

LI & RB

Newsletter of the Legal History and Rare Books Special Interest Section

Vol. 1, No. 2 July 1991

Message from Tom Woxland

It is with regret that I must resign as Vice Chair/Chair-Elect of the SIS. For family reasons I am taking a ten-month leave of absence from my position as director of the Northern Illinois University Law Library. The leave begins on September 1, 1991. During those months my wife and I will be living in France and Switzerland. It would be impossible for me and unfair to the SIS to try to provide the leadership that our fledgling section needs from abroad.

I hope that my departure causes no problem for the SIS. Mike Chiorazzi has been very helpful as we have discussed the situation. Both of us believe that there are several very able and interested members who can be counted upon to provide leadership for the coming year.

possibilities are endless. Well maybe not endless, but you get the idea. Perhaps we could have representatives from those areas write columns or review recent articles or books on these subjects. Drop me a line if you think it's a good idea. If there is sufficient interest we can bring it up at the business meeting.

Speaking of the business meeting—it will be held on Sunday, July 21, at 1:00 p.m. and is mentioned in the preconvention program. The room designation will be announced in your registration packet. As you can see in the newsletter, this meeting will be of particular importance because we will be electing a new Chair to replace Tom Woxland, who is moving to Geneva. Perhaps he could write a column on Swiss legal history—our first foreign correspondent! We will also be electing a new Secretary/Treasurer and Vice-Chair/Chair-Elect. Please contact me if you are interested in

From The Chair

I hope you enjoy our second newsletter. To date we have been fortunate in receiving some excellent articles. But there is always the next issue! Please think about writing an article or column for the newsletter.

This brings me to an idea I will suggest now and perhaps we can discuss it at the business meeting in New Orleans. What do people think of setting up special interest groups within our SIS? Call them RSISs—really special interest sections. The smaller groups would enable people to share and develop that interest with other law librarians. Possible RSISs might include: American Legal History—1789-1900; Rare English Law Books; or Preservation of Old and Rare Legal Materials. The

In this Issue:

<i>Message from Tom Woxland</i>	1
<i>From the Chair</i>	1
<i>Editor's Column</i>	2
<i>Recent Developments in</i>	
<i>Legal History</i>	3
<i>Where to Buy Rare Law Books</i>	5
<i>Ius Romanorum et Romanarum</i>	8
<i>Papers of Philip Elman</i>	9
<i>Archibald Cox Retrospective</i>	10
<i>Short Notes and Recent Publications</i>	10

one of the these positions or if you wish to nominate someone. Please don't be shy; we want people who are interested, so nominate yourself if you'd like to be a part of the governance of the SIS. I'll announce the nominees at the meeting and open the floor to others. Think about it!

And finally, should we think about a directory of members? One that would also describe the legal history or rare book collections of our libraries? Once again, write me if you think it's a good idea, or come to the business meeting so we can all talk about it. Please contact me if you have any agenda items. Remember, we're making this up as we go along, so pipe up or pipe down!

See y'all in New Orleans!

Mike Chiorazzi

L.H. & R.B.: The Newsletter of the Legal History and Rare Books SIS of the American Association of Law Libraries is published twice a year, in January and July. Contributions, comments, news items, and advertising inquiries should be directed to the Editor:

*Janet Sinder
Senior Reference Librarian
Duke University School of
Law Library
Durham, NC 27706
(919) 684-6182
Fax: (919) 684-8770*

SIS Officers:

*Chair: Michael G. Chiorazzi
Vice Chair/Chair-Elect: Vacant
Treasurer: Robert J. Nissenbaum
Editor: Janet Sinder*

Editor's Column

Once again, I think you will enjoy the articles in this issue of the newsletter. I don't know about all of you, but I certainly learn a lot about legal history and rare books while reading them. I hope we can keep the newsletter one where we don't have to rely on reprinting articles from other publications.

In that regard, if you are interested in writing for future issues, please get in touch with me. No one has volunteered yet to write brief reviews of recent books, and the offer still stands.

