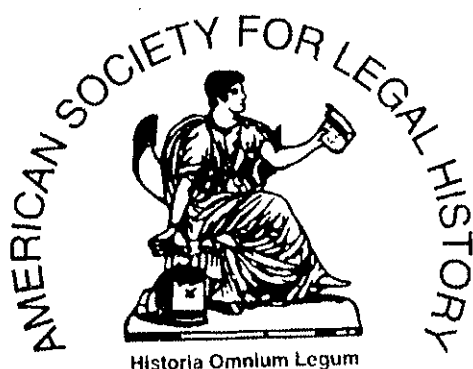

ASLH NEWSLETTER



PRESIDENT

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Ballot and Annual Meeting Registration Forms Included

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2001 Annual Meeting, Chicago

The Society's thirty-first annual meeting will be held Thursday-Sunday, November 8-11, in Chicago. Registration materials and the draft program for the meeting are bound in the center of this newsletter. Be sure to return the registration forms by the dates indicated. **Note that there will be a set of program sessions on Sunday morning, November 11th, 9-10:30.**

In addition, please note these special events, for which you are asked to indicate on the pre-registration form your planned attendance:

Thursday, November 8th

2:30-4:30 pm, Chicago Historical Society (self-guided tour)

5:30-7:00 pm, ASLH reception, Allegro Hotel

Friday, November 9th

7:30-8:45 am, continental breakfast, Allegro Hotel

1:00-2:00 pm, Tour of Cook County Archives

4:00 pm, Plenary Session, Michael Stolleis, Director, Max-Planck-Institut für Europäische Rechtsgeschichte, Frankfurt

5:15 pm, Reception following the Plenary address
(Transportation will be provided between the Allegro Hotel and the University of Chicago Law School)

Saturday, November 10th

7:30-8:45 am, continental breakfast, Allegro Hotel

12:15-1:45 pm, annual luncheon

6:00-8:00 pm, reception, ABA Museum of Law, ABA Building (transportation provided)

Sunday, November 11th

7:30-8:45 am, continental breakfast, Allegro Hotel

Special thanks for all their excellent work in arranging the annual meeting go to Vicky Woeste of the American Bar Foundation, chair of the Local Arrangements Committee, and to Bill Novak, History, University of Chicago, chair of the Program Committee. The other members of the Local Arrangements Committee are Ben Brown, John Marshall Law School David Morrison, Illinois Campaign for Political Reform, Sue Sheridan-Walker, Northeastern Illinois University, and Stephen Siegel, DePaul Law School. The other members of the Program Committee are Mary Sarah Bilder, Law, Boston College, Howard Gillman, Political Science, University of Southern California, Julius Kirshner, History, University of Chicago, Dan Klerman, Law, University of Southern California, Felicia Kornbluh, History, Duke University, Ken Ledford, History, Case Western Reserve University, Maria Elena Martinez, History, American Bar Foundation, Jennifer Mnookin, Law, University of Virginia, Dalia Tsuk, Law University of Arizona, Barbara Welke, History, University of Minnesota, Michael Willrich, History, Brandeis University. Together, they have all worked hard to produce what looks to be a superb meeting.

The Society is also most appreciative of the financial support provided by the American Bar Foundation, DePaul Law School, John Marshall Law School, Northwestern Law School, and the University of Chicago Law School.

Ballot

The ballot, bound at the center of this newsletter, reflects the favorable vote received by the amendment to the Society's by-laws to create a position for a graduate student on the board of directors. Biographies of the nominees follow this paragraph. Many thanks to the nominating committee for their conscientious work: Mary Dudziak, University of Southern California, chair, Thomas Gallanis, Ohio State University, Philip Hamburger, University of Chicago, Sarah Hanley, University of Iowa, and Victoria Woeste, American Bar Foundation.

NOMINEE FOR PRESIDENT-ELECT

HARRY N. SCHEIBER is the Stefan Riesenfeld Professor of Law and History, University of California, Berkeley. He joined the Boalt Hall School of Law faculty at the University in 1980, after service as Professor of History at Dartmouth College and as Professor of American History at UC San Diego in La Jolla. A graduate of Columbia College in Columbia University, he holds the MA and PhD in history from Cornell University. His service to the society has included two terms on the board of directors as well as contributions to the journal. His is an honorary fellow of the Society. He served for eight years as chair of the Jurisprudence and Social Policy doctoral program at Berkeley, and has directed graduate students in legal history both in JSP and in the History Department. He currently teaches American legal history courses, including a seminar on American federalism, and courses on history and contemporary analysis of ocean law. He served for six years as Associate Dean of Boalt Hall, was chair of the UC Berkeley faculty senate, was founding director of the international conference series known as "The Berkeley Seminar on Federalism," and serves currently as acting director of the Center for the Study of Law and Society, director of Boalt's Sho Sato Research Program in Japanese and US Law, and a member of the Bancroft Library's faculty committee. He has also been chair of the UC Berkeley and UC systemwide faculty library committees, the Jefferson Lectures committee, and other UC Senate committees; and currently he chairs the California Sea Grant College Program board. He was awarded an honorary doctorate in laws by Uppsala University, Sweden, in 1998; was Distinguished Fulbright Lecturer in Australia; has twice held Guggenheim fellowships; and also held fellowship awards from SSRC, ACLS, the Japan Society for the Promotion of Science; the Rockefeller Foundation; and NEH. He was twice a fellow of the Center for Advanced Study in the Behavioral Sciences. In public and professional service, he has been the president of the New Hampshire Civil Liberties Union, president of the Agricultural History Society, vice president of the California Supreme Court Historical Society (also the Society's Yearbook editor), a trustee of the Law & Society Association, chair of the College Board's Advanced Placement Committee in American History and a member of CEEB's Achievement Test Committee for American History; chair of the National Assessment of Education committee on History and Civics; on the founding committee for Project 87 of AHA-APSA; member of numerous AHA and OAH committees,

including (as chair) the Bancroft and Littleton-Griswold committees; and on editorial boards of *The Encyclopedia of the American Constitution*, and also of *Reviews in American History*, *Western Legal History*, *Law in Context*, *Business History Review*, and other journals. His contributions to programs for history teachers also include directorships and co-directorships, as well as lecturing, in three summer NEH programs held at UC Berkeley for high school instructors; and teaching in a National Archives summer teachers' seminar. His books include *The Wilson Administration and Civil Liberties, 1917-21*; *U.S. Economic History: Selected Readings* (ed.); *Ohio Canal Era: A Case Study of State Government and the Economy, 1820-61* (two editions); *The Old Northwest* (ed.); *American Economic History* (co-au. with H. Faulkner and H. Vatter); *American Law and the Constitutional Order* (co-ed. with L. Friedman); *Legal Culture and the Legal Profession* (co-ed. with L. Friedman); *Law of the Sea - The Common Heritage and Emerging Challenges* (ed.); *The State and Freedom of Contract* (ed.); and *Inter-Allied Conflicts and Ocean Law, 1945-53* (in press). He also edited and contributed articles to the six-volume *Berkeley Seminar Series on Federalism*, including *Federalism and the Judicial Mind*. He has published some 120 articles, book chapters, and monographic studies in journals of law, history, political science, and economics, among them "The Pet Banks in Jacksonian Politics and Finance," *Jnl. of Economic History* 23 (1963); "The Road to Munn: Eminent Domain and the Concept of Public Purpose in the State Courts," *Perspectives in Am. Hist.* 5 (1971); "Federalism and the American Economic Order, 1789-1910," *Law and Society Review* (1975); "Origins of the 'Abstention' Doctrine in Ocean Law: Japanese-U.S. Relations and the Pacific Fisheries, 1937-52," *Ecology Law Quar.*, (1989), 23-99; "Innovation, Resistance and Change: A History of Judicial Reform and the California Courts, 1960-1990," *Southern Calif. Law Rev.*, 66 (1993); "Redesigning the Architecture of Federalism: An American Tradition," *Yale Law and Policy Review/Yale Jnl. of Regulation* (1996); "The Direct Ballot and State Constitutionalism," *Rutgers Law Jnl.*, 28 (1997); "Bayonets in Paradise: ... Martial Law in Hawai'i, 1941-1946," *U. of Hawai'i Law. Rev.*, 19 (1998) (co-au. with Jane L. Scheiber); and "Federalism and the Processes of Governance in Hurst's Legal History," *Law & Hist. Rev.*, 18 (2000). Currently he is completing a book on geopolitics, science, and the origins of modern ocean law, 1937-80; continues with research on the history of American federalism, and on law, technology, and American economic development; and is the editor and a chapter author for a forthcoming five-author history of the California Supreme Court scheduled for publication in 2002.

