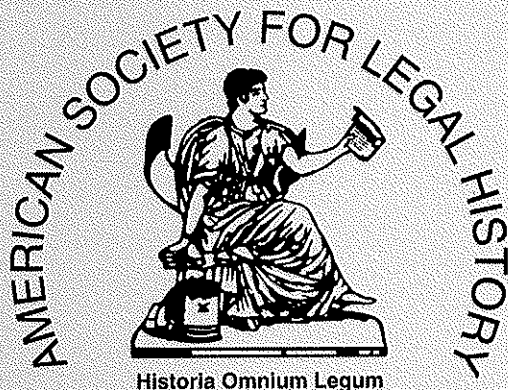

ASLH NEWSLETTER



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NEWS OF THE SOCIETY

The following are the Officers and Directors of the Society for 1993:

R.H. Helmholz -- President Harold M. Hyman -- Vice President

Michael de L. Landon -- Secretary-Treasurer

Lawrence M. Friedman, Stanford University Law School
(Immediate Past President)
Michael Les Benedict, Ohio State University (1993)
Harry N. Scheiber, University of California School of Law (1993)
Mark V. Tushnet, Georgetown University Law Center (1993)
Sue Sheridan Walker, Northeastern Illinois University (1993)*
Alan Watson, University of Georgia School of Law (1993)
David J. Langum, Cumberland School of Law, Samford University
(1994)*
Jonathan Lurie, Rutgers University (1994)
Paul L. Murphy, University of Minnesota (1994)
Emily Z. Tabuteau, Michigan State University (1994)
Melvin I. Urofsky, Virginia Commonwealth University (1994)*
Constance B. Backhouse, University of Western Ontario Faculty of
Law (1995)
Herman J. Belz, University of Maryland History Dept. (1995)
Maxwell Bloomfield, Catholic University of America History Dept.
(1995)
James A. Brundage, University of Kansas History Dept. (1995)
Linda K. Kerber, University of Iowa History Dept. (1995)

*Executive Committee Members

1992 Annual Meeting

A record total of 240 persons registered for the Meeting which was held at the Yale Law School in New Haven, Connecticut, October 29-31.

The Officers and Board of Directors met at 8:00 p.m. on October 29, in the Ball Room of the Colony Inn in New Haven. President RICHARD H. HELMHOLZ chaired the meeting. Also present were Immediate Past President LAWRENCE M. FRIEDMAN, Vice President HAROLD M. HYMAN and Secretary-Treasurer MICHAEL DE L. LANDON.

Directors present were MARY L. DUDZIAK, MICHAEL GROSSBERG, N.E.H. HULL, AVIAM SOIFER, CYNTHIA HARRISON, MICHAEL LES BENEDICT, MARK V. TUSHNET, DAVID J. LANGUM, JONATHAN LURIE, EMILY ZACK TABUTEAU and MELVIN UROFSKY. Directors unable to be present were HARRY N. SCHEIBER, ALAN WATSON, SUE SHERIDAN WALKER and PAUL MURPHY. Also present were BRUCE P. SMITH, Legal History Fellow at Yale Law School and Co-ordinator for the 1992 Local Arrangements Committee; RAYMAN L. SOLOMON, Chairman of the Committee on Conferences and the Annual Meeting; CRAIG JOYCE, Chairman of the Publications Committee; BRUCE H. MANN, Editor of Law and History Review; LEWIS BATEMAN, Executive Editor for the University of North Carolina Press; MICHAEL J. CHURGIN, Chairman of the committee on Documentary Preservation; MICHAL BELKNAP, Chairman of the Surrency Prize Committee; and JOHN ORTH, Chairman of the Sutherland Prize Committee; and STAN KATZ, Chairman of the Honors Committee.

On a motion by the Secretary, with the single correction that David J. Langum had been present in his capacity as Chairman of the 1991 Program Committee, the minutes of the 1991 Board Meeting, held October 24, in San Francisco were approved.

After President Helmholz had greeted all those present, there being no Old Business, the Board proceeded to consider reports from officers and committee chairs. The Secretary-Treasurer noted with regard to his report that the visit by the delegation of Society members that he had lead to Russia and Estonia, back in the spring, May 16-27, had been very enjoyable and had also lead to opening-up some contacts that he hoped would be very rewarding for the Society in the post-Cold War era. With regard to the Society's various funds, he noted that a sharp drop in interest rates, coming in a year when many certificates of deposit held by the Society had matured, had an adverse affect on interest income and meant that the Sutherland Fund was no longer earning enough interest to cover the cost of the annual five hundred dollar prize. On the other hand, however, the Society's general fund account, thanks to the new dues structure adopted a year ago, was in a very healthy state and it had been possible, for a little over three thousand dollars, to prepare and distribute a second edition of the Society's Membership Directory (the first edition of which had been distributed back in 1989). After some discussion, the Board encouraged him to go ahead with plans to mount a small scale capital fund raising drive early in the New Year by means of a tear-out notice in the Winter 1993 NEWSLETTER (see below p.35). One Board member suggested that government securities might be a good investment for the Society's capital funds, and he promised to consider that option.

With regard to the 1992 Program, Board members noted with pleasure that the mandate from the previous year's meeting to include a number of graduate students on panels had been faithfully carried out. Program Committee Chairman for 1993 Mary Dudziak promised that graduate students would be included in next year's program also. She reported that the University of Mississippi Law School and the Memphis State University Law School had agreed to sponsor jointly a special guest speaker as part of the Memphis program.

A report on the Society's journal, LAW AND HISTORY REVIEW was received from Carole S. Appel of the University of Illinois Press. Reports were distributed from Lewis Bateman and Tom Green on the Studies in Legal History Series published for the Society by the University of North Carolina Press. Responding to a question as to whether it might not be a good idea to place advertisements of new books in the series in journals and newspapers published for lawyer readers, Bateman said that sales revenues resulting from such advertisements were usually insufficient to even cover the cost of placing them. Experience had shown that review copies sent to the appropriate scholarly journals were the best form of advertisement.

The report of the Committee on Documentary Preservation, and the report of the Nominating Committee on the elections of five new Board members and three new Nominating Committee members were noted and briefly discussed. Although there was no separate

report from the Membership Committee, it was noted that Carole Appel's report from the University of Illinois Press did contain the latest statistics on membership:

Regular	624	Institutional	351
Student	46	Sponsoring	5
Sustaining	57	Life	26
Emeritus	31	Fellows	<u>16</u>
		Total	1156

With regard to local arrangements for the 1993 Meeting, to be held October 21-23 in Memphis, Tennessee, Michael Landon reported that final details were being worked out with the Peabody Hotel [see below for details]. Melvin Urofsky raised the issue of hotel accommodations that were too expensive for some Society members, especially those whose universities did not have substantial travel budgets. He asked whether it would not be possible to schedule future meetings in hotels whose roomrates were inexpensive enough that everyone could afford to stay in the same hotel. After some discussion, it was agreed that future committee's should keep that possibility in mind when making local arrangements.

In response to the report from the Committee on Conventions and the Annual Meeting the Board voted to hold the 1994 Annual Meeting in Washington, D.C., as the Committee had recommended, and also agreed that the Committee should go ahead with giving further consideration to holding the 1995 Meeting in Houston. There was no discussion of a site for the 1996 Meeting.

Program Committee Chairwoman Mary L. Dudziak reported that they had sent out calls for papers with a December 1 deadline. She suggested that the Society perhaps needed to draft some more clearly defined policies and engage in more coordinated planning with regard to both programs and local arrangements for future Annual Meetings. President Helmholtz invited her committee to come up with some specific proposals along those lines for consideration at the Board Meeting in Memphis next year.

With regard to the Surrency Prize, Natalie Hull suggested that there should be a policy of staggered terms for members of the committee, so that some continuity could be maintained with regard to its policies and procedures. The Secretary reminded the Board that under the by-laws the members of that particular committee were appointed each year by the Nominating Committee. President Helmholtz then commented that they could, nevertheless, ask the Nominating Committee to follow certain policies with regard to both continuity of membership and diversity of fields when making appointments to the committee, and he promised to draft a policy statement for the Board's consideration and approval next year. On behalf of the Sutherland Prize Committee Chairman, John Orth distributed a written report calling for a clearer definition of the scope of the articles that ought to be considered for the prize. After some discussion of this issue, Mr. Orth accepted an invitation from President Helmholtz to submit a specific recommendation concerning the matter for consideration at the Board Meeting next year.

Honors Committee Chairman Stanley N. Katz presented his committee report. His first motion, that John Baker of Cambridge University, England, be invited to become a Corresponding Fellow of the Society, was approved unanimously. His second motion, that Leonard Levy, Professor Emeritus of History at the Claremont Graduate School, be invited to become an Honorary Fellow of the Society, likewise was approved unanimously. Both invitations have since been accepted.

With regard to the appointment of a delegate to represent the Society at annual meetings of the American Council for Learned Societies, President Helmholtz noted that Kathryn Preyer's second consecutive four-year term would be ending this year. His present intention was to serve himself as acting delegate for 1993, and to appoint a permanent delegate to finish the term after he had discovered exactly what the position involved.

With regard to the Society's representative on the Littleton-Griswold Prize Fund Committee of the American Historical Association, President Helmholtz reported that Kermit Hall was just finishing a three-year term in the position and that he would be appointing a new representative very soon. Several Board members commented that though they had served on the committee, and even in one or two cases chaired it, they had not known that it always included a representative from our Society. The general consensus was that the relationship needs to be better publicized.

Under "New Business", there was further discussion of terms of service on the Society's various standing committees with an emphasis on the need both to maintain continuity and to bring on board new people with fresh energy and novel ideas. President Helmholtz concluded the discussion by promising to discuss the issue in the coming months with the other officers, the Executive Committee, the Board and the general membership and then to bring in some specific proposals for consideration by the Board at its 1993 meeting.

1993 Annual Meeting

This year's Meeting will be held in Memphis, Tennessee, October 21-23, in the historic Peabody Hotel. The Local Arrangements Chairman Robert J. Haws, Department of History, University, Mississippi 38677 (tel: 601-232-7148, fax: 601-232-5918).