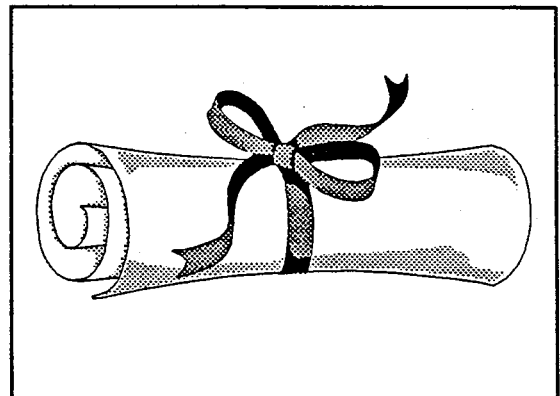
For this issue Byron Cooper has written another column on Recent Developments in Legal History; this one discusses a recent series of books on comparative legal history.

Joe Luttrell also returns, this time with an article on where to buy rare law books that will surely be of interest to all world travelers (and armchair travelers).

Fred Mansfield has written about his experience at the University of Illinois Law Library when classifying their Roman Law collection.

And David Warrington sent two articles written by members of his staff, David de Lorenzo and Erika Chadbourn. One describes an upcoming exhibit about Archibald Cox at the Harvard Law School Library and the other discusses a donation of some interesting private papers to the library.

Janet Sinder



Recent Developments in Legal History
Comparative Legal History

By Byron Cooper
 University of Detroit

Legal history is sometimes viewed as comparative law over time rather than space. Yet limiting attention to one jurisdiction can seriously undermine historical analysis. Comparisons among different systems or jurisdictions may reveal not only influences but also illuminating contrasts and similarities.

Providing this additional dimension to historical study is, however, extremely difficult, even when the systems compared have similar concepts and terminology. (See, e.g., some of the problems debated in Simpson, "The Horwitz Thesis and the History of Contracts," 46 U. Chi. L. Rev. 533 (1979); Ferguson, "The Horwitz Thesis and Common Law Discourse in England," 3 Oxford J. Legal Stud. 34 (1983); Oldham, "Reinterpretations of 18th-Century English Contract Theory: The View from Lord Mansfield's Trial Notes," 76 Geo. L.J. 1949 (1988).) Such comparison is even more treacherous when the concepts and developments compared are drawn from systems as different as English common law, Roman law, canon law, and continental civil law.

As significant progress has been made in the past few years in national legal history and in mastering primary source materials—and perhaps in part as a result of increasing European cooperation in many fields—interest in comparative legal history has been growing. Since 1981, groups of scholars from Britain, continental Europe, and the United States have been developing comparative legal historical analysis in a number of fields under the leadership of Helmut Coing and Knut Nörr.

Comparative legal history is not new. In the 17th century, for example, Sir Matthew Hale analyzed differences in the development of English and Norman law, traced the influences of English law on Ireland, Wales, and Scotland, and compared the English law of descents to that of the Jews, Greeks, and Romans. (See M. Hale, *The History of the Common Law of England* 72-85, 114-59 (C. Gray ed. 1971).) But this is the first time that so many legal historians from so many different systems have worked together on one coordinated project.

The results of these efforts are now being published as *Comparative Studies in Continental and Anglo-American Legal History*. Despite the title of the series, however, little American legal history has so far been included beyond an occasional reference to Justice Story, some discussion of American

contract law in one of the essays in volume 8, and an account of law reporting in colonial Virginia in volume 5. The essays, written in English, French, Italian, and German, with occasionally large doses of untranslated Latin quotations, focus chiefly on English common law, European civil law, and the canon law of the Roman Catholic Church.

So far, seven volumes have been published (volumes 1-8, except for vol. 7). The first volume, *Englische und kontinentale Rechtsgeschichte: ein Forschungsprojekt* (1985), outlines the organization of the project. The second, *The Courts and the Development of Commercial Law* (1987), deals with the law of England, Germany, Italy, and the Netherlands at various periods.

The third volume, *The Civilian Writers of Doctors' Commons, London* (1988), by Daniel Coquillette, continues the commercial law theme of the second volume and is somewhat different from other volumes in that it is entirely devoted to one topic. It is, in fact, substantially a reprint of four articles that Professor Coquillette wrote for the *Boston University Law Review* between 1981 and 1987. The book is so much a reprint, in fact, that the earlier chapters seem dated without references to work published in the 1980s; with frequent summaries and repetitions, the book reads like a series of articles. There is also, unfortunately, no index. Libraries that have the *Review* have no real need to buy volume 3 other than convenience of reference.

