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From the Chair

Karen Beck

Hello, everyone. By the time you read this, we will all be getting ready to travel to Portland for another Annual Meeting. I hope to see many of you there, especially at the many LHRB-related events that we have in store for you.

In addition to a full slate of events, watch for our first-ever LHRB-SIS brochure, which will be making its debut at the CONELL Marketplace and the LHRB table in the activities area of the exhibit hall. Please take a few and help spread the word about our SIS to your friends who love rare books, manuscripts, and legal history. Special thanks to AALL's Julia O'Donnell, and LHRB's Stacy Etheredge, Kurt Metzmeier and Glen-Peter Ahlers for creating this brochure for our SIS.

Here is a brief listing of our programs and events in Portland. You can read all about them at our website: http://www.aallnet.org/sis/lhrb/programs.html.

Service Projects

If you will be here on Saturday morning, please consider joining other AALL members from 8 a.m. to 1 p.m. for a morning of service projects. Links to the two projects -- at the Portland Parks and Recreation Community Gardens and Oregon Food Bank and Learning Gardens -- are below. Laura Ray is taking the lead for our SIS, and I know she would be delighted to see many of you there.

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LH&RB

LH&RB is published three times each year by the Legal History & Rare Books Special Interest Section of the American Association of Law Libraries.

Submissions for publication are strongly encouraged. We have been known to beg. Correspondence can be sent to the appropriate editor at the following address:

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Continued from Page 1 CHAIR

http://www.aallnet.org/events/communityproject.asp
http://www.portlandonline.com/parks/index.cfm?c=38304
http://www.oregonfoodbank.org/make_a_difference/volunteer/

AMPC-Sponsored Programs

Program B-6: Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement, Sunday July 13, 3-4 p.m.

Program F-6: Oregon’s Death with Dignity Act: A Legal History (cosponsored by SR-SIS), Monday July 14, 10:45-11:45 a.m.

Program K-5: Explore the new World of Legal History Research – Be Prepared to Wiki!, Tuesday July 15, 3:30-4 p.m.

Workshop W-2: What’s in this Box? Managing Archive Collections (Sponsored by TS-SIS and cosponsored by LHRB-SIS), Saturday July 12, full day.

LHRB-Sponsored Programs

Law Library Journal at 100: The Evolution of a Publication, Sunday July 13, 1:30-2:45 p.m.

LHRB-SIS Roundtable

Evolution of a Research and Legal History Web Site: From Funding Through Implementation, Monday July 14, 12:151:15 p.m. Light refreshments, including plenty of chocolate, will be provided.

And of Course You Must Attend the LHRB-SIS Business Meeting, Sunday July 13, 5:30-6:30 p.m. After All the Official Stuff You can Wet Your Whistle at Our First-Ever LHRB-SIS Reception at Lucky Labrador Brew Pub, Sunday July 13, 7-9 p.m.

All of these programs, events, and parties came about through the creativity and hard work of many of our SIS members. I am grateful to all of them. Please show your support by attending as many of these events as you can. You’ll meet friends old and new, learn something new, and drink good beer. I look forward to seeing you there.

LH&RB Chair Karen Beck is Curator of Rare Books and Collection Development Librarian at Boston College Law Library.

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Welcome to the Spring/Summer issue of LH&RB! I hope that you like it!

As always, I would like to thank everyone who contributed to our Spring issue of LH&RB. In particular, I would like to thank our many editors who do such an excellent job! Joel, Jennie, Kurt, Sarah, Dan, Fred, Anne and Amy — THANK YOU!

Last week I paid a visit to Trickett Hall, the stately building that has housed the Dickinson School of Law since 1918. Unfortunately, it does not look quite so stately now due to ongoing renovations that will not be completed until late 2009 or early 2010 (we are currently operating out of temporary quarters located next to one of the largest truck stops on the East Coast).

I am sometimes asked about possible topics for LH&RB articles. Looking at our old building made me realize that many of us work in old and/or historic buildings. Certainly a publication such as LH&RB should include articles on our buildings, be they law schools, courthouses or law offices. Why not keep our excellent Articles Editors busy by submitting an article on the building in which you work?

Work continues on our new on-line journal, Unbound. Watch your e-mail; it will be out by mid-August.

I look forward to seeing many of you in Portland. You will probably find me in one of the city's many fine microbreweries conducting research for my presentation on Beer and the Law. Mmmmm...beer....