Room rates at the Peabody (tel: 901-529-4000, cut-off date September 30) are \$129 ("Deluxe"), \$113 ("Superior"), \$97 ("Traditional), single or double occupancy. The hotel has special facilities for disabled guests. Professional childcare services are available from "Annie's Nannies," Inc. 8655 Cordes Circle, Germantown, TN, (tel: 901-755-1457). A second block of rooms (\$80 single or double) has been reserved at the Radisson Hotel (tel: 901-528-1800, cut-off date October 7) immediately next door to the Peabody. Rooms in both hotels are subject to state and local taxes which are currently 13.25%.

Because of the present very volatile state of airfares, no "Official Airline" arrangement has yet been made for this year. Memphis is a hub city for Northwest, and is also served by United, Delta, American, U.S. Air, and several smaller airlines. An \$8-one-way shuttle service is available between the airport and the hotels. Amtrack service is available to and from Chicago and New Orleans.

Program Committee Chairwoman Mary L. Dudziak reports that the Program is now almost complete. Professor Paula Giddings, who, this year, is a Visiting Professor in the Afro-American Studies Program at Princeton University, is to be the special guest speaker. Her topic will be the career of IDA B. WELLS-BARNETT, a major crusader for civil rights in Memphis around the turn of the century. Full details on the program will be mailed out to members in July.

Nominating Committee

The 1993 Nominating Committee will consist of:

JOHN V. ORTH, Chairman
School of Law
University of North Carolina
Chapel Hill, NC 27599
Tel: 919-962-8517
Fax: 919-962-1193

--serving on the Committee through 1995

NORMA BASCH
Dept. of History
Rutgers University
175 University Avenue
Newark, NJ 07102
Tel: 201-648-5410
--serving through 1994

SANDRA VAN BURKLEO
Dept. of History
Wayne State University
3094 F.A.B
Detroit, MI 48202
Tel: 313-577-2525/2592
--serving through 1994

KERMIT HALL
Dean's Office
College of Arts and Sciences
University of Tulsa
Tulsa, OK 74104
Tel: 918-631-2473
--serving through 1993

JOYCE MALCOLM
Dept. of History
Bentley College
Waltham, MA 02254
Tel: 617-891-2000
---serving through 1995

The Committee will be nominating candidates to serve two-year terms (1994-95) as President, Vice-President and Secretary-Treasurer; also ten candidates to serve five three-year terms (1994-96) on the Board of Directors; and three candidates to serve one three-year term (1994-96) on the Nominating Committee itself.

New Editors Appointed

As announced in the last number of the NEWSLETTER, BRUCE M. MANN asked last summer to be relieved of his duties as Editor of the Society's official journal, LAW AND HISTORY REVIEW. A nationwide search was conducted by the Publications Committee and, as was announced at the Annual Luncheon at Yale University on October 31, President Helmholtz has appointed MICHAEL GROSSBERG, Chairman of the History Department at Case Western Reserve University and Program Chairman for 1989 ASLH Annual Meeting, to take over the editorship as of January 1, 1993. A new Editorial Board for the REVIEW is presently being recruited. Thanks to Bruce and Michael for their past and prospective service to the Society.

Also at the Annual Meeting in New Haven, in response to a request from Studies in Legal History Series Editor TOM GREEN, the Board of Directors authorized President Helmholtz, with the assistance and advice of the Publications Committee, and in consultation with officials of the University of North Carolina Press who publish the Series, to recruit a Co-Editor as soon as possible. In November a search was begun and early in January, DIRK HARTOG, the newly-appointed Class of 1921 Bicentennial Professor in the History of American Law and Liberty in the Princeton University History Department, was offered and accepted position. The two co-editors will share equally the \$1,000

dollar editorial stipend. Manuscripts for possible publication in the Series, whatever their subject matter, may be submitted to either Co-Editor, and all editorial decisions will be made by the two of them jointly. Thanks to Tom for his continued willingness to serve and Dirk for agreeing to share the burden.

The Society also owes a debt of gratitude to chairman CRAIG JOYCE and the Publications Committee who conducted nationwide searches to fill both editorial positions. In accordance with the Society's commitment in recent years to more openness in the conduct of its affairs, both searches were announced to all Society members (the REVIEW position in the Summer/92 NEWSLETTER and the Series position in a separate mailing in early November). Committee members contacted and considered some three dozen potential candidates, including women and minorities and lawyers, law professors and historians from all across the country, before mailing their final reports to President Helmholtz. The Committee would welcome any comments concerning these searches for its future reference.

Subventions

Last summer the Board of Directors voted, in a poll conducted by mail, to make two subventions that had been recommended by the Publications Committee totaling \$3,500 out of the Joseph H. Smith Memorial Publication Fund to support publication of two new works in the Studies in Legal History Series: Five hundred dollars was sent to the University of North Carolina Press to support publication of James Oldham's The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century, which came out in the autumn of 1992. And three thousand dollars was sent to them to help underwrite Robert Palmer's English Law in the Age of the Black Death, 1348-1381: A Transformation of Government and Law, due to come out early in 1993.

Treasurer's Report

The Secretary-Treasurer presented the following reports with regard to each of the Society's various fund accounts to the Board of Directors at their meeting on October 29.

GENERAL ACCOUNT

Balance in hand 12/31/91

NationsBank, Fannin	\$ 5,039.01	
Sunburst Bank, Oxford	4,650.67	
Univ of MS Account	602.83	
Certificate of Deposit	35,000.00	
		\$ 45,292.51

Income through 9/30/92

CD/NOW interest	\$ 1,410.00	
Dues/ Mailing lists	13,597.52	
Miscellaneous	50.00	
		\$ 15,057.52

Expenditures

Salary (Cook)	\$ 2,981.49	
Travel (ACLS)	607.15	
Contractual Services	3,229.94	
Commodities	5,735.15	
Dues	1,505.75	
Accountant (tax return)	75.00	
		(\$14,134.48)
Balance in hand 9/30/92	\$ 46,215.55	
Anticipated income through 12/31/92		
Dues	\$ 1,165.00	
Annual Meeting Profit	200.00	
Interest	455.00	\$ 1,820.00
Anticipated Expenditures through 12/31/92		
Office expenses		(\$ 1,675.41)
Anticipated Balance as of 12/31/92	\$ 46,360.14	
Balance surplus	\$ 1,067.63	

SMITH FUND

Balance in hand 12/31/91		
FNB, Oxford MS	\$ 25,229.01	
Bradford Fund	4,224.25	
		\$ 29,453.26
Interest earned through 9/30/92		
FNB, Oxford MS	\$ 690.93	
Bradford Fund	125.20	
		\$ 816.13
		\$ 30,269.39
Expenditures		
Subvention to UNC Press 9/1/92	\$ 3,500.00	
T.A. Green (editorial stipend) 10/21/92	1,000.00	(\$ 4,500.00)
Balance on hand 10/21/92		\$ 25,769.39
Estimated additional income through 12/31/92		
UNC Press Royalties	\$ 475.00	
Interest	200.00	
		\$ 675.00
Estimated balance on hand 12/31/92		\$ 26,444.39
Estimated Deficit as of 12/31/92		(\$3,008.87)

SUTHERLAND PRIZE FUND

Balance in hand 12/31/91		
Business Money Market Acct.	\$ 2,998.06	
Certificate of Deposit	6,000.00	
		\$ 8,998.06
Income through 9/30/92		
Interest (from CD)	\$ 394.11	
		\$ 394.11
Expenditures through 9/30/92		
Bank service charges	\$ 96.95	
1990 and 1991 prizes	1000.00	
		(\$ 1,096.95)
Anticipated expenditures		
1992 prize	\$ 500.00	
		(\$ 500.00)
Anticipated Income		
CD interest payment	\$ 129.45	
Savings account interest	5.00	
		\$ 134.45
Anticipated balance 12/31/92		\$ 8,929.67
Balance deficit		\$ 68.39

With regard to the various funds, the Secretary-Treasurer pointed out to the Board at their October 29 meeting that the slight increase in dues rates made last year had put the General Fund on a sound basis for the immediate future and as long as no major inflation occurs. However, a nearly fifty percent drop in interest rates in a year when nearly every Certificate of Deposit held by the Society matured had severely affected the income from that fact, was no longer earning sufficient income to cover the intended award of \$500 annually. And it was going to take almost four years of interest income to rebuild the Sutherland Prize Fund up again to the level it had been at before the \$3,500 subventions. Therefore the Board suggested that an appeal for donations to either or both of the two capital funds be included in this issue of the NEWSLETTER ---please see the tear out DONATION FORM inside the back cover.

Prize Winners

Professor PETER KARSTEN of the University of Pittsburgh History Department was awarded our Society's 1992 Surrency Prize for his article "The 'Discovery' of Law by English and American Jurists of the Seventeenth, Eighteenth and Nineteenth Centuries: Third Party Beneficiary Contracts as a Test Case," which was published in Volume 9, number 2 of our Journal LAW AND HISTORY REVIEW.

Professor J.M. BEATTIE of the University of Toronto History Department was awarded the Society's 1992 Sutherland Prize -- for the best article on an English legal history topic published

"anywhere" in the previous year -- for his article "Scales of Justice: Defense Counsel and the English Criminal Trial in the Eighteenth and Nineteenth Centuries," which also was published in Volume 9, number 2 of LAW AND HISTORY REVIEW. The North American Conference on British Studies awarded their 1992 Walter D. Love Memorial Prize in History to Professor Beattie.

