

**Law and History Review**  
**David S. Tanenhaus, editor**

NB: Discussion/action items at 1 and 10

*1. General and Organizational*

I am pleased to report that *Law and History Review (LHR)* had an excellent year. Most notably, Amalia D. Kessler of Stanford University joined the editorial team. She is responsible for book reviews on the non-Americas and has already made important contributions to the journal. *LHR* also served as a co-sponsor of a symposium on Law, War, and History at the University of California at Berkeley. Many of the papers from this conference will be published in a special issue of the journal (*LHR* 26:3).

Although the *LHR* itself is flourishing, the History Cooperative (which publishes the electronic version of the journal) is in a transitional period. Due to financial considerations, the American Historical Association changed publishers and withdrew the *American History Review* from the History Cooperative. The American Historical Association had played a major role in subsidizing the History Cooperative. Consequently, the History Cooperative is revising its business plan. Preliminary discussions have included implementing a substantial increase in per-page fees indexed to actual production costs. I am now serving on the Executive Committee of the History Cooperative and should know more about its future in January.

*LHR* enjoys generous support from the University of Nevada, Las Vegas [UNLV]. The William S. Boyd School of Law provides office space, secretarial assistance, and the technical expertise to support our electronic journal management system [visit at <http://lhr.law.unlv.edu>]. This system facilitates on-line submission, refereeing, and journal management. Joshua Brauer, the law school's Director of Information Technology, deserves special thanks for his oversight of *LHR's* journal management system. The UNLV History Department and College of Liberal Arts have provided me course relief. Consequently, *LHR* 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 formulate and pass a resolution expressing its appreciation to Dean John Valery White, who is a strong supporter of the journal, and that the President of the Society incorporate those sentiments in a letter to Dean White. I also ask that the Board formulate and pass resolutions expressing its appreciation to Interim Dean Christopher Hudgins and History Department Chair Eugene Moehring for the support each has given to *Law and History Review*, and that the President of the Society incorporate those sentiments in letters to these individuals.

## Law and History Review (continued)

### 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 effectively throughout 2006-07. On behalf of the Society, in 2004 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 providing the 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 as long as we fill the additional signature(s). As a practical matter it means that our length can vary from 224-256 pages per issue. *LHR*, however, has not run a 224-page issue since Fall 2003. In recognition of this development, last year the Board granted the journal 16-pages of overage per issue. These additional pages have allowed for the editor to plan for 240-page issues. In addition, these extra pages have allowed *LHR* to devote more pages to book reviews.

### 3. Production

Over the course of 2006-07 the Press efficiently distributed *LHR*. Our production 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). *LHR* 25:1 was mailed on February 5, 2007, *LHR* 25:2 was mailed on May 15, 2007, and *LHR* 25:3 was mailed on September 12, 2007. As always we owe particular thanks to the University of Illinois Press and its journals manager, Clydette Wantland, for attending to our needs. I also want to thank UIP journals production editor, Heather Munson, and our UIP copy editor, Christina Dengate, without whom the journal simply could not function with its current efficiency.

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 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.

**Law and History Review (continued)**

Publication of our electronic edition on the History Cooperative site is currently simultaneous to distribution of the print edition of the journal. Of the twenty-four journals currently on the History Cooperative, *LHR* is the eighth most popular destination, with more than 40,000 visits in a typical month.

*4. Manuscript Submissions*

*a. Inventory*

During the twelve months ending August 31, 2007, *LHR* had 69 new submissions under active consideration. Of the 69 manuscripts newly submitted between September 1, 2006 and August 31, 2007, 28 were rejected without the assistance of external peer review, 9 were rejected after one or more rounds of review, 0 are awaiting initial consideration, 9 were undergoing first-round review, 10 have been returned to their authors after review with advice for revision and resubmission, 1 was undergoing second-round review, and 12 have undergone full review and have been accepted for publication.

As of 1 September 2006, *LHR*'s active "inventory" consists of 12 manuscripts awaiting publication but not yet published: 3 in 26:1 (in advanced copy edit), 5 in 26:2 (to be submitted to the Press in October), and 9 in 26:3 (to be submitted to the Press in January). There is currently 1 manuscript remaining to be assigned in volume 27, and the possibility that two more may be included in 26:3.

*b. 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
2005/6	67	43	31	18	9
2006/7	69	37	33	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

The figure for manuscripts received during the year ending August 31, 2007 (69) is the highest total since the journal's inception. It continues the five-year trend of 60+ submissions per year. These numbers suggest not only vitality in the field, but also increasing name recognition for *LHR*.

## Law and History Review (continued)

Our acceptance rate over the past five years has been approximately 1 in 5 manuscripts submitted. More recently, our performance in attracting manuscripts has improved, 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.

**Refereeing:** I have experienced almost no difficulty in gaining access to referees and obtaining four reports per manuscript. The majority of manuscript authors receive a first-round review response within ten weeks of submission. The members of our large 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

#### a. Report of Alfred L. Brophy, Associate Editor for Book Reviews of the Americas

From the beginning of September 2006 through the end of August 2007, *LHR* received approximately 159 books to consider for review and commissioned 79 reviews. As of August 31, we have 32 reviews in hand, awaiting publication in the spring and summer 2008 issues. The best news is the addition of Amalia Kessler as book reviews editor for the non-Americas. That will insure that the European legal history receives the careful attention it is due. (And I am now responsible only for books on the legal history of the Americas.) We also have good news about the reduction in publication lag.

The 2007 volume published approximately 63 reviews. (By comparison, the 2006 volume published 40 reviews; the 2005 volume published 44 and the 2004 volume published 41). That extraordinary extra space has eliminated our backlog of reviews, which had increased our publication lag for several years. (We are now returning to our target of publishing 50 reviews per volume, which we have been unable to meet for several years in a row and accounted for some of the backlog.) Moreover, to help with some of the space constraints, in 2004 we reduced the target length of reviews to 800 words and we have fairly successfully policed that limitation. In some instances, we publish longer reviews. In the fall 2007 issue, for instance, we have several reviews in the 1250 word range by Norman Spaulding's on Chris Waldrep's *Vicksburg*, Claire Priest on Martha McNamara's *Courthouses*, and Rachel Godsil on Michael Klarman's *From Jim Crow to Civil Rights*.



## Law and History Review (continued)

MacMillan's *Sovereignty and Possession*; Kirsten Sword on Elizabeth Foster's *Marital Violence* and Mary Beth Sievens' *Stray Wives*; Robert Steinfeld on Mark Curthoys' *Governments, Labour, and the Law in Mid-Victorian Britain: The Trade Union Legislation of the 1870s*; Felecia Kornbluh on Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City*; Wiecek on Richard Epstein's *How the Progressives Re-wrote the Constitution*; Imani Perry on James C. Cobb's *The Brown Decision, Jim Crow, and Southern Identity*; Clyde Spillinger on Laura Kalman, *Yale Law School and the Sixties: Revolt and Reverberations*; Robert Stacey on Claire Valente, *The Theory and Practice of Revolt in Medieval England*; Thomas Gallanis on Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins*; Albert von Frank on H. Robert Baker, *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War*; Felice Batlan on N.E.H. Hull *et alia*, *The Abortion Rights Controversy in America*; Lauren Benton on David Armitage's *The Declaration of Independence: A Global History*; Lawrence Friedman on John Fabian Witt's *Patriots and Cosmopolitans: Hidden Histories of American Law*; and Norman Rosenberg on Elizabeth Ladenson's *Dirt for Art's Sake: Books on Trial from Madame Bovary to Lolita*, among many, many others.

