

# PUBLICATIONS

# SELECTED

# TITLES

JUSTICE  
HOLMES

The MEASURE of  
HIS THOUGHT



Anthony  
MURRAY

Edwin G.  
QUATTLEBAUM III



*The*  
New Method of Learning  
and  
Teaching Jurisprudence

According to the Principles of the Didactic Art  
Premised in the General Part and in the Light of Experience

Gottfried Wilhelm Leibniz

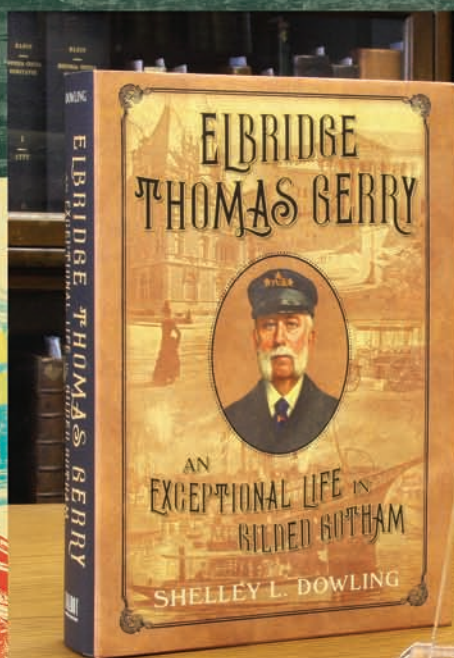
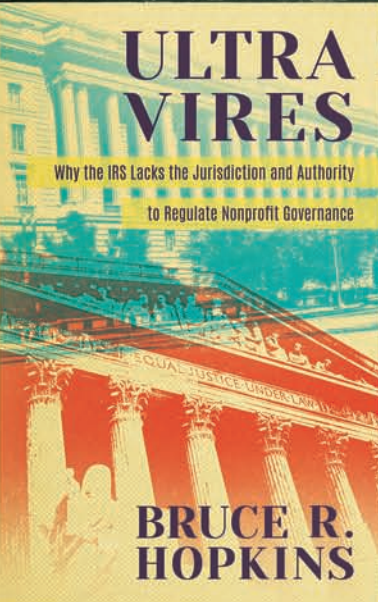


The First Complete English Translation  
of the 1667 Frankfurt Edition with Notes by  
Carmelo Massimo de Iuliis

ULTRA  
VIRES

Why the IRS Lacks the Jurisdiction and Authority  
to Regulate Nonprofit Governance

BRUCE R.  
HOPKINS



RUSSIA and the  
GREAT WAR  
1914 to 1924



A BRIEF  
CALENDAR  
of STATE  
PRACTICE

Peter  
MACALISTER-SMITH  
Joachim SCHWIEZKE



36<sup>th</sup> Annual Conference of the  
INTERNATIONAL ASSOCIATION  
OF LAW LIBRARIES  
*Civil Rights, Human Rights, and  
Other Critical Issues in U.S. Law*  
Atlanta, Georgia | October 22–25, 2017

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Michael H. Hoeflich  
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### DISSENTING OPINIONS OF JUSTICE ANTONIN SCALIA

Michael H. Hoeflich  
and Justice Caleb Stegall, Co-Editors

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Nancy Gertner, Editor

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Nancy Gertner, Editor

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Jennie Meade

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# Law's Picture Books

The Yale Law Library Collection

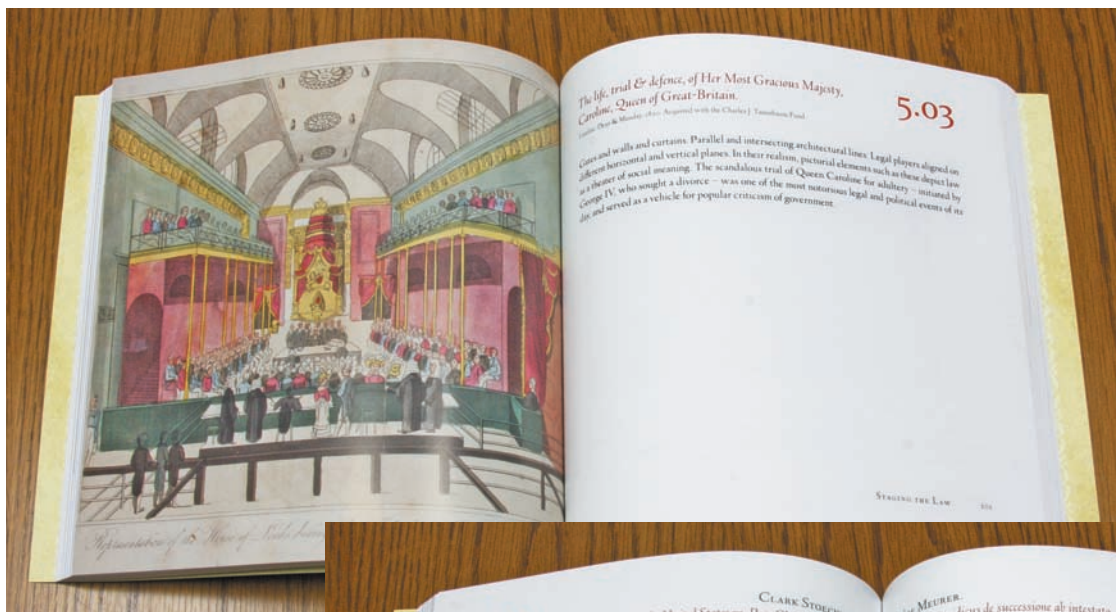
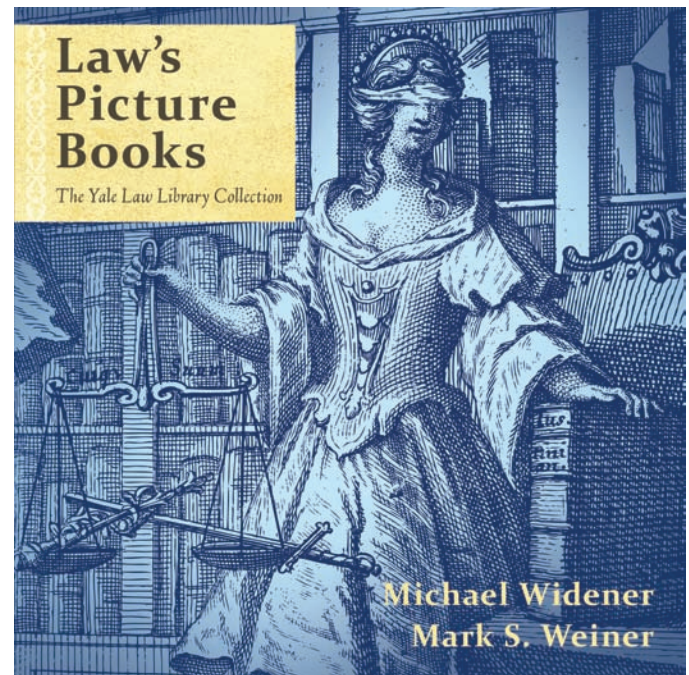
Michael Widener

Mark S. Weiner

Paperback, full color, vii, 211 pp., 9"x 9"  
ISBN 978-1-61619-160-3 \$39.95

"Illustrated law books" may seem like an oxymoron. After all, law is conceptual, analytic, and so very *wordy*! Yet for the past decade, over a thousand illustrated law books have been assembled in the Yale Law Library – spanning eight centuries and four continents. *Law's Picture Books* began as a major exhibition of that collection at the Grolier Club (9/13 to 11/18/17) in New York City, curated by Rare Book Librarian Michael Widener and legal historian Mark S. Weiner. In challenging the stereotype of legal literature as a dreary expanse of dry text, this book will surprise and delight both bibliophiles and members of the legal community.

This handsome full-color book is enhanced by Michael Widener's essay "Collecting Yale Law Library's Picture Books," Mark S. Weiner's "Reflections on an Exhibition," Jolande E. Goldberg's "Ars Memoria in Early Law: Looking Beneath the Picture" and Erin C. Blake's "Law's Picture Books and the History of Book Illustration."





Talbot Publishing is pleased to announce Vol. 2, No. 2, July 2017

## JUS GENTIUM Journal of International Legal History

EDITOR

**William E. Butler**

*John Edward Fowler Distinguished Professor of Law, Pennsylvania State University*

This is the first dedicated journal in the United States to address the history of international law. Much of modern scholarship on the history of international law is preoccupied not with international law, but with international legal doctrine; the doctrinal writings of remarkably few individuals dominate the discourse while the rest remain unseen or overlooked. This journal will encourage further exploration in the archives for new materials and confirmation of the accuracy of past uses, but welcomes the continued reassessment of international legal history in all of its dimensions.

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*W. E. Butler*

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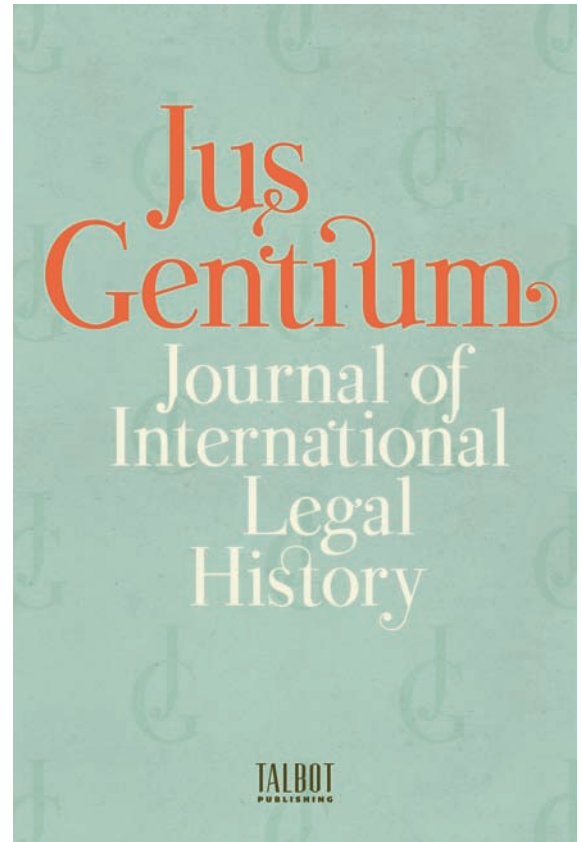
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*O. V. Kresin*

##### FROM THE LITERATURE



**Issued twice a year,  
in January and July**

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USA print and electronic \$125.  
International print and electronic \$150.  
Electronic only \$95.

