

Thursday, November 10

Registration and Book Exhibits	Times TBA
Executive Committee Meeting	Time TBA
Board of Directors Meeting	Time TBA

Friday, November 11

Registration and Book Exhibits	Times TBA
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**Session #1
8:30am - 10:15am**

Party, Politics and Corrupt Practices: Campaign Finance Law in the Gilded Age

Chair: Adam Winkler; Law, University of California, Los Angeles; winkler@law.ucla.edu

“Wings Over Washington: Public Policy and Party Angels in Gilded Age America”
Mark Wahlgren Summers; History, University of Kentucky; msumm2@pop.uky.edu

“Prosecuting ‘Excessive Spending’: The Peculiar Case of the Corrupt Practices Act”
Paula Baker; History, Ohio State University; pscbaker@ameritech.net

“‘The Best Purpose in the World’: The Liberty Bond Women as 1920 Campaign Fundraisers”
Kurt Hohenstein; History and Law, University of Virginia; hohenstein@virginia.edu

Discussant: Robert Mutch;

New Perspectives on Civil Rights History

Chair: Annette Gordon-Reed; Law, New York Law School; agordon@nyls.edu

“Leave of Court: African-American Claims-Making in the Era of Dred Scott v. Sanford”
Martha S. Jones; History and Law, University of Michigan; msjonz@umich.edu

“Grassroots Litigation: James R. Walker, Jr., and the Fight against North Carolina’s Literacy Test, 1956-1961”
John Wertheimer; History, Davidson College; jowertheimer@davidson.edu

“Before and after Loving v. Virginia: Marriage, Identity, and Law, from Interracial to Same-Sex”
Peter Wallenstein; History, Virginia Polytechnic Institute & State University; pwallens@vt.edu

Discussant: Risa Goluboff; Law, University of Virginia; goluboff@virginia.edu

Political Economy as a Legal Form in Early America

Chair: Charlotte Crane; Law, Northwestern University; ccrane@law.northwestern.edu

“Creating an American Property Law: The Political Economy of Property Regulation from the Colonial Period through Jackson”
Claire Priest; Law and History, Northwestern University; c-priest@law.northwestern.edu

“Abigail Adams, Bond Speculator: Gender, Class and Virtue in the Creation of the Constitution”
Woody Holton; History, University of Richmond; aholton@richmond.edu

“From Blood to Profit: Money and the Move Towards Capitalism”
Christine Desan, Law, Harvard Law School; desan@law.harvard.edu

Discussants:

Allan Kulikoff; History, University of Georgia; kulikoff@arches.uga.edu

Charles McCurdy; History and Law, University of Virginia; cwm@virginia.edu

Children and the Courts in Latin America

Chair: Matthew C. Mirow; Law, Florida International University; mirowm@fiu.edu

“The Kindness of Strangers in the Shadow of the Law: Informality, Extralegality and Child Circulation in Chile, 1857-1930”

Nara Milanich; History, Barnard College; nmilanic@barnard.edu

“Negotiating Patriarchy: Boys, Girls, Family and State in Rio de Janeiro, Brazil, 1850-1889”

Erica M. Windler; History, Michigan State University; ewindler1@mac.com

“Patriarchalism, Law, and Nation Building in Nineteenth-Century Venezuela”

Arlene Diaz; History, Indiana University, Bloomington; ardiaz@indiana.edu

Discussant: Linda Lewin; History, University of California, Berkeley; llewin@berkeley.edu

Wives and Mothers

Chair: Kristin Brandser; Law, University of Cincinnati; kristin.brandser@uc.edu

“The Myriad Roles of Women in Will-Making and Testamentary Litigation in Late Seventeenth Century England”

Lloyd Bonfield; Law, Tulane Law School; lbonfield@law.tulane.edu

“Interspousal Custody Battles and the Unfulfilled Promise of the 1858 Divorce Court”

Danaya Wright; Law, University of Florida; wrightdc@law.ufl.edu

“Racializing Motherhood: Black and White Women’s Experiences in Mississippi Chancery Courts, 1870-1920”