The deadline for the next issue of LH&RB is November 15th.

LH&RB Editor Mark Podvia is Associate Law Librarian, Legal Research Professor and Archivist at the Dickinson School of Law of the Pennsylvania State University.

Okay, I admit it. I should probably exercise more control over my preschooler's vocabulary. For every time that I delight in his correct use of a word like contraption or exoskeleton, there is another time that I cringe at hearing that he told a friend's mother to "get bent" or that he was explaining what hangover means to his preschool teacher. ¹

Luckily, catalogers are better able than preschoolers to self-regulate.

Catalogers use controlled vocabularies all the time, the most obvious example being Library of Congress Subject Headings (LCSH). As the title implies, LCSH is controlled by the Library of Congress, though not as exclusively as it was before the advent of the Subject Authority Cooperative Program (SACO). SACO provides libraries with a way to propose new subject headings (and classification numbers) or to propose changes to existing ones. Final approval for the proposals still rests with LC.

LCSH is not the only controlled vocabulary for subject access. The National Library of Medicine's Medical Subject Headings and the National Agricultural Library's subject authority file, for example, are used frequently enough to warrant their own MARC indicators in the 650 field. But there is no specialized law subject thesaurus in wide use in U.S. libraries, nor is there a widely used specialized rare book subject thesaurus. For catalogers in U.S. law libraries, including rare law catalogers, practically the only subject headings available are the Library of Congress's. ²

Genre/form headings, however, are a different matter altogether. By genre/form headings I mean any heading that would be entered in a 655 field. MARC 21 Format for Bibliographic Data gives the field definition
and scope of the 655 as follows: "Terms indicating the genre, form, and/or physical characteristics of the materials being described. A genre term designates the style or technique of the intellectual content of textual materials... A form term designates historically and functionally specific kinds of materials distinguished by their physical character, the subject of their intellectual content, or the order of information within them. Physical characteristic terms designate historically and functionally specific kinds of materials as distinguished by an examination of their physical character, subject of their intellectual content, or the order of information with them."

Not only has the Library of Congress not been the traditional leader in the creation of genre/form headings; it has jumped on the bandwagon relatively late. In September 2007, LC released its first batch of authority records for genre/form headings; these were for moving image works. The next to be added to the authority file will be genre/form headings for radio programs.

Since LC has only just started implementing genre/form headings, and only for a limited number of materials, it should come as no surprise that their use is far from universal. However, there are libraries that have been using these types of headings for years. The 655 field has been an approved MARC field since 1999, but even before that, some libraries were using the now-obsolete 755 field. Added entry-physical characteristics. So where have catalogers been finding genre and form headings all these years? A wide variety of sources has sprung up.

Catalogers of rare and special collections have been some of the most enthusiastic users of genre/form headings, which makes sense given the inclusion of terms indicating physical characteristics in MARC 21 Format for Bibliographic Data’s stated scope of the 655 field. Therefore, six special controlled vocabularies are available for rare book and special collections cataloging. The thesauri—Binding Terms, Genre Terms, Paper Terms, Printing & Publishing Evidence, Provenance Evidence, and Type Evidence—are all the work of ACRL’s Rare Books and Manuscripts Section’s Bibliographic Standards Committee and are all available online at http://www.rbms.info/committees/bibliographic_standards/controlled_vocabularies/index.shtml.

Terms controlled by these thesauri can be added to a bibliographic record in a 655 field with the second indicator 7 (Source specified in subfield $2): rbbin for Binding Terms, rbgen for Genre Terms, rbpap for Paper Terms, rbpub for Printing & Publishing Evidence, rbpov for Provenance Evidence, and rbtyp for Type Evidence. (The complete list of all valid source codes can be found in the document MARC Code Lists for Relators, Sources, Description Conventions, available online at http://www.loc.gov/marc/relators/.) A bibliographic record for an eighteenth century German book with a royal binding, for example, would have a 655 that looked like this:

655 #7 SaRoyal bindings (Binding) $zGermany$y18th century$2rbbin$5MnU-L

The subfield 5 at the end of that example, by the way, is for the Institution to which field applies. If the heading in the 655 field applies to an individual copy, the subfield 5 should be used. Its use is more likely to be necessary in conjunction with the terms from certain of the thesauri (e.g., Binding Terms) than with the terms from others (e.g., Type Evidence).

