Book Review, Women and the Law Stories
(Elizabeth M. Schneider & Stephanie M. Wildman eds., 2011)

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Available at: https://works.bepress.com/alyssa_thurston/8/
The anxiety was heightened with the addition of first a written physical description and then a photograph, which allowed a hard-eyed border guard to determine that holder was the person so described by visually (and humiliatingly) scrutinizing them. Travelers would complain of fear of changing hairstyles or shaving off a beard for fear of not matching their passport photo. Again, the science of the detective is employed, first with scientific measuring methods pioneered by the French Sûreté and later with photos based on the "mugshot." Thus the vacationing railroad tycoon might be forced to submit to the same brand of camera as the Bowery thug arrested in a bar-room brawl.

Robertson also shows how race, both that of travelling African Americans but more particularly the race of Asian visitors to America, impacted passport use. With the Chinese exclusion laws of the 1880s, the passport saw its first as a tool of immigration control. Interestingly, class (a continuing subtext of the book), plays a role here. As Chinese merchants were allowed into the U.S. during the exclusion period, passports (as well as the cut of a traveler’s clothes) were carefully inspected by officials to verify a merchant’s status.

*The Passport in America* is a fascinating and well-researched work which effectively weaves the history of this common travel document with the changes in society and its relationship to the individual that arose as the United States evolved from a rural nation where one’s identity was established by personal relations to an impersonal modern society where documents defined who you were. Along the way, Robertson shows the impact of interrelated developments as varied as the rise of modern police science and the creation of the birth certificate. The process was not an easy one; then as now travelers have resisted the confinement of their identity to a small blue booklet. And the steely-eyes of the border guard on those papers has never failed to discomfit.

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*Women and the Law Stories* highlights twelve separate cases, from the 1870s to the present day, that have impacted the development of women’s legal rights in the United States. The cases fall under a wide array of categories including reproductive freedom, sex discrimination, discrimination in the workplace, family law, and women in the legal profession. All of the accompanying articles emphasize both the struggles that women of varying ages and race have had to endure in order to fight unequal treatment in these different arenas.

What distinguishes this volume from a case law textbook on women and law is the amount of detail and attention paid not only to the legal histories of each case, but also to the backgrounds of the women involved in the case, their motivations for pursuing litigation, and the personal impacts of the case upon them both during and after the legal process. Such detail is achieved through exhaustive research that includes conducting in-person interviews with individuals personally involved in various cases, as well as obtaining access to personal documents related to the cases.
Such individualized attention sometimes extends not only to the female plaintiffs, but also the female attorneys and judges involved in various cases. For instance, in “Single-Sex Public Schools: The Story of Vorcheimer v. School District of Philadelphia,” author Martha Minow tells the story of Susan Vorcheimer, who sought to attend the most prestigious public high school in Philadelphia, which was all-male at the time. Minow not only pieces together Vorcheimer’s personal history through court opinions and other outside sources, but also interviewed Vorcheimer’s attorney to gain insight into her legal strategy for the case.

Overall, this book also succeeds in placing of these various cases into broader historical context, providing the reader with a richer understanding of events and social norms which informed legal developments of the time. One of the most insightful articles in this regard is the first, which focuses on U.S. v. Cruikshank, an 1875 case in which the Supreme Court reversed the convictions of two white defendants in the lynchings of two African American men. Authors Rebecca Hall and Angela P. Harris seek to reframe Cruikshank as a lens through which to understand “racialized gender” during and after the Reconstruction era. Defining “racialized gender” as “the interplay of race and gender subordination,” the authors detail a brutal history of white supremacist violence that occurred towards both black men and black women during Reconstruction, interlinking events of the period with concurrent developments in federal and state law.

Several of the cases covered are well-known, including United States v. VMI (in which the U.S. Supreme Court held that excluding women from an all-male public military college was unconstitutional) and In re Marriage Cases (in which the California Supreme Court ruled that it is unconstitutional to deny marriage to same-sex couples). Yet some of the more compelling chapters in this compendium are those addressing lesser-known cases not typically covered in a law school course. In “Infertile by Force and Federal Complicity: The Story of Relf v. Weinberger,” Lisa C. Ikemoto describes the shocking facts behind a case in which two sisters, ages twelve and fourteen, were sterilized by federal family planning officials without their parents’ knowledge or consent. She traces the historical roots of involuntary sterilization in the U.S., with particular emphasis on social norms and practices that disproportionately affected women and girls of color “with respect to their reproductive capacity.”