**SUBMISSIONS WELCOME**

## Elbridge Thomas Gerry

### An Exceptional Life in Gilded Gotham

*Shelly L. Dowling*

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2017  
xix, 738 pp.,

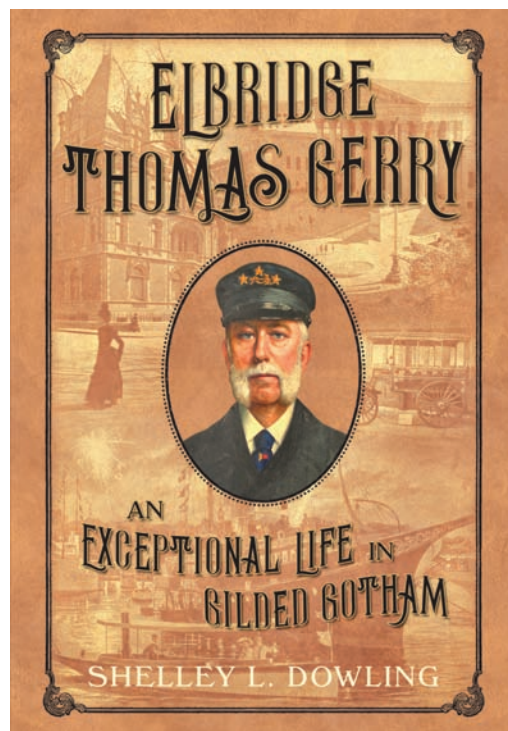
Hardcover, extensively illustrated  
ISBN 978-1-61619-387-4 \$95.

ELBRIDGE T. GERRY [1837–1927], grandson of Founding Father Elbridge Gerry who signed the Declaration of Independence, was a prominent and influential Gilded Age New York trial lawyer, philanthropist and bibliophile whose 30,000 volume library became the foundation of the United States Supreme Court Library. Dowling's extensively illustrated biography of Gerry highlights the influence of his family and its links to other prominent New York families, the Gallatins, Goelets and Livingstons.

This biography of Gerry is also the story of Gilded Age New York, when the glamorous society balls that provided entertainment to wealthy New York families such as the Astors and Vanderbilts belied their philanthropic contributions in the Progressive era. Gerry built the first steam yacht, the *Electra*, which became the flagship of the New York Yacht Club while he also sat on hospital boards and founded the New York Society for the Prevention of Cruelty to Children, which still operates today. As Dowling shows, Gerry's brilliance and passion was at the heart of it all.

Shelley L. Dowling has drawn on her extensive research experience as the Librarian of the United States Supreme Court to produce an exceptional work that traces the history of one of America's most respected families through several generations. At the center of her opus is Commodore Elbridge Thomas, the grandson of the Founding Father, who was a New York City lawyer and philanthropist and the man who donated his book collection to the Supreme Court in 1928 thereby establishing its library. Dowling has ambitiously chosen to expand her scope to include the Gallatin, Goelet, and Livingston families.... Together their stories paint a compelling picture of New York in the Gilded Age.

CLARE CUSHMAN  
*Supreme Court Historical Society*



## The Lindbergh Kidnapping Case

### A Critical Analysis of the Trial of Bruno Richard Hauptmann

*James M. Dedman III and George R. Dekle, Sr.*

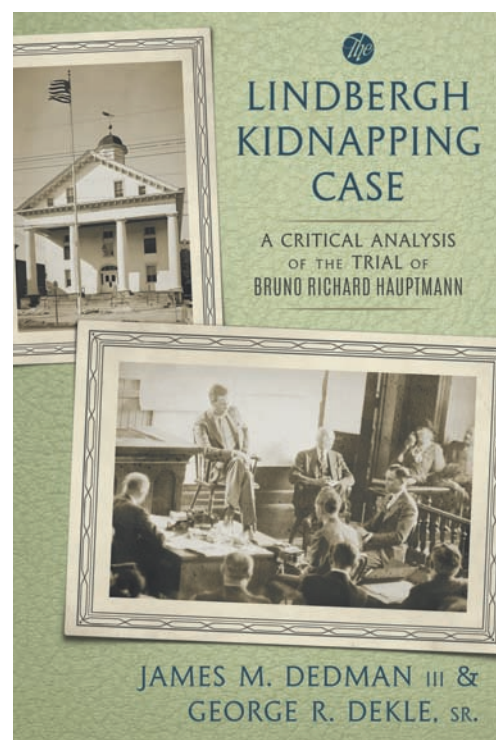
Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2016  
xvii, 394 pp.

Hardcover 2016 ISBN 978-1-61619-533-5 \$75.

The kidnapping and murder of Charles A. Lindbergh Jr. touched off one of the most massive manhunts in the history of American crime detection and generated so much publicity at home and abroad that it was touted as the "Crime of the Century." The arrest of Bruno Richard Hauptmann in connection with the kidnapping inevitably led to the "Trial of the Century." Although Hauptmann was almost universally detested at the time of the trial, the tide of public opinion began to change with his conviction. In the decades following Hauptmann's execution, writers have advanced one theory after another seeking to pin the blame upon various members of the Lindbergh household and others. Almost every aspect of the crime and the investigation has been examined and critiqued with one exception. No one has written a critical analysis of the trial itself. This book seeks to remedy that omission with an investigation and evaluation of the marshalling, presentation, and arguing of the evidence, and a study of the post-conviction litigation.

This innovative book includes:

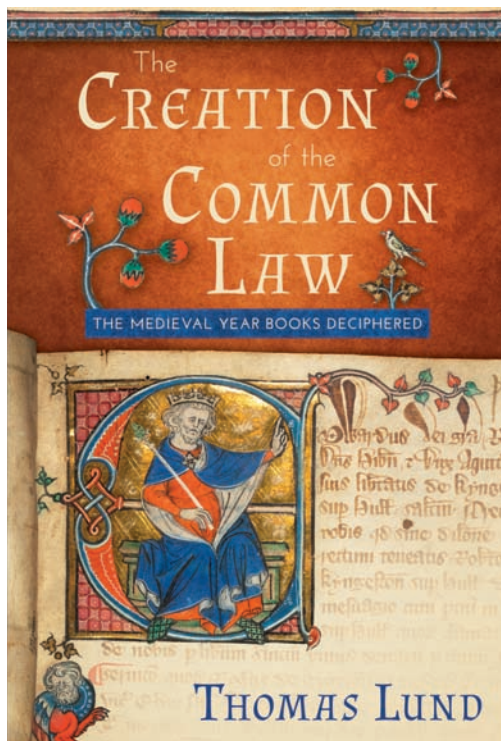
- A thorough analysis of the evidence presented at trial by both the prosecution and defense
- A comprehensive critique of the performance of the lawyers
- A discussion of inculpatory scientific evidence available to, but not used by, the prosecution
- A section listing the major protagonists in the investigation and trial
- A time line
- A modular analysis of the prosecution case
- A table of cases.



Their analysis of the proceedings before, during, and after this famous trial is a must-read for trial advocacy students and all other trial enthusiasts.

LAURA ROSENBURY  
*Dean, University of Florida Levin College of Law*





**THOMAS LUND** is a Professor at the S. J. Quinney College of Law, University of Utah. An "Environmental Affairs" review described Lund as "probably the leading authority on the history of wildlife law." Lund has written about medieval law for many years.

## The Creation of the Common Law The Medieval Year Books Deciphered

**Thomas Lund**

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2015  
xx, 371 pp.

Hardcover 2015 ISBN 978-1-61619-504-5 \$75.

In this modern compilation and commentary, the most important medieval cases are paraphrased and analyzed, making this interesting and entertaining litigation accessible to everyone. Although Maitland's classic *History of English Law* ends at Henry III's death, until now no one has explained in clear modern language the transformative events that followed. After Edward I became king, Chief Justice Bereford took charge of the legal system, and created law in accord with his own sense of justice. The book puts his innovations into the context of contemporary American and English law.

It is a staple of popular fiction — *The Da Vinci Code* is a prominent recent example — for a scholar, after inspired and painstaking work, to reveal hidden mysteries encoded in ancient manuscripts that alter our understanding of ourselves and our civilization. Remarkably, the legal scholar Thomas Lund, has, in real life, done just that. Here, after hundreds of years, is a readable, brilliant, and deep study of the sources of the basic principles of the Anglo-American Legal System still in use today — the medieval Year Books — until now utterly inaccessible except to a few specialists in the most arcane legal history. This amazing and delightful book will be of profound interest to anyone who has ever believed that the rule of law is about more than the arbitrary machinations of politicians. **Simply stated, Thomas Lund has given us one of the most important works on law in this generation.**

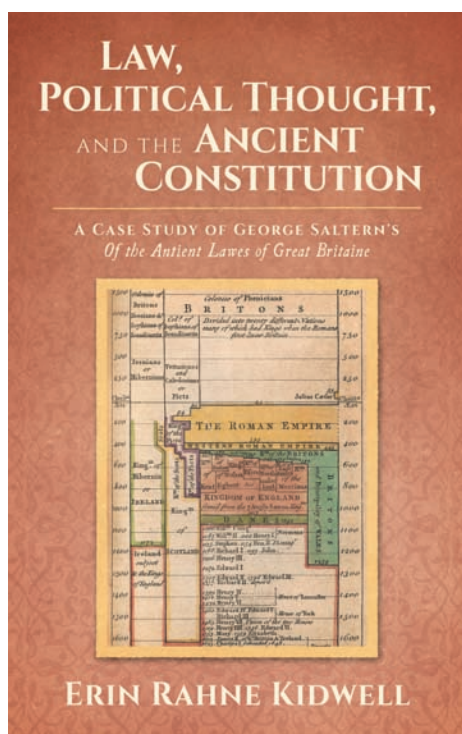
STEPHEN B. PRESSER

Raoul Berger Professor of Legal History, Northwestern University School of Law  
co-author of *Law and Jurisprudence in American History* (8th ed. 2013)

An innovative invitation to the fascinating world of the medieval English year Books.