ANNUAL MEETING SESSIONS

"Medieval Criminal Law in England"

EMILY TABUTEAU (Michigan State University) reports:

In "Appeals and Ordeals: The Thirteenth-Century Transformation of English Criminal Justice," DANIEL KLERMAN of the University of Chicago used a statistical study of 400 criminal cases from between 1198 and 1256 to argue that the change in the criminal law "from the private, compensatory system to the public, afflictive one" occurred in the thirteenth century rather than the twelfth. In the Middle Ages as much as in the present, most cases did not go to trial. Around 1200, most cases (80%) were still brought by appeal, not presentment, and most appeals "went nowhere." Most of the appeals which were not prosecuted may have been dropped in return for compensatory payments. In the first half of the thirteenth century the canon law began--perhaps initially in England--to require judges to inquire into criminal matters even if the accusers dropped the accusations. Canon law influence and the bishops as itinerant justices would explain Roger Groot's discovery that, in the eyre of 1218, the royal justices of England began to prosecute abandoned appeals. This procedural change "had several important effects," of which two were singled out in the presentation. First, "it nearly killed the appeal," by which only 20% of criminal cases were initiated after 1218. Second, these changes "may have led to the creation of the civil writ of trespass" so that victims who has previously appealed in order to recover damages in the form of payments to withdraw their appeals could sue for compensation directly.

PETER TJAPKES of the University of Michigan discussed "The Decline of the Old Testament and the Decline of the Ordeal: Religious Thought and Legal Practice in Eleventh- and Twelfth-Century England." Although the administration of bitter waters as a test for adultery is the only formal ordeal mentioned in the Old Testament, the Biblical account of the relations of the ancient Hebrews to their deity and to their neighbors is rife with "contest undertaken to produce a divine judgment," ordeals in all but name, which were notably similar to medieval European stories. Therefore, twelfth-century opponents of the ordeal had to combat a practice whose sanction was not mere custom but had Biblical endorsement. The value of the Old Testament as support for the ordeal was weakened as "anti-Jewish feeling" grew and as consequent developments in the interpretation of the Old Testament proved inconsistent in their attempts to retain its teachings despite increasing scorn for its protagonists. These inconsistencies are obvious in the explanations proffered of the test of bitter waters and of ordeal-like stories. The strength and endurance of "sympathy for the Old Testament" in eleventh- and twelfth-century England partly explains "why the ordeal survived in England in spite of powerful clerical opposition to

it and royal discomfort with it." Even Henry II was not willing to take "the risk of stirring up political trouble" by entirely abolishing the ordeal. Instead, "[t]he elimination of contests undertaken to produce judgements would have to wait until changing sensibilities--the lessening of differences between Saxon and Norman and the rise of anti-Jewish feeling--made the Old Testament a less pressing issue."

JOHN BECKERMAN of Cardozo Law School, in commenting on the papers, noted that Klerman "makes the novel suggestion" that the royal justices' practice of prosecuting appeals of felony "derives from analogous procedures in canon law." His work confirms C.A.F. Meekings' conclusion that discontinued appeals represent settlements but disagrees about the duration of the phenomenon, for Meekings believes "that concorded appeals continued to have some importance, as well as attractions greater than the action by writ of trespass, certainly until the late 1240s. One is left wondering why, if appeals had as little value after 1218 as Klerman suggest, they should have continued to be brought at all." Tjapkes' work makes "a valuable contribution to cultural history as it relates to legal ideas," but it "may take insufficient account of expressions of anti-Semitism prior to the twelfth century and does not conclusively show that the change in attitude towards the Old Testament was a cause, rather than an effect, of questions about divine judgment expressed in ordeals."

Emily Tabuteau noted that both papers attempt to bring new perspectives to bear on the solutions to big questions. Both reach for the intellectual explanation for legal change and look to the church as the source of ideas. Tjapkes' chronology presents some problems: it is difficult to think that there was much concern for Anglo-Saxon sensibilities in twelfth-century England, and there is earlier evidence of anti-Semitism than he discusses. Klerman's statistics as presented are hard to interpret. Specifically, with regard to the decline of appeals from 80% to 20% of cases, if the number of cases stayed the same revenge would seem to be ousting compensation as the principal motive for initiating criminal prosecutions and a connection to the rise of trespass seems remote, but if the number of cases also declined dramatically demands for compensation may have been occurring before rather than after a case was initiated and a transition to civil suits for damages is much easier to envision.

"The History of Bankruptcy and Imprisonment for Debt"

BRUCE H. MANN (University of Pennsylvania) reports:

The history of insolvency, bankruptcy, and imprisonment for debt in early America is finally beginning to receive the attention it has long merited. The two papers on the panel, both taken from the authors' dissertations-in-progress, both reflect that new interest.

BARBARA A. MATHEWS, Brown University, discussed "The Bankruptcy Act of 1800: A Cultural History." She used the 1800 Act and the decade of debates preceding it to examine attitudes toward insolvency and how those attitudes played into the competing partisan positions on the Act itself. In part, these positions reflected the clashing agrarian and commercial visions of the new republic.

JIM PEARSON, UCLA, discussed "Confined Debtors in New York City Prison during the Early Republic." Beginning with a petition to the state assembly by imprisoned debtors in 1812, he discussed who the imprisoned debtors were, what their circumstances were, and how they had arrived at the end they did--all as part of his general interest in the social composition of debtors' prisons and the reciprocal relationship between changes in the population of imprisoned debtors and continual tinkering with debtor-relief measures.

"Public Health and Medical Law"

This session attracted a spirited audience of about twenty people, who warmly greeted two strong presentations. The first of these, "'Perfect Legal Evidence': The New Jersey Radium Dial Painters and the Dynamics of Occupational Disease Litigation," was co-authored by MARK E. STEINER, University of Houston, and KENNETH DE VILLE, School of Medicine, East Carolina University. Steiner and De Ville stressed that female radium dial painters faced severe obstacles in successfully negotiating each stage of the naming, blaming, and claiming process of occupational health litigation. The authors also stressed that first time players were far less likely to succeed in occupational disease litigation than were repeat players, who were inevitably the businesses responsible for creating the hazard in the first place. FRANK HELMINSKI's paper, "The Legal Response to Osteopathic Medicine," examined in some detail the rise of osteopathy, the difficulties that its practitioners confronted in dealing with the regular medical community, and the eventual acceptance of doctors of osteopathy in every state. Helmski argued that the history of osteopathy was a useful vehicle for measuring the attitudes of legal institutions to medical institutions and the professionalization of medicine over the past century. After a comment by KERMIT HALL, a robust question and answer period followed that gave particular attention to issues of gender in medical practice.

PERSONAL NOTES

MILTON M. KLEIN, Distinguished Service and Lindsay Young Professor Emeritus, and University Historian at the University of Tennessee, Knoxville, who served as ASLH President for 1980-1981 has received the Kerr Prize from the New York State Historical Association for his article "Origins of the Bill of Rights in Colonial New York" which appeared in New York History, LXXII (October, 1991), 389-405.

MICHAEL H. HOFFHEIMER, Associate Professor of Law at the University of Mississippi has been granted a Sabbatical Leave for the 1993-94 Fall Semester to work on his ongoing study of Hegel's philosophy of law.

PAUL R. TEETOR, retired Federal Administrative Law Judge, of Middlebury, Vermont, represented ASLH at the Inauguration of John M. McCardell, Jr., as fifteenth President of Middlebury College on September 20, 1992, and reports that "McCardell himself and other speakers gave unusually fine addresses. With my wife, I attended all sessions and enjoyed every one of them."

W. HAMILTON BRYSON, Professor of Law at the University of Richmond will represent ASLH at the William and Mary College Tercentenary Celebration, February 12-13, in Williamsburg.

DR. RALPH L. CAVALLI, J.D. Esquire, Attorney and Counselor at Law, would like to know if any ASLH member would be interested in joining him in his "challenge for a definitive study of the so-called Langdell Case method of teaching law," which he claims is responsible for a tragic "failure to teach 1 out of 3 law candidates in the 20th Century." His address is: 400 South Kline Street, Lakewood, Colorado, 80226-2748. Tel: 303-986-0658.

Intellectual Property Law History

New ASLH member EDWARD C. WALTERSCHEID, Deputy Library Council at the Los Alamos National Laboratory writes: "My areas of particular interest in connection with my legal history avocation are 18th and 19th century intellectual property law and in particular patent law. Indeed, for the past several years I have been researching and writing the first volume of a several volume work entitled "The Evolution of the United States Patent Law". I have now completed a draft of the first volume with the subtitle "From Patent Custom to Patent System" which covers the period to 1800 and am now working on the second volume to be subtitled "The Era of Registration" which will cover the development of the patent law to 1836."

"Because I am a practicing attorney rather than a professional historian I have had little direct access to legal historians working in my area of historical interest. Accordingly, would it be possible for you to provide me with the names and addresses of members of the Society who have areas of interests similar to mine. I would very much like to exchange views and also wish to have the opportunity for any interested members to critically review and comment on my draft work."

ASLH Members with similar interests are asked to contact Mr. Walterscheid at The Laboratory Counsel's Office, National Laboratory, Los Alamos, NM 87545. Tel: 505-667-3970, Fax: 505-843-3970.

GRANTS AND AWARDS

ACLS 1992 Awards

The American Council of Learned Societies, after considering 450 applications has awarded forty-six Grants-in-Aid for postdoctoral research including:

Joanne M. Ferraro. Associate Professor of History, San Diego State University. "Breaking family ties: marital litigation in early modern Venice."

Philip R. Gavitt. Assistant Professor of History, University of Tennessee, Knoxville. "Gender, inheritance and child abandonment in early modern Italy."

Rickie Solinger. Independent Scholar in Women's Studies. "Women on trial: an analysis of prosecutions of female abortionists in the United States, 1945-1965."

Theodore Steinberg. Assistant Professor of History, University of Michigan Ann Arbor. "Property and the control of nature in 20th century America."

Carole S. Vance. Research Associate in Anthropology and Public Health, Columbia University. "Contested images: renegotiating sex and gender in the Attorney General's Commission on Pornography."

They have also, from among 1052 applications received, awarded forty-six Fellowships for postdoctoral research, one of which went to:

William E. Nelson, Professor of Law and History, New York University, to study "The Legal History of New York State, 1920-1980."

One of their thirty American Studies Fellowships was awarded to:

Helle Prosdam. Assistant Professor of American Studies, Odense University, Denmark. "The Centrality of law in American culture and society."

In conjunction with the Social Science Research Council the following awards in the East European Studies Program were made:

Hillel J. Kieval, Associate Professor of Modern Jewish History, University of Washington. "Myth, Jews and modern culture: the ritual murder trial in Eastern Europe at the turn of the Century".

