# American Society for Legal History



Historia Omnium Jurium

## **Annual Meeting Program**

Four Seasons Hotel Denver, CO

6-9 November 2014

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Welcome to Denver and the 2014 Annual Meeting of the American Society for Legal History. This the first time the Society has met in the mile-high city and our location in the heart of the city provides us wonderful opportunities to explore its manv attractions. However, as you will see in the following pages, the program will limit our tourism. It is filled with compelling sessions that will challenge us to think and talk about topics, times, and places that encompass the breadth of our engagement with the legal past. And the program reveals as well the diversity of participants who will gather together here in Denver; they range from historians just entering our field to well-established scholars and they come from a broad array of places and institutions. What unites us all, and what will limit our forays in this fascinating city, is the intellectual richness of this meeting's formal sessions and the informal conversations they and our shared interest in legal history will provoke. We are united as well by the generosity and openness to new people and ideas that have long been the hallmarks of this Society.

The annual meeting is arguably the most important thing the Society does. The meeting like so many ASLH activities is organized by volunteers and we are indebted to a host of people for putting it together. They cannot all be thanked individually but I want to single out some of them. Co-Chairs Joanna Grisinger and Mitra Sharafi and the 2014 Program Committee are

to be congratulated for putting together such an engaging and innovative set of sessions as are the presenters, commentators, and chairs who will bring them to life. I also want to thank the committees that have identified books, articles, research projects and career achievements for us to honor. The officers, directors, and committees that make the ASLH such a vibrant organization are to be commended as well at our annual meeting. And, to return to our location, I want to express our appreciation to Tom Romero and the Local Arrangements Committee for making Denver such a hospitable site in which to gather.

Finally, we are grateful to the Colorado Supreme Court and the University of Denver Sturm College of Law for sponsoring the plenary reception and to the Historical Society of the Tenth Judicial Circuit for sponsoring the welcome reception. We are equally appreciative of the additional support for the meeting provided by Cambridge University Press, the program advertisers and meeting exhibitors, and the many members who made special contributions to help underwrite the attendance of graduate students and independent scholars.

I hope that each of you has a wonderful experience at the 2014 meeting.

Michael Suppley

Michael Grossberg President, ASLH



On behalf of the entire University of Denver Sturm College of Law, I would like to welcome you all to Denver and the 2014 Annual Meeting of the American Society of Legal History. We are so pleased to have this opportunity to interact with many of the top legal historians in the United States: You are the keepers of our collective past, the guardians of the rule of law that has shaped our profession and contributed to our scholarly endeavors. We are grateful for all of your valuable contributions.

Along with the Colorado Supreme Court, Denver Law is extremely proud to co-sponsor the plenary lecture at the new, state-of-the-art Ralph Carr Judicial Center. Housing one of the few LEED-certified courthouses in the nation, the Judicial Center and the law school share a commitment to environmentally sustainable, technologically advanced spaces: In 2004, the Frank H. Ricketson Law Building became the first LEED-certified Gold law building in the nation.

Since opening its doors in 1892, the Sturm College of Law has continued a rich tradition of graduating practice-ready students who embrace the challenges of the legal profession and thrive in their chosen careers. We were the first law school to introduce clinical education into law school curriculum (1904), and one of the first to recognize the importance of educating lawyers in other disciplines in order to enhance their ability to analyze both legal doctrine and issues of public policy. This interdisciplinary approach led to the law school's involvement in creating the Law and Society Association (1964), the only one of its kind in the world.

Today Denver Law boasts several top ranked flagship programs, including environmental and natural resources law, legal writing, trial advocacy and clinical training. Our focus is on the student experience – they are our number one priority. We've infused our curriculum with numerous cutting-edge, experiential learning opportunities, greatly increased our externship offerings, and kept our faculty/student ratio low so as to maximize these critical interactions. These developments, among many others, have enhanced the educational experience for our students and provided our graduates with a decided advantage in the marketplace.

We hope you enjoy your time in our vibrant city – should you find the time, please feel free to come and visit Denver Law, located just minutes from downtown. It would be our pleasure to show you our landmark building as well as what our school provides to its students and the greater community.

NIK-

Martin J. Katz Dean and Professor of Law

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## THE HISTORICAL SOCIETY OF THE TENTH JUDICIAL CIRCUIT

1801 California Street, Suite 4200 Denver, CO 80202 303/298-5701 www.10thcircuithistory.org

November 6, 2014



Congratulations to the American Society for Legal History on its 2014 Annual Meeting in Denver! Along with the Tenth Circuit judges and staff members who authorized and helped arrange this event, the Tenth Circuit Historical Society welcomes ASLH's members to the wonderful Byron White United States Courthouse for their opening event and reception.

In a nation that thrives under the rule of law, the ongoing life of a court is relevant to more than just those who have their day there. From the rough beginnings of frontier justice to the tough issues of electronic property rights, the history of the Tenth Circuit mirrors a broadly brushed picture of the struggles and tragedies, as well as the progress and good humor, of the citizens of its six states. We strive to engage the public with information that shows how legal history and our daily lives are not separate, but rather are interwoven. The Tenth Circuit Historical Society exists not only for lawyers and judges, but also for anyone else who finds history to be exciting, interesting, or instructive.

Sincerely,

Alleen C. VanBebber, Chair

## Supreme Court of Colorado

2 EAST 14<sup>TH</sup> AVENUE DENVER, CO 80203 (720) 625-5460

NANCY E. RICE CHIEF JUSTICE

November 7, 2014

Dear Attendees, American Society of Legal History, 2014, Plenary Lecture and Reception, Ralph Carr Judicial Center

Welcome to this venue of the State of Colorado's Supreme Court and Court of Appeals! The architecture and content of the Learning Center in this courthouse centers on four pillars of the rule of law: separation of powers, guaranteed individual rights, due process, and equal protection. Featured is a timeline of U.S. and Colorado legal history assembled in consultation with historians and law professors. At its apex is a statue of Ralph Carr, lawyer and governor, who stood up for the rights of Japanese Americans during World War II when few others dared to. Here also, Colorado's Native American, Hispanic, and anti-slavery heritage stand alongside our nation's colonial and European derivations.

Turning injustice towards justice, an increment at a time, is the continual work all of us share under our state and federal constitutional form of government. We celebrate each of your contributions to legal history.