Kevin McCarthy; History, University of Mississippi; kevin@olemiss.edu

Discussant: Laura Edwards; History, Duke University; ledwards@duke.edu

Session #2 10:30am - 12:15pm

History, Memory, Justice in the Trials of World War II

Chair: Michael Marrus; History, University of Toronto; michael.marrus@utoronto.ca

“Judges on Trial: History, Memory and Justice in Post-War France”

Sarah Spinner; Law, Yale University; sarah.spinner@yale.edu

“History and Memory in Perpetrator Trials: Nuremberg, Eichmann, Milosevic”
Lawrence Douglas; Law, Amherst College; lrdouglas@amherst.edu

“The Eichmann Trial and the Legacy of Jurisdiction: Lessons for the ‘New Political Trial’”
Leora Bilsky; Law, Tel Aviv University; bilskyl@post.tau.ac.il

Discussants:

Robert O. Paxton; History, Columbia University; rop1@columbia.edu

Henry Rousso; History, Institut d’Histoire du Temps Present; rousso@ihp.cnrs.fr

Judicial Review, Public Opinion and Slavery

Chair: Ariela Gross; Law, University of Southern California; agross@law.usc.edu

“The Negro Seamen Affair”
Gary Rowe; Law, University of California, Los Angeles; rowe@law.ucla.edu

“The People’s Courts: Slavery and the Adoption of the Judicial Elections, 1846-1860”
Jed Shugerman; Law, Harvard University

“Judicial Review’s Darkest Hour”
Barry Friedman; Law, New York University; barry.friedman@nyu.edu

Discussant: Renée Lerner; Law, George Washington University; rlerner@law.gwu.edu

Public Authority and Private Matters in Early American Law

Chair: Elaine Crane; History, Fordham University; ecrane@fordham.edu

“Escaping the Hangman: Suicide in Legal Thought in the Early Republic”
Rick Bell; History, Harvard University; rjbell@fas.harvard.edu

“Cried Down and Published: Newspapers, Neighborhoods, and the Regulation of Early America”
Kirsten Sword; History, Indiana University, Bloomington; ksword@indiana.edu

“Republicanism, the Public/Private Divide, and the Truth-Plus Defense to Libel Law in Early Nineteenth Century Massachusetts”

Lyndsay Campbell; Law, University of California, Berkeley; lyndsay@iii.ca

Discussant: Michael Grossberg; History, Indiana University, Bloomington;
grossber@indiana.edu

Outliers, Objectors, and the Modern American State

Chair: Michele Landis Dauber; Law, Stanford University; mldauber@law.stanford.edu

“The World According to Thorpe”

Michael Willrich; History, Brandeis University; willrich@brandeis.edu

“Objecting to the Wartime State: Conscientious Objectors in the United States, 1917-18”

Christopher Capozzola; History, Massachusetts Institute of Technology; capozzol@mit.edu

“Through the Back Door: Illegal Chinese Border Crossings During the Exclusion Era, 1882-1943”

Emily Ryo; Sociology, Stanford University; eryo@stanford.edu

Discussant: Ron Levi; Criminology, University of Toronto; ron.levi@utoronto.ca

Widows and the Law

Chair: Bruce Smith; Law, University of Illinois, Urbana-Champaign; smithb@law.uiuc.edu

“Taking Thirteenth-Century Statutes Seriously: The Strange History of Remedies Based on Chapter Seven of the Statute of Gloucester (1278)”

Paul Brand; All Souls College, Oxford; paul.brand@all-souls.ox.ac.uk

“Widow and Warrantor: Tenure and the Land Law in Thirteenth Century England”

Sue Sheridan Walker; History, Northeastern Illinois University

“Deciding What a Widow Needs: Paraphernalia in the Courts”

Janet Loengard; History, Moravian College; j.loengard@verizon.net

Discussant: W. Hamilton Bryson; Law, University of Richmond; hbryson@urichmond.edu

Session #3
1:45pm-3:30pm

“Matters of Definition”: Law and Meaning in Nineteenth Century America

Chair: Polly Price; Law, Emory University; pprice@law.emory.edu

“Judging ‘Freedom’ in Slave Transit Cases and Slave Narratives”