Gerald A. McDermott, Graduate Student in Political Science, Massachusetts Institute of Technology. For additional training and exploratory research for comparative study of property rights in Czechoslovakia and eastern Germany.

Other Legal History Related Awards

The Aspen Institute's Nonprofit Sector Research Fund, on October 22, 1992, announced a second round of grants including one of \$33,880 to **Laura Brown Chisholm**, Case Western Reserve University School of Law, for "Rethinking the Legal Framework that Defines the Role and Regulates the Behavior of Charitable Nonprofit Directors." Also one of \$15,000 to **Karla W. Simon**, Professor of Law at the Catholic University of America, and **Leon Irish**, Attorney at Law, together with two scholars at Warsaw University, to study the effect of the Polish "Law on Foundations" which in 1984 created a basis for the establishment of an independent, voluntary sector in Polish society. This study will involve a collaboration between U.S. legal scholars and Polish scholars in a survey of nonprofit organizations.

WHAT'S NEW

Journal's New Editorial Board

England's *International Journal of the Sociology of Law* has a new Editor **Stephen P. Savage**, of Portsmouth Polytechnic; **Les Johnston**, of the University of Exeter's Police and Criminal Justice Center, is the new Book Review Editor. The new twenty-two member Editorial Board includes **Martha Fineman** of the University of Wisconsin-Madison and **David Nelken** of the Johns Hopkins Bologna Center in Italy.

The Journal provides an interdisciplinary forum for high quality research and debate on the social context and social implications of law, law-enforcement and legal process. It welcomes contributions from all areas of socio-legal study, and particularly those which address comparative issues and questions of development, change and reform in socio-legal processes. In addition to academic research papers, the Journal invites contributions from practitioners and those concerned with policy formation and implementation in the fields of legal process and law-enforcement. All articles will be refereed.

Information on subscription rates, etc. can be obtained from the Journal Promotion Department, Academic Press, Inc. 1250 Sixth Avenue, San Diego, CA 92101.

Salem Witch Trials Microform Collection

University Microfilm Incorporated has announced release of its Salem Witchcraft collection (formerly Witchcraft in New England) which examines New England witchcraft from the mid-17th century to the early 20th century and explores the legal, moral, and psychological implications of the trials. It provides on microfilm over 7,000 pages of information from the Salem Village Witchcraft Collection at the Danvers Archival Center in Massachusetts, including early publications by contemporaries of the trials, full-length histories of the New England witchcraft outbreak, often overlooked local publications and histories, and important bibliographic information. Books like Cotton Mather's The Wonders of the Invisible World, George Lincoln Burr's Narrative of the Witchcraft Cases 1648-1706, and Charles Upham's Salem Witchcraft are also included.

The Collection is available from UMI for \$225 (tel: 1-800-521-0600, ext. 3797). Libraries that already have copies include: Yale University, Boston University, the University of New Hampshire, the University of South Florida, the University of North Carolina (Wilmington) and the Library of Congress.

A New History of the White House

The White House Historical Association has released The Living White House, a treasure chest of beautiful illustrations and photographs of The White House throughout its history, including its destruction during the War of 1812 when the British reduced it to a blackened, burned-out shell, and its various reconstructions. The book also includes biographical narratives about the lives of each President and his family.

Copies are available in stock numbers 066-000-00017-6 (hardbound) for \$14.00, and 066-000-00018-4 (paperbound) for \$11.00. To order, send payment to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. To order with Visa or Mastercard, phone (202) 783-3238 (Washington, DC) or your nearest U.S. Government bookstore (consult your yellow pages).

A History of the American Judicature Society

MICHAL R. BELKNAP's To Improve the Administration of Justice: A History of the American Judicature Society discusses "The development of all the significant issues facing judges, lawyers, and the courts are discussed--judicial selection, discipline, and removal; bar integration; court unification; reform of procedural rules; and the judicial council movement. The Society's relationship to these and other major judicial issues facing the nation for three-quarters of a century comprise the core of the author's discussion."

"Also playing a significant role in his examination are the other organizations with which the Society worked--the American Bar Association, the American Law Institute, and the Institute of Judicial Administration--and the people who played a large part in shaping the Society and improving the administration of justice--Roscoe Pound, Elihu Root, Tom C. Clark, and others. And, of course, central to the story is the role of AJS founder Herbert Harley and long-time secretary-treasurer Glenn Winters."

Copies are \$14.95 and may be ordered from The American Judicature Society, 25 E. Washington, Suite 1600, Chicago, IL 60602. Tel: 312-558-6900.

Abortion, Medicine And The Law

In the Fall of 1992, Facts-on-File published the 4th edition of Abortion, Medicine and the Law, edited by David F. Walbert, a litigation lawyer in Atlanta and J. Douglas Butler, a doctor and lawyer practicing in Westminster, Maryland. The book is unique because it presents a balanced approach to the abortion dilemma and it is very comprehensive in the areas of law, international law, medicine and ethics. Specifically, it examines the issues of human fetal tissue transplantation, the drug RU-486 and abortion services in the United States.

You probably will be familiar with many of the authors in this book. Some of the, besides being experts in their own individual field, have written a personal book on abortion. Twelve of the articles are either authored or co-authored by women, many of whom are becoming authorities in the abortion area. Besides the thirty individual authors, law reviews at several schools were utilized: namely Yale, the University of Chicago, Michigan and Georgetown.

In 1986 the third edition of Abortion, Medicine and the Law was named, "One of the Outstanding Academic Books" by the American Library Association -- College Division. The fourth edition is more comprehensive than the third. This book will serve as an important addition to any course in women and the law, psychiatry and the law, constitutional law, medicine and the law, science and the law, and other related areas.

Copies (\$65.00 hardbound) may be obtained from: Facts on File, Inc., 460 Park Avenue South, New York, NY 10016. Tel: 212-683-2244, Fax: 212-213-4578.

Book Probes 1990's Federalism Trends

Political events both in North America and overseas in the last 15 years have focused public attention on the strengths and weaknesses of federalism as a system of governance. A new book, published by IGS Press, presents five richly varied essays illuminating vital trends in the law and practice of U.S. federalism, the challenge of European unification, and the crisis of Canadian federalism.

North American and Comparative Federalism edited by Harry N. Scheiber, Stefan Riesenfeld Professor of Law and Associate Dean of Law at UC Berkeley is published by the Institute of Governmental Studies at UC Berkeley. The 102 page paperback book is available from IGS Press, 102 Moses Hall, UC Berkeley, Berkeley, CA 94720. The price is \$11.95 plus \$2.39 for shipping and handling and applicable sales tax for California residents. To order by phone call (510) 642-6723, or Fax your order to (510) 642-3020. Orders under \$30 must be prepaid.

Cox Papers, Pound Library Now Accessible at Harvard

The Papers of Archibald Cox (1912-), attorney, educator, legal scholar, public servant, and Solicitor General of the United States, have been presented to the Harvard Law School Library as a gift by Carl M. Loeb University Professor Emeritus Archibald Cox. The Collection is open to the public, however, Professor's Cox's approval is necessary to quote from Watergate materials.

The papers span the years 1945 to the present, with the bulk falling into the 1945 to 1978 period. The collection includes correspondence (both letters received and carbons of letters sent); agenda; minutes of meetings; memoranda; reports; legal and legislative documents; clippings, reprints, and other printed items; drafts; manuscripts of published and unpublished writings; and a small amount of memorabilia such as honorary degree certificates.

Also the 8,700 volume personal library formed by former Harvard law School Dean Roscoe Pound has been given to the Harvard Law School Library by the Roscoe Pound Foundation of Washington, D.C. Roscoe Pound (1870-1964), the leading proponent of sociological jurisprudence and one of the most creative lawyers in modern American History, was dean of the Harvard Law School from 1916 until 1936. Seldom does the working library of a major figure in any discipline survive intact; just as remarkable is the fact that his books are, for the most part, in excellent condition in their original bindings.

Dean Pound donated his library to the Roscoe Pound American Trial Lawyers Foundation in 1956, and continued to acquire volumes for it until his death eight year later. He bequeathed his personal and professional papers, however, to the Harvard Law School. Recognizing the advantages to scholars of having Pound's books reunited with his papers, the Roscoe Pound Foundation transferred the library to the School in the summer of 1992.

Further information on both collections may be obtained from David Warrington of the Harvard Law School Special Collection Department, Langdell Hall 512. Tel: 617-496-2115, Fax: 617-495-4449.

NEWS OF MEETINGS

The Age of Mansfield

"English Legal History in the Age of Mansfield," a symposium sponsored by the Georgetown University Law Center, will be held on Friday, March 5, 1993 at the Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001. Susan Staves, Paul Prosswimmer Professor of the Humanities at Brandeis University, will present the paper "Chattel Property Rules and the Construction of Englishness"; James S. Cockburn, Professor of History at the University of Maryland at College Park, will present "Criminal Punishment and the Culture of Violence in Early Modern England"; James Oldham, Professor of Law at Georgetown, will present "On Truth-Telling in the Eighteenth-Century Courtroom." Douglas Hay, Associate Professor of Law at the Osgoode Hall Law School, will comment on the papers. For information please contact Daniel R. Ernst at the Georgetown University Law Center, (202) 662-9475.

International Conference on Critical Thinking and Educational Reform

The Thirteenth Annual International Conference on Critical Thinking and Educational Reform will be held August 1-4, 1993 at Sonoma State University in Rohnert Park, California. The conference brings together over 1200 scholars and educators from all levels and domains of education to discuss the theory and practice of critical thinking. The conference will focus on both the need for Educational Reform for the 21st Century and on thinking critically about The New Global Economic Realities and their implications for Teaching & Learning, Business & Politics, Populations & the Environment, and Human Rights & Human Conflicts. Session proposals are requested and must be received by April 15, 1993. For more information on proposal forms or registration, contact: Center for Critical Thinking, Sonoma State University, Rohnert Park, CA 94928 USA; telephone (707) 664-2940, E-Mail CCT at Sonoma.EDU, or fax: (707) 664-2505.