Sincerely,

Nang E. Rico

Nancy E. Rice, Chief Justice

Colorado Supreme Court

Ala M. Joeb

Alan M. Loeb, Chief Judge Colorado Court of Appeals



#### ASLH 2014 Annual Meeting Program

## WEDNESDAY, NOVEMBER 5, 2014

5:00pm - 9:00pm ASLH Student Research Colloquium (Zengo, 1610 Little Raven Street, Denver and *by invitation only*)

The ASLH will host its first annual pre-conference Student Research Colloquium (SRC), in which two distinguished faculty members will lead eight graduate students in discussion of their early-stage research projects. Participation in the SRC is by application only, but we encourage the ASLH community to talk with participants about their projects throughout the conference.

## **Faculty Directors**

- Margot Canaday, Princeton University (<u>mcanaday@princeton.edu</u>)
- Matthew Mirow, Florida International University Law School (<u>mirowm@fiu.edu</u>)

## **Student Participants**

- Evelyn Atkinson, University of Chicago (<u>ematkinson@uchicago.edu</u>)
   "The Telegraph Cases: Law, Gender, Family, and Corporate Responsibility in the Late 19<sup>th</sup> Century"
- Jason Bates, Vanderbilt University (jason.l.bates@vanderbilt.edu) "Recalibrating State Power and Citizenship: Narcotics, Race, and the Law in the United States, 1870-1930"
- Molly Brady, Yale University (<u>molly.brady@yale.edu</u>) "Community Knowledge and its Collapse: A History of an Early American Property Regime"
- Brooke Depenbusch, University of Minnesota (<u>depen003@umn.edu</u>) "The Problem of Settlement Law in an Age of Welfare State Building"
- Alexandra Havrylyshyn, University of California-Berkeley (<u>ahavry@berkeley.edu</u>)
   "Contesting the Status of Slavery in Early Canada"
- Sara Ludin (University of California-Berkeley (<u>saraludin@berkeley.edu</u>) "Courts in the Age of the Reformations: Germany in the Sixteenth Century"
- Jane Manners, Princeton University (<u>jmanners@princeton.edu</u>) "Infinitely Dangerous to the Revenue of the United States": The Great New York Fire of 1835 and the Ethics of Disaster Relief in Jacksonian America"
- Mary Mitchell, University of Pennsylvania (<u>mmitchel@sas.upenn.edu</u>) "Putting the Bomb on Trial: Atmospheric Nuclear Testing in the American Pacific from the 1940s through 1963."

## Student Liaison

• Catherine Evans, Princeton University (<u>clevans@princeton.edu</u>)

#### **THURSDAY, NOVEMBER 6, 2014**

9:00am - 4:00pm	ASLH	Student	Research	Colloquium,	continued
	(Rooms of Law)		7, University	of Denver Stu	rm College

## 9:00am - 1:00pm ASLH Workshop on Medieval Legal History (Aspen Room)\*

Rowan Dorin, Harvard University (<u>dorin@fas.harvard.edu</u>) "Varied are the opinions of doctors': Canon Law and the Expulsion of the Jews in the Late Middle Ages"

• Commentary by Karl Shoemaker, University of Wisconsin-Madison (kbshoemaker@wisc.edu)

Elizabeth Papp Kamali, University of Michigan (<u>epkamali@umich.edu</u>) "The Devil's Daughter of Hell Fire: The Role of Anger in Medieval English Felony Adjudication"

• Commentary by David Seipp, Boston University (<u>dseipp@bu.edu</u>)

Thomas J. McSweeney, William & Mary Law School (tjmcsweeney@wm.edu)

"Writing Fiction as Law: The Story in Grágás,"

• Commentary by Stefan Jurasinski, The College at Brockport (sjurasin@brockport.edu)

\*The Workshop is not open to all attendees of the annual meeting and papers will not be presented. ASLH attendees who would like to participate in the workshop must register to attend. Papers will be sent to all registered attendees in advance and all attendees are invited to comment during the open discussion period. To register, please contact the ASLH Workshop Coordinator, Lena Salaymeh, at aslh.workshop@gmail.com.

1:00pm - 3:00pm	<b>Registration</b> (Grand Ballroom Foyer)
3:45pm – 4:00pm	13 minute walk to the Welcome Reception (directions are available on page 58 of this program)
4:00pm – 5:00pm	Projects & Proposals Committee (Grand Ballroom B)
4:00pm – 6:00pm	Welcome Reception, sponsored by the Historical Society of the Tenth Judicial Circuit (10th Circuit Court of Appeals, Bryon White U.S. Courthouse, 1823 Stout Street)

5:00pm - 6:00pm	Finance Committee (Boardroom)	
6:00pm – 7:30pm	Executive Committee (Ash)	
7:00pm - 10:00pm	Board of Directors Dinner Meeting (Aspen)	
10:00pm - 11:00pm	Nightcap (Edge Bar)	

## FRIDAY, NOVEMBER 7, 2014

7:15am – 4:15pm	Registration (Grand Ballroom Foyer)
7:15am – 4:15pm	Exhibits (Cottonwood Ballroom)
7:15am – 8:15am	Continental Breakfast (Cottonwood Ballroom)
7:30am – 8:30am	<ul> <li>Committee Breakfast Meetings</li> <li>H-Law (Elm)</li> </ul>

• Membership Committee (Boardroom)

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

Friday A.1		0	nty: The Late al Theory and I		-
Chair/Commentator		z Cogan, Un b.cogan@uc.	niversity of Cine edu)	cinnati C	College of
Panelists	"Inventing	y@aya.yale. Interventior	Princeton edu) a: The Ottoman se of Force in the	Empire,	
	"The Otto and Intern Aimee M. "Marginal	a @umanitoba man Empire ational Legal Genell, Yale Occupation es of Parti	, the Origins of	Extrater ee.genell Empire	@yale.edu) e and the

Friday A.2	Rethinking Southern Legal Orders Before, During and After the Civil War: Controlling Slave Economies, Practicing Confederate Constitutionalism, and Reconstructing Southern Law After Emancipation (Aspen)
Chair	Ariela Gross, University of Southern California Gould School of Law (agross@usc.law.edu)
Commentator	Cynthia Nicoletti, University of Virginia School of Law (cln4x@virginia.edu)
Panelists	Justene G. Hill, Princeton University (jghill@princeton.edu) "A Monstrous Nuisance': Legislative Responses to Slave Economies in South Carolina, 1850-1860"
	Aaron Hall, University of California-Berkeley ( <u>aaronrhall06@berkeley.edu</u> ) "Not Their Fathers' Constitution: The Centrality of Slavery and the Centralized State in the Confederate Constitutional Order"
	Giuliana Perrone, University of California-Berkeley (gperrone@berkeley.edu) "Reconstructing Law After Emancipation: A Study of State Courts in the Post Civil War South"
Friday A.3	Indigenous Legal History (Maple)
Chair/Commentator	Lindsay Robertson, University of Oklahoma ( <u>lrobertson@ou.edu</u> )
Panelists	Katrina Jagodinsky, University of Nebraska-Lincoln ( <u>kjagodinsky@unl.edu</u> ) "The Legal Pluralisms of Indigenous Women and their Daughters, 1854-1934"
	Keith Richotte, Jr., University of North Carolina ( <u>richotte@email.unc.edu</u> ) "The Importance of Tribal Constitutional History, 1932 to present"