Eddie L. Wong; English, Rutgers University, New Brunswick; edlie@rci.rutgers.edu

“‘A New Race Has Sprung Up’: ‘Bartleby’ and the Prudent Person Standard”

John Matteson; English, John Jay College of Criminal Justice; matteson151@earthlink.net

“Transgressing the Law: The Pursuit of Reparations in African American Literature”

Jesse J. Scott; American Studies, University of Maryland, College Park; jjscott@umd.edu

Discussant: Jon-Christian Suggs; English, City University of New York; jcsjj@sprintmail.com

Author-Meets-Readers: From Jim Crow to Civil Rights

Chair: Judith K. Schafer; History and Law, Tulane University; jschafer@tulane.edu

Readers:

David E. Bernstein; Law, George Mason University; dbernste@gmu.edu

Paul Finkelman; Law, University of Tulsa; paul-finkelman@utulsa.edu

Thomas M. Keck; Political Science, Syracuse University; tmkeck@maxwell.syr.edu

Response: Michael Klarman; Law and History, University of Virginia; mjk6s@virginia.edu

Intellectual Origins of the U.S. Constitution

Chair: John P. Reid; Law, New York University; john.reid@nyu.edu

“Constitutionalism and the United States Constitution”

Barbara A. Black; Law, Columbia University; bab@law.columbia.edu

“Republicanism and the United States Constitution”
Mortimer Sellers; Law, University of Baltimore; msellers@ubalt.edu

“The Common Law and the United States Constitution”
Stephen Sheppard; Law, University of Arkansas, Fayetteville; sheppard@uark.edu

Discussant: Akiba J. Covitz; Political Science, University of Richmond; acovitz@richmond.edu

American Legal Imperialism in Asia: How Law Disciplines the Colonized and the Colonizers

Chair: Lucy Salyer; History, University of New Hampshire; lucy.salyer@unh.edu

“Why Canton Is Not Boston: The Law of Nations and the American Discovery of Asia”
Teemu Ruskola; Law, American University; truskola@wcl.american.edu

“All Law Is Local: American Consular Courts in Late 19th-Century Asia”
Eileen Scully; Social Sciences, Bennington College; scullyep@earthlink.net

“The ‘Board of Control’ Cases in the Philippine Islands: Containing Colonial Conflict in Constitutional Categories”
Anna Leah Fidelis T. Casteñeda; Law, Harvard University; leiaca4768@aol.com

Discussant: William P. Alford; Law, Harvard University; alford@law.harvard.edu

Actions and Interests in English Law

Chair: Daniel Klerman; Law and History, University of Southern California;
dklerman@law.usc.edu

“Ownership and Possession in the Early Common Law: The Advowson Writs”
Joshua Tate; Law, Southern Methodist University; joshua.tate@aya.yale.edu

“Bills of Custody”
Susanne Jenks; susanne.jenks@spd-online.de

“The Trust Beneficiary’s Interest before R v. Holland (1648)”
Neil Jones; Law, University of Cambridge; ngj10@cam.ac.uk

Discussant: Joseph Biancalana; Law, University of Cincinnati; joseph.biancalana@uc.edu

Session #4
4:00pm - 5:45pm

Presidential Plenary Session: Wartime Justice and Civil Liberties

Chair: Maeva Marcus; Supreme Court Historical Society

Panelists:

“Military Justice, Non-accountability, and the Hawaiian Japanese-American Internees, 1943-45”
Jane and Harry Scheiber; University of California, Berkeley; scheiber@berkeley.edu

“Loyalty Screening in Wartime: The Japanese American Joint Board, 1943-44”
Eric Muller; Law, University of North Carolina, Chapel Hill; emuller@email.unc.edu

“History as Evidence in the New Military Commission Cases”
Elizabeth Hillman; Law, Rutgers University, Camden; hillman@camden.rutgers.edu

Response: The Audience

Saturday, November 12

Session #5
8:30am - 10:15am

Biography and Constitutionalism at the Grassroots

Chair: Linda Przybyszewski; History, University of Cincinnati; linda.przybyszewski@uc.edu

Papers:

“Prejudice and Power in the Precincts: Local Lawyering, Sexual Orientation, and Constitutionalism”
Christopher Waldrep; History, San Francisco State University; cwaldrep@sfsu.edu

