

American Society for Legal History  
Board of Directors Meeting  
Thursday, November 10, 6:30 p.m.  
Julep Room, Hilton Cincinnati Netherland Plaza Hotel  
Cincinnati, Ohio

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**OPENING REMARKS** (Harry Scheiber)

**MINUTES OF THE 2004 MEETING**

Minutes are appended at the end.

**2005 LOCAL ARRANGEMENTS COMMITTEE** ()

## **2005 PROGRAM COMMITTEE** (Thomas P. Gallanis & Michael Parrish)

This year's program committee assembled a program consisting of a variety of formats and subjects, reflecting the diversity of interests of our members. Our meeting consists of 34 panels plus the plenary session. Following last year's pattern, we did not schedule panels for Sunday morning.

Our call for papers generated 38 individual paper proposals and 31 panel proposals. The committee generated 8 solicited sessions of its own; the president of the society organized 2; and the committee chairs created 6 out of individual paper proposals judged meritorious by the committee. Following ASLH practice, we worked hard to avoid multiple participations or repeat performers from last year.

A demographic and chronological analysis of the program's content reveals: 21 panels on the U.S.; 5 on comparative/global legal history; 4 Anglo-American sessions including Atlantic history; 2 sessions on medieval history; 1 on Latin American history; 1 on Asian history; and 1 on ancient history. Twenty foreign scholars are participating in the program.

The committee used an on-line evaluation system created by Peter Jetton of Washington and Lee University and modeled on the system used by last year's committee. A secure website was used to house all proposals and CVs. Committee members could log on at any time to view submissions and enter their evaluations. Hard copies of the submissions were also circulated to the committee.

Once the preliminary program was established, it was made available by Chris Waldrep on the ASLH website and announced on H-Law. The program was updated as changes occurred. The final version of the program will be archived on the ASLH website.

The committee chairs would like to express their gratitude to the members of this year's committee: Joseph Biancalana, Chris Desan, Lucy Salyer, Barbara Welke, and John Witt. Their dedication and good cheer made the job a pleasure. We also want to thank Peter Jetton for creating and maintaining the on-line submission website, which we hope can be transferred to next year's committee, and Chris Waldrep for helping us publicize the preliminary and final programs on the ASLH homepage. And last but most certainly not least, we want to thank Harry Scheiber, Charlie Donahue, and Jack Pratt for their assistance and wise counsel; working with them was a pleasure.

**2006 LOCAL ARRANGEMENTS COMMITTEE ()**

**2006 PROGRAM COMMITTEE** (John Witt and Dan Klerman)

**BOARD AND NOMINATING COMMITTEE ELECTIONS** (Jack Pratt)

[Results of election will be reported at the board meeting.]

## COMMITTEE ON CONFERENCES & THE ANNUAL MEETING (Craig Joyce)

### MEETINGS CURRENTLY SCHEDULED

Cincinnati, Ohio: November 10-13, 2005. You'll know all about this one by the time the board assembles at the Netherland Plaza. Please note that the choice of hotel reflects a continued slight preference for historic structures. All comments on this bias are welcome. Baltimore follows the same pattern. Phoenix/Tempe does not.

Baltimore, Maryland: November 16-19, 2006. Many thanks to Tim Sellers of the University of Baltimore School of Law, and Dave Bogen of the University of Maryland School of Law, for agreeing to chair this meeting. Come enjoy Baltimore's newly refurbished Lord Baltimore Hotel (National Registry of Historic Places) and the city's splendid Inner Harbor redevelopment.

Phoenix/Tempe, Arizona: October 25-28, 2007. Many thanks to Jonathan Rose and the Arizona State University College of Law for welcoming the Society to the Valley of the Sun in 2007. The weather, and the hospitality, will be the Great American Southwest at its finest. Venue: the fun-in-the-sun Mission Palms Hotel (not old, but then not much in Phoenix is).

### FUTURE MEETINGS

As always, information concerning past meeting sites, and hosting your very own ASLH Annual Meeting beginning as early as 2008, is available at [aslh.net](http://aslh.net).

Past years' reports have contained detailed sets of factors for meeting site selection (affordability of sleeping and meeting rooms, appeal of the city, travel expense, demographics of membership, and the like), as well as detailed sets of recommendations for actions regarding both the planning and the execution of future meetings (apropos the expense of our 2003 Washington, D.C., meeting). We believe that the appropriate balances now have been built into the Society's governance systems.

Thus, we simply inquire of the board this year: Where would you like to go next? As always, we have suggestions for your comment. In our normal rotation, 2008 would seem to be the year for a gracious Southern locale. Possible prime sites include Savannah (lovely and big enough to accommodate us), Chapel Hill (a sentimental favorite, if sufficient sleeping rooms were available near UNC), and New Orleans (although it is too early to book). Other cities in the region with appeal might include Charleston or perhaps a resort, although it might be best to see how Phoenix/Tempe plays out first. Finally, there is an outside chance that Ottawa (obviously, further north and cooler in the fall, but quite spectacular) might be available.

Comments?

**COMMITTEE ON DOCUMENTARY PRESERVATION** (Michael Churgin)



SCHOOL OF LAW

THE UNIVERSITY OF TEXAS AT AUSTIN

727 East Dean Keeton Street • Austin, Texas 78705-3299 • (512) 471-5151 • Facsimile (512) 471-6988

**MEMORANDUM**

October 11, 2005

TO: Harry Scheiber and Members of the Board

FROM: Michael J. Churgin, Chair

RE: Committee on Documentary Preservation

The question of the confidentiality of attorney client communications was the subject of a very successful roundtable at last year's Society meeting in Austin. The work of the University of Maryland project concerning the electronic records of the failed Brobeck law firm, which contains numerous files on the dot.com industry, described in last year's report continues. The Library of Congress funded the proposal and Ray Solomon and I are members of its advisory committee.

I have continued my practice of commenting to the National Archives concerning agency proposals for disposition of records, usually arguing for the retention of various files. Annexed is my comment to the CIA concerning its records. To date, no final notice has been published, nor have I heard back from the CIA.

From time to time, co-chair Ray Solomon and I have responded to inquiries concerning access to records from researchers. In addition, where appropriate, I have supported efforts to maintain documentary preservation such as the National Historical Publications and Records Commission, which initially was zeroed out in the President's budget.



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**MEMORANDUM**

January 18, 2005

VIA FAX

TO: Edmund Cohen, Director  
Information Management Services, CIA

FROM: Michael J. Churgin  
Chair, Committee on Documentary Preservation  
American Society for Legal History  
Raybourne Thompson Centennial Professor in Law

SUBJECT: 69 Fed.Reg. 76449 (December 21, 2004)

The historical value of the three categories of CIA operational files noted in the Federal Register is significant, and the material should be made available to researchers and others to the maximum extent possible.

The best evidence of the historical use of the operation) files might be the opening of records under the special act which created the JFK Assassination Records Review Board. The Board, composed in part of noted historians in the diplomatic and national security fields, used its authority to direct the disclosure of various operational records. The CIA acquiesced in some actions of the Board and unsuccessfully sought presidential review of other decisions. These records were of significant historical value.

The Committee on Documentary Preservation of the American Society

for Legal History stands ready to assist. I may be contacted at the above address, by telephone at 512.232.1330 or by e-mail at [mchurgin@mail.law.utexas.edu](mailto:mchurgin@mail.law.utexas.edu)



Federal Register: December 21, 2004 (Volume 69, Number 244)  
Notices  
Page 76449-76450

-----CENTRAL

INTELLIGENCE AGENCY

Notice of Decennial Review of Operational Files Designations

AGENCY: Central Intelligence Agency.

ACTION: Notice of Decennial Review of Operational Files Designations. -----

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SUMMARY: The Central Intelligence Agency (CIA or Agency) is soliciting comments regarding the historical value of, or other public interest in, the CIA files designated by the Director of Central Intelligence (DCI) pursuant to the CIA Information Act of 1984.

DATES: Comments must be received by January 20, 2005.

ADDRESSES: Submit comments in writing to Edmund Cohen, Director of Information Management Services, Central Intelligence Agency, Washington, DC 20505, or by fax to (703) 613-3020.

FOR FURTHER INFORMATION CONTACT: Edmund Cohen, Director of Information Management Services, Central Intelligence Agency, telephone 703-6131215.

SUPPLEMENTARY INFORMATION: The CIA Information Act of 1984, codified in section 431 of title 50 of the United States Code, authorizes the DCI to exempt operational files of the CIA from the publication, disclosure, search, and review provisions of the Freedom of Information Act. The statute defines operational files as:

1. Files of the Directorate of Operations that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;
2. Files of the Directorate of Science and Technology that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; and
3. Files of the Office of Security that document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources; except that files that are the sole repository of disseminated intelligence are not operational files.

The CIA Information Act of 1984 requires that, not less than once every

ten years, the DCI shall review the exemptions in force to determine whether such exemptions may be removed from any category of exempted files or any portion thereof. The Agency completed its first

decennial review exercise in March 1995. The following represents a summary of the general categories of operational files that have been maintained within the Directorate of Operations, the Directorate of Science and Technology, and the Office of Security since the first decennial review:

1. Files of the Directorate of Operations that document the intelligence sources and methods associated with various operational and foreign liaison activities, that document the conduct and management of various operational and foreign liaison activities, and that document the assessment of the viability of potential operational and foreign liaison activities and potential intelligence sources and methods;

2. Files of the Directorate of Science and Technology that document the use of scientific and technical systems in the conduct of and in support of various operational and intelligence collection activities;

3. Files of the Office of Security that document various aspects of the investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence

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sources proposed for use in various operational activities.