As of its latest update (December 20, 2007), the MARC Code Lists for Relators, Sources, Description Conventions lists 116 thesaurus codes for use in the 655 field, ranging from aat, the Getty Research Institute’s Art & Architecture Thesaurus, to waqaf, the Kuwaiti Awqaf Public Foundation’s Maknas Uloom Al Waqaf. Clearly, not all the thesauri have an equal potential for usefulness to readers of LH&RB.

But one thesaurus, aside from those maintained by RBMS, that LH&RB readers should be aware of is the one with the code glm: AALL’s Genre Terms for Law Materials. Compiled by William Benemann, the first edition was published in 2000 and the second in 2006. Benemann writes in the acknowledgments for the first edition that,
when he first began work on the thesaurus, it was intended as a list to be added to RBMS’s *Genre Terms* thesaurus. But since the terms in Benemann’s thesaurus were *not* added to RBMS’s, law catalogers might choose to use *Genre Terms for Law Materials* rather than the more general *Genre Terms*, although there is no prohibition against using both thesauri.

AALL’s Technical Services SIS has a Classification and Subject Cataloging Policy Advisory Working Group (CSCP), which has been updating the headings in *Genre Terms for Law Materials* in anticipation of the headings’ addition to the Library of Congress authority file. According to the CSCP’s web page (http://www.aallnet.org/sis/tssis/committees/cataloging/classification/, last updated November 15, 2007), the law genre headings will be added following headings for music, which are slated to follow the radio program headings.

While common in the cataloging of certain types of collections—rare and special collections among them—the use of 655 genre and form headings is probably not (yet?) standard practice at most law libraries. Some libraries, mine included, have a policy of not using 655 fields ever, even for rare books.

This is not to say, of course, that libraries like mine give no indication of genres and forms. They are routinely indicated in subfield v (Form subdivision) of the 650 field; Congresses, Indexes, and Early works to 1800 are among the many examples. Furthermore, many genre headings are currently masquerading as regular subject headings in LCSH and are used in 650 fields in bibliographic records. Just search your catalog for Attorneys general’s opinions or Constitutions, for example. The records you find are not likely to be for books about attorneys general’s opinions and constitutions; they are likely to be for collections of attorneys general’s opinions and constitutions. In fact, the scope note in the authority record for the subject heading Constitutions reads: “Here are entered collections of constitutions or texts of individual constitutions. Works about constitutions or constitutional law are entered under Constitutional law.” In other words, Constitutions is already exclusively a form/genre heading, except that it is authorized for use only in the 650 field.

Many of the genre terms that CSCP is working on (see the A-Z list on their wiki at http://lawgenre.pbwiki.com/Terms+A+to+Z) overlap with either existing form subdivisions, such as Indexes and Periodicals, or existing subject headings such as Constitutions and Proclamations. Some, if approved, may replace existing headings. For example, Trial proceedings is currently a see-from tracing for the form subdivision Trials, litigation, etc., and Looseleaf services is almost a see-from tracing for the subject heading Loose-leaf publications, Legal. (The actual see-from tracings are Loose-leaf services, Legal and Looseleafs, Legal.) Still other headings on the wiki are new, such as Pathfinders and Year books (English law reports).

When the Library of Congress starts adding law genre headings in 655 fields in its own records, many law libraries will no doubt follow suit. And for law libraries with significant rare or special collections, this may lead to a rethinking of the use of terms from other thesauri. Cataloging is never dull. Just when you think you’re in a comfortable groove, the rules change! Kind of like living with a preschooler.

**Notes**

1. He learned both those expressions from comic books, not from me—I swear!

2. I do not mean this as a complaint, by the way. For such an enormous subject file covering so many diverse topics, often to an incredible degree of specificity, it works remarkably well. Besides, there is a lot to be said for not having to choose among competing thesauri.

Sarah Yates, LH&RB Secretary/Treasurer and Special Collections Cataloging Column Editor, is Cataloging Librarian at the University of Minnesota Law Library.
Eminent Scholars Archive at the Squire Law Library and Faculty of Law
University of Cambridge, England

Lesley Dingle, Daniel Bates, and Matt Martin

Introduction

Law has been taught at Cambridge since the 1200s, but a formal law library has been in existence only since 1904 when the building with its stock, funded from the will of Rebecca Flower Squire, was opened by King Edward VII. This was on a site in Downing Street and it consisted of the law school on the ground floor, the main library on the first floor, and more stock and Professor Gutteridge (the academic in charge) in an upper storey. Pressure to expand saw the facility transferred to the Cockerell Building in Senate House Passage (the Old Schools site) in 1934, where its home remained for the next sixty-one years. The present Squire Law Library, which appears to sail across the Sidgwick site like some latter-day glass and concrete Titanic, was designed by Norman Foster and incorporates the Faculty administration and various teaching facilities. Currently the building houses 200,000 print volumes and shares the facilities with 25 Professors, 11 Emeritus Professors, 9 Readers, 2 Emeritus Readers, 70 faculty and college teachers, ~700 undergraduates, 129 LLM students and 70 PhD students.