NOMINEES FOR BOARD OF DIRECTORS

GREGORY S. ALEXANDER is the A. Robert Noll Professor of Law at Cornell Law School, where he has been since 1984. He has written extensively in property law as well as American legal history. His book, *Commodity & Propriety: Competing Visions of Property in American Legal Thought, 1776-1970* (Univ. of Chicago Press, 1997), was selected as "Best Book of the Year [1997] in Law" by the American Publishers Association. An earlier article, "The Transformation of Trusts as a Legal Category, 1800-1914," received the Society's Erwin Surrency Prize as the best article published in the *Law & History Review* during 1987. He has appeared on numerous panels at annual meetings of the Society and has served on the Society's Planning Committee for

the Annual Meeting. This past year he served on the Committee on Honors. Also this past year he served as Chair of the Willard Hurst Prize Committee of the Law & Society Association. He was recently awarded a Fellowship at the Center for Advanced Study in the Behavioral Sciences, in Palo Alto, and will be at the Center during the 2003-04 academic year.

THOMAS J. DAVIS is professor of history and visiting professor of law at Arizona State University in Tempe. A Phi Beta Kappa graduate of Fordham University, he earned a M.A. and Ph.D. in United States history and African history from Columbia University, a M.A. in journalism from Ball State University in Muncie, Indiana, and a J.D. from the University at Buffalo. His books include *The New York Conspiracy* (Beacon Press, 1971); *A Rumor of Revolt: The 'Great Negro Plot' in Colonial New York* (Free Press/Macmillan, 1985; pb. University of Massachusetts Press, 1990), which won the Gustavus Myers Center Honorable Mention Award as one of the best books published in 1985 on racial intolerance in the United States; and *Africans in the Americas: A History of the Black Diaspora*, with Michael L. Conniff (St. Martin's Press, 1994). A life-member of the American Society for Legal History, he has been a member of the editorial board of the *Law and History Review* since 1996 and a member of the Publications Committee since 1998. His research focuses on race and the law and civil rights.

SARAH BARRINGER GORDON is Professor of Law and History at the University of Pennsylvania, where she teaches courses in American legal history, church-state relations and property in the law school, and American religious history in the history department. She has been a member of the ASLH since 1991, and has served on the Nominating Committee (1996-99), and the Program Committee (member, 1997, Chair, 1999). She received her Ph.D. in history from Princeton, J.D. and Masters in Ethics from Yale, and B.A. from Vassar. She also serves on the boards of Vassar, the National Constitution Center, the Historical Society of Pennsylvania, and the Library Company of Philadelphia. She is the author of *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (forthcoming fall, 2001, from Studies in Legal History, University of North Carolina Press). Recent articles on the law of blasphemy and woman suffrage have appeared in the *American Quarterly* and the *Journal of American History*. She has also served on the Littleton-Griswold Prize Committee for the American Historical Association (1996-99, chair 1997-98) and the Hurst Prize Committee for the Law & Society Association (1999-2000), and is on the editorial board of *Law and Social Inquiry*. She has received fellowships from Princeton University, Cornell University, and the Woodrow Wilson National Fellowship Foundation.

DONALD R. KELLEY is James Westfall Thompson Professor of History, Rutgers University. He studied history at Harvard (BA 1953) and Columbia (PhD 1962), and taught at SUNY Binghamton, Harvard, and Rochester. His interest has been in the interdisciplinary relations between law and history, pursued in his first book, *Foundations of Modern Historical Scholarship: Language, Law, and History in the French Renaissance* (1970), and in some thirty articles on aspects of the European legal tradition in Italy, France, Germany, and England, many

collected in two volumes, *History, Law and the Human Sciences* (1984) and *The Writing of History and the Study of Law* (1997). He has also published *Historians and the Law in Postrevolutionary France* (1984) and a large survey, *The Human Measure: Western Social Thought and the Legal Tradition* (1990). Among his articles are "Clio and the Lawyers: Forms of Historical Consciousness in Medieval Jurisprudence," *Medievalia et Humanistica*, n.s., 5 (1974), 25-49; "Vera Philosophia: 'The Philosophical Significance of Renaissance Jurisprudence,'" *Journal of the History of Philosophy*, 14, (1976), 267-79; "Gaius Noster: Substructures of Western Social Thought," *American Historical Review*, 84 (1979), 619-48; "Civil Science in the Renaissance: Jurisprudence Italian Style," *Historical Journal*, 22 (1979), 777-97; "Civil Science in the Renaissance: Jurisprudence in the French Manner," *History of European Ideas*, 2 (1981), 261-76; "Hermes, Clio, Themis: Historical Interpretation and Legal Hermeneutics," *Journal of Modern History*, 55 (1983), 644-68; "What Was Property? Legal Dimensions of the Social Question in France 1789-1848" (with Bonnie Smith), *American Philosophical Society, Proceedings* (1984), 200-30; "Civil Science in the Renaissance: The Problem of Interpretation" *The Languages of Political Theory in Early Modern Europe*, ed. A. Pagden (Cambridge, 1987), 57-78; "Jurisconsultus Perfectus: The Lawyer as Renaissance Man," *Journal of the Warburg and Courtauld Institutes*, 51 (1988), 84-102; "Second Nature: The Idea of Custom in European Law, Society, and Culture," *The Transmission of Culture in Early Modern Europe*, ed. A. Grafton, (U. Penn. 1990), 131-72; "Law and Jurisprudence," *Cambridge History of Political Thought, 1450-1700* (Cambridge, 1991), 66-94; "Men of Law and the French Revolution," *Politics, Ideology and the Law in Early Modern Europe*, ed. A. Bakos (Rochester, 1994), 127-46; and "What Pleases the Prince: Justinian, Napoleon, and the Lawyers," *History of Political Thought* (2001). He has taught courses on history and law, has represented the field of law for the Renaissance Society of America, and has given papers and comments at ASLH meetings.

VICTORIA LIST is an Associate Professor of History at Washington & Jefferson College, where she teaches an entertainingly diverse collection of courses, ranging from Ancient Civilization to American Constitutional History. She is also the Coordinator of W&J's Integrated Semester program. She received her law degree from the University of Wisconsin, and her Ph.D. from the University of Michigan. She has of late been on sabbatical, catching up on recent scholarship in her own field (early modern England) and working on two articles, both of which involve church/state questions as experienced in the ecclesiastical courts in the post-Reformation era. Her past service to the ASLH consists of two stints on the Program Committee (1992 and 1999, respectively), membership on both the Sutherland Committee (1994-97) and the Nominating Committee (1997-00, the last two years of which as chair). She also served in 2000 as a replacement member of the Surrency Committee.

KATHLEEN A. PARROW is professor of history at Black Hills State University in South Dakota, where she teaches early European history and historiography. Her M.A. is from the University of Wisconsin-Milwaukee and her Ph.D. is from the University of Rochester. Prior to 1991 she taught at Appalachian State University and the University of Iowa. She has been a member of

the ASLH since 1989. She was just reelected as the president of the South Dakota Council of Higher Education, the state faculty union for which she is also the chief contract negotiator. Her publications include *From Defense to Resistance: Justification of Violence during the French Wars of Religion* (American Philosophical Society, 1993) and "Prudence or Jurisprudence? Etienne Pasquier and the Responsa Prudentium as a Source of Law" in *Historians and Ideologues* (U. of Rochester Press, 2001). She has presented a number of papers on French and Roman law at various conferences and held an NEH fellowship at the Folger Shakespeare Library in 1998-99 for research on the use of law in sixteenth-century French literature. Her current research is primarily on sixteenth-century French customary law, particularly the issues of guardianship, the age of majority, and the centralization and systematization of provincial French law, with several articles and a book in progress.