JOHN HUDSON

University of St. Andrews



**ERIN RAHNE KIDWELL** is the Curator of Legal History Collections at Georgetown Law Library.

## Law, Political Thought, and the Ancient Constitution A Case Study of George Saltern's *Of the Antient Lawes of Great Britaine*

**Erin Rahne Kidwell**

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2016  
xviii, 330 pp.

Hardcover 2016 ISBN 978-1-61619-539-7 \$75.

The blending of myth and legal history evident in the body of literary and legal texts produced to debate the union proposals of James VI and I following the king's proclamation of them in 1604 illustrates the seamless nature of the legal and literary canons at a formative moment in the history of British-American constitutionalism. This case study focuses on one of the lesser known Union Tracts, George Saltern's 1605 *Of the Antient Lawes of Great Britaine* in conjunction with examples from various union tracts and contemporaneous works in British history, Calvin's Case and other judicial opinions, and works of British-American political thought to illustrate and evaluate the creative mix of mythical and historical elements present in the juridical historiography of the ancient constitution. King James's proposed 'restitution' of a realm which had in fact never previously existed in history—the unified realm of Great Britain—could only have been defended through such a blend of literary myth, history, and legal precedents. Furthermore, tracing the juridical historiography of ancient constitutionalism over the following centuries reveals the surprising extent to which ancient constitutionalist thought has continued to influence the development of British-American constitutionalism to the present day. The appendix includes a facsimile of George Saltern's *Of the Antient Lawes of Great Britaine* (1605).

Being immemorial, the Ancient Constitution could have no founding fathers, but needed fathers as ancient as could be found. Erin Kidwell traces them back beyond English into British history and beyond King Alfred to King Lear, King Arthur and Brutus of Troy. This is a valuable study in the mythology necessary to medieval and early modern constitutionalism and the political thought arising from it.

J.G.A. Pocock

Professor Emeritus, Johns Hopkins University,  
Author of *The Ancient Constitution and the Feudal Law*

## Russia and the Great War 1914 to 1924

### A Brief Calendar of State Practice

*Peter Macalister-Smith*

*Joachim Schwietzke*

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2017  
liii, 238 pp.

Hardcover 2017 ISBN 978-1-61619-275-4 \$65.

*Russia and the Great War 1914 to 1924: A Brief Calendar of State Practice* is a chronicle of events in diplomacy and international relations combined with references to sources and documentary extracts. A key to several kinds of distinctive information, the Calendar locates 200 official acts in time and place, names the parties, supplies a title in English for each instrument, cites versions in authentic languages and translations, and includes references to related acts and instruments within and beyond the reporting period for Russia, the Russian Soviet Federative Socialist Republic, and the Union of Soviet Socialist Republics.

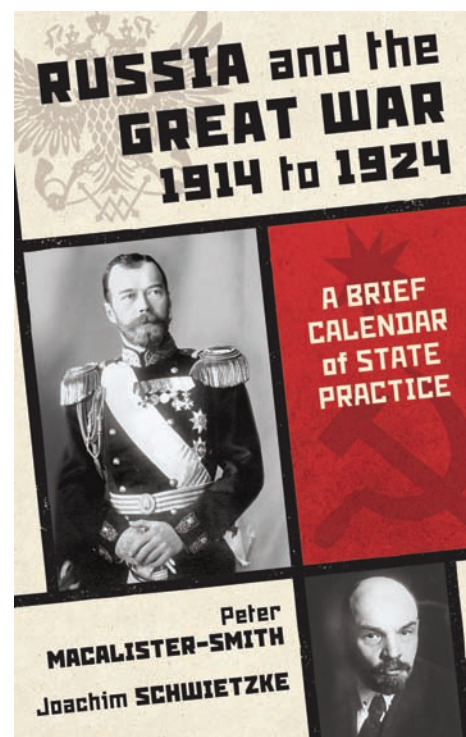
The book is a baseline chronology documenting events from global history intended for study, research and ready reference.

**PETER MACALISTER-SMITH** is known internationally as an editor of the *Encyclopedia of Public International Law* (1982–2003) and as the principal editor at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, of the *Journal of the History of International Law* (2004–2015). Peter is a member of the editorial board of *JUS GENTIUM*, *Journal of International Legal History*, published by Talbot Publishing.

**JOACHIM SCHWIETZKE** is Library Director emeritus at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany.

At long last a worthy companion to the Slusser/Triska calendar of Soviet treaties, one that in marking the century since the Russian revolutions addresses State practice in the broader meaning that will appeal to international and comparative lawyers and to specialists in international relations and foreign policy – all collected, annotated, and indexed with the scrupulous accuracy and thoroughness for which the compilers are noted.

WILLIAM E. BUTLER  
Penn State Dickinson Law (Carlisle)



## The Origins of Western Law from Athens to the Code Napoleon

*John E. Ecklund*

*Constance Cryer Ecklund, Editor*

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2014  
2 vols. xxxiii, 1035 pp. 118 b&w illus.

Hardcover 2014 ISBN 978-1-61619-371-3 \$185.

Charts the horizon of Western legal origins. Eternal Platonic truths versus the Sophists of individual preferences, medieval Realists against Nominalists, natural lawyers of the 17th and later centuries, Montesquieu and other Enlightenment thinkers fighting through principles and personhood. These and many more figures and ideas come alive in this comprehensive survey of the antecedents of our modern legal system.

This is a magisterial book written by a magisterial man, John Ecklund, and his wife and editor Dr. Constance Cryer Ecklund. The subject, scope, and depth of the book seem to flow naturally from the man I was privileged to know in New Haven and at Yale for decades. On first meeting, most people would be struck by John's physical presence (he was tall), then by his civility, and then by his great intellect and thoughtfulness. He served Yale and New Haven as few others have. This excellent book is a living legacy that, I hope, will educate generations to come about the philosophical and historical antecedents of our system of law which remains one of America's greatest assets.

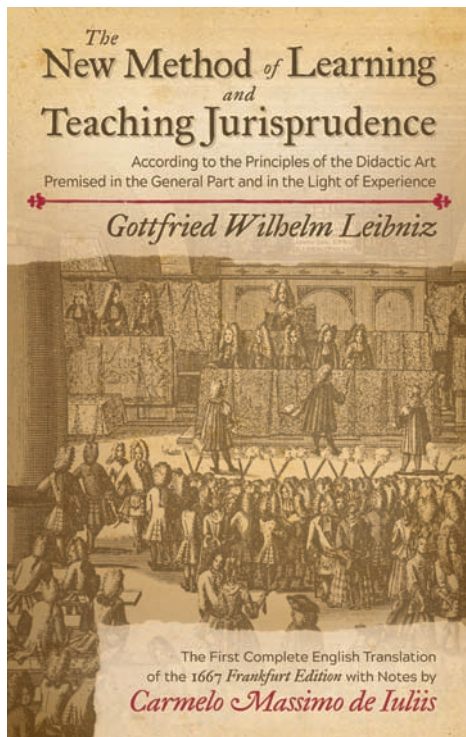
SENATOR JOSEPH I. LIEBERMAN

This is a formidable work. Of particular interest is Mr. Ecklund's illuminating descriptions of the remarkable thinkers who, over a span of more than 2,000 years, have shaped the course of western law from its classical roots to the promulgation of the Napoleonic Code. This history ends with that 200-year-old event for a very good reason: that code remains today the basis of the law of much of Europe and Latin America, and of our own state of Louisiana.

JAMES L. BUCKLEY







## The New Method of Learning and Teaching Jurisprudence According to the Principles of the Didactic Art Premised in the General Part and in the Light of Experience

A Translation of the 1667 Frankfurt Edition with Notes by Carmelo Massimo de Iuliis  
Preface by William E. Butler

**Gottfried Wilhelm Leibniz**

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2017  
lxxxvii, 218 pp.

Hardcover 2017 ISBN 978-1-61619-547-2 \$85.

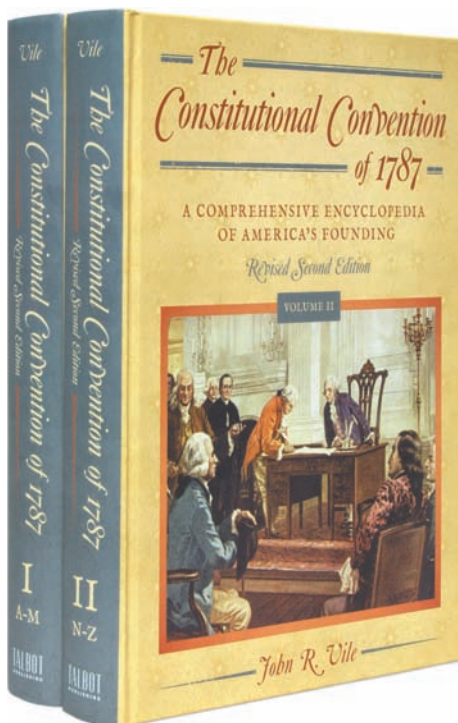
*The first complete English translation from the Latin of Gottfried Wilhelm Leibniz's  
Nova Methodus Discendae Docendaeque Jurisprudentiae*

Better known for his contributions to philosophy, metaphysics and mathematics as co-discoverer along with Isaac Newton of calculus, Gottfried Wilhelm Leibniz was also an attorney, diplomat, state official and judge of the Mainz court of appeals. *The New Method of Learning and Teaching Jurisprudence* is his prescription for a curriculum of study for lawyers and as such is an important indicator of the origins of legal education in the late renaissance year of 1667, when John Milton published *Paradise Lost*.

Already translated into German and French, this is the first unabridged translation of the 1667 Frankfurt edition in a modern language, a new direct translation of the Latin text with notes by Carmelo Massimo de Iuliis (Department of Public and Private Economy Law, Università Cattolica del Sacro Cuore, Milano). The translation is enhanced by De Iuliis' introduction that offers a biographical sketch of Leibniz, an overview of the reception of his ideas, and a discussion of Leibniz' views on the philosophical concepts of logic and

rhetoric as applied to the study of jurisprudence and a systematic reconstruction of legal systems.

**GOTTFRIED WILHELM LEIBNIZ** [1646–1716] wrote several important legal treatises. First published in 1677, *Codex De Jure Suprematus* dealt with issues of sovereignty, diplomacy and precedence among the states of the Holy Roman Empire. First published in 1693, the second volume in 1700, the *Codex Juris Diplomaticus* was a collection of annotated treaties and other source materials relating to the diplomatic history of the Guelph states, whose conflict with the Ghibbelline states was one of the major international issues of the time.