The CIA is in the process of conducting its second decennial review of its operational files to determine whether any of the previously designated files, or portions thereof, can be removed from any of the specified categories of exempted files. The CIA Information Act of 1984 requires that the decennial review "include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein." In accordance with this requirement, the CIA hereby solicits comments for the DCI's consideration during the decennial review of the CIA's operational files regarding the historical value of, or other public interest in, the subject matter of these particular categories of files or portions thereof described above and the relationship of that historical value or other public interest to the removal of previously designated files or any portions thereof from such a classification.

Dated: December 7, 2004.

Edmund Cohen,  
Director of Information Management Services, Office of the Chief  
Information Office.

[FR Doc. 04-27840 Filed 12-20-04; 8:45 am]

BILLING CODE 6310-02-P

## **FUTURE OF THE SOCIETY COMMITTEE** (Sally Gordon)

It is a pleasure to write this report, in large part because of Society's members have been so very generous with their time and support. We currently have pledges of over \$435,000, bringing us to well over 85% of the total \$500,000 goal we set just 18 months ago.

In that time, we have reached out to individual members as well as the broader membership, and have had an astonishingly high rate of success. Our members, unlike the members of many other scholarly organizations, feel a deep connection to the Society and have made clear their willingness to support it. This has made the job far easier than we had any right to expect. Also key to our success has been the constant advice and counsel of Jane Lang Scheiber, who has seen many campaigns through to successful conclusions and has very helpfully guided our thinking and strategies into effective channels. She has donated her time extensively, and we will need to think soon of a way to thank her appropriately.

Since our report last year, we have continued to work with members, and have focused especially on the development of two new prizes in honor of senior and beloved Society figures. The first is John Phillip Reid, whose generous pledge as a member of this committee came in early, and who has offered to supplement his initial pledge to ensure adequate funding for the prize. Currently, the prize is set at \$1,000, but John and we hope very much that it will increase to a \$2,500 annual award. I include a description of the prize here:

The American Society for Legal History is pleased to announce a new annual book prize, named for renowned legal historian and long-time ASLH member John Phillip Reid. The John Phillip Reid Book Prize, which will be awarded for the first time in 2006, will recognize an outstanding book published in the prior year in any field of legal history. The Prize will include a \$1,000 stipend, and is designed to recognize excellence in scholarship in this growing field. The winning monograph will be selected by an ASLH committee specially selected to administer the Prize, and will be announced at the Annual Meeting each year.

We have raised a total of \$35,000 toward full funding of the prize, but need to raise an additional \$30-\$35,000 to ensure that a \$2,500 prize would be completely funded through endowment. We are working with John and Bill Nelson to identify prospective donors. John is very keen to see the Society develop more prizes, especially for books and book-length treatments of important subjects in legal history. Although this prize is currently phrased as recognizing the "best book in the field" in a given year, and is designed to reward work by more senior scholars, John would be happy to see the prize restricted to North American legal history, if book prizes in other areas were established.

The John Phillip Reid prize will be announced at this meeting, and awarded for the first time in 2006. Although the prize is currently not fully funded, we can easily award the \$1,000 cash award

Our second prize is still in the development phase, but with Bob Preyer's final approval, should be ready for discussion at the November meeting. The prize is in honor of Kitty Preyer,

who will be greatly missed by her many friends and admirers in the Society. Kitty left us \$5,000, which was later increased by a gift of \$10,000 by her husband Bob. We are currently pursuing two options for the prize, both of which are designed to advance the careers of young and early-career scholars, a focus that Kitty maintained throughout her career. The first option, which would depend on achieving significant new funding, would award two prizes of \$250 each, and expenses of up to \$500 to attend the annual ASLH meeting. Each young scholar, who would be chosen on the basis of submitted papers, would present the paper on a panel specially set aside for this purpose, and chaired by the president of the Society. The second option would be a single prize winner, also with a cash award of \$250 and \$500 in expenses, with the paper folded in to an existing panel.

The committee discussed the possible prize thoroughly during a committee conference call, and the executive committee has been consulted and given its approval. At the board meeting, we will present our final recommendation in greater detail, including (a) whether to open the prize to all fields, or restrict it to scholars in Kitty's own areas of specialization in American colonial and early Republic history, or to American history generally (in which we will also be guided by Bob Preyer); and (b) a recommendation on how to define the eligibility for "graduate students, law students, and early career scholars;" and finally (c) our recommendation on the appointment and composition of a special committee to judge proposals, and the establishment of an annual deadline for submission. (Currently, we are leaning toward June 30<sup>th</sup> as the latest reasonable date to consider proposals for papers that might need to be slotted into a session.) Whatever date we set, of course, some of those interested in applying will find it too early; they could be encouraged to apply the following year.

As we focus on the next stages, we as a committee have discussed how to approach both raising the final funds to meet our goal, and especially how to ensure that levels of giving to the Society remain healthy. One important ongoing measure should be the institution of a regular Annual Fund. A second key ingredient will be a focus on planned giving and testamentary recognition of the Society. Several committee members have already recognized ASLH in their wills, and have directed that matured bequests should be used for purposes such as the book series and the journal, as well as at the discretion of the Board. We will be following up with other members, encouraging them to include ASLH in their plans.

Equally important, we hope to reach out more effectively to younger members, not so much to generate large gifts, but to encourage participation. We plan to consult extensively with younger members at this conference, to learn what they think we are doing well, and what kinds of intellectual and professional support they need most.

We have planned to meet during this conference. Currently, our committee meeting is scheduled for Friday breakfast. At that meeting, we will have a chance to digest what we have learned from your responses to our activities over the past year, and our own work since our last conference call. We will outline our strategies for the coming months, and begin more detailed planning for the post-campaign world.

Finally, I cannot write this report without recognizing that my friend and fellow traveler Harry Scheiber has been the key to our accomplishments as a committee. His warmth, readiness to

reach out, and sagacity have made all the difference. We have all seen how hard and productively he has worked on behalf of the Society. We on the Future of the Society committee have been especially fortunate to have his (and Jane's) unflagging efforts. THANK YOU, Harry.

Sally Gordon, Chair

**WILLIAM NELSON CROMWELL PRIZE COMMITTEE** (David Konig)

[to be announced at board meeting]

David Thomas Konig (Chair),  
Barbara Aronstein Black  
Charles W. McCurdy  
Richard J. Ross  
Barbara Y. Welke

## H-LAW (Chris Waldrep)

This year, H-Law again hosted discussion among legal scholars and also, in its capacity as the ASLH's internet interface with the world, provided up-to-date information about the society and its activities. From November 1 to September 1, H-Law published 447 messages, ranging from 19 in August to 76 in November. Our discussion covered a varied field: Thomas Jefferson, John Adams, John Marshall, Oliver Wendell Holmes, film, comparative negligence, war powers, small claims, Marbury v. Madison, American justices and Australia, state grand juries, law professors in politics, and many other topics.

Editing H-Law is a never-ending, relentless daily task and two editors carried the burden of this work over the past year: Ian Mylchreest and Jerry Arkenberg. Christopher Waldrep and Michael Pfeifer served as book review editors.

## Membership

As an experiment, H-Law kept track of its new members between April 15 and September 15. A total of 76 persons subscribed to H-Law during this time. The majority were graduate students and their professors. Roughly one third described themselves as grad students while another third said they were professors. Only a minority declared themselves as ASLH members. Sixty-one self-reported themselves as not belonging to ASLH. Fifteen described themselves as ASLH members. On this issue, it seems to matter very little whether the new subscribers were faculty or grad students. Nineteen percent of grad students were members of ASLH while 22 percent of the professors claimed ASLH membership.

Grad students: members: 5; nonmembers: 21; total: 26

Professors: members: 6; nonmembers: 21; total: 27

Independent scholars: 2 nonmembers and 2 total.

Attorneys: 2 members and 2 nonmembers; total: 4.

Students: 11 nonmembers; 2 members; total: 13

Public school faculty: 3 nonmembers and 3 total.

Publisher/editor: 1, nonmember.

We recommend that the Membership Committee develop a system for receiving information about nonmembers joining H-Law and then contacting those nonmember as part of a recruitment campaign.

## ASLH on the Web

H-Law continues to maintain the joint H-Law/ASLH webpage on the H-Net website.

We posted the program to the ASLH-Net website along with information about local arrangements.

## Book Reviewing

H-Law commissioned and posted 17 reviews of books of interest to the H-LAW community in the fields of American and foreign legal and constitutional history:

Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. Oxford and New York: Oxford University Press, 2004. xii + 655 pp. \$35.00 (cloth), ISBN 0 19 512903 2

Reviewed by Howard Gillman, Department of Political Science, University of Southern California

Daniel Lord Smail. *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423*. Conjunctions of Religion and Power in the Medieval Past Series. Ithaca: Cornell University Press, 2003. xii + 277 pp. Bibliography, index. \$49.95 (cloth), ISBN 0-8014-4105-6.

Reviewed for H-Law by Fredric L. Cheyette, Department of History, Amherst College

John Phillip Reid. *Rule of Law: The Jurisprudence of Liberty in the Seventeenth and Eighteenth Centuries*. DeKalb: Northern Illinois University Press, 2004. 150 pp. Notes, bibliography, index. \$32.00 (cloth), ISBN 0-87580-327-X.