RICHARD ROSS is an assistant professor at the University of Wisconsin (Madison), where he holds a joint appointment in the law school and history department. He teaches courses on American legal history, the rule of law in Anglo-American constitutionalism, and Trusts and Estates. His B.A. (1984), J.D. (1989), and Ph.D. in history (1998) are from Yale University. He is engaged in an ongoing study, working its way towards a book, on the intellectual history of legal communications in early modern England and early America. This project has yielded, "The Memorial Culture of Early Modern English Lawyers: Memory as Keyword, Shelter, and Identity, 1560-1640," *Yale Journal of Law and the Humanities* (1998), which received the honorable mention for the 1999 Sutherland Prize. Other interests include the impact of ethnic diversity on legal culture in early America, and the development of a historical perspective about the effect of electronic media on legal thought and practice. Articles on these subjects have appeared in or are pending in *Law and Social Inquiry*, *The Worlds of John Winthrop: England and New England, 1588-1649* (ed. Francis Bremer), the *University of Pennsylvania Law Review*, and the *William and Mary Quarterly*. He has received fellowships from Yale's Institution for Social and Policy Studies; has been a visiting scholar in the Harvard history department (1995-96); and in the fall of 2000 held a Spencer postdoctoral fellowship at the Newberry Library in Chicago. His service to the Society includes participating on the program committee for two years (1998-2000) and, currently, chairing the Surrency Prize selection committee.

LUCY E. SALYER is an associate professor in the History Department of the University of New Hampshire. She earned her doctorate from the Jurisprudence & Social Policy Program at the University of California, Berkeley, in 1989. At the University of New Hampshire, she serves as graduate director and teaches courses in legal history, immigration history and modern American history. She has served on the editorial board of *Law & History Review* since 1995 and as a representative to the Membership Committee of the Organization of American Historians (1992-96). She has been awarded fellowships from the National Endowment of the Humanities and the American Council of Learned Societies, and the Louis Pelzer Memorial Award from the Organization of American Historians. Her book, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (University of North Carolina Press, 1995), received the Theodore Saloutos Memorial Prize from the Immigration History Society. More

recent publications include "Protective Labor Legislation and the California Supreme Court, 1911-1924," and "A Progressive Judiciary: The California Supreme Court and Judicial Reform in the Progressive Era," both published in the *California Supreme Court Historical Society Yearbook*. She is currently working on a socio-legal history of citizenship policies between 1898 and 1940.

NOMINEES FOR BOARD OF DIRECTORS (GRADUATE STUDENT POSITION)

KAREN BRUNER is a Ph.D. candidate in history at Syracuse University. Her major area of concentration is modern American history with a focus on constitutional history. Her doctoral dissertation will concern the 1956 U.S. Supreme Court case, *Pennsylvania v. Nelson*. It continues her interest in the Warren Court and McCarthyism, that she addressed in her history master's thesis, "The *Watkins-Barenblatt* Enigma: The Supreme Court, the First Amendment and Congressional Investigations" for which she received the Eldon Carter Prize for best university master's thesis in 1990. She received her M.A. in history from the University of Nebraska at Omaha in 1990 and was designated the Missouri Valley History Conference outstanding graduate student in 1988-89. She also holds a B.A. in political science from the College of Wooster and a Master of Arts in Teaching from Cornell University. She has been at Syracuse since 1994, serving as teaching assistant and adjunct instructor in various American history courses. In addition to receiving recognition as an Outstanding Teaching Assistant, she was appointed Teaching Fellow for the Maxwell School Undergraduate Teaching Grant in 1998 to teach with a multi-disciplinary team on a course in Critical Issues for the United States. She has also taught American History and Western Civilization courses at the University of Nebraska at Omaha and with the University of Maryland European Division. She has served on various departmental committees including the search committee for a modern American historian. She has presented papers at the Missouri Valley History Conference and written articles included in *Historic U.S. Court Cases, 1960-1990* and *American Legislative Leaders in the Northeast, 1911-1994*. In the non-academic arena, she has been a secondary social studies teacher and worked for the U.S. Office of Education on programs in international education.

JED HANDELSMAN SHUGERMAN is pursuing a joint J.D./PhD in history at Yale University. He received his B.A. from Yale College, and will receive his J.D. in 2002. His note in the *Yale Law Journal*, "The Floodgates of Strict Liability: Bursting Reservoirs and the Adoption of *Fletcher v. Rylands* in the Gilded Age," jointly won the 2000 Joseph Parker Prize for the best paper in legal history at Yale Law School. His article "The Louisiana Purchase and the Reopening of the South Carolina Slave Trade, 1803-1808" will be appearing in the *Journal of the Early Republic* in early 2002. His book note on the post-World War II rights revolution and counter-revolution will be appearing in the *Yale Journal of Law & the Humanities*, and his case note on the death penalty and ineffectiveness of counsel, stemming from his clinical work on capital defense, will be published in the *Yale Law Journal*. He is currently writing about how legal battles over the control of state courts shaped *Marbury v. Madison* and revealed its weaknesses. He was a Case and Book Note editor on the *Yale Law Journal*, and Managing Editor of the *Yale Journal of Law & the Humanities*. On a Dorot Fellowship and a Milah Fellowship in Israel from 1996 to 1998,

he studied Jewish law and history while working for human rights organizations. He is planning on writing his dissertation either on the rise of strict liability or on the changing political and legal rhetoric of various labor organizations from the Civil War to the New Deal.

NOMINEES FOR NOMINATING COMMITTEE

ROBERT J. COTTRILL is the Harold Paul Green Research Professor of Law and Professor of History and Sociology at the George Washington University. He received his A. B. in American Studies from Yale University in 1971 and his Ph.D. in American Studies from Yale University in 1978. He received his J. D. from the Georgetown University Law Center in 1984. He is the author of *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (Greenwood Press, 1982) and has edited *Gun Control and the Constitution: Sources and Explorations on the Second Amendment* (Garland Publishing, 1993 and 1994). He has also edited *From African to Yankee: Narratives of Slavery and Freedom in Antebellum New England* (M. E. Sharpe, 1998). He is currently co-authoring a book on *Brown v. Board of Education* with Raymond T. Diamond (University Press of Kansas). His articles and essays have appeared in the *American Journal of Legal History*, *Chicago-Kent Law Review*, *Georgetown Law Journal*, *Law and Society Review*, *Slavery and Abolition*, *Tulane Law Review*, and the *Yale Law Journal*, among others. He is currently doing research on race relations in Latin America, among other areas. His service to the American Society for Legal History includes membership on the editorial board of the *Law and History Review* (1985-1994), service on the program committee (1995 and 1997) and membership on the Board of Directors (1997-2000).

ANNETTE GORDON-REED is a Professor of Law at New York Law School where she teaches Property, Legal History, American Slavery and the Law, and Criminal Procedure. She is a graduate of Dartmouth College and Harvard Law School. She is the author of *Thomas Jefferson and Sally Hemings: An American Controversy* (University of Virginia Press, 1997). She has contributed essays to several books and journals. Her current writing projects include editing *Race on Trial*, a collection of essays on famous cases involving race in the United States. *Vernon Can Read*, a memoir with Vernon Jordan Jr., to be published in October 2001, and *The Hemings Family of Monticello*, which will appear in 2003. She is on the Board of Advisors of the Papers of Thomas Jefferson, The International Center for Jefferson Studies, and The Frederick D. Patterson Institute (the United Negro College Fund). She is a member of the Society of Historians of the Early American Republic, and the American Society For Legal History.

RENÉE LETTOW LERNER is Associate Professor of Law at George Washington University, where she has been since 1997 and where she teaches the history of legal institutions and the law in England and the United States. She received her A.B. in history from Princeton in 1990, her M.Litt. in modern history from Oxford in 1992, and her J.D. from Yale in 1995. She has published articles on the history of civil and criminal procedure in the United States, focusing on the relationships between judges, juries, and lawyers; these include an examination of the history of new trial for verdict against law and an exploration of judges' power to comment on evidence

in the nineteenth century. She has also written about the history of codification efforts in nineteenth-century England. Currently she is researching judicial elections and relations between the bench and bar in nineteenth-century New York, and is planning work on the history of the French judiciary.

EMILY FIELD VAN TASSEL first joined the ASLH in 1977, which she is appalled to realize was 24 years ago. She is currently serving on the board of directors of the society, and has presented several papers over the years. She received her graduate education in legal history from Case Western Reserve University and the University of Chicago. She earned her J.D. at the University of Wisconsin. She has taught legal and constitutional history (among many other things) in both law and history departments. She has published articles in the fields of family and women's legal history and in the history of the federal judiciary. She has written a book on the history of judicial removal and accountability, and has co-authored a book on the history of federal impeachments. She is currently completing a book on the social history of the Civil War in northeastern Ohio that her father was writing at the time of his death. Her own projects include a co-authored book on the history of judicial independence, and a book provisionally titled "An Alternative to Assassination: *Jones v. Clinton* and the Impeachment of a President."