	Kristen Carpenter, University of Colorado-Boulder ( <u>kristen.carpenter@colorado.edu</u> ) "American Indian Child Welfare in the Periods of Assimilation, Self-Determination, and Human Rights"		
Friday A.4	Family Values, Social Norms, and Modern Lawmaking in East Asia (Ash)		
Chair/Commentator	Margaret Kuo, California State University-Long Beach (margaret.kuo@csulb.edu)		
Panelists	Yun-Ru Chen, Harvard Law School ( <u>yunru.hls@gmail.com</u> ) "The Making of Market/Family Legal Distinction in the Oriental Empire: The Germany-Japan-Taiwan Trilogy"		
	Guo-Quan Seng, University of Chicago (gqseng@uchicago.edu) "Struggling toward a Private Legal Code for the Chinese in the Dutch East Indies (1857-1897)"		
Friday A.5	<b>Roundtable Discussion of the Progress of a History of the Federal Courts</b> (Grand Ballroom A)		
Panelists	Clare Cushman, Supreme Court Historical Society ( <u>CHCUSH@aol.com</u> )		
	Bruce Ragsdale, Federal Judicial Center ( <u>bragsdal@fjc.gov</u> )		
	Peter Charles Hoffer, University of Georgia ( <u>pchoffer@uga.edu</u> )		
	Williamjames Hull Hoffer, Seton Hall University ( <u>williamjames.hoffer@shu.edu</u> )		
	David McBride, Oxford University Press ( <u>David.McBride@oup.com</u> )		
10:00am – 11:00am	Mid-morning Break (Cottonwood Ballroom)		
Friday, Session B: 10:3	00am - 12:15pm		
Friday B.1	West as Center: California in the Age of Reconstruction and Emancipation (Maple)		

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Chair	Arthur McEvoy, Southwestern Law School (amcevoy@swlaw.edu)
Panelists	Jean Pfaelzer, University of Delaware (pfaelzer@udel.edu) "California: A Slave State"
	Donna Schuele, University of California-Irvine (dschuele@uci.edu) "California's Women's Rights Movement: The Promise and Perils of the 14 <sup>th</sup> Amendment"
	David Torres-Rouff, University of California-Merced (dtorres-rouff@ucmerced.edu) "West of Jim Crow: Racialization and Segregation in Reconstruction-Era Los Angeles and California"
	Tamara Venit-Shelton, Claremont McKenna College (tamara.venit-shelton@claremontmckenna.edu) "Too Big to Fail? Stephen Mallory White, the Southern Pacific, and the Transformation of Anti-Monopolist Politics in California and the Nation"
Friday B.2	Marital Law, Colonialism and the Construction of Empire (Alpine)
Chair	Cornelia H. Dayton, University of Connecticut ( <u>cornelia.dayton@uconn.edu</u> )
Commentator	Erin Braatz, New York University (erinbraatz@nyu.edu)
Panelists	Christine Walker, Texas Tech University ( <u>christine.m.walker@ttu.edu</u> ) "Marriage, Slaveholding and the Erosion of Coverture in Colonial Jamaica"
	Charlotte Walker-Said, CUNY-John Jay College of Criminal Justice ( <u>cwalker-said@jjay.cuny.edu</u> ) "Regulating the African Family: Civil Law and Canon Law in the French Empire"
	Rebecca Grapevine, University of Michigan ( <u>grapevin@umich.edu</u> ) "The Indian Law of the Family: Coverture in 20th-Century India"

Friday B.3	<b>Conservative Constitutionalism in the Civil Rights Era</b> (and Beyond) (Aspen)
Chair/Commentator	Sophia Z. Lee, University of Pennsylvania Law School (slee@law.upenn.edu)
Panelists	Ariela J. Gross, University of Southern California School of Law (agross@law.usc.edu) "From the Streets to the Courts: The Grassroots History of Race, Law and Conservatism"
	Rebecca E. Zietlow, University of Toledo College of Law (rebecca.zietlow@utoledo.edu) "Sovereignty and Liberty in Rightwing Constitutionalist Movements"
	Christopher W. Schmidt, IIT Chicago-Kent College of Law (cschmidt@kentlaw.edu) "Federalism and Movement Mobilization in the Civil Rights Era"
Friday B.4	<b>Credibility on Trial in Law and Literature</b> (Grand Ballroom A)
Chair	Simon Stern, University of Toronto Faculty of Law (simon.stern@utoronto.ca)
Commentator	Martha Umphrey, Amherst College ( <u>mmumphrey@amherst.edu</u> )
Panelists	Nan Goodman, University of Colorado-Boulder (nan.goodman@colorado.edu) "I hear no things laid to my charge': Oral and Written Discourse in Anne Hutchinson's Trial Transcript"
	Susanna Blumenthal, University of Minnesota Law School (blume047@umn.edu) "'A black lie and a white lie at the same time': The Forgery Trial of Charles B. Huntington"
	Nicolette Isabel Bruner, University of Michigan (nbruner@umich.edu) "'A Corporation-Minded Judge': Fictions of Justice in Theodore Dreiser's <i>The Financier</i> "

Friday B.5	The Challenges of Liberalism in Early 20th-Century Brazil: Urbanization and the Modernization of Private Law, 1900-1945 (Grand Ballroom B)	
Chair/Commentator	William J. Novak, University of Michigan Law School (wnovak@umich.edu)	
Panelists	Airtan Seelander, Universidade Federal de Santa Catarina Law School (See.1750@gmail.com) "The Republicanization of Brazilian Law and the Paradox of Equality"	
	Thiago Reis e Souza, Fundação Getulio Vargas Law School (thiago.reis@fgv.br) "Private Law and Authoritarian Modernization in Brazil under Vargas (1930-60)"	
	Pedro Cantisano, University of Michigan (pjimenez@umich.edu) "Law and Liberalism in the Urban Modernization of Rio de Janeiro, 1902-1906"	
12:15pm - 1:30pm	Lunch Break	
12:15pm – 1:30pm	<ul> <li>Committee Lunch Meetings</li> <li>Law and History Review (Ash)</li> <li>Standing Committee on Conferences and the Annual Meeting (Boardroom)</li> <li>Editors of "Studies in Legal History" (Elm)</li> </ul>	
Friday, Session C: 1:30p	<u>m - 3:15pm</u>	
Friday C.1	Satire in Medieval Law (Alpine)	
Chair/Commentator	Lena Salaymeh, University of California-Berkeley School of Law (lenas@law.berkeley.edu)	
Panelists	Ada Maria Kuskowski, Southern Methodist University (akuskowski@mail.smu.edu) "The Rustic and the Conjuring Book: A Tale of Satire and Legitimacy between Custom and Learned Law"	
	Karl Shoemaker, University of Wisconsin-Madison (kbshoemaker@wisc.edu) "Satanic Satire: The Devil's Medieval Legal Career"	