The fourth volume, *The Trial Jury in England, France, Germany, 1700-1900* (1987), is one of the most successful. The topic and time frame are limited, the influences well documented, and the extent of the coordination among the writers apparent. Less successful but highly interesting, volume 5, *Judicial Records, Law Reports, and the Growth of Case Law* (1989), deals with law reporting in England, western Europe, Russia, and Virginia. Differences in legal systems and procedural complexities make comparative analysis of the impact of law reporting difficult and, in a few cases, irrelevant.

Volume 6, *The Records of the Medieval Ecclesiastical Courts*, is also different from other volumes in the series. Rather than a collection of essays, it is an inventory of church court archives. Part I, published in 1989, deals with continental Europe, and Part II will deal with England. These volumes will prove extremely useful for the future study of medieval canon law.

The eighth volume, *Towards a General Law of Contract* (1990), is the most recently published and

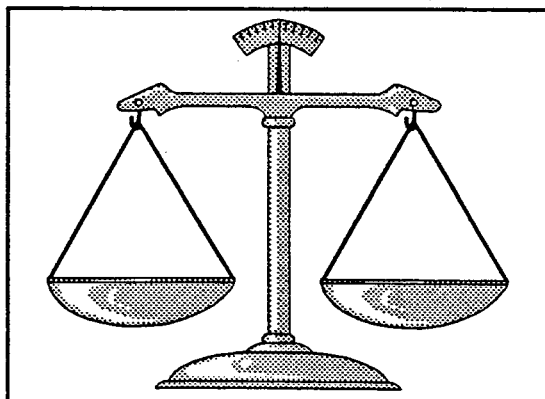
one of the most successful. Its wealth of data and interpretation are extremely stimulating.

More volumes are to come, and it is to be hoped that the final volume will contain a detailed index to the whole series. Even if there is no overall comparative analysis, an index would be very helpful in bringing together the often divergent treatments of concepts and issues, as well as the frequent references to such figures as Hugo Grotius, Lord Holt, Lord Mansfield, Samuel Pufendorf, and Sigismondo Scaccia.

Anyone who has attended comparative law conferences or congresses is probably aware of the frustration that follows many of the programs. The contributors summarize the recent developments or scholarship in their own countries according to an outline developed by a committee or a general reporter. But often the contributors do not follow the outline, they're not talking about quite the same thing, the words used don't quite have the same meaning to everyone, there's no effort at synthesis, and the discussion afterwards is so broad as to amount to no more than platitudes or so narrow as to interest few (sometimes only one) of the participants. Comparative legal history appears not to be immune to these problems. But in the absence of the normative aspect of comparative law (e.g., finding the "best" approach to regulating abortion), dispassionate scholarship is possible, and with coordination can yield valuable results.

Every academic law library in the United States ought to have this series, or at a minimum volumes 2, 4, 5, and 8. Since they are treated as individual monographs under AACR2, no cataloging problem arises from a failure to get all of them.

This series is published by Duncker and Humblot in Berlin with an ISSN 0935-1167. The volumes published so far, with the ISBN (prefix 3-428-) and the list price in deutsche marks (with an indication of the prices currently charged by one—not too efficient—American bookseller) are: Bd. 1 (05828-3) DM 38 (\$25); Bd. 2 (06176-4) DM 78 (\$50); Bd. 3 (06177-2) DM 148 (\$93.50); Bd. 4 (06178-0) DM 124 (\$78.50); Bd. 5 (06666-9) DM 174 (\$109.50); Bd. 6, Pt. I (06619-7) DM 184 (\$116); Bd. 8 (06809-2) DM 189 (\$119). The prices for these books are high, especially since they are only bound in flexible covers. But they contain outstanding summaries of many aspects of the legal history of England as well as other countries, and together they constitute a pioneering effort in what one hopes will be much future work in comparative legal history.



The Lawbook
Exchange, Ltd.