As in past years, I have relied on the generosity of a number of people in helping identify reviewers. Especially now that this is the last time I will be writing about non-American books, I would like to thank Charles Donahue, Richard Helmholz, and James Whitman, for their extraordinary generosity in identifying reviewers. On the American side, Mary Sarah Bilder, Daniel Hamilton, David Tanenhaus, Stephen Siegel, Robert Gordon, and John Witt, have been especially helpful in identifying reviewers.

### *b. Report of Amalia D. Kessler, Associate Editor for Book Reviews of the Non-Americans*

To date, I have received 42 books and obtained agreements from respected scholars in both law and history to review the following eight: Michael Breen's, *Law, City, and King: Legal Culture, Municipal Politics, and State Formation in Early Modern Dijon*; Corinne Gaudin's *Ruling Peasants: Village and State in Late Imperial Russia*; Karen Jones's *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460-1560*; Eugenia Lean's *Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China*; James Oldham's *Trial by Jury: The Seventh Amendment and Anglo-American Special Juries*; Peter Richards's *Extraordinary Justice: Military Tribunals in Historical and International Context*; Jonathan Sperber's *Property and Civil Society in South-Western Germany, 1820-1914*; and Robin Chapman Stacey's *Dark Speech: The Performance of Law in Early Ireland*. I have received three of these reviews. Three more should be submitted in late November and the final two at the end of December.



## Law and History Review (continued)

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.

It is important to note that *LHR* is “open access” – not restricted to subscribers only. 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.

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 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 pay *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.”

## Law and History Review (continued)

### 9. *LHR and Hein On-Line*

*LHR* now has an agreement with "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 three 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.

## **Law and History Review (continued)**

### *10. Future Developments*

Our contract with the University of Illinois Press continues in effect for a minimum of five (5) years, commencing January 1, 2005. Thereafter it will continue automatically through each succeeding twelve-month period, unless either party gives the other notice of termination six months before the beginning of such twelve-month period (i.e., by July 1, 2009). Although we have a strong relationship with the University of Illinois Press, I believe that ASLH should seriously consider testing the publishing market.

**Membership Committee**  
**Sally Hadden, chair**

The past year has been one filled with tremendous activity by all persons on the Membership committee. At our gathering in 2006 at the annual meeting in Baltimore, committee members brainstormed about other professional groups that could be contacted to promote the society's activities and possibly locate potential members. Among the suggestions that have been implemented were placing notices about membership in the ASLH annual meeting printed program, sending membership flyers to other organizations (e.g., the American Society for International Law), and making announcements to attract prospective members via H-Law. The committee has received the membership lists from three other organizations (AHA, AALS, Selden Society) and begun the process of making appeals to members who might be interested in joining the ASLH.

During the academic year, committee members engaged in many rounds of letter writing designed to attract new members or to encourage former members to return to the society's rolls. In particular, the committee's members wrote to every lapsed member who had dropped from the Society in the preceding two years, and made an appeal to approximately 45 senior members of the society who were believed to be training graduate students to encourage the purchase or gift of student memberships. At mid-year, the committee made a directed appeal to 100 members to encourage them to convert their regular society membership into a life membership. The relative successes and failures of these activities will be apparent from the data below.

The University of Illinois Press, and specifically Paul Arroyo as their senior database manager, made the society's membership information available via the internet for the first time in 2006. Society members could access the database and update their information or renew their subscriptions online with far greater ease than in the past. The committee fielded about 20-30 queries during the year from individuals wanting to correct their membership data or needing to eliminate duplicate subscriptions. Erroneous data in the database has been slowly corrected and duplicate subscriptions weeded out more thoroughly, although some errors still remain uncorrected. Despite being informed (more than once) about the full list of all honorary members, the Press has not corrected the data, and therefore all our honorary members are not receiving their subscriptions to the **LHR**.

[turn to next page for chart]

### Membership Committee (continued)

Membership Type	September 2006	September 2007	Overall Change
Complimentary	3	3	0
Sustaining	9	*	*
Sponsoring	4	7	3
Honorary*	8	8	0*
Institution	373	360	-13
Life Members	65	73	8
Student	82	104	22
Regular	453	463	10
Emeritus	55	56	1
Totals	1052	1074	22

\*Missing data for this category may raise the numbers.

Future activities of the committee will include continued letter writing (and email writing) campaigns, more flyers distributed at other professional organizations, and ongoing work with UIP to improve the quality of data in our membership database. We'll have to work hard to find new individual members—our future growth will probably be tied to individual memberships rather than institutional memberships, as more libraries drop their print subscriptions in favor of online database availability.

**Nominating Committee**  
**Chris Tomlins, chair**

(1) Report on Activities

The Nominations Committee engaged in three rounds of business during the year 2006-07.

*Office of ASLH Secretary*

The first round, undertaken in December of 2006, required the committee to consider the matter of the new office of ASLH Secretary (to be created as an office separate from that of ASLH Treasurer on approval of the appropriate by-law). The committee was pleased to offer the unanimous recommendation that Professor Thomas Gallanis of Washington & Lee University (now the University of Minnesota Law School) be invited to fill the position.

*President-Elect*

*Board of Directors (5 Vacancies)*

*Nominations Committee (2 Vacancies)*

The second round, begun in late May 2007, addressed the committee's main annual task – to select and solicit candidates for vacancies on the Board of Directors and the Nominations Committee itself, to stand in competitive election. In addition, the committee was charged to select the Society's incoming president-elect, to stand unopposed. All told, the committee was required to fill four "at large" positions on the Board of Directors, necessitating recruitment of eight candidates, and one Board position reserved for a graduate student, requiring two candidates. The committee was also required to fill two positions on the Nominations Committee, necessitating four candidates, and to recruit a president-elect.

The committee began its discussions later than advisable, but worked very intensively throughout June and had completed its agenda by early July in good time for preparation of election materials. I would nevertheless strongly recommend that succeeding committee chairs plan to begin their work in March or April: contacting potential candidates at any time during the summer months can be difficult.

Throughout the committee worked almost exclusively by e-mail. This proved efficient and acceptable to all members.

The committee turned its attention first to the president-elect, drew up a long short list, discussed each potential candidate extensively (including a round of consultation outside the committee membership) and decided upon an order of approach. We turned then to Board and Nominations Committee vacancies and followed essentially the same process, compiling a very

## **Nominating Committee (continued)**

long list of potential candidates (some fifty names) for both sets of vacancies, using our collective personal knowledge of the Society, plus access to very useful memoranda drawn up by our predecessors detailing prior occupancy of elected and appointed (committee) office within the society. For the Board of Directors our goal was to provide a range of choices that was sensitive to disciplinary balances (law/history), career stages (junior-midcareer-senior) and socio-cultural experience (gender, race, ethnicity) while also introducing fresh faces and perspectives. We agreed on a loose rank order in which to approach candidates that enabled us to move quickly on to a subsequent potential candidate on each refusal. Approaches to potential candidates were made by the chair on behalf of the committee; Consultation among committee members during this phase was virtually continuous. Invitees were very responsive and very few declined to stand.

In the case of the Nominations Committee we were ourselves conscious that previous elections and rotations of membership had resulted in 2006-07 in an all-male committee with a single minority member in his last year of service. We felt it imperative that the Nominations Committee *collectively* be widely knowledgeable of the Society and of potential recruits to the Society. Consequently we decided to concentrate our efforts to recruit potential candidates on those who would add variety of standpoint to the Nominations Committee's deliberations. All candidates contacted agreed to stand.