## The Constitutional Convention of 1787 Revised Second Edition

**John R. Vile**

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2016  
2 vols. 8-1/2" x 11." lxxv, 1,157 pp. Illustrated.

Hardcover 2016 ISBN 978-1-61619-540-3 \$195.

Now with nearly 400 new and updated entries and over 120 illustrations and maps, this revised and expanded edition of this impressive encyclopedia shows in detail the lively, contentious, four-month process that produced the United States Constitution. With fascinating detailed portraits of the Framers, we are taken behind the scenes into the fiery debates between powerful personalities and the hard-fought battles and compromises that resulted in one of the most important documents in history.

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- Information that brings the events of the Convention to life such as the delegates' salaries, housing, daily schedule, how appointed, their backgrounds, their personal and legislative motivations, the mechanism of how the Convention and its committees worked.
- How the creation of states, their legislations, plans and constitutions all contributed to the final document.
- Analysis of Convention discussion of dominant historical and philosophical influences and themes and how and why they were included in the Constitution.
- A thorough appendix containing original documents and text of important speeches.
- Suggested readings for each entry, cross-references, a topical table of contents, an up-to-date and thorough bibliography, index.

**JOHN R. VILE** (Ph.D., UVA) is Dean of the Honors College at Middle Tennessee State University. His recent books include *The Early Republic* (2016); *Founding Documents of America* (2015); *A Companion to the United States Constitution* (6th ed., 2015); *Re-Framers* (2014); and *The Writing and Ratification of the U.S. Constitution* (2012).



## Justice Holmes The Measure of His Thought

Anthony Murray  
Edwin G. Quattlebaum III

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2017  
xi, 184 pp.

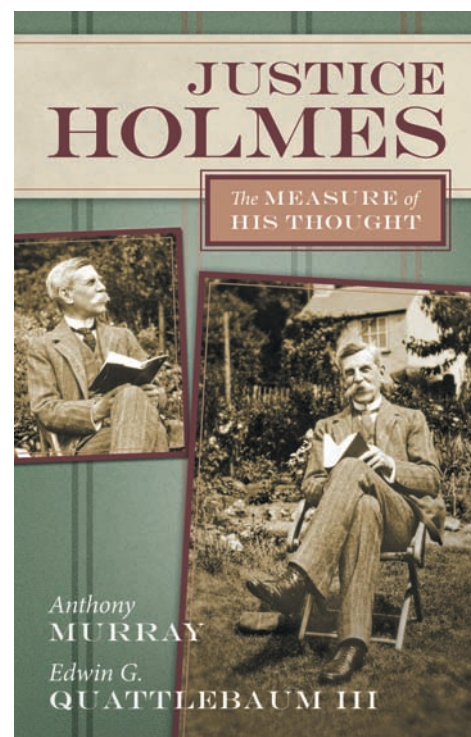
Hardcover 2017 ISBN 978-1-61619-388-1 \$65.

Written in a lucid style and well illustrated, *Justice Holmes: The Measure of His Thought* offers a biographical look at the influences that have shaped his judicial outlook, especially his open-minded refusal to inject his own views into his legal decisions. The authors demonstrate — especially through Justice Holmes's 1919 opinions on speech — what would be obvious to a veteran of the courtroom, but not always to a biographer or a professor: that there is a big difference between “questions of law” before an appellate judge, and “questions of fact” determined by a trial judge or jury. The authors also examine Holmes's childhood and family influences as well as his Civil War experience that shaped his views on natural law and religion. The book describes United State Supreme Court Justice Oliver Wendell Holmes's intellectual influences and includes photos of his book collection now at the Library of Congress. Through a discussion of the letters Holmes wrote at his Beverly Farms, MA home where he summered when the Court was not in session, we are given a window into his remarkable wit as well as his philosophical views. The book includes rare photographs of Beverly Farms.

This short, very readable biography of Oliver Wendell Holmes masterfully describes what shaped this great justice and how he shaped the law. Holmes's life tells us about a century of American history, as Holmes lived from 1841 until 1935, fighting in the Civil War and enduring the depression. Few Supreme Court justices have had a more profound impact on the Constitution and this superb book tells how and explains why.

ERWIN CHERMERINSKY

Dean and Jesse H. Choper Distinguished Professor of Law,  
University of California, Berkeley School of Law



## The Unsigned Essays of Supreme Court Justice Joseph Story Early American Views of Law

Valerie L. Horowitz, Editor

Introduction by MORRIS L. COHEN [1927–2010] Yale Law School

Talbot Publishing, (an imprint of The Lawbook Exchange, Ltd.), 2015  
xxx, 387 pp.

Written anonymously for the *Encyclopedia Americana* and now gathered in one volume, this work presents eighteen articles on major legal subjects by Joseph Story, Associate Justice of the Supreme Court of the United States and the first Dane Professor at Harvard Law School. The articles are virtually unknown today because they were unsigned and never republished in any other form. Ranging from “Law, Legislation and Codes,” “Common Law” and “Congress of the United States,” to “Law of Nations,” “Natural Law” and “Prize,” these extended essays are fascinating distillations of Story's jurisprudence. The *Encyclopedia Americana* was edited by Story's friend Francis Lieber [1798–1872] who wrote the “Lieber Code” and was a distinguished professor at Columbia Law School who helped establish the field of political science in the United States. The book includes an introduction by Morris L. Cohen that describes the genesis of Story's involvement in writing the pieces and some of their main ideas. The appendix offers texts of rare related materials. With an index.

Talbot Publishing has done a signal service in ensuring continued attention to Justice Story's foundational essays — which were the precursor to the modern law reform work of the American Law Institute and the Conference of Uniform State Law Commissioners.

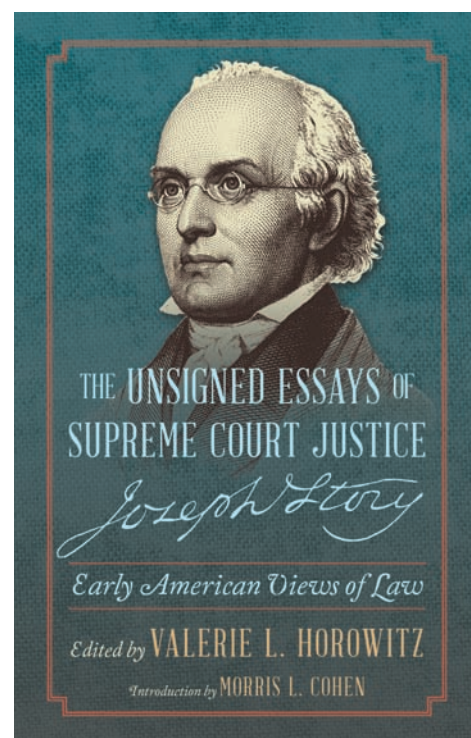
RUTH WEDGWOOD

Edward Burling Professor of International Law, Johns Hopkins University

In this handsome volume, we have for the first time a reader-friendly edition of Joseph Story's little-known essays on American law published anonymously in Francis Lieber's *Encyclopedia Americana*. Written in plain English for laymen and professionals alike, the essays attest to Story's almost religious belief that only scientific law could save the republic from impending chaos.

R. KENT NEWMYER

University of Connecticut School of Law  
author of Supreme Court Justice Joseph Story: Statesman of the Old Republic (1985)



Hardcover 2015 ISBN 978-1-61619-454-3 \$59.95  
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## NEW

### Ultra Vires

#### Why the IRS Lacks the Jurisdiction and Authority to Regulate Nonprofit Governance

**Bruce R. Hopkins**

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2017  
xii, 296 pp.

Hardcover 2017 ISBN 978-1-61619-386-7 \$85.

Without warning, the IRS began, in 2007, to regulate in the realm of nonprofit governance. *Ultra Vires* offers an explanation as to why, as a matter of law, the IRS does not have the jurisdiction or the authority to regulate the governance affairs of the nation's public charities and other categories of tax-exempt organizations.

*Ultra Vires* reviews the federal law concerning government agencies' jurisdiction and authority. The book evaluates IRS policymaking and demonstrates that the IRS's policies are arbitrary and capricious. *Ultra Vires* concludes that the IRS lacks both the jurisdiction and authority in connection with nonprofit governance.

*Ultra Vires* provides a solid legal underpinning for those who are concerned about the IRS's expansion of its authority into the realm of nonprofit governance, particularly when the IRS has a lengthy record of getting the underlying law wrong and imposing detrimental policies and practices on these organizations. It will be a necessary read for nonprofit directors, trustees, officers and senior executive staff and their lawyers.

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1 Opening Perspectives

2 Government Agency Law Basics

3 Relevant Basic Tax-Exempt Organizations Law

4 Nonprofit Organizations' Governance Standards

5 Evolution of IRS Policy as to Nonprofit Governance

6 IRS Private Letter Ruling Policy

7 IRS Lacks Jurisdiction to Regulate Nonprofit Governance

8 IRS Lacks Authority to Regulate Nonprofit Governance

9 Concluding Thoughts

Bibliography

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Bruce Hopkins is a remarkable lawyer and one of this country's leading experts on nonprofit entities. The book you hold is the fruit of his decision to take an SJD at the University of Kansas School of Law. In this book is the product of decades of practice and several years of intense writing and thinking and is a "must read" for anybody interested in nonprofit governance.

MICHAEL H. HOEFLICH

*John H. & John M. Kane Professor of Law,  
University of Kansas School of Law*

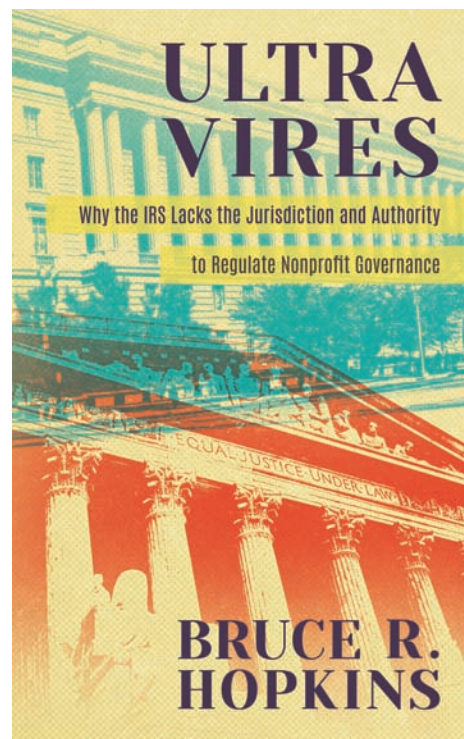
The IRS, in a move that shocked the nonprofit sector, decided it should oversee not only the compliance by nonprofit organizations with the tax laws, but how and by whom the organizations should be governed. In *Ultra Vires*, Bruce Hopkins more than makes the case for the IRS overstepping its boundaries with nonprofit governance and in creating law where there is none to be found. This book is a fascinating study in government non-restraint and will be enjoyed by all who care about charities and other exempt organizations.