135 West 29th Street, New York, N.Y. 10001

Law & Legal History

American & English Law & Legal
History to 1900.

We invite inquiries from librarians interested in
particular titles or in collection development.
We are also eager to buy quality material.

Contact: Greg Talbot or Maurice Martino
1-800-422-6686 212-594-4341 Fax 212-465-8178

Where to Buy Rare Law Books

by Jordan D. (Joe) Luttrell
Meyer Boswell Books

Where does one go to buy rare law books? Of course, there are thousands of second-hand bookshops in this country, and there is nothing quite so satisfying as stumbling across a ridiculously underpriced copy of that book you have long been seeking in an out-of-the-way spot. The same approach, taken further, will find you in thrift shops and at library sales and, while the odds are long, there is the thrill of the payoff, when it happens.

To shorten the odds, you could concentrate your efforts on those bookshops that carry rare books as a significant (or total) percentage of their stock. There are some 450 of these bookshops that are members of the Antiquarian Booksellers Association of America, headquartered in New York City; they will be glad to send you a complimentary copy of their membership directory, in the back of which there is a subject matter index listing specialties, including law and criminology. Though most of the bookshops there listed will be discussed individually below, this directory is quite handy, and, since there is a geographical index also, may be worth having for your out of town trips, as it should key you into the better bookshops in any city you happen to be visiting. (ABAA, 50 Rockefeller Plaza, New York, NY 10020, (212) 757-9395.)

Auction houses on occasion will include rare law books in their sales. Both Sotheby's and Christie's have separate book departments in this country, in New York, and, together with their London counterparts, hold dozens of book auctions annually. Swann's, also in New York, devotes all their auctions to books (as well as some prints, graphics and photographs), and there are regional book auction houses around the country. One can subscribe to their catalogues, but annual subscriptions do not come cheap—my Christie's renewal came in a few days ago, and the price for a year's catalogues is now \$600.00. It is possible, however, that if you were to notify them of your interest in rare law books, they might in turn notify you when they were conducting a sale including rare law books so that you might obtain that catalogue. (Christie's, 502 Park Avenue, New York, NY 10022, (212) 546-1000; Sotheby's, 1334 York Avenue, New York, NY 10021, (212) 606-7000; Swann's, 104 East 25th Street, New York, NY 10010, (212) 979-1017.)

There are a number of booksellers who hold rare law books as a significant part of their stock,

and who also issue periodic catalogues describing their books. Generally speaking, they make their catalogues available without charge to those interested enough to request them, and will welcome your inquiries. Even if you are not in a position, personally or professionally, to purchase rare law books, you should not hesitate to write for their catalogues; you might even mention your membership in this SIS, which will undoubtedly establish your bona fides immediately.

To whom might you write? Let's take them in alphabetical order. First (by this method) would be **Bauman Rare Books** in Philadelphia. It is tempting to say that I knew David and Natalie Bauman "when"—that is, before the success in recent years that has taken them from Atlantic City to a number of increasingly prestigious Philadelphia addresses, and now (as of this fall) to a new shop in the Waldorf Astoria in New York. They have become booksellers with a most impressive general antiquarian stock, but they still do carry a significant number of antiquarian law books, and actively seek out this kind of book. Their most recent catalogues contain a section devoted to law which amounts to about 10% of the entire catalogue, and though primarily "high-end" material, is certainly worth knowing about. (Bauman Rare Books, 1215 Locust Street, Philadelphia, PA 19107, (215) 546-6466.)

Near Washington, D.C. is **Q.M. Dabney & Co., Inc.**, run by Mike Schnitter. Mike issues periodic catalogues containing hundreds of items, mainly scholarly and out of print, but with a sprinkling of rare law books as well. You might even wish to stop by his shop if you are in the capital. (Q.M. Dabney & Co., Inc., P. O. Box 42026, Washington, DC 20015, (301) 881-1470.)

One of two English bookshops that you should be aware of is **Edith Finer's Froggnal Rare Books**, in London. Edith has recently given up her Cecil Court shop, and is conducting business from her home, but if her active buying at auction recently is any indication, she will continue to be an important part of the rare law book trade. It is true that the amount of stock she has will now be less, and probably of the more important and expensive variety, and I am not sure if she will be issuing law catalogues from now on (I suspect she will), but in any case it would well be worth it to drop her a line. (Froggnal Rare Books, P. O. Box # 20, London WC1B 3SU, England, (71)-637-7057.)