Reviewed for H-Law by Howard Nenner, Department of History, Smith College

Michal R. Belknap. *The Vinson Court: Justices, Rulings and Legacy*. ABC-CLIO Supreme Court Handbooks Series. Santa Barbara: ABC-CLIO, 2004. x + 290 pp. Illustrations, notes, chronology, table of cases, glossary, annotated bibliography, index. \$65.00 (cloth), ISBN 1-57607-201-0.

Reviewed for H-Law by Linda C. Gugin, School of Social Sciences, Indiana University Southeast

Ann Lyon. *Constitutional History of the UK*. London: Cavendish Publishing Co., 2003. xliv+476p. paperback. ISBN: 1-78185941-746-9. \$38.12.

Review by Joel Fishman, Asst. Director for Lawyer Services Duquesne University Center for Legal Information/Allegheny County Law Library, Pittsburgh, PA

Howard Schweber. *The Creation of American Common Law, 1850-1880: Technology, Politics and the Construction of Citizenship*. New York: Cambridge University Press, 2004. viii + 296 pp. Bibliography, index, index of cases. \$60.(cloth), ISBN 0-521-82462-1.

Reviewed for H-Law by Gordon Morris Bakken, California State University, Fullerton.

Martin J. Wiener. *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England*. New York: Cambridge University Press, 2004. xvi +296 pp. Illustrations, footnotes, index. \$70.00 (cloth), ISBN 0-521-83198-9.

Reviewed for H-Law by Marjorie Levine-Clark, Department of History, University of Colorado at Denver

John Phillip Reid, *Controlling the Law: Legal Politics in Early National New Hampshire*. Northern Illinois University Press, 2004. 265 pp. \$45.00 (cloth), ISBN 0-87580-321-0.

Reviewed by Lucy Salyer, University of New Hampshire.

Barry Godfrey, Clive Emsley and Graeme Dunstall, editors. *Comparative Histories of Crime*. Cullompton, U.K.: Willan Publishing, 2003. xiv + 222 pp. Tables, notes, bibliography, index. \$59.95 (cloth), ISBN 1-84392-037-9; \$28.50 (paper), ISBN 1-84392-036-0.

Reviewed for H-Law by Stacey Renee Davis, European History, Evergreen State College

William D. Carrigan. *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836-1916*. Urbana and Chicago: University of Illinois Press, 2004. xi + 308 pp. Index. \$35.00 (cloth), ISBN 0-252-02951-8.

Reviewed for H-Law by Bertram Wyatt-Brown, Richard J. Milbauer Professor Emeritus, University of Florida, and Visiting Scholar, The Johns Hopkins University

N. E. H. Hull, William James Hoffer, and Peter Charles Hoffer, eds. *The Abortion Rights Controversy in America: A Legal Reader*. Chapel Hill: University of North Carolina Press, 2004. viii + 343 pp. Notes, bibliography, index. \$59.95 (cloth), ISBN 0-8078-2873-4; \$24.95 (paper), ISBN 0-8078-5535-9.

Reviewed for H-Law by Mark A. Graber, Department of Government, University of Maryland, College Park, University of Maryland School of Law

David P. Currie. *The Constitution in Congress: Democrats and Whigs, 1829-1861*. Chicago: University of Chicago Press, 2005. xxii + 346 pp. Index. \$39.00 (cloth), ISBN 0-226-12900-4.

Reviewed for H-Law by Michael F. Holt, University of Virginia

Charles L. Zelden. *The Battle for the Black Ballot: Smith v. Allwright and the Defeat of the Texas All-White Primary*. Landmark Law Cases and American Society Series. Lawrence: University Press of Kansas, 2004. 168 pp. Index \$29.95 (cloth), ISBN 0-7006-1339-0; \$12.95 (paper), ISBN 0-7006-1340-4.

Reviewed for H-Law by Richard M. Vallery, Swarthmore College

Donald Grier Stephenson Jr. *The Waite Court: Justices, Rulings, and Legacy*. ABC-CLIO Supreme Court Handbooks Series. Santa Barbara: ABC-CLIO, 2003. xvi + 349 pp. Illustrations, notes chronology, glossary, bibliography, index. \$65.00 (cloth), ISBN 1-57607-829-9.

Reviewed for H-Law by Paul Kens, Departments of Political Science and History, Texas State University-San Marcos

William D. Bader and Roy M. Mersky. *The First One Hundred Eight Justices*. Buffalo: William S. Hein and Company, 2004. xvi + 173pp. Bibliography. No price listed (cloth), ISBN 0-8377-3431-2.

Reviewed for H-Law by W. Lewis Burke, University of South Carolina School of Law

Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America*. New York: Palgrave, 2004, originally published 2002. x, 264 pp. Illustrations, map, notes, bibliography, index. \$24.95 (paper), ISBN 1-4039-6711-3.

Reviewed for H-Law by William D. Carrigan, Department of History, Rowan University

Maeva Marcus, editor. *The Documentary History of the Supreme Court of the United States, 1789-1800*. Volume Seven. Cases: 1796-1797. New York: Columbia University Press, 2003. xxxviii + 983 pp. Illustrations, guide to editorial method, guide to editorial apparatus, introduction, bibliography, index. \$150.00 cloth, ISBN 0-231-12646-8.

Reviewed for H-law by Lynne Curry, Department of History, Eastern Illinois University

All reviews and all posting are available on the H-Law website and are searchable.

Christopher Waldrep  
H-Law Editor  
Department of History  
San Francisco State University

**HONORS COMMITTEE** (Greg Alexander)

Deliberations incomplete at time of preparation of this draft; report to be submitted at Board meeting.

**HURST MEMORIAL COMMITTEE REPORT** (Ray Solomon)

## LAW AND HISTORY REVIEW (David Tanenhaus)

NB: Discussion/action items at 1, 3[a], 7[c]

### 1. General and Organizational

I am pleased to report that the Law and History Review is flourishing. Under Christopher Tomlins' stewardship, LHR remained at the forefront of the discipline, expanded to three issues a year, played a leading role in internationalizing the field of legal history, and gracefully entered the electronic age. Chris also went the extra mile to ensure the editorial transition was seamless, including overseeing the production of the three issues in volume 23.

LHR enjoys generous support from the University of Nevada, Las Vegas [UNLV]. The William S. Boyd School of Law has provided office space, secretarial assistance, and the technical expertise to build an electronic journal management system [visit at <http://lhr.law.unlv.edu>] for LHR that facilitates on-line submission, refereeing, and journal management [See Section 3b]. Joshua Brauer, the law school's Director of Information Technology, deserves special thanks for his tireless efforts to build LHR's journal management system. The UNLV History Department and College of Liberal Arts have provided course relief and support for a first-rate graduate assistant, Lance D. Muckey. LHR also enjoys full access to all necessary facilities and equipment at UNLV.

**In light of the exceptional support that the journal has enjoyed from the William S. Boyd School of Law, the UNLV College of Liberal Arts, and the UNLV History Department, I ask that the Board make resolutions expressing its appreciation to Dean Richard J. Morgan, Dean Ed Shoben, and History Department Chair Eugene Moehring for the support each has given to the Law and History Review, and that the President of the Society incorporate those sentiments in letters to these individuals.**

### 2. Contract and Related Matters

Our relations with the University of Illinois Press continue to be sound, and the servicing of the journal has operated smoothly throughout 2004-05. On behalf of the Society, Bruce Mann, the Chair of the Publications Committee, and Walter F. Pratt, the Secretary-Treasurer, negotiated a new five-year contract with the University of Illinois Press. It continues the practice of LHR operating with a 224-page default and deals with overages on an ad hoc basis. Under the new contract, ASLH is charged \$500 per 16-pages of overage. This approach continues to be the strategy with greatest flexibility. Moreover, since the Press would not offer a cheaper per page rate for expanding the journal to a 256-page default, this strategy is also cost effective because we only pay for the pages that we use. As a practical matter it means that our length can vary from 224-256 pages per issue.

### 3. Production

[a] During 2004-05 we were close to meeting the target dates for appearance and distribution of LHR. Our schedule has each issue on its way to subscribers before the end of January (Spring issue), the end of May (Summer issue) and the end of September (Fall issue). Although LHR 23:1 was mailed in late January, LHR 23:2 was not sent until early June and LHR 23:3 is scheduled to be mailed on October 14, 2005. The University of Illinois Press is now

working with a new printer and expects this change to make the production process more efficient. To facilitate meeting our target dates, copy is sent to the Press nine full months prior to the issues production date. As always we owe particular thanks to the University of Illinois Press and its journals manager, Ann Lowry, for attending to our needs.

**This summer Ann Lowry retired. She provided thirty-five years of extraordinary service to the University of Illinois Press. She was a consummate professional and a great friend to LHR. In light of her exceptional service, I ask that the Board make a resolution expressing its appreciation, and that the President of the Society incorporate those sentiments in a letter to her.**

In a seamless transition, Clydette Wantland has succeeded Ann as journals manager. I also want to thank our UIP copy editor, Christina Dengate, without whom the journal simply could not function with its current efficiency.

[b] Report of Joshua Brauer, Director of Information Technology, William S. Boyd School of Law.