“The Institutional Entrepreneurs of the ‘Freedom-Based’ Public Interest Law Movement”
Ann Southworth; Law, Case Western Reserve University; axs76@case.edu

“Certainly No Judicial Heroes: The Heroes and Heroines in the Brownfield and Franklyn Cases”
W. Lewis Burke; Law, University of South Carolina; lewis@law.law.sc.edu

Discussant: Yasuhiro Katagiri; American Studies, Tokai University; katagiris@aol.com

Grounds for Freedom: Slaves’ Lawsuits in the Atlantic World

Chair: Melanie Newton; History, University of Toronto; melanie.newton@utoronto.ca

“Free Soil: Emergence and Development of an Atlantic Principle”
Sue Peabody; History, Washington State University; peabody@vancouver.wsu.edu

“Maintaining Slavery on Shifting Legal Grounds: Brazilian Government Policy Towards Illegally-Imported Slaves”
Beatriz Mamigonian; History, Universidade Federal de Santa Catarina;
bgmamigo@matrix.com.br

“Slavery, Manumission and the Law in Nineteenth Century Brazil: The ‘Free Soil’ Principle in the Southern Border of the Brazilian Empire”
Keila Greenberg; History, Universidade do Rio de Janeiro; keka@pobox.com

Discussant: Leslie Rowland; History, University of Maryland, College Park; lrowland@umd.edu

Trusts, Corporations and Colonialism

Chair: Andrew Buck; Law, Macquarie University; andrew.buck@mq.edu.au

“Law, Trust, and Conquest: Cobell v. Norton and Colonialism in the United States”
Matthew Kelly; Anthropology, University of Chicago; mjkelly@uchicago.edu

“Entrusting the Faith: Zoroastrian Priests and the Udwada Fire Temple Case (1900)”
Mitra Sharafi; History, Princeton University; mitrasharafi@yahoo.com

“Companies Law and Colonization”
Robert McQueen; Law, Victoria Institute of Technology; rob.mcqueen@vu.edu.au

Discussant: Ritu Birla; History, University of Toronto; r.birla@utoronto.ca

Roman Civil Law

Chair: Bruce W. Frier; Law and Classics, University of Michigan; bwfrier@umich.edu

“Roman Rhetoric and Early American Litigation”

Michael H. Hoeflich; Law, University of Kansas; hoeflich@ku.edu

“How the Romans Got Someone to Court”

Ernest Metzger; Law, University of Aberdeen; e.metzger@abdn.ac.uk

“Locatio Conductio and Virtual Reality”

Paul du Plessis; Law, University of Edinburgh; pduplessis@ed.ac.uk

Discussant: John Cairns; Law, University of Edinburgh; john.cairns@ed.ac.uk

Session #6 10:30am - 12:15pm

Presidential Panel: The Scholarship of Lawrence Friedman

Chair: Harry Scheiber; Law and History; University of California, Berkeley;
scheiber@law.berkeley.edu

“An Americanist’s Perspective”

Victoria Saker Woeste; American Bar Foundation; vswoeste@northwestern.edu

“A Political Scientist’s Perspective”

Robert A. Kagan; Political Science and Law, University of California, Berkeley;
rak@uclink.berkeley.edu

“From the Perspective of Comparative Studies”

Thomas Ginsburg; Law and Political Science, University of Illinois, Urbana-Champaign;
tginsbur@law.uiuc.edu

“The Comparative Paradox of Church and State: America and France”

James Q. Whitman; Law, Yale University; james.whitman@yale.edu

Response: Lawrence M. Friedman; Law, Stanford University; lmf@stanford.edu

Nineteenth Century Views of Congressional Power

Chair: TBA

“Overruling M’Culloch”

Mark Graber; Government and Law, University of Maryland; mgraber@gvpt; umd.edu

“The Legal Tender Cases and M’Culloch’s Revival”

Gerard Magliocca; Law, Indiana University, Indianapolis; gnm2000@yahoo.com

“The Riddle of Hiram Levels”

Richard Primus; Law, University of Michigan; richard.primus@umich.edu

Discussant: Keith Whittington; Politics, Princeton University; kewhitt@princeton.edu