Biographies of all candidates were assembled in early July and all electoral materials finalized by mid-July. Candidates were invited (but not required) to add to their biographical details a very brief personal statement describing their interest in standing for election. **Full details of the slate of nominees as forwarded to the ASLH Newsletter are appended.**

### *Office of ASLH Treasurer*

The final round of business, undertaken in September of 2007, required the committee to consider recommendation of a successor to Bill LaPiana who will retire from the office of ASLH Treasurer at the conclusion of his current term (January, 2009). The Committee was delighted to learn of the willingness of Craig Evan Klafter (Associate Vice President International, University of British Columbia) to be considered for the position, and after a full discussion offered its unanimous recommendation to ASLH President Donahue that Craig Klafter be appointed to fill the position. Biographical details are attached.

## **Nominating Committee (continued)**

### **(2) Action Items**

(a) In 2004-5, and again in 2005-6, the Nominations Committee recommended consideration of a change in election procedures to allow the committee to structure slates to facilitate the election of members from underrepresented constituencies. The current committee considers that this initiative continues to be worthy of discussion. Specifically, rather than holding one "at large" multiple candidate, multiple victor election to fill Board vacancies we propose designating each vacancy as the subject for a separate contested election with a minimum of two candidates for each. This is, in fact, the strategy that the Society has already decided to follow to ensure election of a graduate student representative to the Board. Our proposal simply applies that model to all Board vacancies. It relies on the Nominations Committee to produce an appropriate range of candidates to contest each vacancy. We think the same reform should be applied to elections to the Nominations Committee.

(b) The Committee recommends that the Society investigate the creation of a secure voting system that would allow members to cast ballots on line. The current system of paper ballots distributed via the Newsletter does not encourage participation. It is insecure, offering no guarantees against multiple voting. Nor does it guarantee voters anonymity.

## Appendix: Nominees for ASLH Election 2007

### President Elect (Uncontested)

**Professor Constance Backhouse** is Distinguished University Professor and University Research Chair at the University of Ottawa. Professor Backhouse teaches in the University of Ottawa's Faculty of Law in the areas of criminal law, human rights, legal history, and women and the law. During her academic career to date Professor Backhouse has taught at four Canadian universities and colleges, and served as director of the University of Ottawa's Human Rights Centre from 2001 to 2003. She is a graduate of the University of Manitoba, Osgoode Hall Law School, and Harvard University.

During a long and energetic career, Professor Backhouse has been the recipient of many awards and honors: an honorary doctorate (2002) and law society medal (1998) from the Law Society of Upper Canada, the Bora Laskin Human Rights Fellowship (1999), the Joseph Brant Award for multicultural history (2002), the Jules and Gabrielle Léger Fellowship (2006), the Trudeau Fellowship (2006), and the Ramon Hnatyshyn Award of the Canadian Bar Association for outstanding contributions to legal scholarship in Canada (2006). Early in her career she was awarded the Augusta Stowe-Gullen Affirmative Action Medal by the Southwestern Ontario Association for the Advancement of Learning Opportunities for Women (1981). In 2004, Professor Backhouse became a Fellow of the Royal Society of Canada. Professor Backhouse has also received teaching awards from the University of Ottawa in 2001-02 and 2002-03, and in 2006 she was selected by the University of Ottawa for its "Award for Excellence in Research."

Professor Backhouse is known internationally for her feminist research and publications on sex discrimination and the legal history of gender and race in Canada. Her work documents violations of human rights, and, in particular, past neglect of gender equality in the Canadian legal system. A legal scholar who uses a narrative style of writing, her most recent books and articles have concentrated on the ways in which women and racialized communities have struggled for justice within the legal system. Professor Backhouse's most recent book, co-authored with her sister, the Hon. Justice Nancy L. Backhouse, is *The Heiress versus the Establishment: Mrs. Campbell's Campaign for Legal Justice* (Vancouver: UBC Press, 2004). Her other books include *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999), winner of the 2002 Joseph Brant Award of the Ontario Historical Society ("best book in multicultural history published within the past three years"), and *Petticoats and Prejudice: Women and the Law in Nineteenth-Century Canada* (Toronto: Women's Press, 1991), winner of the 1992 Willard Hurst Prize in American Legal History of the Law and Society Association. In 1993, another of her books, *Challenging Times: The Women's Movement in Canada and the United States* (Montreal and Kingston: McGill-Queen's U. Press), co-edited with David H. Flaherty, was named "Outstanding Book on the Subject of Human Rights in the United States" by the Gustavus Myers Center for the Study of Human Rights in the U.S. She is, additionally, the co-author with Leah Cohen of two books on sexual harassment: *Sexual Harassment on the Job* (Englewood Cliffs, NJ: Prentice-Hall, 1981) and *The Secret Oppression: Sexual Harassment of Working Women* (Toronto: Macmillan, 1979). The latter was the first book published in Canada on the topic, and the second in North America.

All told, Professor Backhouse has over 50 publications to her credit. Her work has been supported by the Law Foundation of Ontario, the Osgoode Society, the Department of Justice, and the Social Sciences and Humanities Research Council of Canada, most recently (2005-07) for her current project on the history of sexual assault law in Canada, 1900-1975.

In addition to her academic and scholarly activities, Professor Backhouse has served for many years as a mediator and adjudicator of human rights complaints. In that capacity she served as an adjudicator for the compensation claims arising from the physical, sexual and psychological abuse of the former inmates of the Grandview Training School for Girls (1995-98), and continues to adjudicate compensation claims for the former students of Aboriginal residential schools across Canada. She has served as an expert witness and consultant on various aspects of sexual abuse and violence against women and children. She is a member of the board of directors for the Claire L'Heureux-Dubé Fund for Social Justice and the Women's Education and Research Foundation of Ontario, Inc.

**Board of Directors: "at large" positions (choice of 8 candidates; the 4 candidates receiving most votes will be deemed elected)**

**Alfred L. Brophy** is Professor of Law at the University of Alabama School of Law, Tuscaloosa. He has been book reviews editor of the *Law and History Review* since 2003. He has written *Reconstructing the Dreamland: The Tulsa Riot of 1921* (Oxford University Press, 2002), *Reparations Pro and Con* (Oxford University Press, 2006) as well as a number of articles on colonial and antebellum law. He is currently working on moral philosophy in the old South. He graduated from Columbia Law School and has a Ph.D. in the History of American Civilization from Harvard. Al Brophy writes: "I hope the Society will continue its important role in bringing together scholars who are interested in the history of law and reach out to historians and others who work in legal sources, but who have not been as frequent participants in the legal history world. Along those lines, I hope the Society will focus on making membership inviting and affordable to a wide range of scholars, particularly those in early stages of their careers."