As anticipated in Christopher Tomlins' report a year ago LHR has continued with the support of UNLV to advance its electronic office management. As noted at that time one of the major drawbacks to the email attachment method of managing the refereeing process is the transfer of many administrative tasks to the editor. Working with UNLV, LHR set out to design and implement an online virtual office that would eliminate the heavy reliance on email and the editor doing administrative work while maintaining the benefits of working through electronic means. A few months into the development process LHR became aware of an open source journal management system called Open Journal System (OJS). The program, then at version 1.0 had many features that were similar to those being designed and built. An evaluation of the capabilities led LHR to adopt this software. As everyone was testing the software and readying it for use, the next version of OJS was released. A complete redesign from the technical side, version 2 offered additional features that LHR had been considering adding into the first version. LHR began routing all submissions to the new OJS version 2 based system on September 1, 2005 [visit at <http://lhr.law.unlv.edu>]. The system allows the editor and his administrative assistants to readily track submissions, manage the refereeing process and provide timely feedback using email templates and a web-based interface. In addition authors wishing to submit papers go to the website and upload a copy of their paper. They can also follow the progress of the paper through the process and ultimately receive referees' comments to the author on the website.

LHR plans to continue to refine the system in use and anticipates using the system to track book reviews beginning in early 2006. There is a small irony in that one of the first submissions to the new system was itself a website-based academic paper. However the system is setup around the collection and review of file-based documents (i.e. Microsoft Word). In order to accommodate the need for a document the author of the website-based paper submitted a word processing document with a link to the paper in it.

[c] The LHR website continues to provide services and contacts for prospective authors, society members, and browsers. [Visit us at [www.press.uillinois.edu/journals/lhr.html](http://www.press.uillinois.edu/journals/lhr.html)]. Authors are routinely participating in our "pre-print" program, which posts manuscript drafts of forthcoming articles tables in PDF format, along with article abstracts. PDF postings are quickly picked up by major search engines, such as Google. In other words we can assure authors who might have to wait fifteen months after acceptance to see their work in print that their work will circulate from the moment it is posted in this preliminary form. For administrative purposes I have

continued the practice of posting manuscripts to the pre-print server at the same time that they are sent to the press to begin the production cycle for the issue in which they appear. Once the article is published in its final version, the pre-print is removed. The final version itself circulates electronically, of course, through the History Cooperative. This means that manuscripts now appear on the pre-print server for approximately 10 months. Ideally, they could be posted from the moment the author returns the final production draft of the accepted manuscript, together with the author's "consent to publish form," which protects copyright.

[d] Publication of our electronic edition on the History Cooperative site is currently simultaneous to distribution of the print edition of the journal. Of the eighteen journals currently on the History Cooperative, LHR is the fifth most popular destination, exceeded only by the American Historical Review, the Journal of American History, the William & Mary Quarterly, and the History Teacher. Traffic to the History Cooperative Site continues to grow rapidly. Recruitment of new member-journals continues apace, and the contents of the site are expanding to cover conference proceedings and other forms of scholarship. Finances remain a struggle - the Cooperative is constantly in search of a predictable income stream - hence costs to member journals may rise. The Cooperative, for example, has recently discussed the possibility of charging a fee for "gating" (restricting) on-line access to a journal.

#### 4. Manuscript Submissions Inventory

[a] During the twelve months ending 31 August 2005, LHR had 83 manuscripts under active consideration. Of these, 19 were continuing without final resolution from previous years, and 64 were new submissions.

Of the 19 manuscripts continuing from previous years, 9 have been accepted, 4 have been rejected, 0 are promised for resubmission, 1 is out for its second round of reviewing, and 2 have been moved to the inactive list.

Of the 64 manuscripts newly submitted as of 31 August 2005, 40 have been rejected without the assistance of external peer review, 10 have been rejected after one or more rounds of review, 0 are awaiting initial consideration, 4 were undergoing first-round review, 3 have been returned to their authors after review with advice for revision and resubmission, 2 were undergoing second-round review, and 6 have undergone full review and have been accepted for publication.

[b] As of 1 September 2005, LHR's active "inventory" consists of 19 manuscripts awaiting publication but not yet published. 4 will appear in 23:3 (at time of writing this issue is awaiting distribution) 3 in 24:1 (in advanced copy edit), 4 in 24:2 (in preliminary copy-edit), and 4 in 24:3 (which will go to copy-edit at the end of November 05). Those manuscripts remaining (4) are not yet assigned. I have closed 24:3. Hence LHR is "full" for the year 2006.

[c] The current tally of manuscripts considered inactive (those continued for one full year without any activity or advice of the author's intentions) stands at 25. Some of those date back to 1995. It is worth noting that occasionally, manuscripts long considered inactive do revive. Nonetheless virtually all inactive manuscripts should be considered "dead."

Manuscript Submissions - Trends - Table

Year	Received	Rejected/ Withdrawn	Reviewed	Pending	Accepted
1992/3	37	21	16	4	4*
1993/4	39	20	16	5	3*
1994/5	56	32	23	9	4*
1995/6**	58	24	30	14	11
1996/7	44	26	27	14	12
1997/8	53	31	32	19	10
1998/9	42	24	24	14	11
1999/0	52	34	33	16	10
2000/1	49	32	33	21	13
2001/2	51	39	31	15	18
2002/3	62	41	33	19	13
2003/4	68	52	25	17	10
2004/5	64	50	24	8	14

\*acceptance figures do not include mss pending from previous years

\*\*split editorial year - figures include mss from previous years

## 5. Manuscript Submissions -- Matters Arising Trends

[a] The figure for manuscripts received during the year ending 31 August 2005 (64) is the second highest total since the journal's inception. It continues the recent trend of 60+ submissions? that has prevailed since 2002. The yearly average of manuscripts received each year over the last five years is now close to 60, and the results of the last three years suggest that we may well be moving toward an average of 60+. As the above table indicates the number of manuscripts received annually by the journal has virtually doubled over the last ten years. This suggests not simply vitality in the field, but increasing name recognition for LHR.

[b] Our acceptance rate over the past five years has been approximately 1 in 5 manuscripts submitted, although this year I expect to the ratio to be 1 in 6. More recently, our performance in attracting manuscripts has improved rapidly, suggesting that our catchment area is expanding, while the number of accepted manuscripts has remained steady, suggesting that we are becoming more selective. Maintaining and improving the quality of the journal, however, depends at least as much on maintaining high standards of refereeing and editing as on attracting a rising number of manuscripts. Our goal must be to maintain an annual "core" influx of solidly publishable or probably publishable manuscripts (depending on how much work one is prepared to put into pieces with potential) at 12+ submissions per year.

[c] Refereeing: I am happy to report that I have experienced almost no difficulty in gaining access to referees and obtaining four reports per manuscript. The vast majority of manuscript authors receive a first-round review response within ten weeks of submission. The members of our new editorial board deserve special thanks for their willingness to referee manuscripts. I am happy to report that in qualitative terms, the standard of our refereeing remains extraordinary, a feature of the journal on which authors comment frequently.

#### 6. Book Reviews - Report of Alfred L. Brophy, Associate Editor for Book Reviews (September 2004-August 2005)

From the beginning of September 2004 through the end of August 2005, LHR received approximately 152 books to consider for review and commissioned 78 reviews. We currently have 57 reviews in hand, awaiting publication. The good news is that we have plenty of reviews. We are currently running a publication lag of approximately fourteen months, which is slightly longer than has been typical for LHR. The 2005 volume will publish 44 reviews, so it looks as though the publication lag may get somewhat longer over the next few issues. (The 2004 volume published 41 reviews). To help with some of the space constraints, in 2004 we have reduced the target length of reviews to 800 words (and have again revised it downwards, to 750 words) and I have successfully policed that limitation. In rare instances, we publish longer reviews, such as Brian Levack's review of Baker's *Oxford History of the Laws of England* and Charles Donahue's review of Richard Helmholz in the same series.

I see two key issues that need addressing. First, the practice of printing 15 reviews per issue imposes a limit on the number of books that can be reviewed. Second, and related, is the publication lag. My sense is that the publication lag of reviews is not substantially longer than other leading journals that I have inquired about (*Journal of American History* is typically nearly a year and *Journal of Southern History*, typically a year). Reviews in *American History* is substantially shorter, typically around six months or less. Because we turn in copy approximately nine months before an issue goes to print, it will be difficult to reduce dramatically the lag time unless we go to posting pre-prints of reviews, the way we do for articles. Obtaining additional space for reviews would help somewhat with the publication lag. A final area deserves comment: the surprising difficulty in getting reviewers to turn in reviews. Somewhere around 20% of reviews that are commissioned are never produced. In some ways that is good; because, if everyone who agreed to write a review turned it in, we'd have an extraordinary publication lag. However, that also means that we have some shocking omissions. For example, we have no review in the pipeline for Michael Klarman's *From Jim Crow to Civil Rights*. The list of excellent, important books that have escaped treatment in LHR is longer than I would like. This may warrant some discussion by the board.