The Law of Nations in the Eighteenth Century British Atlantic

Chair: David Armitage; History, Harvard University; armitage@fas.harvard.edu

“Rebellion, Criminal Law, and the Rules of War in Britain and Colonial North America, 1745-1757”

Geoffrey Plank; History, University of Cincinnati; geoffrey.plank@uc.edu

“Atlantic Maritime Legal Culture and the Law of Nations”

Lauren Benton; History, New York University; lauren.benton@nyu.edu

“States, Statelessness, and the Law of Nations in the British Atlantic, circa 1756”

Eliga H. Gould; History, University of New Hampshire; ehg@christa.unh.edu

Discussant: Leonard Sadosky; History, Iowa State University; lsadosky@iastate.edu

The History of Intellectual Property Rights

Chair: Thomas Nachbar; Law, University of Virginia; tbn4n@virginia.edu

“The Free Ride of Paul Revere: The Moral Climate of IP in the Early Republic”

Doron Ben-Atar; History, Fordham University; benatar@fordham.edu

“Copyright in Transition”

Peter Jazsi; Law, American University; pjaszi@wcl.american.edu

“Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Historical Content of the Patent ‘Privilege’”

Adam Mossoff; Law, Michigan State University; amossoff@law.msu.edu

Discussant: Craig Joyce; Law, University of Houston; cjoyce@uh.edu

Author-Meets-Readers: The Making of Gratian’s Decretum

Chair: Richard Helmholz; Law, University of Chicago; dick_helmholz@law.uchicago.edu

Readers:

Charles Donahue; Law, Harvard University

Kenneth Pennington; Law and Religious Studies, Catholic University; pennington@law.edu

Charles Radding; History, Michigan State University; radding@msu.edu

Response: Anders Winroth; History, Yale University; anders.winroth@yale.edu

**Annual Luncheon
12:30pm - 2:00pm**

**Session #7
2:15pm - 4:00pm**

Futures for U.S. Legal History

Chair: Robert W. Gordon; Law and History, Yale University; robert.w.gordon@yale.edu

“Context in History and Law: The Late Nineteenth Century Jurisprudence of Custom”

Kunal Parker; Law, Cleveland State University; kmparker@princeton.edu

“Legal History and the Domain of Archaeology”

Hilary Soderland; Archaeology, University of Cambridge; has32@cam.ac.uk

“Law and History in the U.S. Case: Toward a Structural History of National Legal Practices”
Christopher Tomlins; American Bar Foundation; clt@northwestern.edu

Discussant: Marianne Constable; Rhetoric, University of California, Berkeley;
mc@socrates.berkeley.edu

The Bureaucracy of Slavery and Emancipation: Federal Power and State Building, 1800-1870

Chair: Alfred Brophy; Law, University of Alabama; abrophy@law.ua.edu

“Confiscation and Emancipation in the 37th Congress”
Daniel W. Hamilton; Law, Chicago-Kent College of Law; dhamilton@kentlaw.edu

“A Tale of Two Departments: Debates in Congress Over Education and Justice During Reconstruction”
Williamjames Hull Hoffer; History, Seton Hall University; hofferwi@shu.edu

“The Posse Principle: Federal Policing in Antebellum America”
Gautham Rao; History, Wagner College; grao@midway.uchicago.edu

Discussant: Michael Vorenberg; History, Brown University; michael_vorenberg@brown.edu

The Morality of Borders

Chair: Susanna Blumenthal; Law, University of Michigan; sblumen@umich.edu

“Chinese Culture Brokers, the INS, and the World’s Fairs, 1893-1904”
Mae M. Ngai; History, University of Chicago; maengai@uchicago.edu

“Borders and the Construction of Moral Sex”
Ariela R. Dubler; Law, Columbia University; aduble@law.columbia.edu

“Liberal and Illiberal Borders in the Law and Politics of the ‘New Immigration,’ 1884-1924”
William E. Forbath; Law, University of Texas, Austin; wforbath@mail.law.utexas.edu

Discussant: Mary Dudziak; Law and History, University of Southern California;
mdudziak@law.usc.edu