Eminent Scholars

Cambridge University Law Faculty has a reputation for scholarship and teaching that few institutions can rival, and over the decades many of its luminaries have established international legal reputations, as well leading colorful and interesting lives. Sadly, with the inexorable passage of time memories fade, and eventually those of us outside this window of personal experience are left only with their written works and second-hand impressions. Unavoidably so much of this personal history has vanished with them for ever, and with it irreplaceable, esoteric aspects of the Faculty’s legacy.

We first became aware of the richness of this ephemeral resource during the years when one of us shared a room with the remarkable nonagenarian, the late Emeritus Professor Kurt Lipstein (1909-2006), who was a fund of reminiscences that extended to his pre-WWII native Germany, and whose conversations with a fellow refugee (the late Willi Steiner from Vienna) were both fascinating and informative. This determined us to capture and preserve for posterity memories and anecdotes he had accumulated over a seventy year association with the Faculty and the Squire Law Library. Uniquely, he seems to have been the only person to have worked in all three of the library’s manifestations: Downing Street, the Old Schools and West Road.

Kurt was our first subject, and the satisfaction that we derived from preserving his spoken historical material, and the apparent pleasure that he derived from his recalling of the past prompted us to embark on a long-term project to capture similar personal recollections from other living eminent scholars. With the support and facilities provided by David Wills, Squire Law Librarian, as well as Andrew Gerrard and his Computing Services team, the Eminent Scholars Archive (ESA) was created.

Eminent Scholars Archive

EX DONO REBECCA FLOWER SQUIRE
EXstructa est hæc Bibliotheca
anno Domini MDCCCIII
in usum academiae et
iuris studiorum

Inscription above the entrance to the original Squire Law Library, opened in 1904

This new resource on the Squire Law Library website (http://www.squire.law.cam.ac.uk/eminent_scholars/), as well as physical offerings in the library, bring together collections of oral, written and photographic material as a series of tributes to the academics who have graced the Faculty and enriched it in unexpected ways beyond their obvious scholastic achievements. To date
(mid 2008) the following scholars have been interviewed (date of first association with the Faculty and specialty in parenthesis): late Professor Kurt Lipstein (1934, Comparative Law, Conflict of Laws), Mr Mickey Dias (1939, Torts and Jurisprudence), Professor Sir Derek Bowett (1948 Whewell Professor of International Law), Regius Professor Peter Stein (1947, Civil and Roman Law, Legal History), while we currently are interviewing Professor Sir Bob Heppele (1963 Labour Law), and Professor Sir Eli Lauterpacht (1945 Public International Law). Professor Tony Jolowicz (1947, Comparative Law) has also agreed to take part.

One aspect that has struck us forcibly was the dominant influence of the Second World War in the early lives of the current, oldest members of our academic community. Not only did it have a profound effect on individual scholars, who were relatively young and embarking on their careers, but it also had a major influence on the workings and social fabric of the Faculty in a country literally on the front line. Revisiting through a lapse of sixty years (or more), these veterans of both the war and subsequent peace revealed a complex tapestry of events and consequences on which modern generations can only ponder, and be grateful for being spared. These captured memories are now an integral part of our institution’s heritage, permanently recorded in the voices of the participants. As time passes, the window of memories will move along and we will build up a resource which encapsulates the careers of successive illustrious scholars and includes items of both personal and legal interest.

In an expansion of the original concept, we have also included a succinct account of the background to the establishment in 1971 of the position of Arthur Goodhart Visiting Professor within the Faculty. It lists the various incumbents, and from 2008 we plan to interview briefly each new appointee, both at the beginning and end of their tenure.

**Brief methodology**

Our strategy for the creation of the ESA consists of three phases - personal interviews; public website presentation; and a permanent electronic archive.