**Christina Duffy Burnett** has recently been appointed to the faculty of Columbia Law School, where she will be in residence as an Associate Research Scholar during the 2007-08 year before commencing full-time teaching in the fall of 2008. Burnett's scholarship focuses on the constitutional and international legal history of American empire. Her current project examines the encounter among multiple constitutional traditions (American, Latin American, Spanish) in the context of empire at the turn of the twentieth century. Burnett is the co-editor (with Burke Marshall) of *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Duke University Press, 2001), and the author of "Untied States: American Expansion and Territorial Deannexation," *University of Chicago Law Review* 72 (2005), among other articles. A Puerto Rican and an advocate of self-determination for the territories of the United States, Professor Burnett has spoken to audiences throughout the country about the historical, constitutional, and political dimensions of territorial status under U.S. sovereignty. She holds a J.D. from Yale Law School, an M.Phil. in political thought and intellectual history from Cambridge University, and a Master's degree in American history from Princeton

University where she is currently completing a doctorate in American legal history. Burnett served as a law clerk to Associate Justice Stephen G. Breyer on the United States Supreme Court in the October 2004 Term and to Judge José A. Cabranes on the Second Circuit Court of Appeals in the August 2000 Term.

**Mary L. Dudziak** is the Guirado Professor of Law, History and Political Science at the University of Southern California, and a Member of the School of Social Science, Institute for Advanced Study, Princeton (2007-08). She has also taught at Harvard Law School and the University of Iowa. Publications include *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton University Press, 2000); editor, *September 11 in History: A Watershed Moment?* (Duke University Press, 2003); co-editor (with Leti Volpp), *Legal Borderlands: Law and the Construction of American Borders*, published as a special issue of the *American Quarterly* (September 2005), republished by the Johns Hopkins University Press (2006); and articles on civil rights history and 20th-century constitutional history in law reviews and history journals. *Exporting American Dreams: Thurgood Marshall's African Journey*, is forthcoming from Oxford University Press in 2008, and *How War Made America: A 20th Century History* is under contract with OUP. She is the author of the Legal History Blog. Education: A.B., University of California, Berkeley; J.D., M.A., M.Phil., Ph.D. (American Studies), Yale University. Honors include: Guggenheim Fellowship, 2007-08; ACLS Fellowship, 2006-07; Distinguished Lecturer, Organization of American Historians; and others. Past ASLH service (partial list): Chair, Nominating Committee, 2001; Board of Directors and Executive Committee, 1/1995-12/1997, and 1989-92; Program Committee Chair, 1993; Program Committee, 1988; Editorial Board *Law and History Review* since 2005. Mary Dudziak writes: "I would bring to the Board ideas from my work in other historical organizations, an interest in transnational and comparative legal history, and interest and experience in promoting legal history on the web."

**Annette Gordon-Reed** is Professor of Law at New York Law School and Professor of History at Rutgers University (Newark). Born and raised in Texas, she is a graduate of Dartmouth College and Harvard Law School, where she was a member of the Harvard Law Review. At NYLS she teaches Property, Legal History, Criminal Procedure, and American Slavery and the Law. At Rutgers she teaches "Topics in American Political and Legal History 1776-1828" (graduate level) and "The Creation of the American Republic, 1776-1828" (undergraduate). In 1997 Gordon-Reed published *Thomas Jefferson and Sally Hemings: An American Controversy*. She has also written numerous articles and book reviews, edited *Race on Trial: Law and Justice in American History*, and worked with civil rights leader Vernon Jordan on his memoir, *Vernon Can Read*. Two books are in press: *The Hemings Family of Monticello: A Story of American Slavery*, the first volume of two, forthcoming from W.W. Norton in fall, 2008; and *Andrew Johnson*, on the presidency of Andrew Johnson, forthcoming from Times Books, also 2008. Those works will be followed by *A Jefferson Reader on Race* for Princeton University Press. Gordon-Reed is active in several scholarly societies, and currently serves on the Advisory Council of the Society for Historians of the Early American Republic (SHEAR). She also serves on the Advisory Committee for the Omohundro Institute of Early American History and Culture

and on the Editorial Board of the *William & Mary Quarterly*; the Advisory Committee for the International Center for Jefferson Studies; the Advisory Committee on African American Interpretation at Monticello; the Advisory Board of The Papers of Thomas Jefferson (where she serves on the Executive Committee) and the Council on Foreign Relations. She is also currently a Non-Fiction judge for the 2007 National Book Award. Gordon-Reed has previously served on the ASLH Nominating Committee and is one of the judges for the Society's John Philip Reid Prize. She lives in Manhattan with her husband Robert Reed, and their children Susan and Gordon.

**Adam Kosto** is Associate Professor of History and Department Chair at Columbia University, New York. He specializes in the institutional history of medieval Europe, with a focus on Catalonia and the Mediterranean. He received his B.A. from Yale in 1989, an M.Phil. from Cambridge in 1990, and his Ph.D. from Harvard in 1996. He is the author of *Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000-1200* (Cambridge University Press, 2001), and co-editor of *The Experience of Power in Medieval Europe, 950-1350* (Ashgate, 2005) and of *Charters, Cartularies and Archives: The Preservation and Transmission of Documents in the Medieval West* (Pontifical Institute of Medieval Studies, 2002). He is currently working on a book on hostages as a mode of surety in medieval Europe and a project on the legal and documentary practices of laypeople in the Early Middle Ages. Kosto has served the ASLH most recently as chair of the Nominating Committee (2005-6). Adam Kosto writes: "I am particularly interested in maintaining the chronological, geographical, and disciplinary breadth of the Society's membership and its work."

**Andrea McKenzie** is Assistant Professor in the Department of History at the University of Victoria, British Columbia. She received her PhD in History from the University of Toronto in 1999. From 2000-2004 she was an adjunct lecturer and honorary research advisor at the University of Queensland in Brisbane, Australia. She took up her current position in July 2004. McKenzie has presented numerous papers on crime and print culture in seventeenth- and eighteenth-century England at conferences in Canada, Australia, the United States and Britain, and has published articles in *The Huntington Library Quarterly*, *Cultural and Social History*, *Law and History Review*, *London Journal*, and the *Journal of British Studies*. Her article, "'This Death Some Strong and Stout Hearted Man Doth Choose': The Practice of Peine Forte et Dure in Seventeenth- and Eighteenth-Century England," published in the *Law and History Review*, 23, 2 (2006) was awarded both the ASLH Surrency prize and the ASLH Sutherland prize for 2006. Her first book, *Tyburn's Martyrs: Execution in England, 1675-1775*, is in press with Hambledon Continuum (forthcoming October 2007). Her next project, a history of the cultural politics of manly courage in early modern England, is tentatively entitled *Playing the Man: Masculinity and Courage in England, 1660-1750*. McKenzie's scholarly interests lie at the intersection of the criminal law and cultural and social history, with an emphasis on class, gender, power, legitimation and inequality. Andrea McKenzie writes "I have had several years' experience organizing a province-wide graduate student history conference, and I am keen to contribute to the ASLH."

**Dylan C. Penningroth** is an Associate Professor of History at Northwestern University and a Research Fellow at the American Bar Foundation. He is also affiliated with Northwestern University's Department of African American Studies. He received a BA from Yale University (1993) and an MA and PhD from Johns Hopkins (2000). Before joining Northwestern he taught at the University of Virginia. Penningroth works in African American history, and in U.S. social and legal history. His research has focused on the history of black family and community life, on the ownership of property by slaves, and on ideologies of slavery in the U.S. and Ghana. Recent publications include "The Preacher's Wife: Law, Divorce, and Respectability Among African Americans, 1865-1930" (*Journal of Family History*, forthcoming) and "The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison" (*American Historical Review*, forthcoming). His book, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (University of North Carolina Press, 2003) won the Avery O. Craven Award of the OAH (2004); as a dissertation it was awarded the Allan Nevins Prize of the Society of American Historians. Penningroth is currently at work on two projects: a study of African Americans' engagement with local courts in the late-nineteenth and early-twentieth century South, and a study of the legacy of slavery in early-twentieth-century Gold Coast/Ghana colonial courts. He has held fellowships from the Smithsonian Institution, the Carter G. Woodson Institute, and the Newberry Library/NEH. A member of ASLH since 2002, he has presented papers at the annual meeting and has served for the past two years on the Surrency Prize Committee. Dylan Penningroth writes: "If elected to the Board, I would be particularly interested in exploring ways of bringing the ASLH into closer engagement with scholars of the legal histories of Africa."