	Jesús Rodriguez-Velasco, Columbia University (jrvelasco@columbia.edu) "Poetry and Punishment"
Friday C.2	<b>"The Crime Against the Economy": Revolutions,</b> <b>Markets and the Law</b> (Grand Ballroom A)
Chair/Commentator	Yanni Kotsonis, New York University ( <u>yanni.kotsonis@nyu.edu</u> )
Panelists	AnneO'Donnell,HarvardUniversity(anneodonnell@fas.harvard.edu)"Encoding the Revolution's End: "Economic Crime" and the (De)legitimation of Dispossession, 1920-22"
	Fei-HsienWang,IndianaUniversity(feihwang@indiana.edu)"A Crime of Being Self Interested: Redefining LiteraryPiracy in Early Communist China"
	Rohit De, Yale University ( <u>rohit.de@yale.edu</u> ) "Protect the Purity of Every Grain: Economic Crimes, Commodity Controls and Market Discipline in the Indian Republic (1947-1960)"
Friday C.3	Law and Psychiatry in Modern America (Maple)
Chair/Commentators	Susanna Blumenthal, University of Minnesota Law School ( <u>blume047@umn.edu)</u> James Mohr, University of Oregon ( <u>jmohr@uoregon.edu</u> )
Panelists	Kathryn Burns-Howard, DePaul University ( <u>kburnshoward@gmail.com</u> ) "Experts Overreaching: Medico-Legal Crack-Up in 19 <sup>th</sup> - Century New York"
	Anne Parsons, University of North Carolina-Greensboro ( <u>aeparson@uncg.edu</u> ) "Leaving the Cuckoo's Nest: Challenging Incarceration in Psychiatric Hospitals"

Friday C.4	Church Property Suits and the Changing Religious Landscape of the 19th-Century United States (Aspen)
Chair/Commentator	Sarah Barringer Gordon, University of Pennsylvania Law School (sgordon@law.upenn.edu)
Panelists	Jeffrey Thomas Perry, Purdue University (perry30@purdue.edu) "Doctrinal Dissension, Congregational Schism and Church Property Disputes in the Antebellum Trans-Appalachian West"
	AprilHolm,UniversityofMississippi(aholm@olemiss.edu)"Secular Courts Behind the Sacred Veil: Church Property Cases and Sectionalism in the Civil War Era"
	Lucas Volkman, University of Missouri (lucasvolkman@hotmail.com) "The Righteous and the Unrepentant: Presbyterian Property Litigation in Reconstruction Missouri"
Friday C.5	<b>Courts, Codes, and the Legal Profession</b> (Grand Ballroom B)
Chair/Commentator	Roman J. Hoyos, Southwestern Law School ( <u>rhoyos@swlaw.edu</u> )
Panelists	Sung Yup Kim, Stony Brook University (sungyup.kim@stonybrook.edu) "Courts of Single Justices of the Peace and the Small Credit Economies of Late Colonial New York"
	Kellen Funk, Princeton University ( <u>kfunk@princeton.edu</u> ) "Mere Machinery and Arbitrary Regulation: The Politics of Lawyering and the Creation of Civil Procedure in New York, 1846-1850"
	Carly Goodman, Temple University (carlygoodman@gmail.com) "Green Card Lawyers Spamming the Globe': Attorney Advertising and the U.S. Diversity Visa Lottery, 1994- 1997"

## Friday, Session D: 3:30pm - 4:30pm

Friday D.1	Ask Me Anything: The Job Market (Aspen)
	Sarah Barringer Gordon, University of Pennsylvania Law School (sgordon@law.upenn.edu)
	Hendrik Hartog, Princeton University (hartog@princeton.edu)
	Tom McSweeney, William & Mary Law School ( <u>tjmcsweeney@wm.edu</u> )
	Clara Altman, Amherst College (caltman@amherst.edu)
Friday D.2	Ask Me Anything: Publishing (Grand Ballroom A)
	Christopher W. Schmidt, IIT Chicago-Kent College of Law ( <u>cschmidt@kentlaw.iit.edu</u> ) Editor, <i>Law &amp; Social Inquiry</i>
	Elizabeth Dale, University of Florida ( <u>edale@history.ufl.edu</u> ) Editor, <i>Law &amp; History Review</i>
	Michael Lobban, London School of Economics Department of Law ( <u>M.J.Lobban@lse.ac.uk</u> ) Co-editor, <i>Studies in Legal History</i> (the American Society for Legal History book series)
	Christopher Tomlins, University of California-Berkeley School of Law ( <u>ctomlins@law.berkeley.edu</u> ) Editor, <i>Cambridge Historical Studies in American Law and</i> <i>Society</i> (Cambridge University Press book series) Co-editor, <i>New Histories of American Law</i> (Cambridge University Press book series)
Friday D.3	Ask Me Anything: Teaching Legal History (Grand Ballroom B)
	Barbara Young Welke, University of Minnesota (welke004@umn.edu)

	Ryan Rowberry, Georgia State University College of Law (rrowberry@gsu.edu)		
	Benjamin Coates, Wake Forest College (coatesba@wfu.edu)		
	John Wertheimer, Davidson College (jowertheimer@davidson.edu)		
4:40pm – 5:00pm	18 minute walk to Colorado Supreme Court for Plenary (directions are available on page 59 of this program) or take buses departing from the front of the Four Seasons Hotel		
<u>Friday, 5:00pm - 11:00p</u>	<u>Friday, 5:00pm - 11:00pm:</u>		
5:00pm – 6:00pm	<b>Plenary Lecture -</b> Philip Girard, Osgoode Hall Law School, York University ( <u>pgirard@osgoode.yorku.ca</u> ) "Disorienting: Towards a Legal History of North America" (Colorado Supreme Court, Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue)		
6:00pm – 7:30pm	Plenary Reception, Hosted by the Colorado Supreme Court and Sponsored by the University of Denver Sturm College of Law (Ralph L. Carr Colorado Judicial Center, 1300 Broadway)		
9:00pm - 11:00pm	Informal Graduate Student Gathering (Edge Bar)		
SATURDAY, NOVEMBER 8, 2014			
7:30am – 1:00pm	Registration (Grand Ballroom Foyer)		
7:30am – 5:00pm	Book Exhibition (Cottonwood Ballroom)		
7:30am – 8:30am	Continental Breakfast (Cottonwood Ballroom)		
7:30am – 8:30am	Committee Breakfast Meetings Graduate Student Outreach Committee (Boardroom)		