In the center of this country, there is one rare law book dealer, **Tom Joyce**, in Chicago. Tom issues periodic catalogues containing both rare and

scholarly law books, with a good proportion of his rare books from the 19th century, as well as some earlier in date. He is an easy cab ride from the Loop, if you're in Chicago, and would welcome your visit, I am sure. (Thomas J. Joyce and Co., Suite 1D, 411 South Sangamon, Chicago, IL 60607, (312) 738-1933.)

The newest arrival to rare law books is Greg Talbot, at **The Lawbook Exchange** in New York. Greg has recently been accepted as a member of the ABAA, and now has an employee, Maurice Martino, who devotes his full time to rare law books. The Lawbook Exchange's principal business is second-hand law books and sets, but their antiquarian stock figures to grow and become increasingly important, and they do issue periodic catalogues and lists which are worth inquiring for. They are conveniently located in Manhattan, near Madison Square Garden, and the antiquarian stock is featured close by the entrance to their busy quarters. (The Lawbook Exchange, 135 West 29th Street, New York, NY 10001, (212) 594-4341.)

My own bookshop, **Meyer Boswell Books, Inc.**, recently moved to new quarters in San Francisco's Mission District, close to a BART station and easy to get to from downtown. Our stock is devoted exclusively to rare and scholarly law, and we have somewhat over 2,000 square feet in a sunny, third floor loft-like space where the stock can be browsed to your heart's content. We also issue periodic lists and catalogues which are available upon request and without charge. (Meyer Boswell Books, Inc., 2141 Mission Street, Suite 302, San Francisco, CA 94110, (415) 255-6400.)

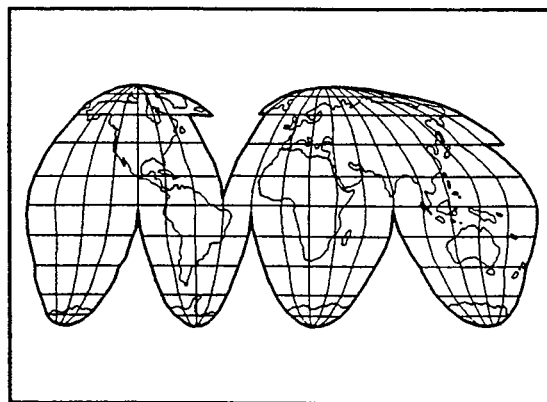
John Rees is the other English dealer whose name you should know; he is probably issuing more catalogues right now than any other rare law book dealer (some days it seems as if he is issuing more than all of the rest of us put together), featuring scholarly monographs and texts from this and the last century, together with a selection of earlier materials from the 18th century and before. Though not in central London, John does welcome visitors, and should definitely be on your list if you are going to England. (John Rees, P. O. Box 115, London SW18 1SA, England, (81) 870-7091.)

Near Boston, and within a stone's throw of Fenway Park, we find **Bob Rubin**, with a fine selection of antiquarian law. Bob's bookshop is in his home in Brookline, where he recently moved from his former location outside of Boston. I would say Bob's stock is particularly strong in early American law, though he has important rare law books of

all kinds, and an impressive select stock of rare Americana and rare economics material. (**Robert H. Rubin Books**, Box 267, Brookline, MA 02146, (617) 277-7677.)

In a huge home in Montclair, New Jersey, a 45 minute bus ride from Manhattan, we find **Patterson Smith**, who undoubtedly has the foremost stock of scholarly and antiquarian criminology, true crime, trials, and related material in this country. Pat does issue the occasional list, but it would well be worth your while to contact him directly if you are seeking material in these areas, as he may well have what you want in stock. (Patterson Smith, 23 Prospect Terrace, Montclair, NJ 07042 (201) 744-3291.)