**Jonathan Rose** is Professor of Law and Willard H. Pedrick Distinguished Research Scholar at the Sandra Day O'Connor College of Law, Arizona State University. He is active in the American Society of Legal History and is currently Chair, Local Arrangements Committee, and Co-Chair, Program Committee for the 2007 Annual Conference. His published research focuses on medieval and early modern English legal history, including the regulation of the legal profession ("The Ambidextrous Lawyer: Conflict of Interest and the Medieval Legal Profession," 7 *U. Chi. Law School Roundtable* 136 (2000), and "The Legal Profession in Medieval England: A History of Regulation," 48 *Syracuse L. Rev.* 1 (1998)); early defamation law ("Early Occupational Defamation and Disloyal Lawyers: 'He is Ambodexter. There Cannot Be A Greater Slander'," 33 *Cambrian L. Rev.* 53-66 (2002), and "Of Ambidexters and Daffidowndillies: Defamation of Lawyers, Legal Ethics and Professional Reputation," 8 *U. Chi. Law School Roundtable* 423 (2001)); and historiography ("English Legal History and Interdisciplinary Legal Studies," in Anthony Musson, ed., *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe* (Ashgate, 2005), "Doctrinal Development: Legal History, Law, and Legal Theory," 22 *Oxford J. Legal Studies* 323 (2002), and "Learning to be a Legal Historian: Reflections of a Non-Traditional Student," 51 *J. Legal Educ.* 294 (2001). Recent research involves the operation of the 15th century justice system: "Feodo de Compedibus Vocato le Sewet: The 15th Century Prison 'Oeconomy'," in Paul Brand, Andrew Lewis & Paul Mitchell eds., *Law In The City: Proceedings of the Seventeenth BLHC, 2005* (2007), and "Litigation and Political Conflict in Fifteenth-Century East Anglia: Conspiracy and Attaint

Actions and Sir John Fastolf,” 27 *Journal of Legal History* 53-80 (2006). Work currently in progress examines the legal and social norms governing maintenance in late-medieval England.

**Board of Directors: graduate student position (choice of 2 candidates; the candidate receiving most votes will be deemed elected)**

**Roman J. Hoyos** is a Ph.D. Candidate in American History at the University of Chicago. He also holds a law degree from Northwestern University School of Law (2001), where he served as the Special Sections Editor for the Law Review. Mr. Hoyos’ primary interests lie in nineteenth century American legal and constitutional history. Currently, he is working on his dissertation, “In Convention Assembled: Constitutional Conventions, Law and Democracy in 19th Century America,” which explores the role of state constitutional conventions in nineteenth century American public life. For the past five years, Mr. Hoyos has been a Board of Trustees Fellow at the University of Chicago. In 2007 he was a Fellow at the ASLH Hurst Summer Institute in Legal History at the University of Wisconsin, Madison.

**Karen Tani** is a doctoral candidate at the University of Pennsylvania and a law clerk to the Honorable Guido Calabresi, Second Circuit Court of Appeals. She holds degrees from Dartmouth College (B.A.) and the University of Pennsylvania (J.D., M.A.). Her research focuses on twentieth-century poverty policy, poverty law, and the development of the American welfare state. She is the author of “*Flemming v. Nestor*: Anticommunism, the Welfare State, and the Making of the New Property,” forthcoming in the *Law and History Review* (Summer 2008), for which she was named an ASLH Kathryn T. Preyer Scholar in 2006. Her dissertation, supervised by Sarah Barringer Gordon, Michael Katz, and Tom Sugrue, is tentatively titled “Litigating the American Welfare State, 1937-1976.” Recent honors include graduating *magna cum laude*, Order of the Coif from the University of Pennsylvania Law School, where she also won the Fred G. Leebron Memorial Prize for the Best Paper in Constitutional Law. Karen Tani writes: “I hope to bring to the Board my enthusiasm for the field of legal history and my desire to make it even more accessible to graduate and undergraduate students. I also hope that my perspective as a graduate student and a participant in a growing joint degree program will help the Society find ways to continue encouraging young scholars.”

**Nominating Committee (choice of 4 candidates; the 2 candidates receiving most votes will be deemed elected)**

**Bernie D. Jones** is Assistant Professor in the Department of Legal Studies at the University of Massachusetts-Amherst, where she is also Adjunct Assistant Professor in the Department of History. She received her J.D. from the New York University School of Law and her Ph.D. in History from the University of Massachusetts. She is currently working on a book manuscript, *Policing the Color Line: Southern Justices on Miscegenation in the Antebellum Will Contest*. The book is a study of slaveholding men in the antebellum South who used trusts and estates law to recognize slave women partners and their mixed-race slave children, in contravention of the law of slavery which denied the women and children status as family members. In 2005 Jones

was the recipient of an American Society for Legal History William Nelson Cromwell foundation fellowship to work on this project. More recently (Spring 2007), she received an American Association of University Women short-term research publication grant for the same project. Her publications include "When Critical Race Theory Meets Legal History," 8 *Rutgers Race and the Law Review* 1-25 (fall 2006); "Righteous Fathers, Vulnerable Old Men and Degraded Creatures: Southern Justices on Miscegenation in the Antebellum Will Contest," 40 *Tulsa Law Review* 699-750 (summer 2005); "International and Transracial Adoptions: Toward a Global Critical Race Feminist Practice?"

10 *Washington and Lee Race and Ethnic Ancestry Journal*, 43-64 (spring 2004); "Single Motherhood By Choice, Libertarian Feminism, and the Uniform Parentage Act,"

12 *Texas Journal of Women and the Law* 419-449 (spring 2003); and "Critical Race Theory: New Strategies for Civil Rights in the New Millennium?" 18 *Harvard BlackLetter Law Journal* 1-90 (spring 2002). Jones has taught classes in legal history, slavery and the law, law and the family, women and the law, and legal theory. In 2005 she was a Fellow at the ASLH Hurst Summer Institute in Legal History at the University of Wisconsin, Madison.

**Martha S. Jones** is Associate Professor at the University of Michigan, Ann Arbor, in the Department of History, the Center for Afroamerican and African Studies and the Law School. She holds a Ph.D. in history from Columbia University (2001) and a J.D. from the CUNY School of Law (1987). She is the author of *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (2007), which examines nineteenth-century African American debates over the rights of women, and "Leave of Court: African-American Legal Claims Making In the Era of *Dred Scott v. Sandford*" forthcoming in Manisha Sinha and Penny Von Eschen, editors, *Contested Democracy: Politics, Ideology and Race in American History* (2007). Jones has been a fellow with the University of Michigan Institute for the Humanities, the Library Company of Philadelphia, and the Gilder-Lehrman Institute of American History. She was a recipient of the AHA's Littleton-Griswold research grant (2002), and a visiting professor at the École des Hautes Études en Sciences Sociales, in Paris (2006 and 2007). She directs, with Rebecca J. Scott (Michigan) and Jean Hébrard (EHES), the Law and Slavery and Freedom Project, an international research collaborative, and serves on the editorial board of the *Journal of Women's History*. Her current book project, *Riding the Atlantic World Circuit*, is a comparative study of slavery and law in the late-eighteenth and early-nineteenth century French Caribbean and United States. She has been a regular attendee and presenter at ASLH conferences since 2002.