New England Historians to Meet

On October 23, 1993 The New England Historical Association Fall Meeting will take place at Brown University. They call for papers or proposals on any topic, area or period, by June 15. Contact Peter Holloran, NEHA Executive Secretary, Pine Manor College, Chestnut Hill, MA 02167.

What is Knowledge Production?

A Conference on "Knowledge: Production, Distribution Revision" will be sponsored by the University of Minnesota and the Group for Research into the Institutionalization and Professionalization of Knowledge-Production (GRIP), 14-17 April, 1994 at the University of Minnesota, Minneapolis.

The Conference organizers note that: "For only two centuries, knowledge has assumed a disciplinary form; for less than one, it has been produced in academic institutions by professionally trained knowers. Yet scholars have come to see these circumstances as so natural that we tend to forget their

historical novelty and often fail to imagine how else we might produce and organize knowledge. Our world now seems so naturally divided into, say, biology, sociology, and musicology that when we try to imagine alternatives to these disciplines, we think merely of combining them: biochemistry, sociolinguistics, ethnomusicology.

Yet all along knowledge has been produced and distributed by nonacademic institutions (chautauquas, direct-mail firms, music societies), as well as at other cultural sites (street gangs, prayer clubs, coffee klatches). Such knowledge has appeared, too, in extra-disciplinary forms: public-health comic books, union organizing videos, marketing surveys, urban folklore, electronic mail.

Although the research university has been the usual site of disciplinary knowledge was produced. Corporations, for example, have long employed chemists, physicists, biologists, and practitioners of other fields for the purpose of research and development. Recently, however, knowledge-producing institutions have proliferated. think tanks, interest groups, and information industries now compete with the university. Yet when disciplinary knowledge is produced in these new institutional environments, it may be changed beyond recognition. For instance, while universities claim to produce disinterested knowledge, think tanks and interest groups produce knowledge explicitly designed and used for policy advocacy. However, universities have begun to take on some of the characteristics of the new knowledge-producing organizations through contract work, consultancies, and partnership ventures with business and government.

Moreover, within the academy, the old disciplinary model itself has come under scrutiny from diverse perspectives, among them the sociology of knowledge, social epistemology, Foucauldian genealogy, and the rhetoric of inquiry. Perhaps more important are movements within the university that reflect actual changes in knowledge-production. Feminist studies, which grew from the women's liberation movement of the 1960s, maintains its connection with social issues and activism not only by studying these subjects but also by attempting to transform the disciplines. Cultural studies has developed across the boundaries of such disciplines as English, French, history, philosophy, art history, and film studies and thus far has not sought disciplinary organization itself. Research groups, such as GRIP, that produce historical and critical studies of disciplinarity may also effect changes in academic knowledge-production. Unlike the learned societies which enforce disciplinary authority, such research groups authorize counter- and extra-disciplinary projects."

The Conference will consider and compare particular historical forms and institutions of knowledge-production. They invite those working in a broad range of fields--the academic disciplines (humanities, social sciences, and natural sciences); the professions (law, accounting, medicine, education, media, engineering, social work, etc.); and other endeavors (community organizing, direct mail, electronic media, politics, etc.)--to propose papers or panels.

Proposals (a two-page abstract for each paper) should be sent, as soon as possible but no later than 1 October 1993, to David R. Shumway, Department of English, Carnegie-Mellon University, Pittsburgh, PA 15213. Queries may be addressed to David R. Shumway (412) 268-7176 or to Ellen Messer-Davidow, Department of English, 207 Lind Hall, University of Minnesota, Minneapolis, MN 55455, (612) 625-2071.

GRANT OPPORTUNITIES

Nonprofit Sector Research Fund

The Nonprofit Sector Research Fund seeks to expand understanding of nonprofit activities, including philanthropy and its underlying values, by supporting high quality, basic and applied research undertaken by scholars and practitioners. The Fund will make grants for research on a wide range of nonprofit issues, but will focus on important topics that have received limited attention. A variety of disciplines and research methodologies will be supported, including basic data development. Collaborative studies that link researchers and nonprofit agencies are encouraged as are studies that address the diversity of organizations and populations involved in the sector. Of primary interest to the Fund are studies with broad, sector-wide implications that address major issues and have the potential to inform policy and benefit nonprofit practices.

The Fund also seeks to broaden the base of creative and well-trained researchers who will carry on relevant research from a variety of perspectives. Toward this end, in addition to supporting scholars who are already working in this field, the Fund encourages applications from scholars new to the field, practitioners, scholars from disciplines not well represented to date (psychology, political science and anthropology, for example), doctoral candidates, women and minorities.

The Fund is particularly interested in studies that investigate basic propositions about the role and value of nonprofits and the tradition of philanthropy both in the United States and in other countries. The Fund thus identified the following nine areas of interests:

Democracy	Governance
Role of Nonprofit Sector	Public Accountability
Advocacy	Financial Resources
Philanthropy	Work Force
International Dimensions	

June 1, 1993 is the deadline for the next cycle of grant applications. For additional information and application forms contact: The Nonprofit Sector Research Fund, The Aspen Institute, Suite 1070, 1333 New Hampshire Avenue, NW, Washington, DC 20036. Tel: 202-736-5800, Fax: 202-467-0790.

Fulbright 1994-95 Competitions

The Fulbright Scholar Awards for U.S. Faculty and Professionals Program for 1994-95 includes some 1,000 grants for research, combined research and lecturing, or university lecturing in nearly 135 countries. Opportunities range from two

months to a full academic year; many assignments are flexible to the needs of the grantee. Nearly one-third of Fulbright grants are targeted for research and many lecturing awards offer research opportunities; multicountry research is also possible in many regions.

Virtually all disciplines and subfields participate. Specific openings exist in almost every area of the humanities, social sciences, physical sciences, the arts, and applied fields such as business, journalism, and law. Many offerings throughout the program allow scholars to propose their own lecturing or research projects.

The basic eligibility requirements for a Fulbright award are U.S. citizenship and Ph.D. or comparable professional qualifications; for certain fields such as the fine arts or TESOL, the terminal degree in the field may be sufficient. For lecturing awards, university or college teaching experience is expected. Language skills are needed for some countries, but most lecturing assignments are in English. Applications are encouraged from professionals outside academe and from independent scholars. Fulbright seeks good teachers as well as active researchers.

A single, early deadline of **August 1, 1993** exists for research or lecturing grants to all world areas! Other deadlines are in place for special programs. Application material are available beginning March 1, 1993. For further information and applications, call or write the Council for International Exchange of Scholars, 3007 Tilden Street, N.W., Suite 5M, Box NEWS, Washington, DC 20008-3009. Tel: 202/686-7877.

Advanced Research Fellowships

The Indo-U.S. Subcommittee on Education and Culture is offering up to eight long-term (6-10 months) and up to nine short-term (2-3 months) **Advanced Research Fellowships** for 1994-95 research in India. These grants will be available in all academic disciplines, except clinical medicine. Applicants must be U.S. Citizens and hold the Ph.D. or comparable professional qualifications.

The fellowship program seeks to open new channels of communication between academic and professional groups in the United States and India and to encourage a wider range of research activity between the two countries than now exists. Scholars and professionals with limited or no prior experience in India are especially encouraged to apply. The program is sponsored by the Indo-U.S. Subcommittee on Education and Culture and is funded by the United States Information Agency, the National Science Foundation, the Smithsonian Institution, and the Government of India.

A new application deadline of **August 1, 1993** exists! Application forms and further information are available from the Council for International Exchange of Scholars, 3007 Tilden Street, N.W., Suite 5M, Box INDO-NEWS, Washington, DC 20008-3009. Tel: 202/686-4017.

American Philosophical Society

APS grant and fellowship opportunities to be offered this year include: Postdoctoral grants toward the cost of scholarly research in all areas of knowledge except those in which support by government or corporations is more appropriate. Maximum award \$5,000 (\$4,000 to full professors). Deadline in 1993: January 15, March 1, July 1 and November 1.

Henry M. Phillips Grants for postdoctoral research in jurisprudence. Maximum award \$4,000. Deadline: December 1.

Their address is 104 South Fifth Street, Philadelphia, PA 19106-3387.

Fulbright Chairs in Western Europe

The following Fulbright chairs for faculty in law are available for the 1994-95 academic year. Candidates must be U.S. Citizens and have a prominent record of scholarly accomplishment. All lecturing assignments are in English.

Applicants are to submit a detailed letter of interest, including a statement outlining suitability for the appointment(s) preferred and professional reasons for seeking the position, and a comprehensive c.v. by May 1, 1993.

The 1994-95 chair appointments include:

Italy-- Florence Chair in Law: teach graduate courses at the European University Institute in Florence. Preference for comparative constitutional law, public international law, European community law, or legal theory. Three months between October 1994 and May 1995.

Netherlands -- Thomas Jefferson Chair In American Social Studies (for junior scholars): teach undergraduate and graduate courses in any area of the social sciences (historical or contemporary American history, law, economics, political science). For promising junior scholars who have not yet achieved an established national reputation. The grantee will be placed with the most appropriate department at one of the thirteen Dutch universities. Four months, starting September 1994 or January 1995.

For more detailed information of Fulbright chair offerings and special application procedures, contact: Dr. Karen Adams or Ms. Thitaya S. Rivera, Council for International Exchange of Scholars, 3007 Tilden St., N.W. Suite 5M, Box FC/N-PS, Washington, DC, 20008-3009. Phone: 202/686-6329.

NEWS OF ORGANIZATIONSNew CIES Executive Director

JODY K. ULSEN, Ph.D., newly-appointed Executive Director of the Council for International Exchange of Scholars, in an October 8, 1992 letter to ASLH Secretary-Treasurer Michael Landon wrote: "Recently I have had the privilege of joining the Council for International Exchange of Scholars and the Fulbright family. Becoming Executive Director of CIES, upon the retirement of

Cassandra Pyle, is an exciting challenge for me. In many ways, coming to CIES after many years with the Peace Corps and youth exchanges is a natural transition. Though the issues are different, the nature and importance of the work being done are remarkably similar."