When you contact these booksellers, you should not hesitate to mention your own interests and requirements, should there be particular kinds of law books you're seeking. Most dealers will welcome the chance to quote to you personally (without obligation) works that they think will be of interest to you, before those books get into their catalogues. Of course, they will have to be persuaded that your interest is genuine, and that you will actually buy at least some of the works that are quoted to you, but once you have convinced them of that, you should find a mutually satisfactory relationship established which will permit you to have first crack at what you want. Good hunting!



Bauman Rare Books

Rare Books, Autographs, Manuscripts,
and Documents

*Specializing in Law, Americana, History,
Literature, Economics, Travel and Exploration,
Science, Medicine, and Natural History*

We feature a fine selection of
rare books, autographs, and manuscripts
on American and English law,
including classic works by
Blackstone, Kent, Coke, and Holmes,
inscribed editions by Darrow,
Frankfurter, and Cardozo,
early American colonial law,
important trial accounts,
original Supreme Court autographs,
manuscripts, and photographs.

*We are always interested in
purchasing library duplicates.*

Catalogues issued regularly.

Bauman Rare Books
1215 Locust Street
Philadelphia, PA 19107
215-546-6466
FAX 215-546-9064

Ius Romanorum et Romanarum

by Fred Mansfield
University of Illinois

Since 1987 the University of Illinois Law Library has been cataloging and classifying its small Roman law collection. We began applying KJA class numbers from a photocopy of the preliminary schedules used by the Library of Congress before the KJ-KKZ schedule was published.

We went charging into Roman law cataloging and classification with more enthusiasm than knowledge (*cum plure studii quam scientiae*). In doing so, we made one major mistake: we classified our collection of general text books in KJA 147 (General works) rather than in KJA 2190 (Private law and practice; General). Most text books of Roman law deal only with Roman *private* law, despite the titles on the title pages. Thus we misclassified Sohm's *Institutes* in KJA 147 rather than KJA 2190. We properly classified the text books by W.W. Buckland in KJA 2190 because the title pages usually specified Roman *private* law. I hope that other law libraries can learn from our mistake.

We started to work with our collection before we knew the difference between *Ius naturale*, *Ius gentium*, and *Ius civile*. We quickly learned to differentiate between the *Institutes* of Gaius and those of Justinian. Now we know that there are differences between the *Authenticum* and the other *Novellae constitutiones*. We have even learned about the *Novellae* to the Theodosian code, which *Novellae* are not in the OCLC authority file. (We used a tentative form for these novels: *Novellae constitutiones (Codex Theodosianus)*.)

I have been taking correspondence courses in Latin; we read about Hannibal, Scipio, and Cato in our third semester while I cataloged *Corpus juris civilis academium* and a Geneva printing of Justinian's *Codex*. But there are differences between the classical Latin I am trying to learn and the Renaissance and modern Latin on the title pages of our collection. Because of this, the classical Latin is of limited help with the legalistic texts we have cataloged, but it does help me to track down the real title and important verb on the title page of a book, and to recognize *ut* clauses and participles on title pages.

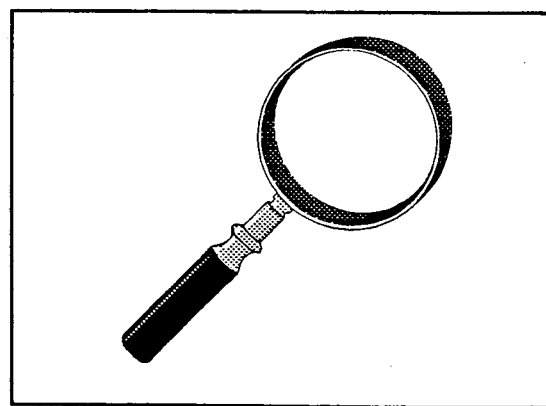
These days there are few monographs published on Roman law; most of the published work appears in periodicals such as *Bulletino dell'Istituto di*

diritto Romano; Labeo; and *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romatische Abteilung*.