**Amalia D. Kessler** is Associate Professor of Law and (by courtesy) History at Stanford University. She holds an A.B. from Harvard (1994), a J.D. from Yale (1999), and a Ph.D. from Stanford (2001). Her book, *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France*, will appear in the fall of 2007. She has also written several articles concerning early-modern French commercial law and culture, including: "Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court," *Law and History Review* 22 (2004), which received the ASLH's Surrency prize; and "Limited Liability in Context: Lessons from the French Origins of the American Limited

Partnership,” *Journal of Legal Studies* 32 (2003). Her current research explores the procedural tradition of early American equity courts and its surprising, continental European parallels. She has published an article on these themes—“Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial,” *Cornell Law Review* (2005)—and is now undertaking a new book project, research for which is being funded by a Ryskamp Fellowship from the ACLS. She is actively involved with the ASLH, having served on the 2006 Program Committee and, since May 2007, as Associate Editor (Book Reviews, Non-Americas) for the *Law and History Review*. In addition, she is currently serving as a member of the Executive Committee of the AALS Section on Comparative Law. Amalia Kessler writes: “Should I be elected to the Nominations Committee, one of my main goals will be to try to ensure a greater representation of topics and scholars from outside the U.S. in ASLH activities.”

**Barbara Y. Welke** is Associate Professor of History and Professor of Law at the University of Minnesota. Welke received her Ph.D. in History from the University of Chicago (1995) and her J.D. from the University of Michigan Law School (1983). Her current work addresses legal personality and citizenship in the long nineteenth century and the history of product liability from the last quarter of the nineteenth century through the twentieth century. Publications include *Recasting American Liberty: Gender, Race, Law and the Railroad Revolution, 1865-1920* (Cambridge 2001), awarded the AHA Littleton-Griswold Prize; and “When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to *Plessy*, 1855-1914,” *Law & History Review*, awarded the ASLH Surrency Prize. Welke has been involved in the ASLH since the early 1990s and has served on the Board of Directors (2002-2005), the Editorial Board of *Law and History Review* (1995-Present), the Cromwell Prize Committee (2004-2006), and the Program Committee (2005, 2001, 1998). In 2007 she has been chair of the Hurst Summer Institute in Legal History (June 2007).

#### RECOMMENDED FOR OFFICE OF ASLH TREASURER (COMMENCING JANUARY 2009)

**Craig Evan Klafter** was born in New York and raised there, in France, in St. Maarten, N.A., and in England. He earned a B.A. with General Honours in History and an M.A. in History from the University of Chicago, and a D.Phil. in Modern History from the University of Oxford where he studied under J.R. Pole and was the recipient of an Overseas Research Student Award and a University of Oxford Bursary.

From 1985 to 1990, he was Chief Operating Officer of Coronet Corporation (an international trading company). He has been Lecturer in American History and Institutions at the University of Manchester, and Lecturer in Modern History and Research Fellow in Legal History at the University of Southampton. From 1993 to 1994, he served as Associate Historian at the Federal Judicial Center in Washington, D.C. In 1994, he joined Boston University as Assistant to the Provost and Adjunct Professor of Law. Two years later, he was promoted to Assistant to the President with responsibility for international initiatives. In 2002, he resigned from Boston

University to found Ingenia, Inc., a consulting firm that specialized in helping institutions of higher education with strategic planning, internationalization, and advancement. Three years later, he sold the business and joined the University of British Columbia as Associate Vice President International.

His responsibilities at the University of British Columbia include formulating and implementing the University's Strategic Plan for internationalization, working with the faculties to promote and develop international curriculum and to bring focus and coordination to international research activities, building and maintaining relationships with other academic institutions, governments, private sector organizations, potential donors, alumni, faculty, students, international organizations, NGO's, and ethnic communities within British Columbia. He has line-management responsibility for the Asia Pacific Regional Office in Hong Kong, the HK Foundation for the University of British Columbia, and the UK Foundation of the University of British Columbia.

Craig Evan Klafter has published on legal, educational, and diplomatic history, and legal practice management. In 1992, the University of Texas awarded him the Webb-Smith Essay Prize for his essay, "The Americanization of Blackstone's Commentaries." He has been an historical consultant for two television series: *Jeeves and Wooster* (Carnival Films, London Weekend Television, 1992) and *The American Revolution* (BBC, 1993). He serves on the Board of Directors of the University of Birmingham Foundation and KVC, Incorporated (a venture capital firm), and is President-emeritus of the St. Catherine's College (Oxford) Foundation. Since 1993, he has been a Member of Convocation of Oxford University.

**Preyer Memorial Committee**  
**Laura Kalman, chair**

Our Preyer Panel last year was a great success. The two 2006 Preyer Scholars, Sophia Lee and Karen Tani, presented outstanding papers, "Hotspots in a Cold War: The NAACP's Postwar Labor Constitutionalism, 1948-1964" and "Fleming v. Nestor: Anticommunism, The Welfare State and the Making of 'New Property.'" ASLH President Charles Donahue chaired the session and launched the panel with a few well-chosen words about Kitty. Commentators were Laura Kalman and Dan Ernst. Thanks to an inspired suggestion of David Tanenhaus, the two papers are being published together in a Law and History Review Forum next year. The panel was well-attended; the audience, enthusiastic.

On January 29, 2007, we posted the following announcement on H-Law:

ASLH Call for Papers: Kathryn T. Preyer Scholars Competition. The Kathryn T. Preyer Memorial Committee of the ASLH invites submission for the Kathryn T. Preyer Scholars Competition. The competition is named in honor of the late Kitty Preyer, a distinguished historian of early America and beloved member of the Society. The two winners of the competition will be named Kathryn T. Preyer Scholars. Each will present the paper that he or she submitted to the competition at the Society's annual meeting in Tempe on October 25-28, 2007. Kathryn T. Preyer Scholars will receive a \$250 cash award and reimbursement of expenses of up to \$750 for travel, hotels and meals.

Submissions are welcome on any legal, institutional and/or constitutional aspect of American history *and the history of the Atlantic World*.<sup>2</sup> Graduate students, law students, and other early-career scholars who have presented no more than two papers at a national conference are eligible to apply. Papers already submitted to the ASLH Program Committee, whether or not accepted for an existing panel, and papers never submitted are all equally eligible for the competition.

Submissions should include a curriculum vitae of the author, contact information, and a complete draft of the paper to be presented. The draft may be longer than could be presented in the time available at the meeting (twenty minutes) and should contain supporting documentation, but one of the criteria for selection will be the suitability of the paper for reduction to a twenty-minute oral presentation. The deadline for submission is June 15, 2007. The Preyer Scholars will be named by August 1.

We continued to try to publicize the award in other ways. For example, we sent notice of the award to historians who train large numbers of American legal historians and historians of early America.

We received seventeen entries and had a very difficult time choosing between them. After extended discussion, we chose two 2007 Preyer Scholars. They are Gautham Rao, a PhD student at Chicago, for "The Federal Posse Comitatus Doctrine: Slavery, Compulsion, and Statecraft in Mid-Nineteenth Century America" (forthcoming, Law and History Review) and

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<sup>2</sup> The italicized language was added in 2007.