"We are in the midst of a period of dramatic change, in international exchange, scholarships, and higher education. As CIES and the Fulbright program approaches nearly fifty years of collaboration, I am conscious of the need for and value of new insights as we confront the complexities and opportunities of a rapidly evolving environment. The interests and needs of faculty remain, as always, an important concern for CIES."

"I look forward to having the opportunity to work with you in the months ahead. I welcome any thoughts you may have on the Fulbright program, academe, and international exchanges. As I settle into the new position, I will be sure to keep you apprised of new directions for CIES and the Fulbright program. Note: The CIES, like ASLH, is affiliated with the American Council of Learned Societies."

New IREX Vice President

On Friday, August 7, 1992, the International Research & Exchange Board (IREX) announced the selection of DR. ROBERT T. HUBER as Vice President. The position will consolidate oversight for academic and policy and programs in the states of the former Soviet region, and Central and Eastern Europe, and Mongolia. Dr. Huber brings a broad background of scholarship and policy analysis on the former Soviet Union. He is currently Director of the Soviet and Successor States Studies Program of the Social Science Research Council (SSRC). While at the SSRC, Dr. Huber led a major and successful effort to increase funding for the Title VIII program that supports a variety of programs promoting advanced research on Eastern Europe and the former Soviet Union.

IREX is an independent non-profit organization. Its basic purposes are to guarantee access by U.S. scholars to research resources in the Soviet successor states and East Europe, and to encourage scholarly cooperation in the humanities and social sciences. Among U.S. institutions dealing with the region, IREX is the most experienced national organization serving scholarship through exchanges and is the leading channel for academic communication and development. For further information please contact Margoleath Berman at IREX, 126 Alexander Street, Princeton, NJ 08540-7102: Tel: 609-683-9500, fax: 609-683-1511.

IREX has also announced the appointment of BERNADINE JOSELYN as Director of the IREX Moscow Office. Ms. Joselyn served for six years as a foreign service officer with responsibility for Russian domestic policies. During that time, Ms. Joselyn's accomplishments spanned a variety of duties, including service as Special Assistant to Ambassador Jack Matlock, whom she assisted in the establishment of a US Embassy in Latvia; and the arranging of meetings for parliamentarians, businessmen, and scholars with Russian officials. She has recently been responsible for the provision of daily analytical reports to the US Department of State on current developments and trends in Russian domestic politics.

Ms. Joselyn received a Master of Arts degree in International Affairs from Columbia University and holds a certificate of Soviet Studies from the W. Averell Harriman Institute for the Advanced Study of the Soviet Union.

National Faculty Exchange Changes

The ten year old **National Faculty Exchange (NFE)** has changed its name to the Academic Resource Network (ARN) and broadened its mission to keep pace with changing institutional needs and global priorities. Bette Worley, President of the not-for-profit exchange association, said that the NFE is expanding in the areas of international exchange as well as placements targeting retired university professors and administrators.

The National Faculty Exchange began in 1983 with support from the Exxon, Ford and Johnson Foundations. The Program was founded to provide domestic exchange opportunities to a group of U. S. colleges and universities. The scope and the mission of NFE have changed over the years with three distinct programs under the new umbrella name:

1. Clearing House for International Faculty and Staff (CIFSE)
2. Emeriti Placement Program (EPP)
3. National Faculty Exchange (NFE)

Werner Prange, Chairman of NFE's Board of Directors and Professor of Humanistic Studies at the University of Wisconsin-Green Bay, said that the name Academic Resource Network reflects NFE's broadened mission and response to the challenges of the 21st century. ARN's address is 4656 W. Jefferson Blvd., Suite 140, Fort Wayne, Indiana 46804, Tel: 219-436-2634, fax 219-436-5676.

Information Technology Conference

Far-reaching recommendations for national action were proposed at **"Technology, Scholarship, and the Humanities: The Implications of Electronic Information,"** a national conference organized by the Getty Art History Information Program and the American Council of Learned Societies, and co-sponsored by the Coalition for Networked Information, the Council on Library Resources, and the Research Libraries Group. The invitational conference was held in Irvine from September 30 through October 2, 1992.

A distinguished group of 60 scholars, university administrators, museum directors, information specialists, librarians, archivists, and leaders of professional organizations and foundations met to explore current trends in information technology and how they will affect the humanities in five principal areas: intellectual pursuits; academic and professional implications; the sociology of knowledge; institutional policies; and national cooperation and policy-making. Beginning from position papers prepared for the conference, working groups in each of these areas developed specific recommendations ranging from observations about the experience of individual researchers to suggestions for policies that must be shaped at the national level. These will be reported in a summary and a proceedings of the conference. Some of the general initiatives common to all working groups were the following:

Initiating a national collaborative effort for the humanities that would mobilize support and action among affiliated organizations and constituencies, pursue an active advocacy role for the humanities in today's rapidly expanding electronic environment, and document changes in the research environment. It was proposed that the Coalition for Networked Information (CNI) provide the initial institutional framework for developing such an effort.

Promoting, as a national priority, the creation of a 10 million volume "digital" library. This resource should be more broadly conceived to encompass the full spectrum of humanities research collections.

Developing model collaborative projects that demonstrate the effective creation, sharing, and distribution of electronic information among institutions, organizations, and individuals in the humanities.

Sponsoring initiatives--workshops, fellowships, and summer institutes--that enrich the mixture of information technology and the humanities by using the skills of humanities scholars to help interpret the influence of information technology on society, and promoting understanding of the role that information technology can play in both research and teaching.

"The Humanities are essential to the functioning of a democratic society. The new technologies provide an exciting opportunity to extend our reach and deepen our capacities. This conference builds on the growing self-awareness among the humanities community and its increasing activism on issues of scholarships and automation," noted ASLH Past President STANLEY KATZ who is now the president of the American Council of Learned Societies.

In order to broaden participation in future efforts, a brochure announcing the main results of the conference will be widely distributed to the academic, technological, and institutional communities addressed by the conference. A summary and proceedings of the conference and its full range of recommendations will be published by the conference sponsors in 1993, in both conventional and electronic form. To request copies of the brochure, the summary, and the proceedings, and to receive additional information, please contact: Susan Siegfried, the Getty Art History Information Program, 401 Wilshire Boulevard, Suite 1100, Santa Monica, CA 90401-1455, Tel: 310-451-6366, Fax: 310-451-5570.

National Cultural Alliance Campaign

The National Cultural Alliance has hired Ruder Finn, an independent international public relations firm, to help guide the communications efforts for NCA's national public awareness campaign. For more than forty years Ruder Finn has worked for a diverse client base including large corporations, new ventures, museums, universities and foundations. As noted in a company report, Ruder Finn "has developed an environment where innovation is encouraged and expected, where out of conviviality comes a creative energy that stimulates outstanding ideas and effective implementation." This innovative firm has created a comprehensive plan of action - the Communications Strategy which

is designed to spread the message of the importance and availability of the arts and humanities to the American people. The Strategy outlines recommendations for carrying out the public awareness campaign and the development of NCA as a coalition. A Situation Analysis provides an understanding of the overall communications environment and the current state of the arts and humanities. Four campaign themes have been selected based on this analysis to effectively begin to communicate with the American public:

- * the arts and humanities belong to all of us;
- * the arts and humanities awaken our individual creativity;
- * the arts and humanities provide the tools for improving our lives;
- * they are essential to the health of our communities and of society as a whole.

These themes will be the basis for the campaign's case for the arts and humanities.

Ruder Finn has also identified a series of target audiences for this campaign. These audiences range from individuals already actively involved in the arts and humanities to individuals who do not regard themselves as supporters or participants in the cultural community. By identifying a series of communications tactics using advertising, news stories, op-ed pieces and talk shows, Ruder Finn has created a communications strategy for NCA which will carry the campaign messages to the targeted audiences. Ruder Finn believes that over the next 24 months, public opinion can be changed about the importance of the arts and humanities.

NHA News From Washington

NHA Executive Director John Hammer's 1992 year-end report included the following items:

Dissertations Grants Program - The initial year of the new grants program has funds to support up to 50 PhD candidates to complete dissertations by the end of 1994. As of November 20, the NEH has received 1,359 applications with more to come since the deadline was a postmark no later than November 16. Marjorie Berlincourt, the director of the fellowships division, said that NEH needed the cooperation of many scholars to staff the several review panels that will be needed for such a large volume of applications. The dissertation program was only launched after an often contentious process through the authorizing and appropriations panels of Congress. The huge application response would seem to set aside the argument against the program that there is no need for such support.

International Programs - Rufus Fears, making his first appearance before the NCH as the director of the research division, focused attention on the endowment's international research activities. The NCH committee on research and preservation meeting on 11/19/92 devoted a significant portion of its public session to discussion of a working paper on international research -- suggestions for program evaluation and development, that was prepared by George R. Lucas, the Assistant Director for Interpretive Research. The paper, which utilized advice offered by a panel assembled in August to evaluate applications in the International Research Program, provides an overview of the enormous changes that have occurred in Eastern

Europe, the former Soviet Union, and the People's Republic of China as they relate to scholars and humanities research resources. Particularly compelling is the discussion of the opportunities offered to scholars by the opening of archives never before available to researchers -- and the recognition that such full access may only be a reality for a few more months or years. Both the NCH research committee and the full council urged the NEH leadership to seek more resources to take advantage of the unprecedented situation.

Congress -- In the House, the Interior and Related Agencies Subcommittee, chaired by **Sidney R. Yates** (D-IL) will see three of its ten members replaced in the new Congress. **Les AuCoin** (D-OR) was defeated in his bid for the Senate, **Bill Lowery** (R-CA) chose to retire after losing much of his district in the reallocation of districts in California. **Chet Atkins** (D-MA) was defeated in the primary due to unfavorable redistricting and problems stemming from the House Bank scandal. Mr. Atkins was probably the member of the subcommittee other than Mr. Yates most interested in humanities issues and was thought to be heir apparent. Both Mr. AuCoin and Mr. Lowery had also shown interest and support for cultural issues.