In selecting books and reviewers, I have three primary goals. First, and most importantly, to maintain the journal's rigorous standards of scholarship. I try to send out books that make important contributions to the field and to solicit reviews from scholars who work in the area of (or who use similar methods to) the books under review. I sometimes try to select reviewers who have a different vantage from the author. For example, James Brundage reviewed William Burgwinkle, *Sodomy, Masculinity, and Law in Medieval Literature. France and England, 1050-1230*. I try to send out every book that is at the center of the field. (I rarely send out edited volumes, because they pose such great difficulties in preparing a coherent, short review. However, in a few instances a book is so central to the field and the essays are so centered on a theme that a useful review is possible within our space constraints.) Second, I hope that the

reviews will advance the field by bringing attention to deserving scholarship. Thus, I try to select books that might not get much attention in other journals, that might otherwise escape the attention of the journal's readers, or that might not be at the center of the field of legal history. Finally, I hope the book reviews will help bring attention to younger scholars, both as reviewers and as the subject of reviews. To those ends, I have tried to recruit reviews from distinguished senior scholars in legal history and other fields, as well as the most promising emerging scholars. Along those lines, for example, we have reviews in line awaiting publication, including Daniel Ernst on Andrew Cohen, *The Racketeer's Progress*; Geoffrey Koziol on Chris Wickham, *Courts and Conflict in Twelfth-Century Tuscany*; William P. LaPiana on Anthony Kronman's *History of the Yale Law School*; Stuart Banner on P.G. McHugh, *Aboriginal Societies and the Common Law*; Robert A. Ferguson on Mary Sarah Bilder, *The Transatlantic Constitution*; Michael Kammen on Robert A. Ferguson, *Reading the Early Republic*; A. K. Sandoval-Strausz on Barbara Young Welke, *Recasting American Liberty* (a review I had to re-commission after the initial reviewer failed to deliver); Nan Goodman on John Fabian Witt, *The Accidental Republic*; and Lisa Cardyn on Lisa Dorr, *White Women, Rape, and the Power of Race in Virginia*, to name only a handful.

As in past years, I have relied on the generosity of a number of people in helping identify reviewers. I have drawn upon the good will of many; and repeatedly drawn upon the goodwill of Mary Sarah Bilder, Charles Donahue, Richard Helmholz, Bernie Jones, Amalia Kessler, Avi Soifer, Chris Tomlins, David Tanenhaus, and most especially James Whitman.

## 7. LHR and the History Cooperative

I have already referred in a previous section to our relations with the History Cooperative (see 3(d) above). Let me now explore this crucial aspect of the LHR's operations more fully.

### [a] Introduction

At its Board meeting in 2000 the ASLH accepted the History Cooperative's invitation to have LHR distributed online alongside the *Journal of American History* and the *American Historical Review*. Our membership of the Cooperative began formally in January 2001.

### [b] Availability

Currently all issues published from 17:1 (Spring 1999) are posted on the History Cooperative site [[www.historycooperative.org](http://www.historycooperative.org)]. The current issue is now routinely available electronically at the same moment of publication as the print edition. This is an important achievement for the Cooperative.

Currently the Cooperative distributes electronic editions of eighteen journals - JAH, AHR and LHR, plus the *William and Mary Quarterly*, *Western Historical Quarterly*, the *History Teacher*, *Common-Place*, *Labor/Le Travail*, *Labour History*, the *Journal of World History*, *Environmental History*, the *History of Education Quarterly*, the *Journal of the Gilded Age and Progressive Era*, the *Oregon Historical Quarterly*, the *Indiana Magazine of History*, and the three most recent members, the *Massachusetts Historical Review*, the *Oral History Review*, and *World History Connected*. The *Journal of Social History* has recently been accepted into Coop membership, and will be the first journal to belong both to Project Muse and to the History Cooperative. Negotiations with other journals are ongoing, including the Australian journal *Health and History*. The Cooperative is particularly interested in publishing electronic editions of the journals of major state historical societies. The Cooperative now also publishes conference proceedings. Its continued development of site tools for use by interested scholars is also noteworthy, including the revamping of the cooperative's own search engine.

Under the terms of the Cooperative, all subscribers to each member journal will continue

to receive a print copy through the journal's existing subscription/fulfillment system. In addition, if the journal is "gated" (i.e. access restricted to subscribers) they will get password controlled unlimited access to the journal on line through the Cooperative web site. Non subscribers will get time-limited access for which they pay the Cooperative. The site will be fully searchable across all constituent journals but unlimited access will be available only to those journals to which the searcher (or home institution) has a subscription.

[c] Open Access

It is important to note that as of now LHR is "open access" - not restricted to subscribers only. The question of restricting access was discussed by the Board at its 2003 Washington, DC meeting. Since then the Executive Committee of the Society approved restriction of access, but then at the request of Chris Tomlins suspended this action. Like my predecessor, I favor retaining our open access. To the extent that the ASLH considers its role to be the promotion of legal history to the world at large, maintaining open access to legal-historical scholarship published on-line is one of the most significant expressions of that role. Cooperative statistics continue to show that LHR is one of the most widely used journals on the Cooperative site. Usage is exceeded only by the large-circulation journals - the AHR, JAH, the History Teacher, and WMQ. Relative to its own subscriber base, LHR can still claim to be the most widely used journal on the Cooperative site.

I believe that at least in part the extent of use of the LHR is accounted for by open access. Until recently, the AHR, which has a subscriber base some 15-20 times the size of the LHR, was accessed on the Cooperative site only 5 times more frequently. Access to the AHR was restricted, but now the articles are open access. It will be worth monitoring whether this change in policy leads to more accessing of the AHR.

The value of open access notwithstanding, LHR is produced by the ASLH as a service to members of the Association. To the extent that people join the Association in order to obtain LHR, open access is a disincentive to becoming a member or maintaining membership. Open access means people can free ride. Hence, since LHR began to publish an electronic edition

Chris Tomlins constantly monitored subscription numbers for signs of erosion, but could not determine whether our open-access policy affected subscriptions, especially since the Society adopted a new pay structure for membership. I, too, will monitor subscriptions carefully and will report more fully on this matter in next year's report.

There are also two final reasons not to gate at this point. First, we may be charged for it. The Cooperative is looking at the possibility of a charge to implement the gate and per year fee to maintain it. It has not, however, made a final decision along those lines. Second, the federal government is starting to enact policies that require federally funded research to be openly available. This development could make it illegal to gate access to our journal.

**Thus, I recommend that LHR remain open access and that the LHR editor and the Secretary-Treasurer monitor the situation.**

[d] Costs

Costs of converting our production files to a form compatible with the site and site services (site-wide searching) are rising. The ASLH should anticipate that per page figures for conversion may potentially increase.

## 8. LHR and JSTOR

The complete LHR backset, through the year 2000, is available for searching and browsing on JSTOR. Volumes will be added on an annual basis. Currently the History Cooperative search

engine (which is linked to the JSTOR data base) can produce results from the AHR and JAH backsets on JSTOR [On-line access to the actual materials cited in search results will require that the user or their institution be a JSTOR subscriber.]

I also am pleased to report that beginning in 2006 as part of its revenue sharing plan, JSTOR will paid LHR \$2,000. As Ariana Souzis, JSTOR's Communications and Outreach Specialist, explained: "In 2004 JSTOR reached a new milestone-with over 2,100 participating institutions, our revenue from annual access fees exceeded \$13 million. While we are currently distributing 15% of this revenue to our participating publishers, this level of success allows us to recognize with an additional monetary benefit the important role that publishers play in the creation and sustainability of the archive. Beginning in 2006 (and in subsequent years where annual access fees exceed \$13 million for the preceding year), we will make a supplemental payment to each journal available in the JSTOR archive that has a moving wall of 5 years or less. Journals with moving walls of 4-5 years will receive \$1,300 per title, while those with moving walls of 3 years or less will receive \$2,000 per title. This approach recognizes the contributions made by those publishers who have chosen to make more recent issues accessible through the archive. Your journal, Law and History Review, will be eligible for this yearly supplemental payment of \$2,000."

## 9. LHR and Hein On-Line

As Chris Tomlins reported last year, LHR has finalized the agreement to join "Hein On Line" (subtitled "The Modern Link to Legal History"). For those who may not be familiar, Hein On Line <<http://heinonline.org>> is essentially an on line archive of law journal backsets. So far Hein has mounted (or is in the process of mounting) some 250 law journals. It has another 200 under contract. As the project develops it will expand from law journals to select documents, select cases, and "classics" of legal scholarship.

Hein On Line is marketed primarily to law schools - 80% of ABA credited schools now subscribe.

As a result, of our agreement Hein now has rights to reproduce LHR page images in hardcopy, microform, and digital. The agreement is a 5-year, renewable, non exclusive agreement to produce "exact electronic reprints" of retrospective volumes. Like JSTOR the process is at Hein's expense. Hein offers a 15% Royalty on net revenues (JSTOR has also begun offering a royalty).

Hein anticipates that full mounting of all journals with which it has or is seeking contracts will take 5 10 years. Mounting of the most recent volume of a publication will not occur until 6 12 months after the last issue of the volume has been made available.

Joining Hein On-Line ensures that the journal's contents are properly represented on line in three major ways each serving a distinct component of our overall community of users: through JSTOR we will be represented in the major Arts and Sciences archive; through Hein we will be in the major law library archive (we are already of course in Lexis); through the History Cooperative we are already in the most sophisticated history archive available, added to which the Cooperative publishes our simultaneous electronic edition.

The possibility of harm for the journal lies in the effects on its institutional subscriber base. We have always been weak in this area, and despite our subscription campaign two years ago, we have had little success in adding new institutional subscribers. It is unlikely in my view that on line availability through Hein will diminish the number of current institutional subscriptions any time soon, but this is also worth monitoring.

### Future Developments

LHR is planning to publish a special issue. This issue may focus on the law and histories of war and security.