ANNOUNCEMENTS

Paul L. Murphy Prize

Applications are being accepted for the 2002 Paul L. Murphy Prize, honoring the memory of Paul L. Murphy, late Professor Emeritus of History and American Studies at the University of Minnesota and distinguished expert on U.S. constitutional history and the history of American civil rights/civil liberties. The Murphy Prize, an annual award of \$1000, is intended to assist the research and publication of scholars new to the field of constitutional U.S. history or the history of American civil rights/civil liberties. To be eligible for the Murphy Prize, an individual must possess the following qualifications: be engaged, in the judgment of the selection committee, in significant research and writing on U. S. constitutional history or the history of American civil rights/civil liberties, with preference accorded to individuals employing multi-disciplinary research approaches; hold the Ph.D. in History or a related discipline; and not yet have published a book-length work in U.S. constitutional history or the history of American civil rights/civil liberties. Public historians, unaffiliated scholars, as well as faculty at academic institutions are encouraged to apply. If employed by an institution of higher learning, an applicant must not be tenured at the time of the application. An applicant for the Murphy Prize should submit a packet containing the following items: 1) a research project description of no more than 1000 words, 2) a tentative budget of anticipated expenses, 3) a current curriculum vitae, and 4) two confidential letters of recommendation in envelopes sealed by the recommenders. All materials should be mailed to John W. Johnson, Department of History, University of Northern Iowa, Cedar Falls, IA 50614-0701 and must be received no later than

December 3, 2001. E-mail inquiries should be addressed to <John.Johnson@UNI.EDU>. Notification of the Murphy Award winner will take place in early 2002.

J. Willard Hurst Summer Institute in Legal History

The first biennial J. Willard Hurst Summer Institute in Legal History convened in Madison, Wisconsin from June 11-22, 2001. Co-sponsored by the Institute for Legal Studies at the University of Wisconsin Law School and the American Society for Legal History, the Hurst Institute brought together twelve early career legal history scholars selected as Hurst Fellows to work intensively with senior scholars for a two week period.

Lawrence Friedman, Marion Rice Kirkwood Professor at Stanford Law School, chaired the Hurst Institute. The other senior scholars were Robert W. Gordon, Johnston Professor of Law and Professor of History, Yale University; Linda K. Kerber, May Brodbeck Professor in the Liberal Arts and Professor of History, University of Iowa; Stanley I. Kutler, E. Gordon Fox Professor of American Institutions at the University of Wisconsin, and also Professor of Law; and Arthur McEvoy, J. Willard Hurst Professor, University of Wisconsin School of Law.

The initial scholars: Professor Edward J. Balleisen, Department of History, Duke University; Ina vom Feld, Max-Planck-Institut für Europäische Rechtsgeschichte; Douglas Harris, York University; Thomas Miguel Hilbink, Public Interest Law Center, New York University; Gwen Hoerr McNamee, University of Illinois Chicago; Ajay K. Mehrotra, University of Chicago; Dr. Stephen Robertson, Department of History, University of Sydney; Marc Simon Rodriguez, University of Wisconsin; Joseph E. Slater, University of Toledo College of Law; Elizabeth Lee Thompson, University of Texas; Dalia Tsuk, James E. Rogers College of Law, University of Arizona; Adam Winkler, University of California Los Angeles.

The success of the Hurst Institute is reflected in the comments of the Fellows. One described the presentation and discussion sessions as "an extraordinarily valuable and intellectually rich experience. . . . It was a unique opportunity to think critically about a variety of theories and methodologies of legal history, and learn about a number of new subjects within the field." Another Hurst Fellow stressed the importance of building a community of scholars: "The discussions we had were some of the best I've had since beginning my graduate education. Our common passion for legal history -- and especially legal history in the Hurstian tradition -- brought me newfound energy and enthusiasm for my current work and my future career. To practice legal history is a more interesting prospect now that I know that I undertake the journey with these people as my colleagues."

The next Hurst Summer Institute is scheduled for June 2003. For information about the 2003 Institute, consult the H-Law website at <<http://www2.h-net.msu.edu/~law/>><http://www2.h-net.msu.edu/~law/>

Law & History Review

(from Chris Tomlins, Editor, *Law and History Review*)

Members of the ASLH will have noticed (I hope) the changes on-going in the *Law and History Review*. At the beginning of 1998, the *LHR* became a three-issue journal – a change that everyone will have become used to by now. The more observant among us may also have noticed that the size of each issue has been increasing, to the point where we have adopted a new “default” length of 256 pages per issue. Most momentous, of course, is the appearance of the journal in a full “on-line” format under the auspices of the “History Cooperative”

<<http://www.historycooperative.org/>>. The Cooperative is an expanding association of leading history journals formed under the auspices of the AHA, the OAH, the National Academy Press and our own publisher, the University of Illinois Press. The four founding partners have funded the Cooperative extremely generously. As one of the first associate members, the *LHR* is playing an active role in the governance of the Cooperative and in its plans for further development. We hope soon to be in a position to encourage (perhaps solicit) scholarship in legal history that takes full advantage of the representational possibilities inherent in on-line media. Meanwhile, we are taking steps to develop some new features on our own web page

<<http://www.press.uillinois.edu/journals/lhr.html>>, notably making available details of forthcoming issues, and in some cases providing “pre-print” versions of selected forthcoming articles in PDF format.

All these developments are testament to the increasing prominence that legal history has attained in historical and legal scholarship at large over the last ten or fifteen years. At the *LHR* we hope to continue that trend with our next project, a major drive to increase subscriptions, particularly institutional subscriptions. We hope that existing members of the ASLH will be willing to give us a hand in the endeavor – recruit a new subscriber, or ensure that your institution’s libraries receive the journal. We promise not to bombard you with mail, but expect to receive some promotional material during the coming year, and please don’t throw it away before reading it!

As always, the *LHR* expresses its gratitude to the American Bar Foundation for its generous support of the journal’s editorial office.

Studies in Legal History

(From Tom Green and Dirk Hartog, co-editors)

Two Series books appeared in Spring, 2001: Charles W. McCurdy, *The Anti-Rent Era in New York Law and Politics, 1835-1865*; and William E. Nelson, *The Legalist Reformation: Law, Politics, and Ideology in New York, 1920-1980*. One book is due out this Fall: Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America*.

We anticipate publication of another half dozen books over the two years, 2002-3, and as many again in the two following years. The editors want to express their great appreciation to the University of North Carolina Press and especially to Chuck Grench, Executive Editor at the Press, who has gotten the Series’s third decade at North Carolina off to a fine start.

University of Texas Law Library Inaugurates Legal History Publication Series

The Jamail Center for Legal Research has launched the Tarlton Law Library Legal History Series with an illustrated essay about an illustrated medieval legal manuscript.

“The Illustrations of the Sachsenspiegel: A Medieval German Law Book”, is by Guillermo F. Margadant, Mexico’s leading legal historian. Margadant guides the reader through the striking and unusual visual symbols used to illustrate legal points in the Sachsenspiegel, or “Mirror of the Saxons.”

The Sachsenspiegel was originally written in the 13th century and was cited in German case law until the early 20th century. It covered everything from legal procedure to feudal law and family law.

The publication includes 16 illustrations from the Wolfenbuttel Sachsenspiegel, one of four 14th-century illustrated manuscripts of the law code which survive. In an essay that is both scholarly and entertaining, Margadant shows how the illustrations and the text are intimately related, and how they provide a window on society and politics in medieval Germany.

The author, a Professor Emeritus at the Universidad Nacional Autónoma de México, was a visiting professor at the University of Texas School of Law for over a decade. “Professor Margadant has been both an active user and a generous supporter of our Law Library for many years,” said Professor Roy M. Mersky, director of the Jamail Center for Legal Research. “As a result, I’m delighted that our Legal History Series begins with a publication of his.”

Margadant is the author of the standard textbook on Mexican legal history, now in its 12th edition, and is an internationally recognized authority on Mexican, Spanish, Roman, canon, and Japanese law. Two Mexican presidents have honored him for his professional and academic accomplishments.

The Tarlton Law Library Legal History Series plans to publish a wide range of texts, including historical essays, oral history interviews, annotated bibliographies, and unique documents.

“If there is a common thread between Professor Margadant’s essay and those that follow in this series, it is to show the importance of libraries and archives for legal history,” said Mersky. “I hope the series will inspire others to explore the rich sources of our legal heritage, and to share the riches with others through their writings.”