## Preyer Memorial Committee (continued)

Laura Weinrib, a PhD student at Princeton and Harvard Law School graduate, for “The Sex Side of Civil Liberties, *United States v. Dennett* and the Changing Face of Free Speech.” Maeva Marcus will chair the panel, and Linda Kerber and Bob Gordon will serve as commentators.

Honorable Mention went to Stephen Sachs, a recent Yale Law School graduate, for “The Feigned Issue in the Federal System.”

As the Preyer Competition enters its third year, we continue to bat around several issues.

1. Placement of Preyer Scholars on the program. We have avoided developing a policy on whether Preyer Scholars will always appear together on the same panel. Each year so far, the winners’ papers have fit well together in one panel, substantively. It may not always work out that way, and we might not want to group Preyer Scholars together on no basis other than their junior status. We believe that we should cross that bridge when we come to it.

2. Commentators/Chair. The Preyer Committee has assumed responsibility for arranging a chair and commentators for the Preyer Panel, in consultation with the Program Committee Chair(s). This year, Maeva Marcus was participating in another panel, Bob Gordon was chairing one, and Linda Kerber was moderating one. We are very grateful to the Program Committee for relaxing the one person-one presentation rule. We may have to make a similar request of other Program Committees in the future if we are to persuade senior scholars to serve as commentators as late as mid-August. For at least the next few years, we think it would be wonderful if the President of the ASLH could chair the panel. .

3. Eligibility. The language in our CFP has read that “scholars who have presented no more than two papers at a national conference are eligible to apply.” With many young scholars becoming increasingly intent on presenting their work at national conferences, one of us wonders whether we should consider raising the limit to three papers at a national conference. Further, the “national conference” label is vague. For the present, however, the two paper-national conference language seems to be working well enough in attracting an excellent applicant pool.

4. Publicity. As always, we seek additional ways of publicizing the Preyer Competition and in attracting an even more diverse pool of applicants.

I thank the Board for appointing me to serve on the Preyer Committee and for appointing Lyndsay Campbell, Chris Desan, Sally Gordon and David Konig as committee members. I believe I speak for all of us in saying how much we have appreciated the opportunity to immerse ourselves in the work of younger scholars in the field and to honor Kitty’s memory.

## **Program Committee**

**Risa Goluboff and Jonathan Rose, co-chairs**

The principal report of the program committee is the program itself. In this report we note a few policy decisions we made and difficulties we encountered.

*Number of Concurrent Panels.* Last year's program committee decided that four, rather than five, concurrent panels was the optimal number. This year, however, we have five concurrent panels for every time slot except for one. This resulted from the unusually large number of solicited non-American panels that our committee put together. Once we had finished soliciting panels, had we stuck to four concurrent panels, we would have been able to choose very few submitted panels and orphan papers. We decided that openness to submitted panels and papers was more important than the number of concurrent sessions.

*Non-English, Non-American Panels.* In part, the large number of non-American panels on the program resulted from our efforts to solicit more non-American panels outside of the traditional focus on English and European history. We thus have a panel on Latin American law, and we had one on South Asian legal history, but it ultimately fell apart. We encourage future program committees to continue to expand the area covered on the non-American side of the program. In addition, we have several panels that self-consciously span large time periods along a single theme, and we encourage that trend as well.

*Transnational Panels and the Division of Labor.* The program committee has traditionally had two chairs, one for American panels and one for non-American. As transnational and comparative work has become more pervasive, it has become increasingly difficult to divide the committee's work along these lines. For the most part, the American chair took responsibility for many of the transnational panels this year, but we are not sure that division is the best for the future. It also poses problems for allocating panels among the total number of panels. It makes it difficult to apply the traditional 'Green Rule' of a minimum of one non-US panel per session. An important consideration is that there is a subgroup of regular ASLH conference attendees who have a strong interest in the traditional English and European panels. Our solution this year was to increase the total number of panels, as explained above. But Future Program Chairs may want to address the problem differently.

*Financial Aid.* We requested funds from the Board to offer assistance to presenters who could not otherwise afford to come to the meeting. The Board made \$3000 available. We offered 5 people \$600 each—enough to pay for the conference fee and three nights of hotel. Three of those people were from overseas, and two are documentary filmmakers. One of the three overseas presenters has now withdrawn from the conference, and we have redistributed the funds to the other individuals receiving funds. Other than one person who could not come unless we fully funded his trip from England, no one else requested funds. This may be because we made no public announcement of the availability of assistance. In the future, if we continue to be able to offer assistance, we might make a public announcement to that end. There may be people in need who did not know to ask.

## **Program Committee (continued)**

*Relaxing the No Consecutive Year Rule.* For the last few years, the program committee has forbidden people to present two years in a row. We thought that this rule was unnecessarily constricting. Although we continued the tradition of encouraging the participation of those who have never presented at ASLH or who have not presented recently, we decided not to announce or enforce a rigid rule barring presentation two years in a row.

*Lack of Graduate Student Participation.* Other than the Preyer Scholars' panel, there are very few graduate students on the program. This is because we received very few submissions from graduate students, either as orphan papers or as part of panels. We encourage next year's committee to be more proactive in inviting graduate students to join solicited panels.

*Evaluation Process.* We used a secure blog that all of the program committee members had access to for the evaluation of submitted panels and orphan papers. The blog worked well generally. One problem with the online system, however, is that people often express their opinion only once. This can give undue weight to the first few people to write in. We recommend that the chairs take a more active role in re-opening discussion on panels that have garnered considerable disagreements in order to combat the first-mover problem and try to generate greater consensus.

*Preyer Scholars' Panel.* The Preyer Scholars' panel continued to present some difficulties. In particular, because the Preyer scholars are not selected until well after other aspects of the program have been finalized, commentators are chosen quite late. Since we wanted to get the best commentators possible for the Preyer Panel, and many of the most illustrious members of the society were already on panels, we ended up allowing the Preyer Panel commentators to appear on the program twice. Prior to that point, we had been quite strict about the one-appearance rule. Though we felt it appropriate to make an exception for the Preyer Panel, it would be better if there were some way to avoid the problem in the future. Perhaps some thought should be given to relaxing the one appearance rule, when the second appearance is only to chair a panel.

**Publications Committee**  
**Bruce H. Mann, chair**

The *Law and History Review* and the Studies in Legal History series are in such good hands that the Committee was blissfully inactive this year. For this signal service, the Committee wishes to thank David S. Tanenhaus, Thomas A. Green, and Daniel R. Ernst, 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.

**Reid Book Award, Committee on the  
William E. Nelson, chair**

The John Phillip Reid Prize for the best book in legal history published during the calendar year 2006 is awarded to William M. Wiecek for The Birth of the Modern Constitution: The United States Supreme Court, 1941-1953, which is volume 12 of the Oliver Wendell Holmes Devise History of the Supreme Court of the United States. The Birth of the Modern Constitution is characterized by the comprehensiveness, attention to sources, and concern for detail that we have come to associate with the Holmes Devise series. In addition, it reflects a wide and deep reading of the huge volume of scholarly literature that has been written about the Court during the fourteen years it studies and offers judicious judgments on the issues raised by that scholarship. Above all, Wiecek's volume is highly readable, displays a singular ability to distill and explain complex legal issues in an easily understood fashion, and has a clear interpretative focus. Wiecek makes a clear and convincing argument that the Court was in a period of profound transition between 1941 and 1953, and his volume provides one of the best contexts for understanding the jurisprudential challenges and shifts the Court encountered between the late-nineteenth and mid-twentieth century.. Future teachers of constitutional law will be much in William Wiecek's debt.