VIRGINIA C. GROSS

*tax-exempt organizations lawyer and partner, Polsinelli PC*

Bruce Hopkins sheds light on the IRS's regulation of nonprofit governance using his usual well-honed tools: perspective, insight, legal acuity, and dry wit. He offers the benefit of nearly 50 years of experience as a nonprofit lawyer and academician in asserting the proper role of government in overseeing the core fiduciary duty of every nonprofit: effective governance. As Hopkins lays out in a compelling legal analysis, the IRS has regulated in this area without jurisdiction or authority or the catalyst of scandal or legislative demand. He skillfully encourages the IRS to stick to the knitting.

THOMAS K. HYATT  
*Partner, Dentons US LLP*



**BRUCE R. HOPKINS** concentrates on the representation of tax-exempt organizations, practicing with the Bruce R. Hopkins Law Firm, LLC, Kansas City, Missouri. He is the Professor from Practice at the University of Kansas School of Law. He writes a monthly newsletter, the Bruce R. Hopkins' Nonprofit Counsel, now in its 34th year. Hopkins is the author of over 30 books in the field of nonprofit tax law.

*Ultra Vires* presents a compelling case why the IRS's recent foray into the regulation of nonprofit governance is beyond the scope of the IRS's jurisdiction and authority. One can only hope that the IRS will accept Mr. Hopkins' well-reasoned invitation to desist from its exorbitant, and often misguided, regulatory experiments in this area, thereby freeing up scarce resources for other matters within its jurisdiction that desperately need guidance from the IRS. Additionally, for its useful discussions of the law regarding the deference owed to IRS regulations and other guidance, and governance "best practices" promulgated by organizations other than the IRS, space must be made for *Ultra Vires* on the shelves of any tax-exempt practitioner's library.

SHANE HAMILTON

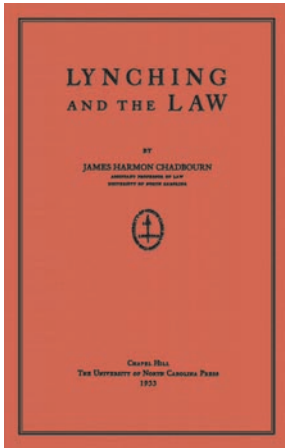
*Special Counsel, Miller & Chevalier Chartered*

In *Ultra Vires*, Bruce Hopkins explains that one of the most important developments in the evolution of the law of nonprofit organizations is the IRS's entry into the realm of nonprofit governance in 2007. Hopkins argues in great detail that the exempt organizations (EO) function of the IRS should not persist in a regulatory effort – its nonprofit governance initiative – that is beyond the scope of its jurisdiction and authority, and he faults the IRS for relying on a doctrine – private benefit – that is not applicable. Instead, the IRS should be doing what the law and good policy in the EO area demands. Its attempted regulation of nonprofit governance, including the composition and functioning of governing boards and related managerial concerns, is an example of extreme agency overreach that detracts from its mission and adversely impacts nonprofit organizations. Hopkins maintains that nonprofit governance concerns are the province of state regulators and hence the IRS should not be playing a role.

PAUL STRECKFUS  
*Editor, EO Tax Journal*



## REPRINTS WITH NEW INTRODUCTIONS BY PAUL FINKELMAN



### Lynching and the Law (1933)

*James Harmon Chadbourn*

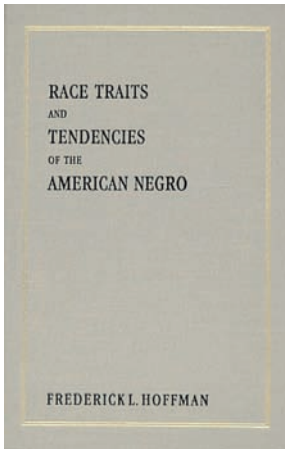
xiv (new introduction), xi, 221 pp.

This title was issued under the auspices of the Southern Commission on the Study of Lynching. A work of great authority because it was produced by Southern jurists, it was cited frequently in the 1932 Senate hearings on lynching. Its conclusions are based in part on a comprehensive survey of over 3,700 lynchings, mostly of African-Americans, between 1889 and 1932.

This excellent monograph and the proposed statute have unusual significance in view of the present possibility of further state and national legislation dealing with this urgent problem.

H.C. BREARLEY, *Social Forces* 12 (1933-34) 610

Hardcover 2008 ISBN 978-1-58477-829-5 \$65.



### Race Traits and Tendencies of the American Negro (1896)

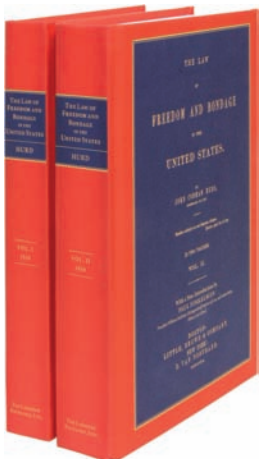
*Frederick L. Hoffman*

vii (new introduction), x, 329 pp.

A fascinating study of the circumstances of African-Americans during the first thirty years from the emancipation of slavery in the United States. This analysis is divided into chapters that examine population factors, vital statistics, anthropometry, race amalgamation and social and economic conditions and tendencies. The author concludes that, as of 1896, the abolition of slavery did not demonstrably improve the plight of African-Americans in the United

States. Hoffman was the statistician to the Prudential Insurance Company of America at the time of this publication, and as such collected vital and social statistics regarding African-Americans.

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### The Law of Freedom and Bondage in the United States (1858)

*John Codman Hurd*

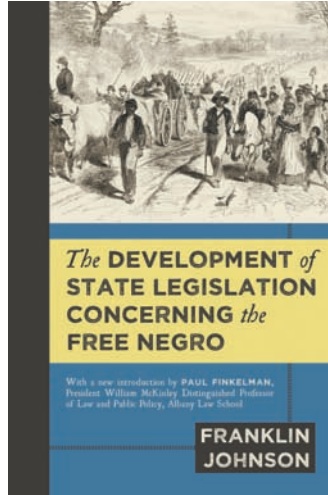
v (new introduction), xlvii, 617; xliii, 800 pp.

According to the *Dictionary of American Biography*, this treatise "on the most exciting topic of the age has never been excelled" due to its "thorough research, exhaustive discussion and impartial treatment" (VI:423).

2 vols.

Hardcover 2016 ISBN 978-1-58477-524-9 \$95.

### An Invaluable History of Segregation and Racism



### The Development of State Legislation Concerning the Free Negro (1918)

*Franklin Johnson*

v (new introduction), vi, 207, [1] pp.

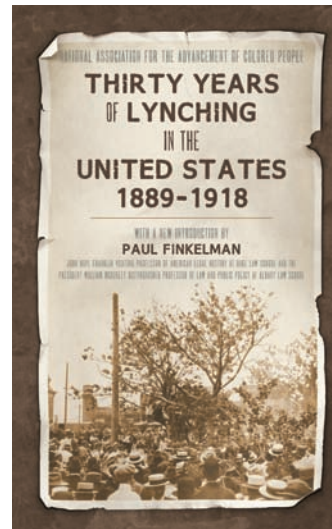
Long out of print and difficult to locate today, this revised Columbia University doctoral thesis reviews all of the laws enacted by the United States and each individual state to 1917 relating specifically to African-Americans. Based on painstaking research, this is a valuable reference for students of civil rights and African-American legal history.

The Development of State Legislation Concerning the Free Negro is an odd but very important and extremely useful book. Written nearly a century ago, it is an example of the best of the Ph.D. dissertations of the first generation of doctoral students in the social sciences. It lacks any great theoretical framework or much analysis, but it is chock full of information, facts, tables, and excerpts from laws. It is also useful because many of the laws set out in this volume are not easily found otherwise. Despite the massive growth of material on the internet or in machine readable form, early laws are still hard to locate. Anyone interested in the history of segregation and racism will find Johnson's pioneering work invaluable.

PAUL FINKELMAN, Introduction iii

Hardcover 2007 ISBN 978-1-58477-751-9 \$19.95

Paperback 2012 ISBN 978-1-61619-274-7 \$7.95



### Thirty Years of Lynching in the United States 1889-1918 (1919)

*National Association for the Advancement of Colored People*

viii (iii-viii new Introduction), 105 pp. Ill., maps.

The seminal 1919 NAACP study undertaken to promote awareness of the scope of lynching in the U.S., with a new introduction by the noted slavery historian, Paul Finkelman. The data in this study offer the gruesome facts by number, year, state, color, sex, offense (in total 3,224 of which 2,522 were negroes and 702 were white), and include a chronological list by state giving the victim's name, place, and

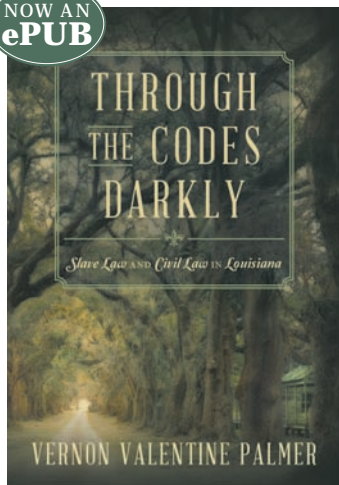
offense for the years 1889-1918. Paul Finkelman's introduction puts these horrific figures into perspective. For instance, he points out that "Many blacks were lynched because they had allegedly committed murders. ... But other blacks were lynched for no apparent reason, or for some minor transgression of social and racial rules... This last cause-racial prejudice-was indeed at the root of almost all lynchings of African-Americans."