One third of the members of the full Appropriations Committee will be freshmen with 13 of 57 members choosing to retire or run for another office and six defeated in the primaries or the 11/3 election. The expectation here is that **William H. Natcher** (D-KY), who has been acting chair for several months will succeed **Jamie L. Whitten** (D-MS). Mr. Whitten is 82 and has been in poor health. (Mr. Natcher is 84 and in good health). **Joseph M. McDade** (R-PA), the ranking minority member is under indictment for racketeering. The COP, unlike the Democrats, does not have a rule that indicted chairs have to step down. It is anticipated that there will be an effort to replace Mr. McDade in January.

The 39-member House Education and Labor Committee had fewer losses with two retirements, two defeats in the primaries, and one defeat on November 3 -- **Thomas E. Coleman** (R-MO), who lost in his suburban Kansas City District, had served for several years as the ranking minority member of the Postsecondary Education Subcommittee, and played a key role in the reauthorization of the endowments in 1989/90 and in the reauthorization of the Higher Education Act in 1991/92. **Pat Williams** (D-MT) survived a bruising fight in Montana where he overcame another long-time member **Ron Marlinee** (R-MT) in a battle caused by the loss of one of the state's two seats in Congress. It is anticipated that **William D. Ford** (D-MI) will support Mr. Williams overseeing the upcoming reauthorization on the NEH/NEA legislation but it is not yet clear under which subcommittee. (Mr. Ford is chair of the Education and Labor Committee and as such exercised his right to reclaim the chair of the Postsecondary Education Subcommittee in 1991 [i.e., bumped Mr. Williams from that chair] in order to oversee the reauthorization of the Higher Education Act.) Mr. Coleman would certainly have wanted to join Mr. Williams in the NEH reauthorization process -- **William Goodling** (R-PA), the ranking minority member of the Committee may also wish to play that role on the reauthorizing subcommittee. All of this is further complicated as the committee must reduce from an eight-member subcommittee to six as part of the reform scheme that is underway in the House. In any event, **Rose DiNapoli**, the key aid to Mr. Coleman on the Committee staff will be continuing on the

minority staff. Interestingly, the second ranking GOP member on the subcommittee will be **Thomas E. Petri** (R-WI) who is married to **Anne Neal**, NEH's general counsel and Congressional liaison -- but, if he were to become ranking minority member on the subcommittee that reauthorizes NEH, Ms. Neal will probably have been replaced because she is a political appointee.

Barbara Boxer (D-CA), chair of the Government Activities and Transportation Subcommittee of the House Government Operations Committee, succeeded in her quest for a Senate seat so a new chair will have to be selected. The Subcommittee has oversight responsibility for NEH operations and in 1989/90 investigated affirmative action of the agency.

Senate

While not as dramatic as the turnover in the House, the Senate Appropriations Committee will be replacing five of its 29 members in January -- Senators **Brock Adams** (D-WA), **Jake Garn** (R-UT), and **Warren B. Rudman** (T-NH) retired; **Quentin N. Burdick** (D-ND) died; and **Robert W. Kasten, Jr.** (R-WI) was defeated on 11/3. Senators Burdick, Garn, and Rudman were also members of the Interior and Related Agencies Subcommittee.

The Senate Committee on Labor and Human Resources will lose Senator Adams through retirement. The ranking minority member **Orrin G. Hatch** (R-UT) announced in September that he was stepping down in order to assume the top GOP role on the Judiciary Committee -- a move made possible when **Strom Thurmond** (R-SC) decided to shift to the top role on the Armed Services Committee. Mr. Hatch's move makes room for **Nancy Landon Kassebaum** (R-KS) to assume the top GOP slot on Labor & HR. All members of the Education, Arts and Humanities Subcommittee are seen as likely to continue to serve on the subcommittee.

Finally, the Senate Committee on Government Affairs, along with its subcommittees, responsible for oversight of agency management, government information, etc. Senator **John Glenn** (D-OH) is chair, Senator **William V. Roth** (R-DE) is ranking minority member. The GOP side will have two slots to fill due to Senator Rudman's retirement and a longstanding vacancy on the committee.

The Library of Congress

The following Resolution was adopted by the Board of Directors of the American Historical Association on October 31, 1992, and by the Executive Council of the Southern Historical Association on November 4, 1992:

Whereas, the effectiveness of the Library of Congress as a center for scholarly research has been diminished by the recent restriction on stack access and the closing of the Manuscript Reading Room on Saturdays; and

Whereas, the Library of Congress has served as the storehouse for over a century of this country's knowledge and contains unique items that cannot be found elsewhere; and

Whereas, the Librarian of Congress made a unilateral decision to close the stacks following unfavorable publicity in the press and refused to consider implementing an improved security system that might protect collections from theft and damage but still allow screened researchers access to their sources; and

Whereas, there is conclusive evidence that the Library of Congress failed during the last ten years to enforce even rudimentary security measures; and

Whereas, there has been no evidence in reported thefts implicating any researcher engaged in a bona fide scholarly historical research project; and

Whereas, stack access made it possible for researchers in social history, and particularly in women's history, black history, and labor history, to pursue their work rigorously and efficiently and at a level of detail that is not easily achieved through standard finding aids,

Whereas, since May 16, 1992, the Manuscript Reading Room of the Library of Congress has been closed on Saturdays; and

Whereas, Saturday closing of the Manuscript Reading Room place a hardship on both out-of-town scholars and Washington residents, for whom Saturdays are often their only opportunity to use the manuscript collection; therefore,

Resolved, that the Organization of American Historians urges the Librarian of Congress to recognize that closed stacks at the Library of Congress and Saturday closing of the Manuscript Reading Room severely imperil the research of some scholars and urge the Librarian to reopen the Manuscript Reading Room on Saturday and to seek a middle ground on access to the stacks that would reflect the needs of both security concerns and scholars; and

Resolved, that the Organization of American Historians will inform periodically the Senate and House of Representatives' Joint Committee on the Library on research conditions at the Library of Congress; and

Resolved, that the Organization of American Historians encourages its members to communicate with their Congressional representatives regarding the threats to scholarship represented by the Library of Congress' current policy of Saturday closing of the Manuscript Room and a rigid policy of no access to the stacks by any scholars.

The Librarian of Congress, **James Billington**, on December 31, 1992, sent the following letter to ASLH:

I am writing to you in the hope that you will be able to share the information in this letter with the members of you scholarly association. We wish to inform our scholarly constituencies of the background behind certain recent actions taken by the library.

The Library of Congress is, as you know, both the national library serving scholars and the nation's 115,000 other libraries in various ways, and an agency of the Legislative Branch. All too often, its budget is casually included by the news media or regarded by the public as part of "the cost of Congress".

Seeking to reduce that cost, Congress cut all of its agencies' budget except those of the Library and the Botanic Garden by an overall 6.5 percent this year. The Library received a 1.9 percent (\$6.1 million) increase, for fiscal year 1993.

The problem is that the Library required \$12.5 million more than it received just to stay even--to pay mandatory Federal pay and cost-of-living increases to its staff and inescapable price increases on the goods and services it buys. Just to keep up with its "mandatories," the Library, like many other Federal agencies, needs a 6 percent budget increase per annum.

In addition to paying for these "mandatories," the Library of Congress faces major core demands that cannot be further deferred: we need to ensure the security of our unique collections, preserve them for future generations, and reduce the backlog of unprocessed materials so that they can be made available to our users.

Unlike private enterprises, the Library cannot trim pay and benefits or lay off selected personnel. The Library did begin a partial hiring freeze last spring, anticipating leaner times ahead. It also reduced travel and put a special team to work uncovering inefficiencies. It shifted money from buying new electronic technology--the Library's future--to "absorbing" the mandatory salary increases. But it also had to pay for new security measures and for catalogers to continue reducing the Library's backlog of 31 million uncataloged items: these are the Library's top priorities.

We have had to make other painful choices about where our diminishing resources should go. We do not have funds to fill a number of key reference and other public service vacancies for the foreseeable future, and reading rooms and book stacks are inadequately staffed to give readers effective access to the Library's collections. Therefore, we plan to shorten reading room hours in the Business, Law, Local History and Genealogy, Main, Microform, Newspaper and Current Periodicals, and Science reading rooms. By reducing weekly hours in these reading rooms from 77.5 to 68.5, we hope to maintain the quality of service our users have become accustomed to expect, as we assist readers in identifying and retrieving the materials they need for their research.

We have surveyed reading room use and found that Tuesday and Friday evenings, on average, are the least busy. We will close at 5:00 p.m. on those evenings, beginning Friday, January 29, 1993.

By reducing hours of service in seven of our 22 labor intensive reading rooms on Tuesday and Friday evenings and closing on Sundays during the summer, we will save \$60,000 in overtime costs and re-allocate 27,000 hours of staff time to handle the 34 percent increase in calls for books since the stacks were closed for security reasons last spring. An additional saving of \$327,000 will result from rescheduling police shifts and cutting the hours when entrance doors are open.

Under current laws, union agreements, and Federal regulations, the Library's future cost-cutting options remain very limited. They will continue to be pursued.

As I am sure your members realize, the Library must also modernize its aging technology, and continue to attract the best "knowledge navigators" as catalogers and reference specialists. In serving the nation as well as the Congress, the Library is

developing plans to bring its key collections in all formats through modern technology to libraries, schools, colleges, and research institutions in all 50 states. Thus, at the same time as we seek to make our use of existing resources as effective as possible, we must seek additional funds--public and private--to bring the library into the electronic age.

NCC News From Washington

PAGE PUTNAM MILLER, Director of the National coordinating Committee for the Promotion of History, last October sent out a report on the work 102nd Congress which included the following:

Law to Clarify Fair Use of Unpublished Copyrighted Material. Just prior to adjourning, the Senate passed H.R. 4412, a bill to clarify the "fair use" of unpublished copyrighted material, which had been passed by the House in August. The Senate had passed a similar bill almost a year ago; but in the interest of getting something passed before the end of the 102nd Congress, the Senate agreed to the House version. H.R. 4412 states: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 107 of title 17, United States Code, is amended by adding at the end of the following: 'The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the factors set forth in paragraphs (1) through (4).'" Paragraphs 1 through 4 provide four statutory factors that the courts are instructed to consider in making "fair use" judgements. These are: purpose and character of use; nature of copyrighted material (whether published or unpublished); the amount and substantiality of the portion used; and effect of the use on the market value of copyrighted work. House Report 102-836 which accompanied H.R. 4412, however, concerned scholars for it seemed to approve only very limited use of copyrighted unpublished material. While the House and Senate bills contain similar language, the way the sponsors of these bills interpret them has been quite different. Representative William Hughes (D-NJ) advocates a narrow interpretation and Senator Paul Simon (D-IL) a broad view.