Interviews take place over several sessions (typically each an hour long), either in the faculty or at the scholar’s home, and are undertaken using a digital recorder. This phase can be quite time consuming, and usually requires considerable background research by the interviewer.

Phase two starts with the production of typescripts from the oral records by professional typists. These usually require some editing, annotating and the insertion of explanatory footnotes. The oral record and transcripts, along with background information (summary biography, bibliography, significant cases etc) are then posted onto the website, along with annotated photographs provided by our scholars from their past (to record their childhood, early career and memorable occasions), as well as images taken contemporaneously with the interviews. Naturally, second-phase activities have received most attention, because it is here that Squire Library readers and users can come face-to-face with the Eminent Scholars (so-to-speak!).

One aspect of this phase that is worthy of special mention is that the Squire was fortunate to acquire (from his family and via Clare College) the papers of our original Eminent Scholar, Kurt Lipstein. With a generous grant from the William Senior Fund
at Clare College, these were archived and catalogued and are now available for inspection by approved researchers on the third floor of the library, and the detailed catalogue (prepared by Dr Richard Flower of Sidney Sussex College) can be referenced through the Janus Portal (http://www.squire.law.cam.ac.uk/eminent_scholars/the_janus_archive.php). If we acquire similar, physical materials in the future from other scholars, we will treat them in an appropriate fashion.

The third stage in our ESA strategy is to make arrangements for the permanent digital preservation of these aspects of the Faculty history. This has recently been realized with the placing in the University D-Space of some of the interviews (http://www.dspace.cam.ac.uk/). Ultimately the whole archive will be placed herein.

Finally, in order to make the data more accessible, and to link the transcripts of all the interviewees and the photographic material, a spreadsheet-based index that allows cross referencing of personalities mentioned by each scholar, is being constructed. This is referenced to specific questions (which are numbered consecutively for the combined interviews of each scholar). This index currently has over 250 entries, and we hope to expand it (using vacation student help) into a succinct “who’s who”.

The Eminent Scholars Archive has generated a good deal of interest within the Faculty and worldwide, and since the website went “live”, there has been a gratifyingly strong interest. From April 2007 (to April 2008) it has been the second most-visited of the Squire Law Library’s web pages (34,670 hits, or 21% of the total). With this work we feel we are creating a unique local data-repository to both present publicly and preserve permanently the Faculty’s heritage.

Lesley Dingle is Foreign & International Law Librarian, Squire Law Library; Daniel Bates is Freshfields Legal IT Teaching and Development Officer, Faculty of Law; and Matt Martin, Web Developer and Computer Officer, Faculty of Law, Cambridge University.

Yale’s Roman-Canon Law Collection Now Cataloged

Mike Widener

The Yale Law Library has finished cataloging the Roman-Canon Law Collection of the Association of the Bar of the City of New York (ABCNY). This means that all of this rich and valuable collection is accessible to researchers via the Law Library’s online catalog, MORRIS.

A round of applause is due to Susan Karpuk and the two catalogers who worked under her direction on this project, Ruth Alcubes and Maureen Hayes. Susan described this cataloging project in the last issue of the newsletter: "Processing a Large Acquisition of 16th-19th Century Roman-Canon Law Books at the Yale Law Library," LH&RB 14:1 (Winter 2008).

The Law Library is grateful for the generous support from the Oscar M. Ruebhausen Fund, Yale Law School, for funding the acquisition and cataloging. Thanks also to Richard Tuske, Director of Library Operations at the ABCNY, and to the ABCNY’s Board of Directors, for making this acquisition possible.

The ABCNY’s Roman-Canon Law Collection contains 1197 titles in 1754 physical volumes, and arrived in August 2006 on permanent loan. Its acquisition represents a quantum leap in our already strong holdings in Roman and canon law, making the Yale Law Library’s Rare Book Collection one of the premier libraries for research in European legal history.

You can browse the entire collection via a collection-level record in Yale’s online catalog, MORRIS, at <http://morris.law.yale.edu/record=b638746-s3a>. For additional details, see the posting in the Yale Law Library - Rare Books Blog, <http://blogs.law.yale.edu/blogs/rarebooks/>.

Mike Widener is Rare Book Librarian at Lillian Goldman Law Library, Yale Law School.
Role of Print Repositories in an Electronic Age

Carmen Brigandi

This program, sponsored by TS-SIS, will take place at AALL’s Annual Meeting on Sunday, July 13, 2008 from 3:00 to 4:00 p.m. It will address the role of print repositories in an electronic age, as well as offer insights, concepts, and logistics of the program. Kent McKeever and Jerry Dupont are both members of the Legal Information Preservation Alliance’s (LiPA) Print Retention Program.