- Graduate Student Outreach Committee (Boardroom)
- Program Committee (Elm)
- Publications Committee (Ash)

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

Saturday A.1	Roundtable on Legal Histories and Public Audiences: Linking Legal History, Public Policy, and Public History (Aspen)
Panelists	Victoria Saker Woeste, American Bar Foundation (vswoeste@abfn.org)
	Katrina Jagodinsky, University of Nebraska-Lincoln (kjagodinsky@unl.edu)
	Patty Limerick, University of Colorado-Boulder/ Center of the American West (patricia.limerick@colorado.edu)
	John E. Echohawk, Native American Rights Fund (jechohawk@narf.org)
Saturday A.2	Law, the State, and the Challenge of American Nationhood in the 19th Century (Alpine)
Chair	Christina Duffy Ponsa, Columbia Law School (cponsa@law.columbia.edu)
Commentator	Nicholas Parrillo, Yale Law School (nicholas.parrillo@yale.edu)
Panelists	Gautham Rao, American University (grao@american.edu) "The Legal Architecture of the Slave Manifest"
	Kevin Arlyck, Orrick, Herrington & Sutcliffe ( <u>arlyck@gmail.com</u> ) "Mr. Story's War: 1812 and the Problems of Prize"
	Sam Erman, University of Southern California Gould School of Law (serman@law.usc.edu) "Elihu Root and the Constitutional Underpinnings of U.S. Empire"
Saturday A.3	Gender in US Legal History (Maple)
Chair/Commentator	Serena Mayeri, University of Pennsylvania Law School (smayeri@law.upenn.edu)

Panelists	Kimberly A. Reilly, University of Wisconsin-Green Bay ( <u>reillyk@uwgb.edu</u> ) "For Love or Money: Loss of Services Suits and the Transformation of Wives' Household Labor, 1870-1920"
	Lauren MacIvor Thompson, Georgia State University ( <u>lmacivor1@gsu.edu</u> ) "'An Outrage to Common Sense': Legal and Medical Conceptions of Female Disability in the Women's Rights Movement, 1870-1930"
	Larissa Werhnyak, University of Iowa ( <u>larissa-werhnyak@uiowa.edu</u> ) "To Make the World Safe For Men: The Anti-Heart Balm Campaigns of the 1930s"
	Jeffrey D. Gonda, Syracuse University (jdgonda@maxwell.syr.edu) "On a Different Home Front: Black Women & Shelley v. Kraemer, 1944-1948"
Saturday A.4	<b>Inventing Law in "Lawless" Africa: Competition to Rule Among Africans and Europeans in the Empire</b> (Grand Ballroom A)
Chair	Charlotte Walker-Said, CUNY-John Jay College of Criminal Justice (cwalker-said@jjay.cuny.edu)
Commentator	Nurfadzilah Yahaya, Washington University in St. Louis (nyahaya@wustl.edu)
Panelists	Erin Braatz, New York University (erinbraatz@nyu.edu) "The Colonial Project and the Rise of the 'Rule of Law"
	Trina Hogg, Columbia College Chicago (thogg@colum.edu) "Courts and Commissions: Colonial Legality after the Sierra Leone Rebellion of 1898"
	ReynoldsRichter,NewYorkUniversity(reynolds.richter@nyu.edu)"InterpretingLandscapesofConflict:LandscapesLandscapesLandscapesApplicationMap-Makingin a Kenyan African Court, 1957-1981"

Saturday, A.5	<b>Law's Governance and Labor's Bodies</b> (Grand Ballroom B)
Chair/Commentator	William Forbath, UT Austin School of Law ( <u>wforbath@law.utexas.edu</u> )
Panelists	Clyde Spillenger, UCLA School of Law ( <u>spilleng@law.ucla.edu</u> ) "How Migrant Laborers in Alaska's Canneries Helped Transform American Choice of Law"
	Christopher Tomlins, UC Irvine ( <u>ctomlins@law.uci.edu</u> ) "The Political Economy of 'Labor' in Antebellum Virginia: the Virginia Constitutional Convention of 1829-30, the Turner Rebellion, and the Emancipation Debate of 1831- 32"
	FrederickTurner,BrandeisUniversity(fturner@brandeis.edu)"A Portal to Fair Labor in the Administrative State:Adjudicating Travel Time in the Mining Industry"
Saturday, Session B: 10	:30am - 12:15pm
Saturday B.1	Sex and Law in Medieval Europe (Ash)
<i>Saturday B.1</i> Chair	Sex and Law in Medieval Europe (Ash) Rachel Guillas, Université Panthéon-Assas (Paris II) ( <u>rachelguillas@gmail.com</u> )
-	Rachel Guillas, Université Panthéon-Assas (Paris II)
Chair	Rachel Guillas, Université Panthéon-Assas (Paris II) ( <u>rachelguillas@gmail.com</u> ) Sara McDougall, CUNY-John Jay College of Criminal
Chair Commentator	Rachel Guillas, Université Panthéon-Assas (Paris II) (rachelguillas@gmail.com) Sara McDougall, CUNY-John Jay College of Criminal Justice (smcdougall@jjay.cuny.edu) Sarah Bakkali, Université Panthéon-Assas (Paris II) (sarahbakkali@hotmail.com)