**MEMBERSHIP COMMITTEE** (Tony Freyer)

1. Efforts to convert the ASLH's membership lists to electronic form permitting assimilation of membership lists from other organizations did not work out. Using his own PDF, the Chairman hired a tech person to convert these lists, but for technical reasons, the effort failed. This is clearly an important matter; the committee welcomes any suggestions as to how it may be accomplished.
2. It has been suggested that the ASLH and the Seldon Society would benefit from exchanging membership lists. This Committee agrees.
3. The Committee recommends publicizing Harry Scheiber's idea that Senior faculty could sponsor graduate student memberships.
4. The Committee welcomes, too, any ideas as to how we may solicit memberships among practicing lawyers.

Respectfully submitted, the Membership Committee,  
Tony Freyer, Chair

**PAUL L. MURPHY AWARD COMMITTEE REPORT** (John Johnson)

The Paul L. Murphy Award was created several years ago by the American Society for Legal History to honor the memory of Paul L. Murphy, late Professor of History and American Studies at the University of Minnesota. It is a cash award, currently \$1500, bestowed annually upon a scholar new to the study of American civil rights/civil liberties to support his or her research and writing on a project relating to the history of American civil rights/civil liberties. The Murphy Committee is charged with devising and monitoring procedures for the award, disseminating advertisements, screening applications, and making an annual recommendation of a recipient to the Society. The committee dispatched these tasks in 2004-05.

The individual recommended from the 2004-05 applicant pool for this year's Murphy Award is Dr. Jill Silos, a visiting assistant professor at Colby-Sawyer College. Dr. Silos's project, a book manuscript tentatively titled "Everybody Get Together: The Politics of the Counterculture," is a study of the exercise of First Amendment liberties in public spaces by social and political activists of the 1960s. Dr. Silos plans to accept the 2004-05 Murphy Award at the November 2005 meeting of the Society in Cincinnati, OH.

The members of the Murphy Award Committee for 2004-05

John W. Johnson, Department of History, University of Northern Iowa (chair)  
Michal Belknap, School of Law, California Western University  
Harry Scheiber, School of Law, University of California at Berkeley  
Sandra Van Burkleo, Department of History, Wayne State University

**NOMINATING COMMITTEE** (Sally E. Hadden)

According to usual practice, the committee convened by conference call several times in spring to agree upon a slate of potential nominees for the Nominating Committee, Board of Directors, and the President-Elect. After much consultation, the potential nominees were contacted by members of the Nominating Committee and their consent to stand for election was obtained. In keeping with the society's by-laws, ten individuals were proposed for the Board of Directors, two individuals for the Nominating Committee, and one individual for President-Elect. These names were transmitted to the Secretary-Treasurer who placed them on the summer ballot for the membership to vote upon.

Sally Hadden, Chair

On behalf of the committee, Jack Pratt announced the results of the election for the Society's officers:

[to be announced at board meeting]

**PUBLICATIONS COMMITTEE** (Bruce Mann)

For the first time in many years, the Committee has very little to report. The transition from Christopher L. Tomlins to David S. Tanenhaus as editor of the *Law and History Review* was completed smoothly, and the Committee helped the Society Secretary/Treasurer, Walter F. Pratt, Jr., negotiate a new contract with the University of Illinois Press for publication of the *Review* to replace the old contract that had been extended on a year-to-year basis. Detailed information on the journal and on Studies in Legal History is available in the reports of the respective editors.

The Committee wishes to thank David S. Tanenhaus, Thomas A. Green, Daniel R. Ernst, Hendrik Hartog (who continues to work on volumes initiated on his watch), and Christopher L. Tomlins (who made the editorial transition a seamless one) for their extraordinarily dedicated and effective stewardship of the *Review* and the series, and the University of Illinois Press and the University of North Carolina Press for their continued support of our scholarship.

Respectfully submitted,  
Bruce H. Mann  
Chair

**SECRETARY-TREASURER'S REPORT** (Jack Pratt)

The report for 2005 is not comparable with that for 2004 because of the change in the contract with the University of Illinois Press. For 2004, and prior years, the Press deducted a percentage of membership dues as its fee for publishing *Law & History Review* and for servicing the Society's membership. For 2005, and beyond, the Press will charge the Society a fixed fee each quarter and remit all revenues directly to the Society.

Financial Report as of October 27, 2005:

	2001 (full year)	2002 (full year)	2003 (full year)	2004 (full year)	2005 (part year)
Contributions	3,000.00	1,160.00	11,615.00	66,585.00	55,089.86
Membership	23,472.15	25,785.85	24,389.94	40,637.77	54,762.37
Investment	6,853.84	4,011.22	272.31	1,393.22	123.18
Royalties & copyright		5,504.30	2,441.98	5,640.45	3,327.36
Mailing list		825.00		1,500.00	425.00
Annual conference	28,775.96	25,863.80	43,338.40	27,399.20	17,660.00
Miscellaneous		4,167.23	9,217.67	300.00	6,014.99
<b>TOTAL INCOME</b>	<b>62,101.95</b>	<b>67,317.40</b>	<b>91,275.30</b>	<b>143,455.64</b>	<b>137,402.76</b>
Grants	1,000.00	500.00	1,000.00	2,000.00	4,100.00
Wages	550.00	390.00		590.00	
H-Law & dues	2,490.00	3,490.00	3,490.00	3,590.00	1,990.00
Annual meeting	33,518.69	35,625.09	104,121.25	35,775.83	33,000.00
Travel	1,676.58	2,934.20	1,808.26	2,808.26	670.90
Bank charges		649.64	261.60	287.43	787.33
Miscellaneous	15,538.18	19,276.62	18,692.52	20,167.63	54,607.93
<b>TOTAL EXPENSES</b>	<b>54,773.45</b>	<b>62,865.55</b>	<b>129,373.63</b>	<b>65,219.15</b>	<b>95,156.16</b>
<b>EXCESS/ (DEFICIT)</b>	<b>7,328.50</b>	<b>4,451.85</b>	<b>(38,098.33)</b>	<b>78,236.49</b>	<b>42,246.60</b>

\*2005 contributions to date for endowment campaign:

discretion of the board	9,675.00
endowment	13,900.00
John Phillip Reid book prize	6,800.00
Misc/unrestricted	22,435.97
<b>TOTAL</b>	<b>52,810.97</b>

**STUDIES IN LEGAL HISTORY** (Dan Ernst)

*Studies in Legal History* is publishing three books in 2005:

Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830*

Laura Kalman, *Yale Law School and the Sixties: Revolt and Reverberations*

Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880-1960*

One book is currently scheduled for 2006:

Assaf Likhovski, "Law and Identity in Mandate Palestine"

Four manuscripts are under advance contract, three in American legal history and one on the European side:

Jeannine DeLombard, "Slavery on Trial: Law, Print, and Abolitionism"

Thomas A. Green and Hendrik Hartog, eds.: Elizabeth B. Clark, "The Politics of God and the Woman's Vote: Religion in the American Suffrage Movement, 1848-1895"

Michael Millender, "The Transformation of the American Criminal Trial, 1776-1860."

Richard Wetzell, "Between Retributive Justice and Social Hygiene: Penal Reform in Modern Germany, 1880-1945"

All of the books to be published in 2005 were originally submitted to the series while Thomas Green and Hendrik Hartog were editors. Green and Hartog are jointly editing the Green & Hartog, Millender, and Wetzell manuscripts under advance contract, as well as other strong prospects first submitted under their co-editorship. Ernst is editing DeLombard. Hartog's name will appear as editor on all books published in 2005, as well as those under advance contract.

During the past year, editors received more than a dozen new manuscripts and proposals for consideration. These divided evenly between the American side (Ernst) and the non-American side (Green). As to the latter, where the editors hope to expand our publication program gradually over the next several or more years, currently manuscripts under consideration include two on England, two on Germany, one apiece on France, Italy and Spain. Much of the editors' time has been devoted to work on manuscripts under advanced contract; some to giving authors readings of their work, in anticipation of a revision and resubmission for consideration for an advanced contract; and some to advising authors at an earlier stage in their book projects.

The editors want to express their gratitude to our editor at the Press, Chuck Grench, to Chuck's former assistant, Amanda McMillan, who left the press this year, and to Chuck's new assistant

Katy O'Brien. As always, we want also to thank Kate Torrey, Director of the Press, and David Perry, Editor in Chief; the Society owes a great deal to the University of North Carolina Press for its support and excellent standards of production over the past three decades.

### **Supplemental Report on Critical Issues in Legal History**

At its annual meeting in 2004, the Board of Directors approved the following motion:

The Board of Directors of the American Society of Legal History supports in principle the idea of a series of books intended for a general educated audience, which would include students in survey courses in American legal history at the undergraduate level and in law schools. It authorizes Daniel R. Ernst to develop his proposal for a book series devoted to "Critical Issues in Legal History" in partnership with the University of North Carolina Press.

The Board's approval was contingent upon the understanding that Critical Issues books not be limited to topics in American history, that such a series not lessen the Society's and the Press's commitment to Studies in Legal History, and that the series could not go forward without again coming before the Board for its approval.

Although the Critical Issues project is distinct from Studies in Legal History, Daniel Ernst takes this occasion to report that the Mission Statement and General Discussion have been revised in light of the Board's understanding and that the Press has sent them out for external review. Ernst and the Press are thus continuing to develop the proposal but have no motion regarding it for the Publications Committee or Board to consider at this time.