Hardcover 2010 ISBN 978-1-58477-965-0 \$39.95

\* PAUL FINKELMAN is a Senior Fellow at the Penn Program on Democracy, Citizenship, and Constitutionalism at the University of Pennsylvania and a Scholar-in-Residence at the National Constitution Center. He has published over 35 books and hundreds of scholarly articles.

## CIVIL RIGHTS — SLAVERY AND THE LAW

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### Through the Codes Darkly Slave Law and Civil Law in Louisiana

**Vernon Valentine Palmer**

xvi, 196 pp.

The Lawbook Exchange, Ltd., 2012

This fascinating study offers:

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- an analysis that overturns the previous scholarly view that Roman law was the model for the Code Noir of 1685.
- a new unabridged translation (by Palmer) of the Code Noir of 1724 with the original French text on facing pages.

**VERNON VALENTINE PALMER** is the Thomas Pickles Professor of Law and Co-Director of the Eason Weinmann Center for Comparative Law at Tulane University. He is the author of more than forty books and articles, including *Mixed Jurisdictions Compared: The Private Law of Louisiana and Scotland* and *The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction*.

Vernon V. Palmer's probing investigation into the world of an unexpected series of French lawmakers offers a new and insightful response. This book is a must read for anyone interested in the French legacy of slavery and law in the Americas.

JEAN M. HÉBRARD

*Ecole des Hautes Etudes en Sciences Sociales, Paris*

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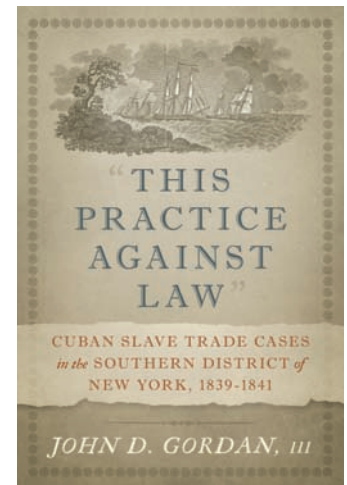
**John D. Gordan, III**

xv, 117 pp.

Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2016

***Gordan's Research Shines a New Light on the Legal Tale of 19th Century American Ships  
Covertly Intended for the Cuban-African Slave Trade***

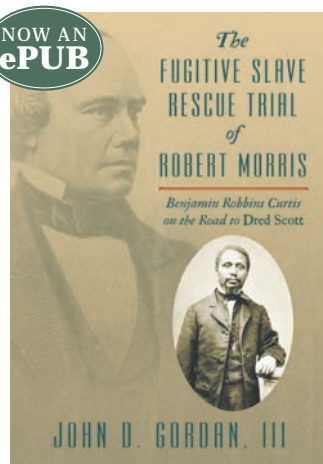
"This Practice Against Law" reconstructs the little-known story of the *Butterfly* and the *Catharine*, two slave ships from Havana seized by the British Navy off the African coast in 1839. These ships were tendered to the federal government for forfeiture proceedings and their captains prosecuted in the Southern District of New York and the Supreme Court of the United States. At the same time Chief Justice Roger Brooke Taney conducted proceedings against the *Catharine's* builders in the Circuit Court in Baltimore. Based on the original case files in the National Archives and British Parliamentary publications, this in-depth review refutes the criticism of the federal judiciary in the prior scholarly assessment of these cases and demonstrates that in fact the performance of the federal judges compares favorably with other branches of the American government.



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### The Fugitive Slave Rescue Trial of Robert Morris Benjamin Robbins Curtis on the Road to Dred Scott

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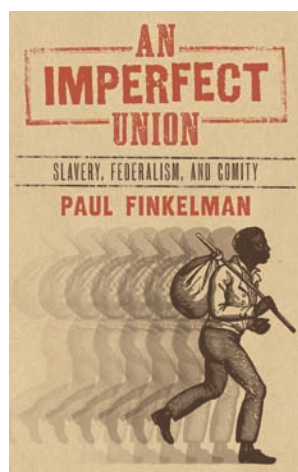
Relying on extensive surviving original records, this book analyzes the November 1851 trial in the federal circuit court of Robert Morris, the second black admitted to practice in Massachusetts, for rescuing a fugitive slave from the custody of the U.S. marshal in the federal courtroom in Boston. It demonstrates that Justice Benjamin Robbins Curtis, a supporter of Daniel Webster and the Fugitive Slave Act of 1850 presiding under a recess appointment, made two critical rulings against Morris that were at odds with existing precedents. Finally, the book contextualizes Morris's trial among the other trials for this rescue, the prosecutions for the attempt to rescue Anthony Burns, another fugitive slave, in 1854, and the Supreme Court's decision in *Dred Scott* in 1857.

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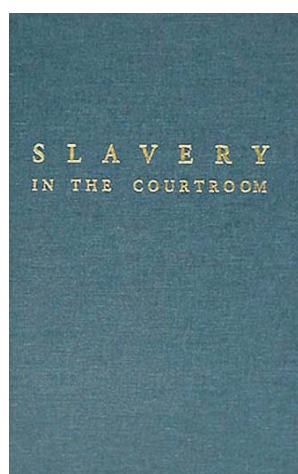
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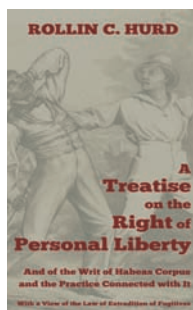
An Annotated Bibliography of American Cases (1985)

**Paul Finkelman**

Illustrated. xxvii, 312 pp.

Recipient of the Joseph A. Andrews Award from the American Association of Law Libraries. The book provides a detailed discussion and analysis of the pamphlet materials on the law of slavery published in the United States and Great Britain. It also provides readers with easy access to an understanding of most of the important American and British cases on slavery, including *Somerset v. Stewart* (Eng., 1772), *The United States v. Amistad* (U.S., 1841), and *Dred Scott v. Sanford* (U.S., 1857).

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### A Treatise on the Right of Personal Liberty

And of the Writ of Habeas Corpus and the Practice Connected with It, With a View of the Law of Extradition of Fugitives (1858)

**Rollin C. Hurd**

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Published a year before John Brown's raid and three years before the outbreak of the Civil War, this was the first book-length work to treat the status of slaves at length. As such, it is a landmark work in the bibliography of American civil liberties.

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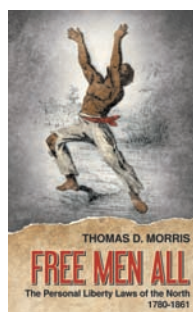
**Charles Mangum**

viii, [iv], 436 pp.

The first comprehensive treatise on the legal status of the African-American as interpreted by United States courts in cases involving civil rights and citizenship. Topics include: land ownership, involuntary servitude, segregation, interracial marriage, race discrimination and mob domination at trials of African-Americans, the voting franchise during reconstruction and its aftermath, and voting restrictions.

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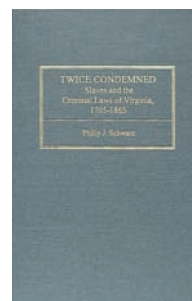
xii, 253 pp.

The Personal Liberty Laws reflected the social and ethical commitment to abolition and as such

were among the bricks that laid the foundation for the Fourteenth Amendment. Morris argues that these laws were an alternative to the violence allowed by the southern slave codes and the extreme anti-slavery viewpoints of the north.

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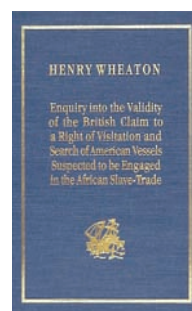
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Analyzes the history of enslaved African Americans' relationship with the criminal courts of the Old

Dominion during a 160 year period, based on a study of over 4,000 trials. Before this book was published in 1988, historians often focused primarily on isolated or dramatic examples of the sometimes deadly conflict present in societies based on slave labor. But *Twice Condemned* analyzes the prevalence, longevity, and variety of behavior attributed to slave convicts.

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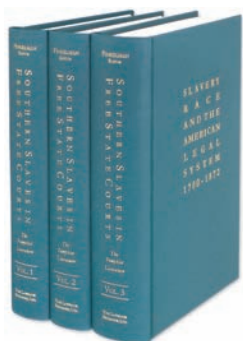
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**WILLIAM M. WIECEK**  
*American Journal of Legal History* 33 (1989) 187

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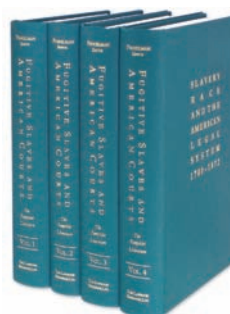


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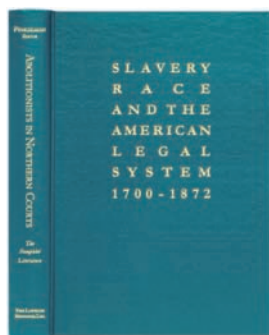


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2,428 pp. illus.

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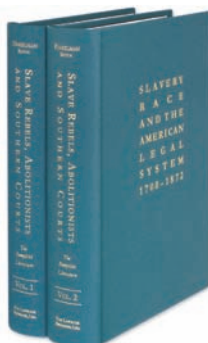


**Abolitionists in  
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**Paul Finkelman,  
Editor**

New York: Garland  
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[9], 524 pp.

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\$85.

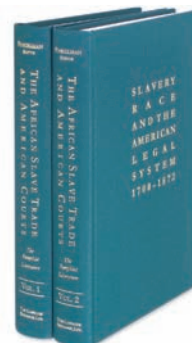


**Slave Rebels,  
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and Southern Courts  
The Pamphlet Literature  
(1988)**

**Paul Finkelman, Editor**

New York: Garland  
Publishing, Inc., 1988  
1,184 pp.

2 vols. Hardcover 2013  
ISBN 978-1-58477-744-1  
\$150.