In doing this cataloging, the most practical guide for us has been: Berger, Adolf. *Encyclopedic Dictionary of Roman Law*. Philadelphia: American Philosophical Society, 1953. Unfortunately, this is now out of print, the paper is not acid-free, and the market is probably too limited to support the expense of a reprint. I would also recommend the study of the two books called *Institutiones*, both the *Institutes of Gaius* and those of Justinian. They supplement the often obtuse textbooks, which usually quote Latin on every page without a translation; most of the authors assume we all read Latin readily. The following are recommended editions of these works:

The Institutes of Gaius / translated with an introduction by W.M. Gordon and O.F. Robinson; with the Latin text of Seckel and Kuebler. Ithaca, N.Y.: Cornell University Press, 1988.

Justinian's Institutes / translated with an introduction by Peter Birks and Grant McLeod; with the Latin text of Paul Krueger. Ithaca, N.Y.: Cornell University Press, 1987.



Papers of Philip Elman

By David de Lorenzo
Harvard University

The Special Collections Department of the Harvard Law School Library has recently received a donation of the personal papers of Philip Elman (LL.B., Harvard, 1939).

Frankfurter considered Elman his "law clerk-for-life." Like Frankfurter, Elman was a Jewish immigrant from New York City who attended City College of New York and graduated from Harvard Law School with top honors. Elman was Frankfurter's law clerk on the Supreme Court for two years from 1941 to 1942. Their friendship continued while Elman served in the Solicitor General's Office (1944-1960) and on the Federal Trade Commission (1961-1979). In one letter Frankfurter reiterated his affection for Elman: "The warm and fortifying faculties . . . serve as excellent symbols for the cheer and encouragement I've had from you . . . and how your unstinted devotion gives me further momentum to keep my stride for the road that lies ahead." (4-33, Nov. 20, 1961).

The collection consists mainly of correspondence and notes from Felix Frankfurter to Elman, the bulk dating from 1945 to 1960. There are approximately 400 items in four manuscript boxes. Many items are handwritten notes Frankfurter wrote to Elman while listening to oral arguments on cases before the Supreme Court. Many reveal the private thoughts of Frankfurter about substantive law being discussed and about the argumentative abilities of particular counsel. The correspondence touches on some of Frankfurter's most important decisions. Although an opponent of the death penalty, in the Willie Francis case Frankfurter with great anguish joined the majority supporting the state's right to successfully complete the electrocution after failing in its first attempt. Frankfurter wrote: "I wonder if I would have felt bound by the Francis decision, if he had three children. . . ." (2-37, January 15, 1947). Later, in relation to the insanity defense, he wrote: "I think you undervalue the important gains that may come from the decision in *Durham*. It ought to put an end to the mumbo-jumbo charges that the judges in the District have been giving on insanity; it ought to open up more rational questioning of, and therefore more rational elucidations by, the psychiatric experts; it ought to prevent such outrageous applications of the M'Naghten Rules as that in the *Fisher* case. I say all this with every conscious endeavor on my part

not to let intrude in my judgment my strong conviction against capital punishment." (2-71, July 23, 1954).

The collection is also enlivened by less serious Frankfurter witticisms and anecdotes. In one note, he writes Elman: "I just had a bright thought: judges should be judicial-minded, NOT judicial-voiced." While listening to an oral argument, he passed on to Elman a note saying, "If you can deftly turn round and take a look at the blonde behind you, you will see Miss Curtis, a well-known English actress who has the second female lead in the *Matchmaker!*!" (2-10, June 5, 1957).

When nearing the end of his judicial career, Frankfurter confided to Elman: "Let me remind you that I was nearly 60 when I came on the court, and while I brought no substantive set of convictions on issues to come before us, what is more I brought deep-rooted feelings about the legal process, the Court and its traditions . . . and how to exercise them as intense and tenacious as the irrationality of religious beliefs. . . ." (4-58, June 15, 1963).

Upon the death of Frankfurter, Elman wrote Anthony Lewis: "The funeral service was short . . . it was held in the apartment, and the only people there ex-officio were the justices and their wives. The President was there too. Paul Freund, as always, knew what to say and how to say it. Lou Henkin then stood up, explained to the goyim present the tradition and meaning of Kaddish. He then put a white yamulka on his head and recited the kaddish—and with that the dam burst, at least for me. The service ended with the adagio movement of Mozart's clarinet concerto . . . I've heard it played hundreds of times, but this time it sounded like an ancient Hebraic dirge." (4-67, Feb. 26, 1965).