Daniel Ernst, Thomas A. Green, Editors

**SURRENCY PRIZE COMMITTEE** (Philip Girard)

[to be announced at board meeting]

**SUTHERLAND PRIZE COMMITTEE** (Margot Finn)

Let me begin my report by thanking my two fellow committee members, David Lemmings (Associate Professor, University of Newcastle, Australia) and David Millon (Professor, Washington and Lee University). Their contributions to our deliberations over the past several months have consistently been intellectually perceptive, but also generous, good-humoured and timely. Working collaboratively with colleagues separated by such distances (and time zones) might well have been taxing, but in this instance it was instead an immensely rewarding experience. I am most grateful to both of them for their time, effort and collegiality.

[to be announced at board meeting]

Margot C. Finn  
Professor of Modern British History

## MINUTES [2004]

### MINUTES

**AMERICAN SOCIETY FOR LEGAL HISTORY  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 28, 2004, 7:15 P.M.  
DRISKILL HOTEL  
AUSTIN, TEXAS**

The meeting began at 7:17 p.m.

#### Opening Remarks

Harry Scheiber, president of the Society, opened the meeting by thanking all members of the board and chairs of committees for their service during the past year and for attending the meeting.

#### Committee Reports

[Copies of reports from committees are available on the Society's website:  
<<http://www.aslh.net>>]

#### 2004 Local Arrangements Committee

Mike Widener reported on behalf of the committee. He welcomed everyone to Austin. He thanked in particular the committee's chair, Roy Mersky; Kumar Percy, who had worked closely with the hotels and catering; and Josiah Daniel, who had raised almost \$6,000 to offset costs of the reception following the plenary session.

#### 2004 Program Committee

Vicky Woeste thanked all members of the committee: Barry Cushman, Laura Edwards, Norma Landau, Laurent Mayali, Martha Umphrey, and James Whitman. Referring to the report submitted in advance of the board meeting, she noted the success of the online evaluation system. Harry Scheiber complimented the committee on its accomplishment, noting in particular the great success in going beyond the United States and Europe, and also with younger scholars.

#### 2005 Program Committee

Linda Przybyszewski, chair of the committee, could not attend the board meeting.

Harry Scheiber noted that in the future the Society's meetings would follow the "Cincinnati Model." That model anticipated that all parts of the meeting would be held in the host hotel. The model would avoid having off-site events that were, in effect, paid for twice. The problem arose because hosts would pay for the off-site event and the Society would have to pay to meet its food and beverage guarantee. By having all events in the host hotel, the Society would benefit from having the costs of the events count toward the food and beverage guarantee; and, if there were contributions collected by local committees, those contributions would go toward satisfying the Society's obligations to the hotel. Having all events in the host hotel would help solve the financial problems associated with the annual meeting. Harry noted that the local arrangements committee would explore the possibility of having a joint event at the National Underground Railroad Freedom Center, located in Cincinnati.

#### 2005 Program Committee

Harry Scheiber announced that Tom Gallanis and Michael Parrish would serve as co-chairs of the committee. Other members of the committee would be Joe Biancalana, University of Cincinnati; Christine Desan, Harvard University; Lucy Salyer, University of New Hampshire; John Witt, Columbia University; and Barbara Welke, University of Minnesota. On behalf of the committee, Tom invited comments and questions. Harry suggested that the committee would revisit the question whether to hold panel sessions on Sunday morning.

#### Committee on Conferences & the Annual Meeting

Craig Joyce, committee chair, thanked the Austin committee for their work. He announced that the next meetings would be held in Cincinnati (2005), Baltimore (2006), and Phoenix/Tempe (2007). He invited suggestions for locations after 2007, anticipating that the meeting would be in the East in 2008, maybe a southern location. The committee looked for cities that were not huge, with huge costs.

#### Committee on Documentary Preservation

Michael Churgin, committee chair, was unable to attend the board meeting. The committee's report was accepted as distributed.

#### William Nelson Cromwell Prize Committee

David Konig, committee chair, was unable to attend the board meeting. On behalf of the committee, Harry Scheiber summarized the standards for the prize. Sally Gordon, a member of the committee, summarized that the Cromwell Foundation had made a five-year commitment to provide an annual prize of \$5,000 for a young scholar in legal history. She thanked the committee members for their work. The committee's recommendation would be considered by the Foundation's board meeting on November

3. Following that meeting, the Foundation board will report its decision to the Society.

#### Hurst Memorial Committee Report

Harry Scheiber asked for the board's support of a resolution thanking Avi Soifer for his service as chair of the committee. Harry announced that Ray Solomon had agreed to succeed Avi as chair. The committee will work on the details of the next institute, to be held in the summer of 2005, at the University of Wisconsin, again with the support of an endowment provided by Mrs. Hurst. Although the date may need to be changed, Harry anticipated that all other details of the institute would remain the same.

#### H-Law

Harry Scheiber thanked Chris Waldrep for all of his hard work, especially for the new website, ASLH.net. Harry noted that the web address would be added to the Society's letterhead and that he hoped that there could soon be a link to a fund-raising form. Harry also reported that H-Law's book review editors had served for eight years and that they would be recognized at the annual meeting. Chris announced that there was need for a book reviewer for non-US books. Chris thanked the 2005 program and local arrangements committee for their help in coordinating the information posted on the website.

#### Membership Committee

Harry Scheiber announced that total membership had not dropped substantially after the introduction of the new dues structure; the actual drop had been small. Total revenue from membership dues appears to be up. Tony Freyer, committee chair, asked for suggestions for the committee's work. He reported that the main point of the committee's efforts was to encourage senior members of the Society to sponsor memberships for younger scholars and graduate students. Harry encouraged giving memberships as a gift. Vicky Woeste asked whether those presenting papers at the annual meeting had been asked to become members. Harry responded that they had not been asked in the past. Harry suggested that the graduate student representative on the board would be appointed to the committee.

#### Nominating Committee

On behalf of the committee, Jack Pratt announced the results of the election for the Society's officers:

Board of Directors (vote for four)  
R. B. Bernstein ELECTED  
Paul Finkelman  
Tom Gallanis ELECTED

Bill Jones  
Joyce Malcolm  
Jim Oldham ELECTED  
Reva Siegel ELECTED  
Victor Uribe-Uran

Board of Directors n Graduate Student Member (vote for one)  
Lyndsay Campbell ELECTED  
Rebecca Rix

Nominating Committee (vote for two)  
Daniel W. Hamilton  
Sanford Levinson  
Kenneth Mack ELECTED  
Wesley Pue ELECTED

Surrency Prize Committee

Robert W. Gordon, committee chair, announced the committee's recommendations and citations. The Committee recommended that the Surrency Prize for 2004 for the best article appearing in volume 21, *Law and History Review*, be awarded jointly to the following:

**Daniel J. Hulsebosch**, for "The Ancient Constitution and the Expanding Empire: Sir Edward Coke's British Jurisprudence".

Professor Hulsebosch surveys afresh Sir Edward Coke's constitutional jurisprudence, in order to clarify Coke's views of the rights and liberties of the King's subjects in Britain and in the overseas empire, and to contrast Coke's actual views with the later uses made of them by rebellious American colonists. He gives us a Coke still immersed in seventeenth-century ideas of common law as one of many jurisdictions, as applying to England rather than to British subjects, and as jurisdictional – tied to specific remedies in specific courts – rather than a substantive jurisprudence of principle. But he also shows how, through mediaeval-sounding doctrines such as personal ligeance of subjects to their King, Coke unintentionally pioneered a free-floating jurisprudence of English liberty. Eighteenth-century colonial lawyers pried the arguments loose from their original local and institutional matrix to convert them to a law of fundamental rights enforceable by subjects abroad even without English courts to enforce them in. Written with grace and vigor, the article brings bright new light to old debates over the constitution of empire.

and

**Sarah Hanley**, for “The Jurisprudence of the Arrêts’: Marital Union, Civil Society, and State Formation in France, 1550-1650”.

Professor Hanley tells, from previously unexplored sources, the fascinating story of how early-modern French jurists built up a body of decisions (arrêts) on marital law that aggressively challenged and revised canon law doctrines and jurisdiction, especially by repudiating those church doctrines that permitted clandestine marriages. The jurists had their decisions ratified and reinforced by a series of statutes (Ordinances) that sought to displace church law – by means of bringing criminal charges against abettors of marriages they deemed illicit and granting appeals to those who sought escape from them – with a distinctively French “Marital Law Compact”. Only public marriages, they argued, recognized by a public jurisprudence of arrêts in civil courts could form the families that in turn would constitute French civil society and the French nation. Closely argued and carefully supported, this remarkably original and eye-opening article convincingly demonstrates how secular jurists deployed marriage law as an instrument of state-building.

Sutherland Prize Committee

Thomas P. Gallanis, committee chair, announced the committee’s recommendation that the year’s prize be shared between:

The Sutherland Prize for 2004 is shared between:

Professor Eliga Gould, of the University of New Hampshire, for his article, “Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa 1772,” 60 *William and Mary Quarterly* 471-510 (2003), and Professor Daniel Klerman, of the University of Southern California, for his article, “Was the Jury Ever Self-Informing?” 77 *Southern California Law Review* 123-149 (2003).

Professor Gould’s article charts the legal geography of the Atlantic portions of the British Empire. The article skillfully weaves together two important threads in recent scholarship: the rise of Atlantic history and the emergence of legal geography as an analytical category. The cartological metaphor hearkens back to Blackstone, who saw his *Commentaries* as a map of English law. The article successfully deploys the metaphor to illuminate the tensions between the Empire’s center and periphery, and the recurring violence within the Atlantic world. Indeed, as the article persuasively demonstrates, the legal pluralism of that world was itself the source of conflict.