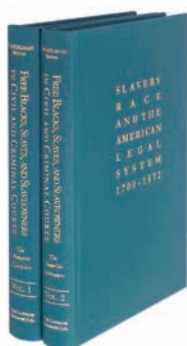


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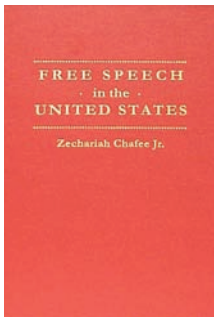
**Paul Finkelman, Editor**

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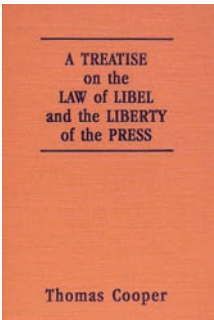
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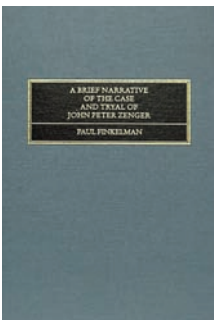
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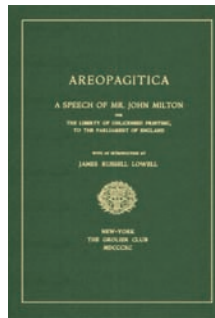
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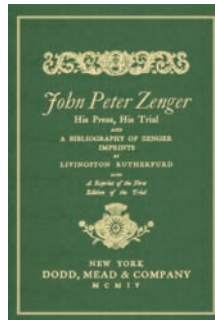
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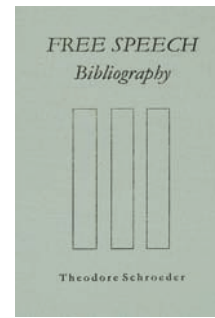


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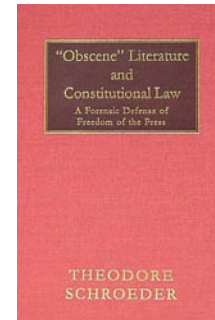


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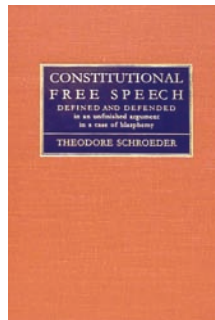
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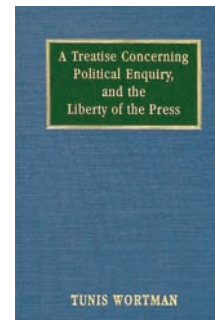
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JOHN MILTON [1608–1674] was an English poet and political writer. In *Areopagitica*, in what has been called his "most important" prose, Milton urged Parliament to reject its petition in the name of intellectual freedom. This edition has a long introduction by James Russell Lowell.

THEODORE SCHROEDER [1864–1953] was a founding member of the Free Speech League.

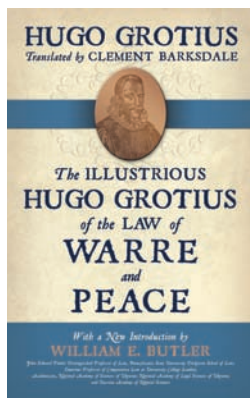
TUNIS WORTMAN [d. 1822] was a New York lawyer, author, newspaper publisher and orator prominent in Tammany politics. He is known for his political tracts, one of which, *A Solemn Address to Christians and Patriots*, defended Jefferson against charges of atheism prior to the election of 1800.

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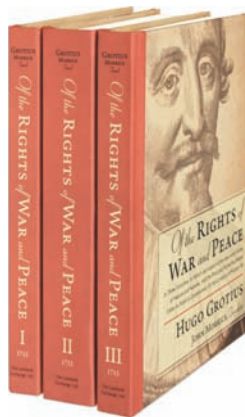


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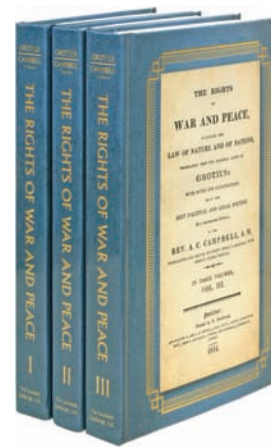
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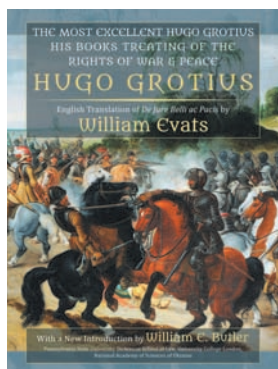


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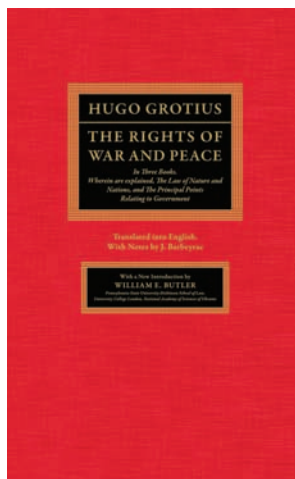


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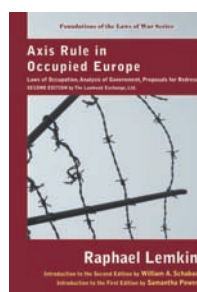
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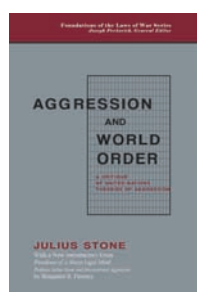
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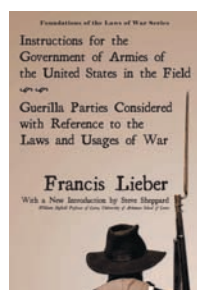
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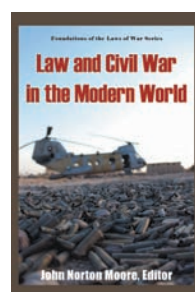
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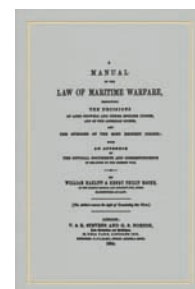


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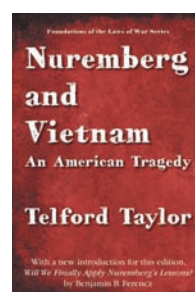
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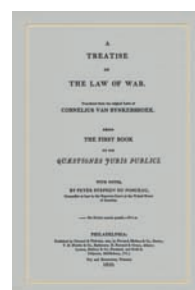
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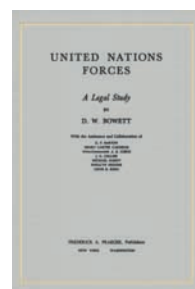
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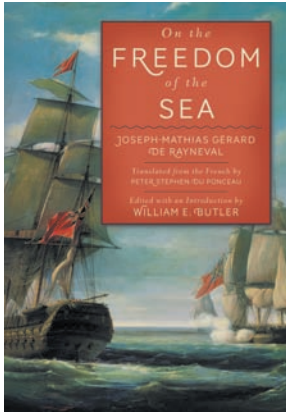
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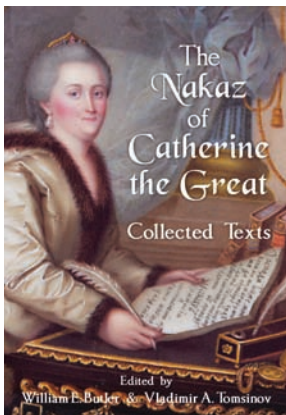
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lxx, 181, iv, 146 pp.

Transcribed by Butler into English for the first time from a previously overlooked and unpublished contemporary translation in Du Ponceau's hand, a translation of Gérard de Rayneval's *De la Liberté des Mers* (Paris, 1811), edited with an extensive introduction by Butler. Successor two centuries later to Grotius' classic writings on the freedom of the seas, this work affirmed the principles of natural and positive law applicable to naval warfare, privateers, the law of prize and neutrality from a French perspective deeply sympathetic to American views of the time.

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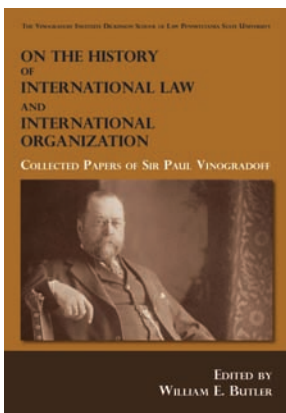
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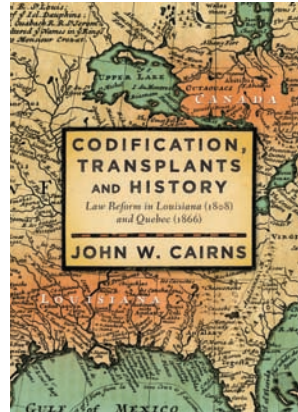
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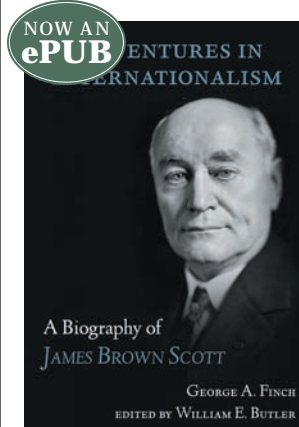
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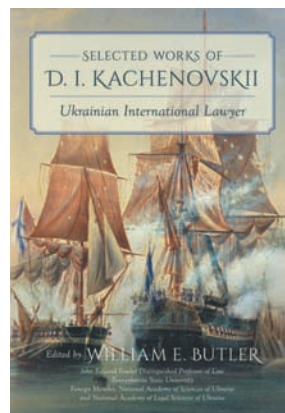
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Ukrainian International Lawyer

**Dmitrii Ivanovich Kachenovskii**  
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xliv, 270 pp.

The development of international law in the Russian Empire was influenced by the works (on prize law and more) of Ukrainian jurist Kachenovskii [1827–1872], who held the Chair of International Law at Kharkov University. In

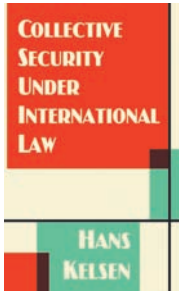
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Possibly the most influential jurist of the twentieth century, **HANS KELSEN** [1881–1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution. He was the author of more than forty books on law and legal philosophy. He was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College.

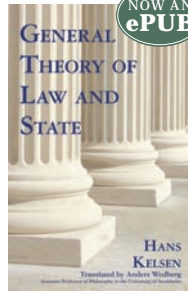


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Kelsen advances his theory that collective security is "...an essential function of law, national as well as international, and that, therefore, there exists an intrinsic connection between international security and international law; in other terms, that collective security of the state is, just as collective security of the individual within the state, by its very nature a legal problem." Foreword p. ii.