**Research Fellowships and Awards, Committee on  
Hendrik Hartog, chair**

The Committee on Research Fellowships and Awards is a newly constructed committee, constructed by combining the Murphy Prize Committee and the Cromwell Fellowships Committee.

As per our mandate, we advertised widely for both the Murphy Prize and the Cromwell Fellowships, in all the usual places. We received ten completed applications: five for the Murphy Prize and seven for Cromwell Fellowships (There were two who applied for both at the same time.).

We awarded the Murphy Prize to Jennifer Uhlmann, for a project entitled, "The Communist Civil Rights Movement: Radical Legal Activism in the United States, 1919-1956."

We recommended and nominated to the Board of Directors of the William Nelson Cromwell Foundation a slate of candidates for Cromwell Fellowships. They will be announcing their list of awarded fellowships in the near future.

P.S. Several of us on the committee would like the Board of Trustees of the ASLH to consider paying the travel costs for those who win the Murphy Prize (and other prizes offered by the Society). The Society might want to restrict such grants to those who are not supported by elite institutions or who do not hold tenure track or tenured positions. We think that a talented young scholar like Jennifer Uhlmann, who is at present working as an adjunct faculty member, should be encouraged to come to our meetings to receive her prize. With luck, such an individual will stay and become an active member of the Society.

**Studies in Legal History**

**Daniel Ernst and Thomas A. Green, editors**

*Studies in Legal History* is publishing one book in 2007:

Jeannine DeLombard, *Slavery on Trial: Law, Abolitionism, and Print Culture*

One book is currently scheduled for 2008:

Warren Rosenblum, *Repairing Damaged Material: Criminal Policy in Germany, 1850-1933*

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

Catherine Fisk, "Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property, 1800-1930"

Stephen Jacobson, "Catalan Advocates: Lawyers, Society and Politics in Barcelona, 1759-c.1900"

Bruce A. Kimball, "C.C. Langdell and the Legal Foundation of Modern Professional Education, 1826-1906"

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"

Thomas Green and Hendrik Hartog are jointly editing Millender. Green is editing Jacobson and Wetzell. Ernst is editing Fisk and Kimball.

During the past year, the editors received many 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 a half dozen on England and several on the continent. Much of the editors' time has been devoted to work on manuscripts under an advance contract; some to giving authors readings of their work, in anticipation of a revision and resubmission for consideration for an advance contract; and some to advising authors at an earlier stage in their book projects.

## **Studies in Legal History (continued)**

The editors want to express their gratitude to our editor at the Press, Chuck Grench and to Chuck's assistant Katy O'Brien, and her temporary replacement Tema Larter. 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.

**Surrency Prize Committee**  
**Lauren Benton, chair**

The Surrency Prize committee unanimously and enthusiastically recommends that Alison Morantz and John Wertheimer share the Surrency Prize this year.

In “There’s No Place Like Home: Homestead Exemption and Judicial Constructions of Family in Nineteenth-Century America” (Vol. 24, No. 2, 2006), Alison Morantz uses a careful and original analysis of homestead exemptions in state law to weave a new national story about the relationship between land ownership and family. The article argues persuasively that seemingly straightforward homestead statutes, originally designed to protect the family home, raised questions about the mechanisms for state intervention and opened a process that helped to redefine the family. Exposing the links between the contours of private law and modern state structures, Morantz’s story suggests that the nexus of gendered legal norms and state regulation – often associated by historians with the emergence of the welfare state in the twentieth century – arose earlier and in overlooked legal arenas. Her piece forces a reconsideration of some of the most fundamental assumptions about the intersections of private and public in nineteenth-century law.

John Wertheimer’s “Gloria’s Story: Adulterous Concubinage and the Law in Twentieth-Century Guatemala” (Vol. 24, No. 2, 2006) is a captivating account of the legal construction of property and family in Central America. The article masterfully juxtaposes the story of two people’s social and legal relations over several decades and an analysis of broad trends in Guatemalan law that influenced and constrained these subjects’ choices. The approach reveals the emergence of unintended consequences from the combination of haphazardly composed individual legal strategies and well-intentioned shifts in legal policy. Wertheimer argues that progressive reforms in family and property law can inadvertently facilitate retrogressive social arrangements – in this case, adulterous concubinage. In blending micro-history with a careful attention to wide political and social contexts, Wertheimer provides a methodological map for exploring the workings and construction of everyday legal consciousness.

**Sutherland Prize Committee**  
**David Lemmings, chair**

The Sutherland Prize, named in honor of the late Donald W. Sutherland, a distinguished historian of the law of medieval England and a mentor of many students, is awarded annually, on the recommendation of the Sutherland Prize Committee, to the person or persons who wrote the best article on English legal history published in the previous year. The 2007 Committee consisted of Professor David Lemmings from the University of Adelaide (chair), Professor Joseph Biancalana from the University of Cincinnati, and Professor David Sugarman from the University of Lancaster.

The Committee is delighted to recommend that the ASLH Donald Sutherland article prize for 2007 be awarded to Professor Sara M. Butler of Loyola University, New Orleans for her article 'Degrees of Culpability: Suicide Verdicts, Mercy, and the Jury in Medieval England', published in the *Journal of Medieval and Early Modern Studies*, 36:2, Spring 2006. Butler's article is an exhaustive and imaginative study of the verdicts passed by coroners' inquests in cases of suicide recorded by the courts of late medieval England. It is remarkable for several outstanding features. First, the research is wide-ranging and precise: she has studied *every* coroner's roll that has survived from the period up to 1500 and also all the eyre and assize rolls from this period for the counties of Essex and York. Together they yield a database of over 700 cases in all where the jurors pronounced a verdict of *felonia de se*. Second, it is empirical history at its best because the author has reflected carefully but creatively upon the few words that describe the circumstances of each case and is thereby able to elucidate the complex attitudes of medieval people towards common experiences of everyday life such as child-rearing, insanity, the death of loved ones and old age. Indeed Butler's analysis delights the reader with her ability to explain the apparently paradoxical: for example, why did the apparently accidental death of a baby boy by stabbing himself with a pair of shears generate a verdict of suicide in a fourteenth-century coroner's court, given the severe consequences for his parents of a shameful burial in unconsecrated ground and failure to set his soul to rest? Answer: because the jurors wanted to send a public message to the community that parental negligence was unacceptable. It is this imaginative ability that generates the article's significant and sometimes revisionist conclusions, which are its third outstanding feature. Butler argues that medieval jurors could be compassionate in exceptional circumstances, but insists they were more concerned about mortal sin; she suggests in general that they exhibited complex attitudes towards life-events which were very different from those a modern reader would expect; and most importantly, she demonstrates that the decisions of late-medieval law courts represented the values of local communities, as much as the doctrines of the law. We commend her work to you warmly.

**Ad Hoc Committee on the ASLH Motto**  
**Charles Donahue, Jr., chair**

The President appointed himself a committee of one to investigate the ASLH motto. The committee recommends that it be changed from *historia omnium legum* to *historia omnium iurium*. We do not investigate the history of all statutes; we investigate the history of all legal systems. The committee also recommends that the change be made gradually and as convenient, but that a volunteer be sought to redesign our digital logo to reflect this change.