Since the House Report seemed to endorse a narrow view of fair use, Senators Paul Simon (D-IL), Patrick Leahy (D-VT), Edward Kennedy (D-MA), Charles Grassley (R-IA), Howard Metzenbaum (D-OH), and Herbert Kohl (D-WI) made a joint floor statement at the time that the Senate passed H.R. 4412 to emphasize their legislative intent. They asserted that "the effect of the Salinger and New Era Decisions has been profound, resulting in chilling uncertainty and serious apprehension in the publishing community regarding fair use of unpublished material." Their statement observed that these two cases had "threatened to establish a virtual per se rule against the fair use of any unpublished materials, such as letters and diaries." Thus these Senators concluded that "it is no exaggeration to say that if the trend were to continue, it could severely damage the ability of journalists and scholars to use unpublished primary materials. This would be a crippling blow to accurate scholarship and reporting." The floor statement made clear that the purpose of H.R. 4412 is to "undo the harm caused by the overly restrictive standards adopted in Salinger and New Era, and to clearly and indisputably reject the view that the unpublished nature of the

work triggers a virtual per se ruling against a finding a fair use." The senators specifically noted that H.R. 4412 was necessary to address the limitations of the recent *Wright v. Warner Books* which "did not explicitly disavow the narrow formulation of the fair use doctrine espoused in *Salinger and New Era*." With passage of this legislation, the courts will be instructed to make a carefully reasoned and complete consideration of each of the fair use factors set forth in Section 107 of the Copyright Act.

Access to JFK Assassination Material. On September 30 the House passed S.3006, a bill which passed the Senate in August and would make available to the public most of the government's secret files relating to the 1963 assassination of President Kennedy. Although the bill states that agencies have two years to identify, organize, and review pertinent records, there is a provision for a one year extension. Thus it will probably be three years before all of the estimated one and a half million Congressional, agency, and Presidential pages are available in the National Archives for researchers's use. The final version of the bill did not include a publication by the National Historical Publications and Records Commission of selected materials, a provision of the House Bill. Also the House conceded its measure calling for appointment of the review board by a special panel of federal judges rather than by the President, the Senate provision. The Review board will have responsibility for deciding which documents qualify for continued classification.

In addition to providing access the JFK assassination records, this legislation is important for reenforcing the law passed last year on the State Department's declassification program that established standards stricter than those currently used in Executive Order 12356 for the continued withholding of information. The JFK legislation requires a showing of "clear and convincing evidence" to postpone the opening of any material and asserts the need to balance the public's need to know with national security concerns.

FY'93 Appropriations. The Treasury, Postal Service, and General Government appropriations bill, sent to the President on October 5, included \$165 million for the National Historical Publications and Records Commission (NHPRC). The National Archives which received \$152 million this year will have a \$13 million increase in FY'93; however, there is no additional operational money because almost all of the new money involves preparations for the move to Archives II, a new research facility that will open in 1994 [see the item below]. The final \$5 million appropriation for NHPRC represents a 7 per cent decrease from their FY'92 level of \$5.4 million for grants.

National Archives Prepares for Massive Move of Records

The National Archives building at College Park, MD, informally known as Archives II, will open for research in 1994. Preparations are underway to move more than one million cubic feet of records from facilities in Suitland, MD, and Alexandria, VA, and the National Archives Building in Washington, DC. The move plan, which has been under development for the past year, will involve transferring all the records now stored in the Alexandria facility to the College Park site, many records now at the National Archives Building and Suitland facility to College Park, and some records at Suitland to the National Archives Building.

The Schedule for textual records to be moved to Archives II includes the following items and dates: **Watergate** 10/94-12/94, **Independent Councils** 10/94-12/94, **Justice** 11/94-5/95.

The **Judicial Branch** record group will remain at the National Archives ("Archives I"), but will be moved and rearranged 8/95-11/95. Microform film going to Archives II will be moved 9/94-4/95.

Microfilm publications in the microfilm research rooms at each building will then reflect the textual holding in each building.

Since many factors can cause changes in any move schedule, researchers should verify that there have been no significant changes in the move dates for the specific records they want to use. Researchers should write or call at least several weeks before traveling to Washington. Write to the Textual Reference Division, Office of the National Archives, Washington, DC 20408, tel: 202-501-5400.

RECENT PUBLICATIONS OF INTEREST

Michal R. Belknap. *To Improve the Administration of Justice: A History of the American Judicature Society*. Chicago: American Judicature Society, 1992.

Robert R. Bell. *The Philadelphia Lawyer: A History, 1735-1945*. Cranbury, NJ: Susquehanna University Press, 1992.

Randolph E. Bergstrom. *Courting Danger: Injury and Law in New York City, 1870-1910*. Ithaca: Cornell University Press, 1992.

James E. Bond. *I Dissent: The Legacy of Chief (sic) Justice James Clark McReynolds*. Lanham, Md: George Mason University Press, 1992.

James Brundage, "The Politics of Sodomy: Rex v. Pons Hugh de Ampurias (1311)," in *iure veritas: Studies in Canon Law in Memory of Schafer Williams*, ed. Steven Bowman and Blanche Cody. Cincinnati: University of Cincinnati College of Law, 1991: 3-10. Reprinted in Joyce E. Salisbury, ed. *Sex in the Middle Ages*. New York: Garland, 1991: 239-46.

James A. Brundage, "Sexuality, Marriage, and the Reform of Christian Society in the Thought of Gregory VII," *Studi Gregoriani* 14 (1991): 69-73.

James A. Brundage, "Saint Bernard and the Jurists," in *The Second Crusade and the Cistercians*, ed. Michael Gervers. New York: St. Martin's Press, 1992: 25-33.

Stephen A. Conrad, "Some Problems with 'Origins'," *Southern Illinois University Law Journal* 16 (Winter 1992): 233-250.

Stephen A. Conrad, "L'Esprit de Holmes," *Indiana Law Journal* 67 (Summer 1992): 753-765.

John F. Hart, "Standing Doctrine in Antitrust Damage Suits, 1890-1975: Statutory Exegesis, Innovation, and the Influence of Doctrinal History," Tennessee Law Review 59 (Winter 1992): 191-259.

Adam J. Hirsch. The Rise of the Penitentiary: Prisons and Punishment in Early America. New Haven: Yale University Press, 1992.

Linda Kerber, "The Paradox of Women's Citizenship in the Early Republic: The Case of Martin vs. Massachusetts, 1805," American Historical Review 97 (April 1992): 349-378.

Milton M. Klein, "Origins of the Bill of Rights in Colonial New York," New York History 72 (October 1991): 389-405.

Brian McKnight. Law and Order in Sung China. Cambridge: Cambridge University Press, 1992.

David N. Mayer, "The English Radical Whig Origins of American Constitutionalism," Washington University Law Quarterly 70 (Winter 1992): 131-208.

David N. Mayer, "The Natural Rights Basis of the Ninth Amendment: A Reply to Professor McAfee," Southern Illinois University Law Journal 16 (Winter 1992): 313-326.

James Oldham. The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century. 2 vols. Chapel Hill: University of North Carolina Press, 1992.

John V. Orth, "North Carolina Constitutional History," North Carolina Law Review, 70 (September 1992): 1759-1802.

John V. Orth, "Tuesday, February 11, 1868: The Day North Carolina Chose Direct Election of Judges," North Carolina Law Review, 70 (September 1992): 1825-1821.

Barbara Shapiro. 'Beyond Reasonable Doubt' and Probable Cause: Historical Perspectives on the Anglo-American Law of Evidence. Berkeley: University of California Press, 1992.

David Sugarman, "Writing 'Law and Society' Histories," Modern Law Review, 55 (March 1992): 292-308.

CAPITAL FUNDS DRIVE

The Board of Directors at its annual meeting in New Haven last October 29 authorized the Secretary-Treasurer to include an appeal to members for contributions to our two capital fund accounts in this issue of the NEWSLETTER (see p.3 above). In considering what contribution to make please remember that:

-- a contribution of \$4.12 from each of our 850 individual members would replace the \$3,500 paid out of the Smith Fund for subventions last year.

-- a contribution of \$5.30 from each member would raise the Sutherland Prize fund to a high enough level to fund a \$500 annual prize at current interest rates.

A list of contributors and their contributions will be published in the Summer/93 NEWSLETTER.

Please cut out and return with your contribution

Name: _____

I enclose \$ _____ as a contribution to

_____ the Joseph H. Smith Memorial Publication Fund

_____ the Donald Sutherland Memorial Prize Fund

_____ both equally

or

Smith _____% Sutherland _____%

American Legal History. The Federal Judicial History Office of the Federal Judicial Center has an opening for an Associate Historian. The Office provides historical services to the judicial branch, the academic community, and the public. Responsibilities include producing research and reference tools and may involve consulting on archival issues or conducting oral history interviews.

Qualifications: Ph.D in American legal or constitutional history or the equivalent. Legal training is highly desirable. Applicants should also possess knowledge of the history of the federal court system, familiarity with computerized data bases, demonstrated oral and writing skills; evidence of successful scholarly publication; and experience in collaborative scholarly efforts. Archival experience or training is also desirable. Salary range to \$55,000 depending upon demonstrated qualifications and experience. *Civil Service rating is not required.* All federal government benefits are applicable. To apply, send your resume with cover letter highlighting relevant experience and qualifications to:

Federal Judicial Center
Attn: Personnel Office (Ann.#93-15)
One Columbus Circle, N.E.
Washington, D. C. 20002

Applications without cover letters will not be considered. Please include the names of three references.

Review of applications will begin April 1, 1993. Interviews may be arranged for the OAH meeting. Position will remain open until filled.

EOE