The collection has been arranged and an item-level inventory is available. The papers are open to the public without restrictions. For further information, contact the Curator of Manuscripts, Special Collections, Langdell Hall, Harvard Law School Library (617-495-4550).

Archibald Cox Retrospective

by Erika Chadbourn
Harvard University

The Harvard Law School Library will stage a major exhibition in the autumn of 1991 honoring Professor Emeritus Archibald Cox on the 45th anniversary of his appointment as professor at the Harvard Law School. The Archibald Cox Retrospective Exhibition draws on the professional papers that Mr. Cox has transferred to the Special Collections Department of the Law School Library over the past twenty years, on photographs in the Law School's Art Collection, on memorabilia from his home, and on photocopies of items in various federal repositories, such as the National Archives. One letter is on loan from the Harry S. Truman Library—Mr. Cox's original letter of resignation as Chairman of the Wage Stabilization Board—which was written after Truman had reversed the decision of that Board to hold down wage increases of bituminous coal miners; this letter is addressed to Truman and dated 4 December 1952.

Archibald Cox graduated from Harvard College in 1934 and the Harvard Law School in 1937. He has taught at the Law School since 1945 (as lecturer for that academic year), with three major interruptions: his four and a half years in Washington, D.C., as Solicitor General of the United States; his five months as director of the Watergate Special Prosecution Force in 1973; and his year as Pitt Professor of American History and Institutions at the University of Cambridge, England, during the academic year 1974-75. Since 1984 he has been Carl M. Loeb University Professor, Emeritus at Harvard; he continues to teach, as a visiting professor, at the Boston University Law School.

The fifteen exhibit cases concentrate on various aspects of Professor Cox's life and activities, such as his schooling, teaching, and writing; his involvement in the presidential campaigns of John F. Kennedy and Morris Udall; his public service under Presidents Truman and Kennedy and Massachusetts Governor Dukakis; his lifelong connection with Harvard University; his leadership role in Common Cause; and the professional honors he has received. Two exhibit cases will be devoted entirely to his months as director of the Watergate Special Prosecution Force.

The Archibald Cox Exhibition, on view from September 3, 1991 to January 6, 1992, may be seen in the Reading Room and the Treasure Room of the Law School Library, on Level 4 of Langdell

Hall. The annotated catalogue for the exhibition is available for \$12 postpaid (checks payable to Harvard University). Address orders to Special Collections; Harvard Law School Library; Cambridge, MA 02138.

Short Notes and Recent Publications

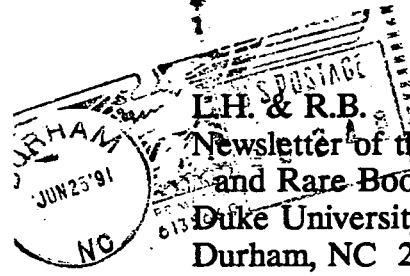
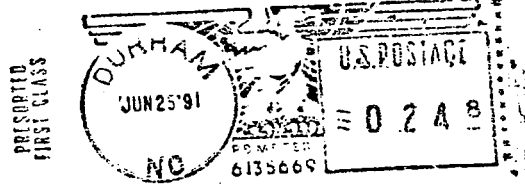
The first Chair of our SIS, Erwin Surrency, has just had a book published that is sure to be of interest to all members. A History of American Law Book Publishing was published by Oceana and is an account of legal publishing in this country from colonial times on.

Don't forget about the two programs being sponsored by the Legal History and Rare Books SIS in New Orleans:

"The Historical Development of the Louisiana Legal System," Monday, July 22, 2:00-3:30 p.m.

"Bridges to the Past: Looking After Older Legal Materials (Rare and Historical)," Tuesday, July 23, 10:15-11:45 a.m. Our SIS is cosponsoring this with the Technical Services and Academic Law Libraries Special Interest Sections.

PRESORTED
FIRST-CLASS



U.S. POSTAGE
L.H. & R.B.
Newsletter of the Legal History
and Rare Books SIS
Duke University Law Library
Durham, NC 27706

Mr. Byron Cooper
University of Detroit School of Law Library
651 E. Jefferson St.
Detroit, MI 48226