Professor Klerman’s article addresses a question of fundamental importance to the history of the jury. Recent scholarship, focusing on the fourteenth and fifteenth centuries, has questioned whether the medieval jury was ever self-informing. Drawing on an extensive array of primary sources from the twelfth and thirteenth centuries, the article convincingly answers the question in the affirmative. Jurors in the thirteenth

century primarily gained information in advance of trial; there were instances of witness testimony, but these were uncommon. Why then did the self-informing jury decline? The article points, among other factors, to two changes in criminal procedure: the transition from infrequent eyre to twice-yearly jail delivery, which made it hard to recruit local jurors, and the exclusion of presenting jurors from the trial jury, which deprived the latter body of the people most knowledgeable about the accusation. Self-informing, as Professor Klerman persuasively explains, was a matter of degree: largely present in the thirteenth century, noticeably more absent by the fifteenth.

#### Honors Committee

Harry Scheiber reported on behalf of the committee's chair, Greg Alexander, who could not attend the board meeting. Harry announced that with the approval of additional honorary members, Richard Helmholz could be announced as a new honorary fellow. The committee had nominated Kjell Mod  er, of Lund University, to be a corresponding fellow. Harry summarized Professor Mod  er's accomplishments, noting that he had been described as one of only two scholars in Europe whose scholarship covered both public and private law and bridged over four centuries; he had been described by Lund's Theology faculty as being the "spider in the web." The board approved the nomination by unanimous voice vote.

#### Secretary-Treasurer's Report

Jack Pratt called attention to the report distributed in advance of the meeting and asked for questions. Harry Scheiber asked Barry Cushman to repeat the comments he had made at the executive committee meeting. Barry noted that income from dues was up about \$12,000, and that the program committee had worked to control expenses.

#### Publications Committee

Bruce Mann, committee chair, noted that the committee's main activity in the past year had been to find a successor to Chris Tomlins as editor of the *Law & History Review*. The committee was pleased that David Tanenhaus had agreed to take on the editorship, and that David was present at the board meeting. The other topic of new business was the proposal that the Society collaborate with the University of North Carolina Press in sponsoring a new series, as described in the report submitted in advance of the meeting. The committee's proposal is this:

The Board of Directors of the American Society of Legal History supports in principle the idea of a series of books intended for a general educated audience, which would include students in survey courses in American legal history at the undergraduate level and in law schools. It authorizes Daniel R. Ernst to develop his proposal for a book series devoted to "Critical Issues in Legal History" in partnership with the University of North Carolina

Press.

Bruce noted that the resolution allowed the Press to continue its exploration; the resolution did not commit the Society to anything. Dan Ernst explained that the key characteristics of the books in the new series would be to synthesize and summarize work in a field, and less about advancement; the books would focus on present controversies; they would have to sell. The motion, he explained asked for support in principle, with any specific proposal having to come back to the committee and then to the board. The UNC Press has invested time in examining the proposal and is ready to invest more time, but the Press wanted to be sure that the Society also wanted to go forward. Chuck Grench, from UNC Press, reported that he and Dan had had extensive conversations, and that others at the Press had been kept fully informed. He and his colleagues thought that the idea was terrific, a logical extension of the mission of the Press and of the Society. The series would reach out to a broader public, an educated general reader. Charlie Donahue expressed his support for the resolution, but cautioned that it was not easy to do well with the sort of book envisioned. He thought it odd that the series would be confined to American legal and constitutional history, noting that many current issues involved much deeper connections than United States law alone. Dan acknowledged that the point had been discussed in the committee, which had realized that a broader approach would be better. Laura Edwards reported that Duke University Press had a similar proposal for a series aimed at a broader, general audience, though not historically based. David Seipp asked if “American” could be removed from the motion. Bruce agreed on behalf of the committee. David asked whether the series envisioned co-authored books, to allow all sides of an issue to be covered. Dan responded that the staged investment was meant to permit investigation of questions of that sort. Sally Gordon said that she thought it a good idea to reach out to a general audience. She reported that Pennsylvania University Press, in collaboration with the Constitution Center, planned a similar series on the constitution in American life. She reminded of the need to continue support for the Studies in Legal History series, for some books there would need to be subventions. Dan agreed, noting that the new series would not be advanced unless it could pay its own way. Victoria List supported the motion, noting that she could use the books in her teaching of undergraduates. Barbara Welke asked whether the same editors would serve for both series. Dan replied that the proposal envisioned that Tom Green (and editor of the SLH series) would not work with the new series; and, as the idea developed with the UNC Press, the committee might need to find an additional editor for the new series. Tom said that he fully supported the proposal, noting that it made sense to start with the United States and then expand later. The proposal, as amended, was approved by unanimous voice vote.

### *Studies in Legal History*

On behalf of himself and Tom Green, co-editors, Dan Ernst summarized the report submitted in advance of the meeting: Two books are being published in 2004:

James Oldham, *English Common Law in the Age of Mansfield*.

Paul Craven and Douglas Hay, eds., *Masters, Servants and Magistrates in Britain and the Empire, 1562-1955*.

Three books are scheduled for 2005, with which Dirk Hartog continues to work:

Daniel J. Hulsebosch, "Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830"

Laura Kalman, "The Dark Ages: Yale Law School and the Sixties"

Stephen Murray Robertson, "Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880-1960"

### *Law & History Review*

Harry Scheiber complimented Chris Tomlins for the amazing job he had done during his tenure as editor. He thanked him for his service. Because the membership numbers had not declined as much as feared at one time, Harry announced that the executive committee had decided to drop the proposal to gate access to the on-line version of the *Review*, especially in light of the cost of doing so as reported in Chris's annual report. Chris said that it had been a great privilege to be in charge of the *Review*; he thanked the board and the Society for their trust. He agreed with the decision not to gate access, but suggested that the board should continue to be alert to any effect on membership; he thought the *Review* and the Society gained immeasurably from open access. He and David Tanenhaus were coordinating closely and would continue to do so for the remainder of his tenure, with the balance of responsibilities shifting more toward David. Chris called attention to the steady increase in manuscript submissions; he thought that a new plateau had been established. Bob Gordon asked whether the *Review* was losing good items, and whether it made sense to publish four issues a year. Chris responded that four issues would not help in the one area involving length of articles. If material was lost, it was because authors were asked to cut length. Chris thought that four issues would be manageable, if they were affordable; having three, longer issues would be a less expensive option. There would be a substantial increase in workload, especially in the post-choice monitoring of production. Barry Cushman asked if there might be manuscripts that were not submitted, possibly because of law reviews could provide faster turnaround. Chris thought it impossible to know, though he had tried to provide quick responses to all submissions; possibly some authors were put off by the peer review process. Harry Scheiber called attention to the new practice of putting "accepted" articles on the web; he noted that the practice was becoming commonplace, and might change the analysis of the *Review's* publishing in the next few years. Chris said that the practice had been discussed recently in the History Cooperative. The greater pressure for early distribution of research results had been noted especially in

the sciences, where journals had gone by the board. The imprimatur function of a journal remained important in the humanities and social sciences.

David Tanenhaus thanked the Society for entrusting the *Review* to him. He thanked Chris Tomlins for helping make the transition as seamless as possible. He anticipated creating an “electronic office,” which would allow assistants to help, for manuscripts to be submitted electronically, for referees to read PDFs, post comments, and the like. He also hoped to incorporate more of the Society’s activities into the *Review*, possibly the plenary speaker’s remarks, especially if the number of pages could be increased. He also anticipated continuing to publish forums on controversial articles and field reviews. The first issue for which he would be responsible would go to the Press at the end of March. He invited questions or suggestions. Harry thanked him for the work he was doing.

#### Paul L. Murphy Award Committee Report

Harry Scheiber noted that Sandra Van Burkleo, committee chair, would have the announcement for the Award published later.

#### Future of the Society Committee

Harry Scheiber noted the amazing success of the committee, and complimented Sally Gordon for the work she had done. Sally thanked the members of the committee for their help – Bob Gordon, Tom Green, Dick Helmholtz, Laura Kalman, Stan Katz, Bill Nelson, John Reid, Ray Solomon, and Harry Scheiber and Charlie Donahue. Their charge had been to work on the financial stability of the Society, ensuring its ability to fulfil its scholarly mission, and to continue its support for the book series, the *Review*, and the annual meeting. Thus far, the Society had received pledges of approximately \$330,000, more than ever expected in such a short period. The question now was how to reach more broadly into the membership, a task that could not be based on personal contacts. There would be a need for organizational help, and to have the committee continue its work for another year. She hoped that there could be developed a culture among members of the Society to include the Society in bequests. There would be further discussion of how to tap the residue of founding donors for new fundraising, including opportunities for naming. An investment portfolio would be set up to allow gifts of stock. The proposal to continue the committee was approved by unanimous voice vote.

Charlie Donahue reported that while funds were being raised, the money would be managed by a small brokerage firm. Once a total of \$500,000 was reached, the plan was to move to TIAA/CREF management. The finance committee would monitor monthly reports and make an annual report to the board, and recommend changes. The committee would not spend money.

Harry asked for the help of all board members. He planned to announce the names of “founding donors” and the annual luncheon. The list would be held open through the end of the year, after which it would be published. There would be categories of giving, with appropriate recognition for each. He thought it especially important to have board and membership support when funding was sought from outside sources. He appreciated everyone’s generosity.

The meeting adjourned at 9:23.

# 2004 Minutes