Saturday B.2	Legal Subjecthood in the British Empire (Alpine)
Chair/Commentator	Douglas Hay, Osgoode Hall Law School, York University (dhay@osgoode.yorku.ca)
Panelists	Bonny Ibhawoh, McMaster University (ibhawoh@mcmaster.ca) "Between Colony and Protectorate: "Native Rights" and Colonial Contestations of Imperial Subjecthood in British Africa"
	Sandra den Otter, Queen's University (denotter@queensu.ca) "Contestations over Trial by Jury: Legal Identities, Civic Virtue and Customary Law in Colonial South Asia"
	CatherineEvans,PrincetonUniversity(clevans@princeton.edu)"Criminal Law and Subjecthood in Colonial Victoria"
Saturday B.3	<b>Copyright and New Media in the Late 19th &amp; Early 20th Century</b> (Maple)
Chair	Steven Wilf, University of Connecticut School of Law (steven.wilf@law.uconn.edu)
Commentator	Catherine Fisk, University of California-Irvine School of Law (cfisk@law.uci.edu)
Panelists	Mazie Harris, J. Paul Getty Museum ( <u>MHarris@Getty.edu</u> ) "Copyright and Photographic Purity"
	Brent Salter, Yale School of Drama (brent.salter@yale.edu) "Copyright Authority and the American Theater (1856- 1951)"
	Heidi Tworek, Harvard University (hevans@fas.harvard.edu) "Competing Visions of News and International Law at the League of Nations"
Saturday B.4	<b>Building a Public Economy: New Approaches to Progressive-Era Economic Regulation</b> (Aspen)
Chair/Commentator	Herbert Hovenkamp, University of Iowa College of Law (herbert-hovenkamp@uiowa.edu)

Panelists	Laura Phillips Sawyer, Harvard Business School (lsawyer@hbs.edu) "Institutional Economics, State-Building, and Antitrust Policy: Antecedents to the New Deal"
	K. Sabeel Rahman, Harvard Law School (krahman@law.harvard.edu) "Democracy, Domination, and the Legacy of Progressive Era Legal Thought"
	William J. Novak, University of Michigan Law School (wnovak@umich.edu) "The Public Utility Idea and the Origins of Modern Business Regulation"
Saturday B.5	Contesting Custody, Creating Rights: Family Law and Equality Claims in Late 20th-Century America (Elm)
Chair/Commentator	Karen M. Tani, University of California-Berkeley School of Law (ktani@law.berkeley.edu)
Panelists	Deborah Dinner, Washington University School of Law (ddinner@wulaw.wustl.edu) "The Divorce Bargain: The Fathers' Rights Movement and the Dual System of Family Law"
	Serena Mayeri, University of Pennsylvania Law School (smayeri@law.upenn.edu) "Unmarried Fathers, Sex Equality, and Marital Supremacy, 1970-1983"
	Marie-Amelie George, Yale University ( <u>marie-amelie.george@yale.edu</u> ) "The Custody Crucible: The Centrality of Lesbian Mother Custody Cases in Gay Rights"
12:15pm - 2:15pm	Annual Lunch and Awards Ceremony (Grand Ballroom)
Saturday, Session C: 2:1	<u> 5pm – 4:00pm</u>
Saturday C.1	<b>The Salvific-Historical Terrain of Medieval Canon Law</b> (Maple)

Chairs/Commentators	Richard Helmholz, University of Chicago Law School (dick_helmholz@law.uchicago.edu)
	Charles Donahue, Harvard Law School (rspang@law.harvard.edu)
Panelists	Trisha Olson, Independent Law Historian (filpriros@aol.com) "Christ's Redemptive Work, the Sin of the Devil's Lawsuit and Salvific History in the Work of Medieval Canonists"
	Abigail Firey, University of Kentucky (afire2@uky.edu) "Saving Charlemagne: from Scribe to Synod"
Saturday C.2	Layered Sovereignty, Layered Citizenship, and the Role of Rights in Modern American History (Aspen)
Chair	Hendrik Hartog, Princeton University (hartog@princeton.edu)
Commentator	Kate Masur, Northwestern University (kmasur@northwestern.edu)
Panelists	Clara Altman, Amherst College (caltman@amherst.edu) "Citizenship Beyond the <i>Insular</i> Frame: Spanish Law and Filipino Rights Claims in the U.S. Empire"
	Laura F. Edwards, Duke University (ledwards@duke.edu) "Popular Conceptions of Law and Citizenship: Layered Jurisdictions and the Expansion of Government Power during the Civil War Era"
	Karen M. Tani, University of California-Berkeley School of Law (ktani@law.berkeley.edu) "The Poor Belong to Us: Legal Contests over Poor Relief and the Making of the Modern American State"
Saturday C.3	Regulating Sin: Cigarettes, Sex, Booze, and Backlash in Modern America (Alpine)
Chair	Tracy L. Steffes, Brown University (tracy_steffes@brown.edu)

Commentator	Reuel E. Schiller, University of California-Hastings College of the Law (schiller@uchastings.edu)
Panelists	Kyle G. Volk, University of Montana (kyle.volk@umontana.edu) "Personal Liberty Leagues, Liquor Politics, and the American Civil Liberties Tradition"
	Alison L. Lefkovitz, NJIT/Rutgers University-Newark (alison.lefkovitz@njit.edu) "Husbands and Wives at Risk: Sexual Access, Household Labor, and Backlash, 1963-1984"
	Sarah Milov, University of Virginia (sarah.milov@gmail.com) "Proposition 99: Where Taxpayers' Rights met Non- Smokers' Rights"
Saturday C.4	Women Acting Locally, Women Acting Globally: Female Activists Trying to Shape a Modern World Across the 20th Century (Ash)
Chair/Commentator	Nupur Chaudhuri, Texas Southern University (chaudhuri_nx@tsu.edu)
Panelists	Susan Hinely, Stony Brook University (susan.hinely@stonybrook.edu) "The Theory and Practice of International Justice in the Pre-War Suffrage Movement"
	Kathleen Banks Nutter, Smith College ( <u>knutter@smith.edu</u> ) "'Abundant life for all': American YWCA Workers in Turkey, 1920-1935"
	Gwen Jordan, University of Illinois-Springfield (gjorda2@uis.edu) "Building Transnational Coalitions of Women of Color During the Cold War: The Work of Edith Sampson and the National Council of Negro Women"
Saturday C.5	Paradoxes of Authoritarian Legal Orders and the Ambiguity of Transitions to Democratic Rule in South America (1960s-1980s) (Elm)
Chair	Rebecca J. Scott, University of Michigan (rjscott@umich.edu)

Commentator	Mark J. Osiel, University of Iowa College of Law (mark-osiel@uiowa.edu)
Panelists	Leonardo Barbosa, Brazilian Chamber of Deputies (leonardo.barbosa@camara.gov.br) "The Ballot under the Bayonet: Election Law during the Brazilian Military Regime"
	Cristiano Paixão, University of Brasília ( <u>cristianop@unb.br</u> ) "Past and Future of Authoritarian Regimes: Constitution Making in Brazil and Chile in the 1980s"
	Marcelo Torelly, University of Brasília ( <u>mtorelly@gmail.com</u> ) "Uses of International Human Rights Law to Domestic Constitutional Reinterpretation: Argentina, Brazil, and Chile Transitional Justice Experiences"