“The Illustrations of the Sachsenspiegel” is published in an edition of 500 copies. Copies may be purchased for \$15 via the Jamail Center’s publications website, at <<http://www.law.utexas.edu/pubs/order.htm>>, or by contacting the Publications Coordinator (Publications Coordinator, Jamail Center for Legal Research, University of Texas School of Law, 727 East 26th St., Austin, TX 78705-3224; phone 512/471-7726; fax 512/471-0243).

An insider’s look at one of America’s greatest Supreme Court justices has been published by the Jamail Center for Legal Research, University of Texas at Austin, as the second volume in its Tarlton Law Library Legal History Series.

“Inside Justice Hugo L. Black: The Letters”, is by John P. Frank, who began his distinguished legal career as Justice Black’s law clerk in 1942. Frank drew on his file of 25 years’ correspondence with Justice Black, and his notes on their conversations over the years.

Justice Black's son, Hugo L. Black, Jr., said in his foreword to "Inside Justice Black" that "This little collection shows the trust and respect of each for the character and intellect and learning of the other -- the kind of trust and respect that sparks unreserved dialogues for truth."

Justice Hugo L. Black was one of the most influential jurists of the 20th century, and has a place on almost any list of the all-time top ten Supreme Court Justices. He is best remembered for his defense of civil liberties. "Much of our Constitution today is Black's constitution," writes Frank.

Based on their conversations and letters, Frank paints an intimate portrait of Justice Black the family man, the mentor, the jurist, and the civil libertarian. Frank describes Black's relationships with his colleagues on the Supreme Court, including the "feud" between Black and Justice Robert A. Jackson that allegedly arose when Jackson was passed over for the Chief Justiceship in 1946.

John P. Frank has been named several times as one of the 100 most influential lawyers in America by the National Law Journal. A noted attorney and scholar, he has authored a dozen books on constitutional law and legal history, and has taught in the law schools at Indiana University and Yale. He assisted the NAACP in *Brown v. Board of Education* and was the lead attorney in the landmark *Miranda v. Arizona* case.

The editor of the Tarlton Law Library Legal History Series is Michael Widener, Archivist/Rare Books Librarian at the Jamail Center for Legal Research.

The publication can be ordered via the Jamail Center's publications website, at <<http://www.law.utexas.edu/pubs/order.htm>>, or by contacting the Publications Coordinator (Publications Coordinator, Jamail Center for Legal Research, University of Texas School of Law, 727 East 26th St., Austin, TX 78705-3224; phone 512/471-7726; fax 512/471-0243).

Tarlton Law Library Legal History Series, No. 2: Frank, John P. *INSIDE JUSTICE HUGO L. BLACK: THE LETTERS*. Austin, Tex.: Jamail Center for Legal Research, 2000. 102 pages. ISBN: 0-935630-54-6. Price: \$20.00

H-Law

ASLH members who are not subscribers to H-Law, the ASLH electronic list, should sign up to receive latest society announcements and other news of interest to legal scholars. For complete information on how to join H-Law, go to the ASLH/H-Law website: <http://www2.h-net.msu.edu/~law/>

The web site has information about ASLH meetings, an index to *Law and History Review*, past newsletters, book reviews, and an archive of links to websites of interest to legal scholars.

Visiting Scholars, Center for the Study of Law and Society, University of California, Berkeley

The Center for the Study of Law and Society, founded in 1961, fosters empirical research and philosophical analysis concerning legal institutions, legal processes, legal change, and the social consequences of law. The Center invites applications from scholars with interests in all aspects of law and social ordering/social change. Visiting scholars will be part of a scholarly community that includes fellow visitors and a faculty of distinguished socio-legal scholars in law and economics, legal history, sociology of law, political science, criminal justice studies and legal and social philosophy. Core faculty members of the Center include Robert Cooter, Lauren B. Edelman, Malcolm M. Feeley, Robert A. Kagan, Christopher Kutz, David Lieberman, Kristin Luker, Robert MacCoun, Daniel L. Rubinfeld, and Harry N. Scheiber. Among the Law School's faculty members who have conducted research projects in the Center or are otherwise closely affiliated with it are Howard Shelanski, Linda Krieger, Richard Buxbaum, Frank Zimring, and Herma Hill Kay.

Application Requirements

1. Applicants must possess a Ph.D. or J.D. (or foreign equivalent).
2. Applicants must submit a full curriculum vitae.
3. Applicants must submit a cover letter which specifies the time period in which they wish to be in residence at the Center and which describes their proposed program of research or study. Applicants must pursue a program of research or study which is of mutual interest to faculty members at the Center for the Study of Law and Society.
4. Applicants must indicate the source of funding while visiting Berkeley, e.g. sabbatical pay, scholarship, government funding, personal funds, etc. Monthly minimum requirements for foreign exchange scholars are: \$1600 per month for the J-1 scholar, \$500 per month for the J-2 spouse, \$200 per month for each J-2 child.

Among privileges and opportunities of Center visiting scholars are: library privileges at the Law School and at all campus libraries; access to a weekly luncheon-speaker series and other scholarly exchanges; other campus privileges, including athletic facilities; and, when possible, assignment to shared or other office accommodations.

The Center will consider applications for varying time periods, from two weeks duration to the full academic year. Applicants should submit the information listed above by post or e-mail to: Visiting Scholars Program, Center for the Study of Law and Society, University of California, Berkeley, CA 94720-2150, csls@uclink.berkeley.edu. Inquiries to the Acting Director, Professor Harry N. Scheiber, scheiber@uclink.berkeley.edu are also welcome. The Center's Web site is: www.law.berkeley.edu/institutes/csls/

DRAFT PROGRAM
ASLH Annual Meeting, Chicago, November 8-11, 2001

Thursday, November 8th

2:30-4:30 pm, Chicago Historical Society (self-guided tour)

4:30-5:30 pm, Graduate student reception, Allegro Hotel

5:30-7:00 pm, ASLH reception, Allegro Hotel

Friday, November 9th

7:30-8:45 am, continental breakfast, Allegro Hotel

Session #1
8:45 - 10:15 am

Assessing a Sea of Pluralisms

Chair/Comment: Avi Soifer, Boston College

Papers:

David Barron, Harvard University
"Rethinking Home Rule"

Carol Weisbrod, University of Connecticut
"What's In a Name?: A Discussion of Pluralism and Individual Identity"

Liam Seamus O'Melinn, American University
"Corporate Personality, the Classless Society, and Equivocal Equality"

Roundtable: Political Science and the New Supreme Court Histories

Chair: Howard Gillman, University of Southern California

Participants:

Peter Irons, University of California, San Diego

Mark Graber, University of Maryland

Keith Whittington, Princeton University

Julie Novkov, University of Oregon
Scott Powe, University of Texas, Austin

Making and Enforcing Medieval English Statutes

Chair: Janet Loengard, Moravian College

Papers:

Christopher McNall, Cardiff University
"Execution on Statutory Recognitions of Debt, 1283-1307"

Gwen Seabourne, University of Bristol
"Legislative Sophistication and Commercial Morality: Medieval English Price Regulation"

Paul Brand, All Souls College, Oxford
"Putting English Thirteenth-Century Legislation in Context: The Origins of c. 6 of the Statute of Marlborough"

Commentator: Richard Helmholz, University of Chicago

The Legal Construction of Trust

Chair/Comment: Jennifer Mnookin, University of Virginia

Papers:

Ken Alder, Northwestern University
"The History of the Lie Detector"

Susannah Blumenthal, University of Michigan
"Law and the Problem of Trust in Nineteenth-Century American Culture"

Wendie Schneider, Yale University
"Punishing the Lie in Victorian England: The Prosecution of Perjury, 1835-1900"

Friday Session #2
10:30 - 12:00pm

Gender and the Law

Chair: J. Gordon Hylton, Marquette University

Papers:

Deborah A. Rosen, Lafayette College
"Gender and the Law in 18th Century America: Women's Legal Roles in Spanish and English Colonies"

Roberta Sue Alexander, University of Dayton
"Separate Spheres or Equal Opportunities? An Analysis of Courts' Responses to Women's Efforts to Gain Admission to the Bar in Late 19th Century America"

Gwen Hoerr McNamee, University of Illinois at Chicago
"The Gendered Origins of the Legal Aid Society of Chicago, 1886-1905"

Comment: Barbara Allen Babcock, Stanford University

Roundtable: Morton Horwitz's *Transformation of American Law* – 25 Years Later

Chair: Michael Wilrich, Brandeis University

Participants:

Laura Kalman, University of California, Santa Barbara
Amy Dru Stanley, University of Chicago
David Sugarman, Lancaster University
Christopher Tomlins, American Bar Foundation

Uses and Users of the Common Law

Chair: Emily Tabuteau, Michigan State University

Papers:

Alain Boreau, Ecole des Hautes Etudes, University of Paris
"How the Law Became Common: A Monastic Appropriation of Henry II's Procedure (1189-1202)"

Claire Valente, University of Portland
"Law, Liberty, and the English Way: Baronial Rebels and the Common Law"

Robert Palmer, University of Houston
"English Legal History, 1200-1550"

Comment: Joseph Biancalana, University of Cincinnati

Economic Analysis of Legal History

Chair: Colleen Dunlavy, University of Wisconsin

Papers:

Gary Libecap, University of Arizona
"Property Rights Assignment in the Presence of Positive Transactions Costs: The Sources and Costs of the Small-Farm Bias in U.S. Land Policy in the Great Plains"

David Bernstein, George Mason University
"Public Choice and Legal History: Lessons from Work on Race and Legal History"

Gregory LaBlanc, University of Virginia
"Checks and Balances in the *Ancien Regime*: Tax Farming, Venal Offices, and the Outsourcing of Public Administration"

Comment: Mark Tushnet, Georgetown University

1:00-2:00 pm, Tour of Cook County Archives

Friday Session #3

1:30 - 3:00 pm

New Perspectives on Corporate Development

Chair/Comment: Gregory A. Mark, Rutgers University

Papers:

Richard R. John, University of Illinois at Chicago
"Riding the Leviathan: Western Union's Gilded Age"

Naomi R. Lamoreaux, U.C.L.A.
"Partnerships, Corporations, and the Problem of Legal Personhood in American History"

Adam Winkler, U.C.L.A.
"Corporate Contribution Bans and the Separation of Ownership and Control in the Early 20th Century"

Closing Community: Territory in US Immigration Law

Chair/Comment: Lucy Salyer, University of New Hampshire

Papers:

Mae Ngai, University of Chicago

"Making and Unmaking Illegal Aliens: Deportation Policy and the Production of US Nation-State Territoriality 1920-1930"

Kunal Parker, Cleveland Marshall College of Law

"Constructing the Town: The Law and Politics of Representing Space in 18th Century Massachusetts"

Count All the Cases? Quantitative Methods and Court Contexts

Chair: Dr. Christopher W. Brooks, University of Durham (U.K.)

Papers:

DeLloyd J. Guth, University of Manitoba

"Smugglers and Statute Violators in Late-Medieval England's Exchequer"

Jean-Marie Fecteau, Université du Québec à Montréal

"Enforcing Social Regulations in 19th Century Quebec Courts"

R. Dale Brawn, Laurentian University

"Counting Clients, Lawyers and Judges in Manitoba's Civil Pleadings, 1900-1950"

The Public and Private Roles of the Legal Profession: A Comparative Perspective

Chair: Kenneth Ledford, Case Western Reserve University

Papers:

Robert W. Gordon, Yale University

"The Privatizing of the American Legal Profession"

John Leubsdorf, Rutgers University, Newark

"Turning Points in the French Legal Profession"

Jonathan Rose, Arizona State University

"Of Ambidexters and Daffidownillies: Defamation of Lawyers, Legal Ethics, and Professional Reputation in Early Modern England"

Comment: Terence C. Halliday, American Bar Foundation
Kenneth Ledford, Case Western Reserve University

Plenary Session

Address: "Hesitating to Look in the Mirror:
German Jurisprudence after 1933 and after 1945"

Michael Stolleis, Director

Max-Planck-Institut für Europäische Rechtsgeschichte, Frankfurt

The Law School, The University of Chicago

4:00 pm

Reception follows

(buses will provide transportation between
the Allegro Hotel and the Chicago Law School
buses depart hotel beginning 3:30; return beginning 6:30)

Saturday, November 10th

7:30-8:45 am, continental breakfast, Allegro Hotel

Session #1

8:45 - 10:15 am

Property and Legal Culture in Gold Rush California

Chair: Malcolm J. Rohrbough, University of Iowa

Papers:

Andrea G. McDowell, University of Wisconsin

"From Commons to Claims: The Construction of Private Property in the Mines,
1848-1850"

Donald J. Pisani, University of Oklahoma

"California in the 'State of Nature': Squatter Law in the Golden State,
1846-1852"

Donna C. Schuele, U.C.L.A.
"Death American Style: Probate and the Break-up of the Californio Ranchos"

Comment: Robert C. Ellickson, Yale University

Sexuality and the Twentieth-Century American State

Chair: Barbara Y. Welke, University of Minnesota

Papers:

Margot Cannaday, University of Minnesota
"Straightening America's Borders: The 1917 Immigration Act and Homosexuality"

Elizabeth L. Hillman, Rutgers-Camden University
"Crime and Sexuality in Cold War Courts-Martial"

David K. Johnson, Northwestern University
"'Crying Shame': The Courts, Gay Rights, and Civil Service Reform in the 1960s"

Comment: William N. Eskridge, Jr., Yale University

Law and Literacy in Ancient Greece

Chair/Comment: Edward M. Harris, CUNY

Papers:

James P. Sickinger, Florida State University
"Indeterminacy in Greek Law: Statutory Gaps and Conflicts"

Michael Gagarin, University of Texas, Austin
"Writing Athenian Law"

Family, Law, and the State in Early Modern France

Chair: Janine Lanza, Appalachian State University

Papers:

Chris Corley, Minnesota State University, Moorhead

"Constructing Maturity: The Family, State, and Legal Debates over Adulthood in Early Modern France"

Suzanne Desan, University of Wisconsin-Madison
"Redefining the Bonds of Family and Nature: Illegitimate Children in the French Revolutionary Courts"

Julie Hardwick, University of Texas, Austin
"The Politics of Property: Gender, Debt Litigation, and State Formation in 17th Century France"

Commentator: James R. Farr, Purdue University

Saturday Session #2 10:30 - 12:00 pm

Ex-Slaves and the Law

Chair: Ariela Gross, University of Southern California

Papers:

Barbara Krauthamer, New York University
"From Slave to Free: Freedpeople and Native Americans in the Indian Territory During Reconstruction"

Elizabeth Regosin, St. Lawrence University
"Citizenship and Identity: Former Slaves' Civil War Pension Claims"

Mark Jones and John Wertheimer, et. al., Davidson College
"Pinkney and Sarah Ross: The Legal Adventures of an Ex-Slave and His (Originally) White Wife on the Carolina Borderlands During Reconstruction"

Commentator: Katherine Franke, Columbia University

Roundtable: Hendrik Hartog's, *Man and Wife in America*

Chair: Martha Fineman, Cornell University

Participants:

Linda K. Kerber, University of Iowa

Norma Basch, Rutgers University
Laura Edwards, Duke University
Anthony Rotundo, Phillips Academy

The Emergence of Professional Law in the Twelfth Century

Chair: Blair Newcomb, Mills College

Paper:

Susan Reynolds, Institute of Historical Research, University of London
"The Emergence of Professional Law in the Twelfth Century"

Commentators:

Daniel Smail, Fordham University
Charles Donahue Jr., Harvard University

Crime and Procedure in 18th and 19th Century England

Chair/Comment: James Oldham, Georgetown University

Papers:

Bruce Smith, University of Illinois, Urbana-Champaign
"Petty Crime and Criminal Procedure in Early Nineteenth-Century London"

Thomas P. Gallanis, Ohio State University
"Criminal Defense Counsel and the Leading Questions Doctrine: A View from the State Trials on CD-ROM"

Allyson N. May, University of Toronto
"A Metropolitan Practice: London's Criminal Bar, 1780-1850"

Annual Luncheon
12:15 - 1:45 pm

Saturday Session #3
2:00 - 3:30 pm

Law and the Fiscal State: Public Finance, Scientific Taxation, and the Regulation of Corporate Power

Chair/Comment: W. Elliot Brownlee, University of California, Santa Barbara

Papers:

Marjorie Kornhauser, Tulane University
"Realizing the Legacy of *Eisner v. Macomber*: The Continuing Role of 'Realization' in Tax Law and Policy"

Ajay Mehrotra, University of Chicago
"Lawyers, Guns & Money: The U.S. Treasury, WWI and the Excess Profits Tax"