The 1950s at Home and Abroad

Chair: Kermit L. Hall; State University of New York, Albany; khall@albany.edu

“Eisenhower and the Brown Decision”

David Stebenne; History, Ohio State University; stebenne.1@osu.edu

“Braving Jim Crow to Save Willie McGee: Bella Abzug and the Fight for Civil Rights”

Leandra Zarnow; History, University of California, Santa Barbara; lean314@yahoo.com

“Law, Realism and Power: Dean Acheson and the Jurisprudence of Cold War Diplomacy”

Jonathan Zasloff; Law, University of California, Los Angeles; zasloff@law.ucla.edu

Discussant: Michael Parrish; History, University of California, San Diego; mparrish@ucsd.edu

Episodes in Early Modern Law

Chair: David Seipp; Law, Boston University; dseipp@bu.edu

“The Relationship between Code and Custom in Early Modern Commercial Law”

Emily Kadens; Law, University of Texas, Austin; kadens@alumni.uchicago.edu

“The Prehistory of Eminent Domain”

Susan Reynolds; smgreynolds@talk21.com

“Keech v. Sanford and the Birth of Fiduciary Law”

Joshua Getzler; Law, University of Oxford; joshua.getzler@law.ox.ac.uk

Discussant: James Oldham; Law, Georgetown University; oldham@law.georgetown.edu

Session #8
4:15pm - 6:00pm

A Tribute to Kitty Preyer

Chair: Mary Sarah Bilder; Law, Boston College; bilder@bc.edu

Panel TBA

Law and Regulation in the Progressive Era

Chair: Marc Steinberg; Sociology, Smith College; mwsteinb@email.smith.edu

“The Glass House Boys of Pittsburgh and the Limits of Progressive Era Child Labor Legislation”
James Flannery; Law, University of Pittsburgh; flannery@law.pitt.edu

“Law and Democracy in Progressive Era Ohio”
William Nancarrow; Politics and History, Curry College; wnancarr0904@post03.curry.edu

“Keeping Out of the ‘Grandma Class’: The Company Rule, Railroading Work Culture, and the Law of Workplace Accidents”
John Williams-Searle; History, University of Iowa; j.williamssearle@verizon.net

Discussant: John Witt; Law, Columbia University; jwitt@law.columbia.edu

Internationalizing American Law and Legal Norms

Chair: Barbara Welke; History, University of Minnesota; welke004@tc.umn.edu

“Chinese and Japanese Exclusion in the Americas in Transnational and Comparative Perspectives, 1880s-1930s”
Erika Lee; History, University of Minnesota; erikalee@tc.umn.edu

“Global Detention: Relocating Immigrant Detention Internationally”
David Manuel Hernandez; University of California; hernandz@berkeley.edu

“From the ALI to the ILI: The Exporting of American Legal Culture”
Jayanth Krishnan; William Mitchell College of Law; jkrishnan@wmitchell.edu

Discussant: TBA

Criminal Law in the Twentieth Century

Chair: Albert Alschuler; Law, University of Chicago; awaa@midway.uchicago.edu

“The Age of the Trial: Responsibility, the Proof of Guilt, and the Criminal Process, 1890-1930”

Lindsay Farmer; Law, University of Glasgow; l.farmer@law.gla.ac.uk

“Criminal Law in Fascist Italy: A Reassessment”

Paul Garfinkel; History and Literature, Harvard University; garfink@fas.harvard.edu

“Rule of Law Without Due Process: Punishing Robbers and Bandits in Early Twentieth Century China”

Xiaoqun Xu; History, Christopher Newport University; xxu@cnu.edu

Discussant: Mark Godsey; Law, University of Cincinnati; mark.godsey@uc.edu

Case Microhistories

Chair: Rachel Godsil; Law, Seton Hall University; godsilra@shu.edu

“To Undo What Has Been Done: Miscegenation and Inheritance in In Re Remley”

Kevin Maillard; Law, Syracuse University; kmaillar@alumni.law.upenn.edu

“Pierson v. Post and the Rule of Capture”

Andrea McDowell; Law, Seton Hall University; mcdowean@shu.edu

“Shades of Red”

Victoria Sutton; Law, Texas Tech University; vickie.sutton@ttu.edu

Discussant: TBA