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## General Theory of Law and State

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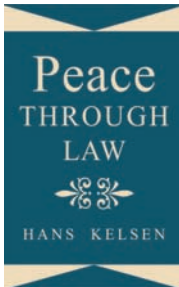
## The Law of the United Nations

A Critical Analysis of Its Fundamental Problems

[1964]

First published under the auspices of The London Institute of World Affairs in 1950. With a supplement, *Recent Trends in the Law of the United Nations* [1951]. A critical, detailed, highly technical legal analysis of the United Nations charter and organization.

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## Peace Through Law

1944

Reprint of the only edition. Kelsen departs from his theories on pure law and here proposes a formula for international peace. He proffers "peace guaranteed by compulsory adjudication of international disputes," (Part I): the formation of a world court with the authority to resolve international conflicts, and "peace guaranteed by individual responsibility for violations of international law," (Part II): that individual statesmen take personal moral and legal

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responsibility for war crimes and other acts of violation committed by their country.

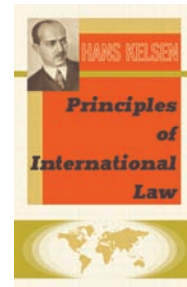


## The Political Theory of Bolshevism

1948

Written during a tense period of the Cold War, this study observed that Bolshevism was a system that embraces anarchism in theory and totalitarianism in practice. In order to survive, the Bolshevik state must obliterate the potentially destabilizing forces inherent in democracy through a party dictatorship that is presented as the political self-determination of a free people.

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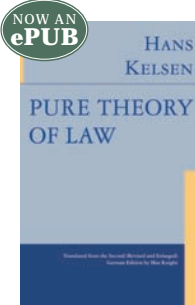


## Principles of International Law

[1952]

Upon his retirement from the faculty of University of California at Berkeley in 1952, Kelsen produced arguably this his most important work, "... a systematic study of the most important aspects of international law, including international delicts and sanctions, reprisals, the spheres of validity and the essential function of international law, creation and application of international law and national law." Nicoletta Bersier Ladavac, "Hans Kelsen (1881 - 1973) Biographical Note and Bibliography," *European Journal of International Law* Vol. 9 (1998) No. 2.

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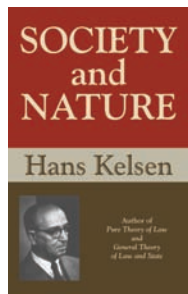


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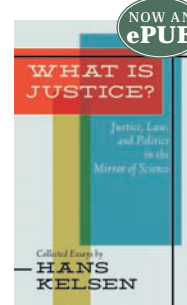
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[1946]

This interesting work offers a sociological and ethnographic perspective on Kelsen's juristic thinking. His central thesis, which ranges over the history of humanity, argues that the idea of causality developed from primitive ideas of retribution. He shows how early man developed his interpretation of nature through the laws of retribution and causality, then developed our current concept of nature and society over time. He holds that the gradual emancipation

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of the law of causality from the principle of retribution is "the emancipation from a social interpretation of nature," a process "very important from the point of view of intellectual history." (Introduction viii).



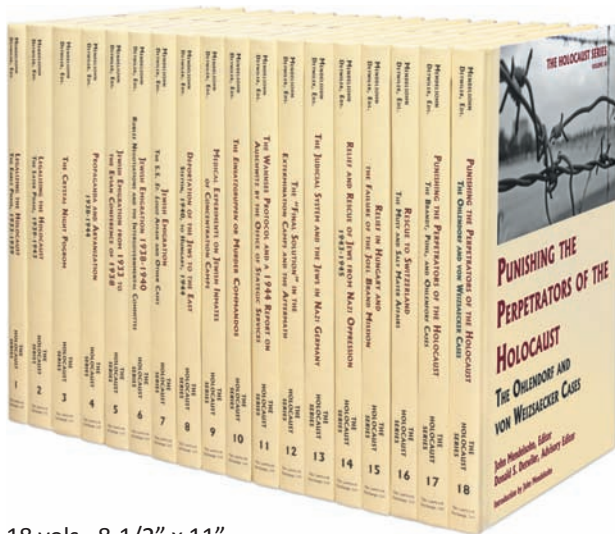
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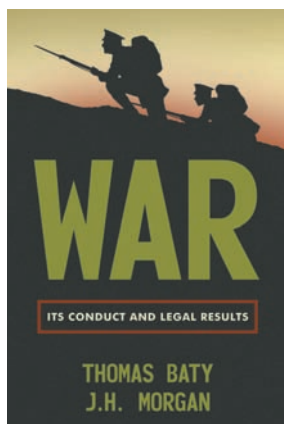
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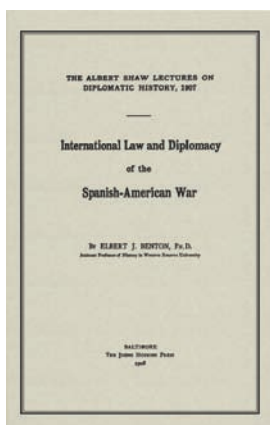
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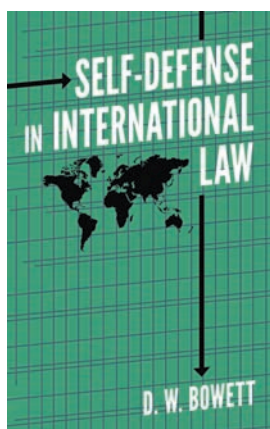
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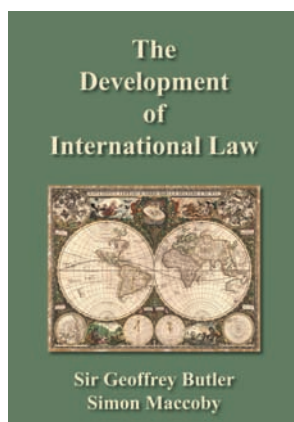
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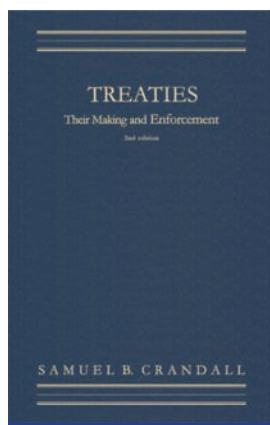
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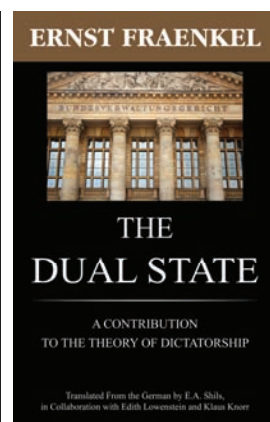
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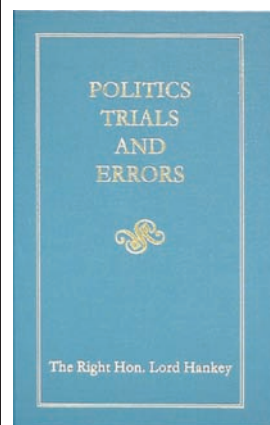
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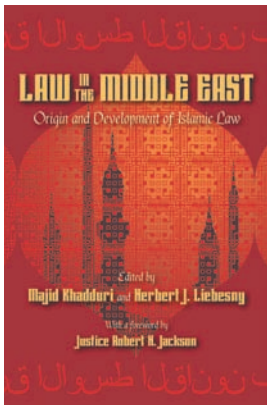
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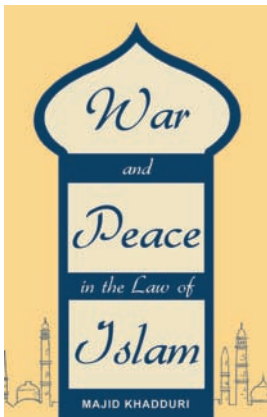
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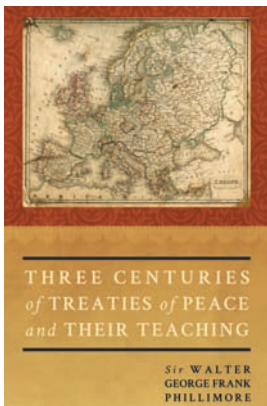
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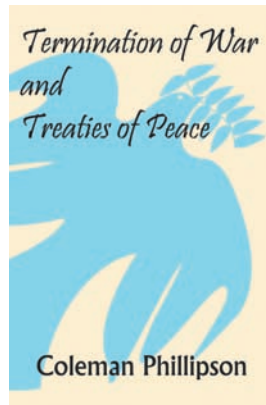
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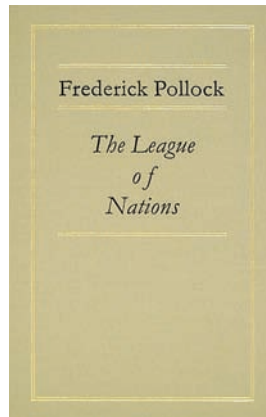


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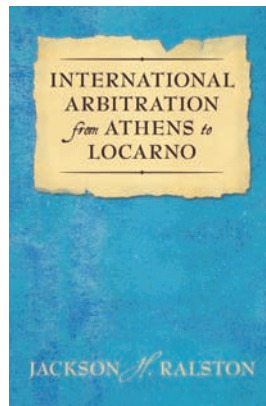
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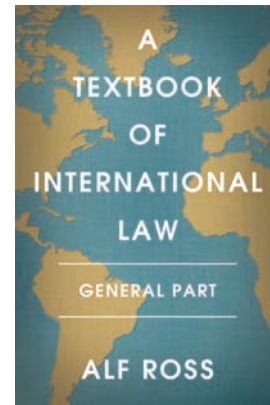
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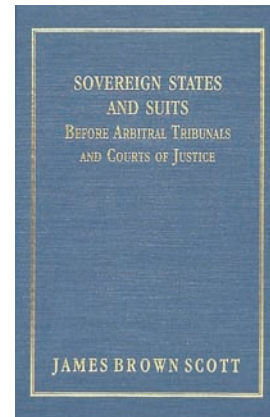


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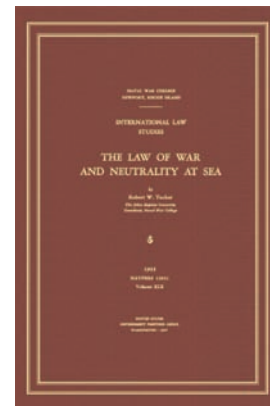
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