Some of the articles also serve to illustrate how little American women have been and still are served by the judicial system, even after years of groundbreaking cases that have moved women’s rights forward. In “State-Enabled Violence: The Story of Town of Castle Rock v. Gonzalez,” author Zanita E. Fenton evaluates a case in which the United States Supreme Court denied redress to a plaintiff whose children were killed due to the stunning failure of police to enforce a protective order against her husband. The final chapter “A Tribal Court Domestic Violence Case: The Story of an Unknown Victim, an Unreported Decision, and an All Too Common Injustice,” narrated in the first person by law professor Stacy Leeds, recounts her experience as a tribal judge on a particular domestic violence case. She describes not only the story of a woman who approached the tribal court for protection against an abuser, but also her own tale of how she came to realize her powerlessness in a judicial system where complex issues of tribal jurisdiction essentially negated her power to give concrete help to a woman in desperate need of it.

Other chapters emphasize how much progress is left to be made in the United States where women’s rights are concerned. In a chapter on California Federal Savings & Loan Association v. Guerra, first brought in the 1980s by a plaintiff fighting for the right to maternity leave under California law, author Stephanie M. Wildman observes that the U.S. has since made only “grudging steps” towards making the workplace more welcoming for women.

Overall, this book is an excellent supplement to any casebook used in a course on feminist jurisprudence or women’s rights. It provides significant contribution to legal literature in its focus
on the lives and stories of the women whose struggles personally motivated these various cases, and paved the way for greater rights for all women across the U.S. across a wide array of issues. But they also highlight the struggles that women still face in these areas, despite the progress that has been made in the judicial and legislative arenas. In this way, *Women and the Law Stories* is also a call to arms towards ensuring that progress continues in expanding women’s legal rights in the United States.

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What would you do with an extra fifteen minutes?

As hypothetical questions go, it’s not nearly as enticing as “What would you do with a billion dollars?” or even “What would you do with an extra hour every day?” But this situation is far from hypothetical. Next summer’s Legal History & Rare Books business meeting is going to be a whopping seventy-five minutes long, compared to our usual sixty.

It’s possible that not everybody sees an extra fifteen minutes of meeting time as a godsend. Some meetings are, let’s face it, a tad on the boring side. But the LH&RB-SIS Business Meeting does not fall into that category. The awesome thing—one of the awesome things—about our SIS is the level of involvement and the thoughtfulness of its members. Our “business meeting”—despite its pedestrian name—is a great venue for us to get together and share ideas about our SIS and its mission. We always have oodles to talk about, and I hope to see every single LH&RBer there!

If the business meeting isn’t enough for you—and I know it isn’t for most of us—there will be plenty of other LH&RB events as well. I am incredibly excited about the amazing slate of programs that our SIS is sponsoring this year.

We’ll start things off bright and early Sunday at noon (it’s Sunday—noon counts as bright and early) with our traditional Morris Cohen Student Essay Contest Presentation. We have been lucky to have the winners attend the annual meeting the last couple years; at the risk of jinxing us, I hope that next year’s winner will also be able to.

Monday promises to be the most jam-packed day of the conference, with three nearly consecutive LH&RB programs. First up: “The Law of the Salem Witch Trials.” As a descendant of a convicted Salem witch, I admit that I am especially looking forward to this program. Next comes a refreshing exhibit hall break, followed by “Digitizing Legal History.” The sponsorship of this program shows just how wide-ranging an audience it will appeal to: the main sponsor is CS-SIS, and it is co-sponsored by us, MAV-SIS, and the Asian-American Caucus. Immediately after learning how to digitize legal history, head over to “Digging’ Legal History in Boston: The Case of the Boston Strangler,” featuring the ever-popular Professor James Starrs. After an hour of Digging, rest up if you can so you’ll be ready for the LH&RB Reception that evening! It will be the social event of the season.

Be sure to stick around at least through Tuesday morning, because we have one more fantastic