This program concept is to physically preserve five to six copies of selected core U.S. legal materials. Online resources have practically eliminated the need for print versions of legal materials, however often the print is the only “official” version when an electronic version is questionable.

Participation is open to anyone who has the selected materials and can offer access that is secure and climate controlled. This sharing of archival repositories would result in the preservation of print legal materials; possibly sharing access to jointly held materials; as well as providing the housing and proper treatment for last, best copies.

The Print Retention Program has been developing this concept, taking into account input from the community in general. This program explores crucial issues such as: Must the print repositories be for preservation but non-retrieval, or is retrieval from extremely low-use open storage acceptable? What are the tradeoffs between regional shared facilities vs. making separate arrangements for off-site storage? How can information about the status of specific titles be shared? What considerations for administration and coordination need to be taken into account?

LiPA has established a preliminary informal agreement with the Law Library Microform Consortium (LLMC) to set up a control website. The initial record from Columbia & Harvard can be seen at www.llmc.com/lipa/home.htm.

This program will inform participants of the materials covered, the technical steps, and the legal steps that have been initiated, and will explore the future steps needed. Please join us as we share our visions, and the future of print legal materials.

Carmen Brigandi is Assistant Director for Technical & Administrative Services at California Western School of Law.

Rare Book Cataloging Roundtable

Sarah Yates

The Technical Services SIS is hosting a Rare Book Cataloging Roundtable on Saturday, July 14, 2007, from 5:30 to 6:30 p.m. Check the AALL Annual Meeting Final Program for room assignment.

The Rare Book Cataloging Roundtable serves as a forum for the discussion of issues associated with the cataloging of rare materials and special collections, including national cataloging standards and their application to legal materials, as well as specific concerns of members relating to the cataloging of their institutions’ rare and special collections.

Whether you are a longtime rare book cataloger or someone with no experience in the area but a desire to learn about something new, please join us for an hour of lively conversation. You need not be a member of TS-SIS to attend.

For further information, or to suggest topics you would like to discuss at the roundtable, contact Sarah Yates: yates006@umn.edu or 612-625-1898.

Reviewers Needed

We are in need of individuals to review the programs and workshop listed in Karen’s column for LH&R. PLEASE contact Jennie Meade or Kurt Metzmeier if you are interested.
Come One, Come All – LHRB SIS Reception at the Lucky Labrador Brew Pub!

Laura Ray

Have any plans after the early evening LHRB SIS Business Meeting, Sunday, July 13, 2008 in Portland? Well, we’ve got just what you were looking for – the LHRB SIS Reception at the Lucky Labrador Brew Pub! [http://www.luckylab.com/html/story.html] The Lucky Labrador is at 915 SE Hawthorne Blvd, a touch over a mile south of the Convention Center, easy to get to via a cab or the TriMet #6 bus that goes south on Martin Luther King Jr. Blvd. [Connect to http://www.trimet.org/ to plan your bus ride.]

Our Reception will run 7pm-9pm. Network with colleagues, continue your discussions from our Business Meeting, and reflect upon our B-6 program Beer and the Law from earlier in the day. We’ll be sampling three of the Lucky Lab’s finest. Snacks and two drink tickets will be provided. There’s no fee to attend the Reception, but we do need your RSVP. If you didn’t indicate your attendance when registering for the AALL Annual Meeting, you can still RSVP by Thursday, July 3, 2008 with me, Laura Ray, at 216-687-6880 or laura.ray@law.csuohio.edu.

See you very soon!

Laura Ray is Educational Programming Librarian at Cleveland State University.

Help LHRB SIS Innovate At AALL In 2009

Laura E. Ray

The 2009 Meeting theme is Innovate, reflecting law librarianship’s constant need to creatively change to solve problems and take advantage of opportunities. There are several things you can do to prepare for the program proposal submission process.