## Saturday, Session D: 4:15pm – 6:00pm

Saturday D.1	Law and Police in the Anglo-American 18th Century (Aspen)
Chair/Commentator	Christopher Tomlins, University of California-Berkeley School of Law (ctomlins@law.berkeley.edu)
Panelists	Markus Dubber, University of Toronto Faculty of Law ( <u>markus.dubber@utoronto.ca</u> ) "New Historical Jurisprudence: Historical Analysis of Law Between Police and Law"
	<ul> <li>Holly Brewer, University of Maryland (<u>hbrewer@umd.edu</u>)</li> <li>"Sedition, Treason, Censorship &amp; Slavery in the Early Modern British Empire"</li> <li>Aaron Knapp, Boston University (<u>atknapp@bu.edu</u>)</li> <li>"The Judicialization of Police at the American Founding"</li> </ul>
Saturday D.2	Law at the Border: Mobility and the Regulation of Migration Regimes in Global Perspective (Alpine)
Chair/Commentator	Rohit De, Yale University (rohit.de@yale.edu)

Panelists	PhilippaHetherington,HarvardUniversity(phether@fas.harvard.edu)"Channeling Russian Migrants: Imperial Law, Shipping Companies and Illegal Emigration 'Agents' in Late 19th- Century Russia"		
	Joshua Specht, Harvard University (jspecht@fas.harvard.edu) "'Vexatious and Embarrassing': Cattle Disease, Quarantine Law, and the Politics of Mobility"		
	David Brophy, University of Sydney (david.brophy@sydney.edu.au) "Cotton-Picking Kashgaris: Chinese Consuls, Muslim Headmen, and the Legal Regulation of Guest Work in the Soviet Union"		
Saturday D.3	Kathryn T. Preyer Memorial Prize Panel (Maple)		
Chair	Gautham Rao, American University (grao@american.edu)		
Panelist	Gregory Ablavsky, University of Pennsylvania ( <u>ablavsky@law.upenn.edu</u> ) "Species of Sovereignty: The Law of Nations and the Early American Origins of Indian Law."		
Commentator	Daniel Hulsebosch, New York University School of Law ( <u>daniel.hulsebosch@nyu.edu</u> )		
Panelist	Rabia Belt, University of Michigan ( <u>belt@umich.edu</u> ) "Ballots for Bullets? The Disenfranchisement of Civil War Veterans."		
Commentator	John Fabian Witt, Yale Law School (john.witt@yale.edu)		
Saturday D.4	Antonio Gramsci's Hegemony, the African-American Experience, and Legal Definitions of Racial Equality (Ash)		
Chair/Commentator	Kenneth W. Mack, Harvard Law School (kmack@law.harvard.edu)		
Panelists	Megan Francis, University of Washington ( <u>meganmf@uw.edu</u> ) "The Price of Brown v. Board: The Garland Fund, the NAACP, and the Erasure of Criminal Justice"		

	Maribel (moreym@clen	Morey, nson.edu)	Clemson	University
	"The Carnegie Corporation's Gunnar Myrdal, Black Scholars of Race, and Postwar Racial Liberalism"			
	H. Timothy L School of Law "The Jurisprude <i>Cooper</i> "	(lovelace@indi	iana.edu)	-
Saturday D.5	<b>Rolling Back the Rights Revolution: The Conservative</b> <b>Ascendency and the Shifting Legal Terrain</b> (Elm)			
Chair/Commentator	Daniel Ernst, (ernst@law.geo	-	University	Law Center
Panelists	Sarah S (sstaszak@rwj. "Litigation, Art	,	Harvard e American St	University
	Alexander Gourse, Stanford University Law School (agourse@stanford.edu) "The Rights Revolution and the Politics of Fisca Retrenchment"			
	Amanda (amanda.hughe "Silencing the Courts, and th Grievance Com	Cell Block: ne Creation of	-	
6:00pm – 8:00pm	Closing Recept	tion (Cottonwo	od Ballroom)	

Friday Session A 8:30 – 10:15	Contentious Sovereignty: The Late Ottoman Empire and International Legal Theory and Practice (Alpine)	Rethinking Southern Legal Orders Before, During and After the Civil War: Controlling Slave Economies, Practicing Confederate Constitutionalism, and Reconstructing Southern Law After Emancipation (Aspen)	
Friday Session B 10:30 - 12:15	West as Center: California in the Age of Reconstruction and Emancipation (Maple)	Marital Law, Colonialism and the Construction of Empire (Alpine)	
Friday Session C 1:30 - 3:15	Satire in Medieval Law (Alpine) "The Crime Against the Economy": Revolution Markets and the Law (A		
Friday Session D 3:30 - 4:30	Ask Me Anything: The Job Market (Aspen)	Ask Me Anything: Publishing (Grand Ballroom A)	
Friday 5:00pm – 6:00pm	Plenary Lecture - "Disorienting: Towards a Legal History of North America" Philip Girard, Osgoode Hall Law School, York University (Colorado Supreme Court, Ralph L. Carr Colorado Judicial Center, 2 East 14th Avenue)		
Saturday Session A 8:30 - 10:15	Roundtable on Legal Histories and Public Audiences: Linking Legal History, Public Policy, and Public History (Aspen)	Law, the State, and the Challenge of American Nationhood in the 19th Century (Alpine)	
Saturday Session B 10:30 - 12:15	Sex and Law in Medieval Europe (Ash) Legal Subjecthood ir British Empire (Alp		
Saturday Session C 2:15 - 4:00	The Salvific-Historical Terrain of Medieval Canon Law (Maple)	Layered Sovereignty, Layered Citizenship, and the Role of Rights in Modern American History (Aspen)	
Saturday Session D 4:15 - 6:00	Law and Police in the Anglo- American 18th Century (Aspen) Law at the Border: Mobility and the Regulation of Migration Regimes in Global Perspective (Alpine)		

Indigenous Legal History (Maple)	Family Values, Social Norms, and Modern Lawmaking in East Asia (Ash)	Roundtable Discussion of the Progress of a History of the Federal Courts (Grand Ballroom A)	
Conservative Constitutionalism in the Civil Rights Era (and Beyond) (Aspen)	Credibility on Trial in Law and Literature (Grand Ballroom A)	The Challenges of Liberalism in Early 20th-Century Brazil: Urbanization and the Modernization of Private Law, 1900-1945 (Grand Ballroom B)	
Law and Psychiatry in Modern America (Maple)	Church Property Suits and the Changing Religious Landscape of the 19th-Century United States (Aspen)	Courts, Codes, and the Legal Profession (Grand Ballroom B)	
Ask Me Anything: Teaching Legal History (Grand Ballroom B)			
Gender in US Legal History (Maple)	Inventing Law in "Lawless" Africa: Competition to Rule Among Africans and Europeans in the Empire (Grand Ballroom A)	Law's Governance and Labor's Bodies (Grand Ballroom B)	
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Kathryn T. Preyer Memorial Prize Panel (Maple)	Antonio Gramsci's Hegemony, the African-American Experience, and Legal Definitions of Racial Equality (Ash) Rolling Back the Righ Revolution: The Conser Ascendency and the Shi Legal Terrain (Elm)		