M. Susan Murnane, Case Western Reserve University
"Selling Scientific Taxation: The Campaign to Reduce Marginal Income Tax Rates in the 1920s"

Gender and State Building, In Historical Perspective

Chair/Comment: Jack Balkin, Yale University

Papers:

Jill Elaine Hasday, University of Chicago
"Parenthood Divided: A Legal History of the Bifurcated Law of Parental Relations"

Reva B. Siegel, Yale University
"Federalism and the Family - Constitutional Conflicts of the 1920s and Beyond"

John Witt, Columbia University
"The Family Wage in the Making of American Accident Law"

Roman Law and the Economy

Chair/Comment: Susan D. Martin, University of Tennessee

Papers:

Richard Saller, University of Chicago
"Individual Property Rights and Roman Family Law"

Bruce Frier, University of Michigan
"Economic Problems in the Roman Law of Dowry"

Dennis Kehoe, Tulane University
"Law and the Economics of Farm Tenancy in the Roman Empire"

All Politics is Local: Justice and Power in Local French Courts, 1630-1800

Chair/Comment: Steven Reinhardt, University of Texas, Arlington

Papers:

Michael P. Breen, Reed College
"Litigating Politics in 17th Century France: The *Mairie de Dijon* v. the '*Interessez*' of *Lanturelu*"

Zoe Schneider, Georgetown University
"All the King's Men? Local Courts and State-Building in France, 1670-1740"

Anthony Crubaugh, Illinois State University
"Making Justice Just: Local Courts in Rural France, 1750-1800"

Saturday Session #4
3:45 - 5:15 pm

Law and Social Control in the Colonial American South

Chair/Comment: A. Gregg Roeber, Penn State University

Papers:

Jason M. Barrett, University of Michigan
"The Law of Clientage: Civil Litigation and Debt Culture in Colonial Virginia"

Holly Brewer, North Carolina State University
"Perpetual Slavery, Land, and Status: Reconsidering the Laws of Perpetuities and their Connections to Religious and Political Ideology in Colonial America"

Sally E. Hadden, Florida State University
"Southern Grand Juries and Moral Authority in the Eighteenth Century"

The Laws of the Land: A Comparative Regional Approach to Resource Regulation in Turn of the Twentieth Century America

Chair/Comment: Ari Kelman, University of Denver

Papers:

Betsy Mendelsohn, University of Virginia
"Environmental Origins of State Power: The Science that Justified Illinois's Extension of Legal Authority Over Wildlife and Wetlands, 1860-1910"

Kathleen Brosnan, University of Tennessee
"Conflict in the Rockies: The Clash of Community Standards with State and Federal Regulation"

Ellen Stroud, Columbia University
"Who Owns the Public Lots? Defining Public Land in Early 20th Century Maine"

Ancient Near Eastern Law: Administration and Adjudication

Chair: Cheryl Anderson, Garrett-Evangelical Theological Seminary

Papers:

Geoffrey P. Miller, New York University
"Golden Calves, Stone Tablets, and Fundamental Law: A Legal and Political Interpretation of Exodus 32"

F. Rachel Magdalene, Towson University
"An Overview of Mesopotamian Legal Procedure in the Seventh to Fifth Centuries, BCE"

Bruce Wells, Johns Hopkins University
"What a Court Wants: Evidentiary Requirements and Conditional Verdicts in Ancient Babylonia"

Comment:

Martha A. Roth, University of Chicago

Strange Justice: Urban Law in Three Times and Places

Chair: Alan Watson, University of Georgia

Papers:

Hans-Friedrich Mueller, University of Florida
"Nocturnal Regulation in Ancient Rome"

Tahirih V. Lee, Florida State University
"A Twentieth-Century Babel: The Legal Systems of Republican Era Shanghai"

Anders Walker, Yale University
"Subtle Resistance: The Capital City Country Club Lease"

Comment: Hendrik Hartog, Princeton University

6:00-8:00 pm, reception, ABA Museum of Law, ABA Building (transportation provided)

Sunday, November 11th

7:30-8:45 am, continental breakfast, Allegro Hotel

Session #1
9:00 - 10:30 am

Courtrooms, Classrooms, and Cautionary Tales: Law and the Shaping of American Identities in the Early Republic

Chair: David Konig, Washington University

Papers:

Ellen Holmes Pearson, Johns Hopkins University
"Revising Custom, Embracing Choice: Early National Law Professors as Historians of the Common Law"

Gretchen A. Adams, Simmons College
"Trial of the Centuries: The Salem Trials as Metaphor and Memory"

D. Kurt Graham, Brown University
"The Nationalizing Influence of the Lower Federal Courts: Rhode Island, 1790-1815"

Comment: Al Brophy, University of Alabama

Intellectual Property Law and American Economic Development: The Role of Law, Litigation, and Courts

Chair/Comment: Gregory Alexander, Cornell University

Papers:

Catherine Fisk, Loyola Law School
"Writers at Work: The Origins of the Work for Hire Doctrine in Copyright Law"

B. Zorina Khan, Bowdoin College
"What Do Courts Do? Evidence from Patent and Copyright Litigation, 1790-1910"

Lawyering and Legal Strategies Across Legal Systems

Chair: Mary Bilder, Boston College

Papers:

Robin Fleming, Boston College
"Domesday Land Dispute: Making the Case Before Common Law and Lawyers"

David Seipp, Boston University
"Year Book Pleading and Argument (and a New Index of the Year Books)"

James Brundage, University of Kansas
"The Practice of Canon Law in the Thirteenth Century"

Commentator: John Langbein, Yale University

Legalizing Conquest

Chair/Comment: Joseph W. McKnight III, S.M.U. School of Law

Papers:

Eric San Juan, Washington, DC
"Legalizing Conquest: American Law and the Philippine Territory"

Susan Scafidi, S.M.U. School of Law
"Spanish Law and Native American Identity"

Ernest Metzger, University of Aberdeen School of Law (Scotland)
"Roman Municipal Charters in Spanish Baetica"

Information about local arrangements

The Hotel Allegro has reserved a block of rooms for the Society's meeting. UNLESS YOU WANT TO PARTICIPATE IN THE ROOM-SHARE PROGRAM, YOU MUST MAKE RESERVATIONS DIRECTLY WITH THE HOTEL BY CALLING ITS TOLL-FREE NUMBER 800-643-1500, NO LATER THAN OCTOBER 8TH. The room rates below are subject to a state tax of 11.9%, a city tax of 3%, and an energy charge of \$2.50/day (also subject to tax):

| | | | |
|--------------------------------|--------------|-----------------------|--------------|
| queen or double/double king | \$149 159 | premier king suite | \$179 250 |
|--------------------------------|--------------|-----------------------|--------------|

The Hotel Allegro, 171 W. Randolph Streets (between LaSalle on the east and Wells on the west), is located directly across from City Hall and the State of Illinois Building. It is a short walk to the State Street shopping district, to the Art Institute (on Michigan Avenue between Madison and Monroe), and to several new theaters in the area, including The Schubert at Clark and Madison, the Ford Center for the Performing Arts at Lake and Dearborn, and the Goodman Theater at Lake and Clark. For information on shows, call 877/890-0174. You can also reach the Harold Washington Library on Congress, the Chicago Cultural Center (78 E. Washington Street, art and photography exhibits), Navy Pier (end of Grand Avenue, on the lake, big tourist attraction with giant Ferris wheel, Children's Museum), and Grant Park. A 20-minute walk will get you to the Magnificent Mile, the shopping district along Michigan Avenue north of the Chicago River. A more comprehensive guide to local dining and attractions will be available at the conference in November. In short, we could not be more centrally located with this hotel, or more beautifully accommodated, for that matter.

The hotel, originally built in 1894 as the Bismark Hotel, was completely rebuilt in 1926. In 1998, it was closed for a year-long renovation and then reopened as the Hotel Allegro. The interior design was specially commissioned from Cheryl Rowley of Los Angeles-based Cheryl Rowley Interior Design. (Perhaps some of you travel in such rarified circles that this name means something to you!) Whoever she is, she's good. The theme of music and theater is carried over from the public spaces to the guest rooms and suites, and is integrated into all the furnishings, window treatments, and artwork, which was commissioned especially for the hotel. The beautiful nickel/chrome chandeliers in the Walnut Room (site of our opening reception and Saturday luncheon) are original to the hotel and were restored with a bath in that famous tarnish-removing solvent, Coca-cola.