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#### 10th – 13th December 2014 The University of New England (Australia) ''Law's Empire or Empire's Law?: Legal Discourses of Colonies and Commonwealths''

The University of New England (Australia) is proud to announce the 33rd Annual ANZLHS Conference, 10-13 December 2014. The conference theme is "Law's Empire or Empire's Law?: Legal Discourses of Colonies and Commonwealths". The conference will be held at the BreakFree Aanuka Beach Resort, Coffs Harbour, on the magnificent mid-north coast of New South Wales, between December 10-13, 2014.

The Conference provides wide scope to discuss law and history in a variety of settings. Although an important context for the conference is the interrelation between imported laws of a parent jurisdiction and their application to other domains, both jurisdictional and geographical, we encourage potential presenters to interpret the conference theme broadly.

**Keynote Speakers:** 

•Professor Paul Mitchell, of the Faculty of Laws, University College London.

•Professor Mike Grossberg, Sally M Reahard Professor of History & Professor of Law, Indiana University, Bloomington, USA.

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Founded on 5 December 2009 (St Nicholas' Eve) in The Hague, the European Society for Comparative Legal History ("ESCLH") was born out of frustration with the narrow nationalism and geographical segregation of legal history in contemporary European scholarship and professional organisations. We take a wider view. The Society aims to promote comparative legal history, the explicit comparison of legal ideas and institutions in two or more legal traditions. We acknowledge, too, that comparative law and legal history (internal or external) are fundamentally related. Both comparatists and legal historians are travellers: the one in space, the other in time. If only to establish context to more restricted research, legal historians should always look beyond the spatial borders and jurisdictional boundaries—including our present national legal systems—that are themselves products of the past. This isn't merely useful background information. Legal history in general, and European legal history in particular, was fundamentally plural, a dynamic interaction of multifarious common and particular laws. Legal historians shouldn't ignore this.

The Society also appreciates the importance of generating dialogue across national and disciplinary boundaries to achieve our goals. To accomplish this, we have established a blog, held an inaugural conference, and begun cooperation with those with shared aims. Our blog provides a site for information and discussion. It hosts a register for those with research interests in any area of legal history.

For additional information, please see: http://esclh.blogspot.com/.

#### The Israeli History and Law Association

The Israeli History and Law Association was established in 2005. Its purpose is to serve as a meeting place for scholars who deal with various aspects of the intersection between history and law. The association aims at scholars of history, Israeli history, law, Judaic studies, Islam, and the Middle East, as well as classicists, social scientists and others interested in various aspects of legal The Association enables phenomena. researchers to keep informed on contemporary research topics in the various areas, to clarify shared theoretical and methodological issues, to deal with common problems in resources, accessibility to archived sources, databases and others. The Association's major activity is its annual meeting, held jointly with Yad Izhak Ben-Zvi each Fall.

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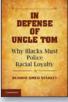
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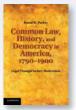
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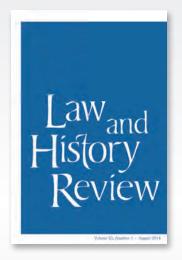


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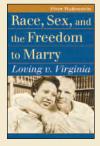
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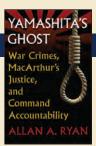
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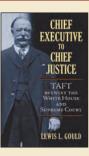
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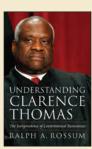
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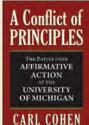
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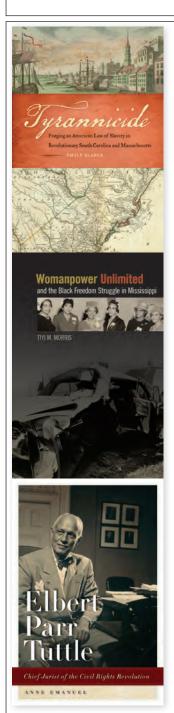
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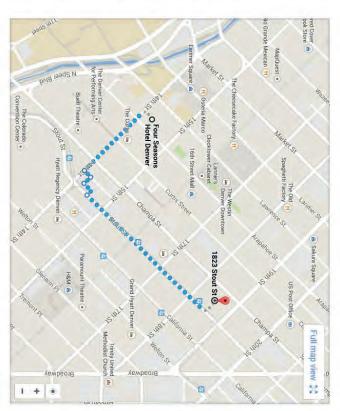
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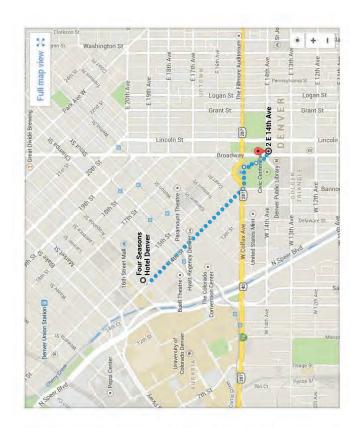
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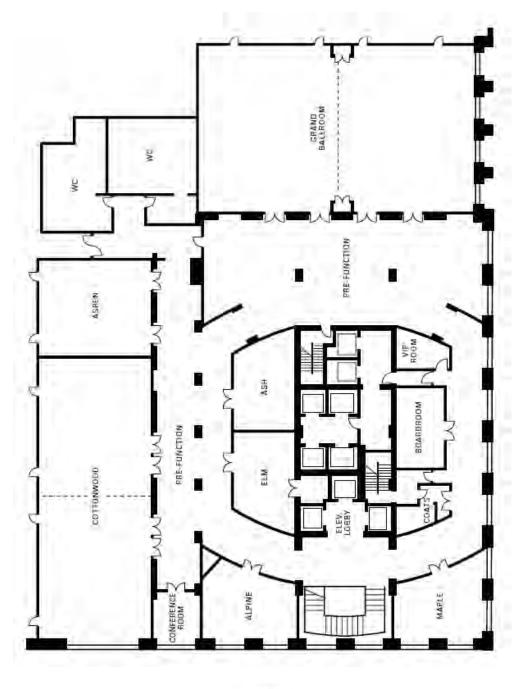
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#### **NOTES**





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