There is a complimentary wine hour at 5 p.m. nightly in the lobby. There are two restaurants: Encore, which serves lunch and then converts to a lounge with DJ and tunes for the afternoon and evening; and the more upscale 312, a bi-level establishment on the corner of LaSalle and Randolph that draws a heavy crowd on weekdays. There is abundant lounge space in the lobby for informal conversation. From the mezzanine a central staircase takes you to the meeting rooms on the 3d floor.

Check the following websites for information about Chicago, our conference hotel, and seasonal attractions:

Hotel Allegro: www.allegrochicago.com
Mayors' Office of Special Events: www.cityofchicago.org/SpecialEvents
Chicago Office of Tourism: www.cityofchicago.org/Tourism
Transportation: www.yourcta.com
Chicago Cultural Center: www.cityofchicago.org/tour/culturalcenter
Navy Pier: www.navypier.com
Metro Mix: www.metromix.com

BACK-UP HOTELS AND OTHER LODGING OPTIONS:

The Local Arrangements Committee encourages everyone planning on attending the meeting to make hotel reservations EARLY. Please plan to stay at the Allegro unless the \$149 rate is beyond your means, but if it is, consider signing up for a roommate (see separate form for roommate requests in this packet).

If you absolutely cannot stay at the Allegro, there are two back-up hotels:

| | |
|--|--|
| The Quality Inn Downtown 1 Mid City Plaza Madison at Halsted Chicago Illinois 60661 312-829-5000 | Congress Plaza Hotel & Convention Center 520 South Michigan Avenue Chicago, Illinois 60605 800-635-1666 |
|--|--|

The Quality Inn on Halstead is closer of the two, but you have to cross a busy street (into a somewhat dicier neighborhood) to get to it, and the Congress Hotel, which is nicer and keeps you in the Loop (so to speak), is a longer walk away.

If you don't mind dormitory-style sleeping arrangements, you might consider staying at:

HOSTELLING INTERNATIONAL - CHICAGO

The J. Ira & Nicki Harris Family Hostel
24 East Congress Parkway
Chicago, Illinois 60605
Phone: 1-312-360-0300
Fax: 1-312-360-0313
www.hichicago.org

This new hostel has received lots of press attention for bringing inexpensive accommodations to the Loop. Be forewarned: it's 6 beds to a room/bathroom suite. The location is terrific for everything in downtown Chicago -- museums (right across from the Art Institute), restaurants,

symphony, etc. And it would be within walking distance of the Allegro -- probably a 20-25 minute walk, but there also would be buses that would take you much closer (\$1.50/ride), or cabs (probably \$6.00). At \$17 per night, the price cannot be beat.

If you want to find someplace else to stay, a Web Page to check out is:
<http://guides.travel.roughguides.com> or
http://travel.yahoo.com/t/north_america/united_states/illinois/chicago/lodging

The hotels listed there include:

Arlington House International Hostel - Hostel
616 W Arlington Place (773/929-5380 or 1-800/538-0074). Easy-going Wrigleyville hostel open 24hr. Segregated and mixed dorms. \$16 per person.

Days Inn - Lincoln Park North - Motel
646 W Diversey Parkway at Clark (773/525-7010). Friendly motel popular with visiting musicians and a good base for North Side nightlife. Free continental breakfast. \$60-80.

The Drake Hotel - Grand Hotel
140 E Walton Place (312/787-2200 or 1-800/553-7256).
Chicago's society hotel, modernized without sacrificing its sedate charms. Just off the Magnificent Mile; you can always just look. \$175-250. Or just go for High Tea, \$20 per person.

Motel 6 - Hotel-Motel
162 E Ontario St (312/787-3580 or 1-800/621-8055). A few yards off the Magnificent Mile, this is clean, no-frills accommodation in the center of the shopping action. \$80-100.

Wright's Cheney House - B&B
520 N East Ave (708/524-2067). Frank Lloyd Wright designed this Oak Park Prairie-style house - and much of the decor and furnishings - in 1904. \$100-130.

Other hotels to look into are the Allerton, Best Western Inn River North, Ambassador West (probably expensive), Hotel Intercontinental (site of our 1990 meeting, very expensive). Anything that says that it is near the Magnificent Mile or Michigan Avenue (e.g., the Talbott Hotel) would be convenient, but expensive. Another hotel to try (not on the lists) is The Raphael, 3 blocks north of Chicago Avenue: 201 E. Delaware Place, Chicago, IL (312) 943-5000.

TRANSPORTATION FROM THE AIRPORTS TO THE ALLEGRO:

O'Hare is the largest Chicago airport. It sits on the northwest side of the city, about 15 miles from downtown. It is connected to the city by I-90, a major freeway artery in and out of Chicago. American, United, Delta, etc., all fly out of O'Hare. If you choose a discount airline such as Southwest, you will land in and take off out of Midway, a smaller (but getting big very quickly) airport on the city's southwest side. Midway used to have the advantage of being less congested

than O'Hare, but that's no longer the case. Still, don't be afraid to take an airline that uses Midway--you can often get really good fares that way.

You can get to and from the city easily from both airports by both taxi and El.

By cab: meet your taxi on the baggage claim level of O'Hare or the street level of Midway. From O'Hare expect to pay \$25 in good traffic, much more in rush hour. From Midway the fare will run you around \$20 off-peak.

By the El: The El has a station at O'Hare. There are signs but they are easily missed; you're best off just asking the information people in the baggage claim area. Once you get to the train, take the Blue Line to Clark/Lake. Exit from the State of Illinois Center on the south side of the building (Randolph Street). The Allegro is on the southwest corner of the intersection of Randolph and LaSalle streets. \$1.50 to ride the train. It's about a 40-minute ride each way.

From Midway, you'll have a bit of a hike to the Orange Line Station, which sits across Cicero Avenue. From the baggage claim area, proceed east through the building until you reach the elevator to the elevated walkway. You'll be crossing Cicero Avenue. There's another elevator on the other side; descend into the station; and ride the train into the Loop. Exit at the Washington station. The Allegro is on the northeast corner of the intersection of Washington and LaSalle. Takes about 30 minutes

During the week, the train is the better bet, compared to taxis -- it's faster, more reliable, and cheaper. For system maps, check this page: <http://www.yourcta.com/maps/systemmaps.html>

If you wish to travel by local CTA bus, the website can give you exact directions for any trip you wish to plan. <http://www.yourcta.com/maps/bus/Bus.html>. This is the way to get to the Chicago Historical Society; you can also get to the ABA for the Saturday night reception by CTA bus if you miss the charter.

If you are driving to Chicago, use Yahoo or Mapquest to get your driving directions. The routes are straightforward enough; it's the traffic that makes driving such an adventure in Chicago. From O'Hare, follow signs for I-90 to Chicago, which will take you to the Kennedy Expressway (I-90/94). Go east for about 15 miles. As you near the city, you'll see signs for Loop Exits. Exit at Washington Street; proceed east to the hotel, which is at the intersection of Washington and LaSalle. There is valet parking at the hotel.

From Midway, take Cicero Avenue north to I-55 (Stevenson expressway) and head east to the city; take I-90/94 north (the Dan Ryan) to the Loop and exit at Washington Street. Proceed as above to get to the hotel.

From the West, take the Eisenhower Expressway (I-290) (if you dare!) east to the city; at the I-90/94 junction ("the circle") head north on I-90/94 and exit at Washington, as above.

Child Care for the meeting may be obtained through American Childcare (312/644-7300; hotelcare@aol.com; <http://www.americanchildcare.com/main.htm>). This agency works with all the major hotels in Chicago; they also operate in San Francisco and Orlando. They are licensed, bonded, and insured. All child-care providers are college age or older. Call about a week before the start of the meeting (or when you need child care) and make reservations. They charge \$15.50 per hour, with a 4-hour minimum; they require a \$5 transportation fee (which increases to \$10 after midnight). If you fail to give 24 hours notice of your cancellation, there's a \$22 charge. All of these charges are billed to a credit card, but gratuities are not included and (I take it) are to be paid in cash. If there are enough children, we can arrange for group care, which costs \$18.50 per hour for 4 children, depending on age. Anyone wishing to take part in a share situation should get in touch with the Local Arrangements chair, Vicky Woeste (vswoeste@northwestern.edu; 312/988-6602).

Please feel free to email the chair of the Local Arrangements Committee, Vicky Woeste (vswoeste@northwestern.edu) if you have any questions about things in Chicago.

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