First, consider participating in the June 17, 2008 AALL Perfect Program Proposals: A Webinar for Annual Meeting Program Planning. This one-hour Webinar will take place at 1pm EDT, 12noon CDT, and 10am PDT. Hosted by the Annual Meeting Program Committee (AMPC), and conducted by current and past AMPC Chairs, this Webinar will review the submission process as well as methods for creating excellent and successful program proposals. You need to register to take this Webinar. Information and Registration is available at: https://aall.webex.com/mw03051/mywebex/default.do?nomenum=true&siteurl=aall&service=6&main_url=https%3A%2F%2Faall.webex.com%2Fpocc0600l%2FEventcenter%2FEvent%2FEventAction.do%3FtheAction%3DDetail%26conViewID%3D277952135%26siteurl%3Daall%26%26%26.

Second, review the Program Planner’s Handbook. This is available from the AALL Web site at: http://www.aallnet.org/events/ProgramPlannersHandbook.pdf. The Handbook particularly discusses program design issues – such as writing learning outcomes – and details how to complete the online program proposal form. The 2009 AALL Annual Meeting Program & Workshop Proposals Web site is at http://proposals.aallnet.org/. This easy online system allows one to draft a proposal, as well as share the proposal with reviewers and colleagues, before final submission.

Third, attend the LHRB SIS Business Meeting 5:30pm-6:30pm, Sunday, July 13, 2008 in Portland. [Check your AALL Meeting Program for room location.] In addition to discussing SIS organizational issues, we’ll be fleshing out topic and speaker suggestions for our 2009 programs. This is where you will have the best opportunity to discuss your suggestions and get connected to our program proposal review process. Our SIS has a proud history of providing excellent
programing at the AALL Annual Meeting. Take another look at all of our 2008 programs – four selected by the AMPC and another two we’re sponsoring. [For details, see http://www.aallnet.org/sig/lhrp/programs.html] Our programs are consistently selected for their quality. We achieve this excellence through constructive review of program proposals, as well as mentorship of new or young program presenters. Please join our educational efforts!

Book Reviews
Edited by Joel Fishman


In this small, meticulously researched book, Alison Sneider, Associate Professor of History at Rice University, explores the woman suffrage movement and U.S. imperial history from the post bellum Reconstruction era of the 1870s through the first three decades of the 20th Century. From Sneider’s perspective the story of women’s struggle to obtain the vote is inextricably linked to U.S. expansion within its borders and imperial expansion abroad. This story not only encompasses the national discussion of states’ rights, the meaning of citizenship, but the perceived gender and racial hierarchies of the period.

The introductory chapter explains how for six decades the U.S. suffragists seized every legal and constitutional opportunity presented by U.S. expansion to keep alive the national discussion of the women’s right to vote. Sneider posits “that if the United States had not been such an expansive nation after the Civil War suffragists would have had a much harder time raising their question at the national level”. (p. 6) Each successive chapter takes a snapshot look at expansionist events in a chronological time frame.

Chapter 2 focuses on the period between 1870 and 1875 with Congressional efforts to reorganize the government of the District of Columbia from a municipality to a federal territory. During this period President Grant tried to push through the U.S. Senate a treaty annexing the Dominican Republic more popularly known as Santo Domingo. Sneider adroitly weaves together these seemingly unrelated events to reveal how the annexation of Santo Domingo and the woman question would intersect. “[T]he first outlines of a relationship between questions of citizenship and political rights for U.S. women, and questions of citizenship and political rights for other potential new citizens on the borders of an expanding state” become apparent. (p. 20)

Chapter 3 covers the period between 1878 and 1887 with continental expansion, territorial statehood, and the question of woman suffrage raised by efforts to resolve the political status of Indians and Mormons. Sneider discusses the suffragists’ attitudes towards the prospect of “uncivilized” Indians and polygamists in Utah gaining the vote before women. Center stage in this chapter is the defeat of the sixteenth woman suffrage constitutional amendment in 1887. Sneider examines the suffragists’ various and sometimes conflicting arguments for its passage, the tension between states’ rights and national authority over this question, and the national political climate which led to its defeat.

Chapter 4 discusses the period between 1898 and 1902 with the annexation of Hawaii, the Spanish-American and Philippine-American wars and the suffragists’ diverse views of U.S. imperial expansion. Suffragists during this period were concerned with how U.S. control over new island territories might provide opportunities to set national precedents for women’s voting rights. Discussed in this chapter is the “Hawaiian Appeal” presented to Congress in January 1889 in which
suffragists demanded that all women in Hawaii territory be enfranchised and the duty which suffragists owed to women in the new Island governments. Pro-war and anti-war sentiments, as well as generational, ideological, and racial divisions among suffragists are also explored.

Chapter 5 covers the period between 1914 and 1929 by recounting the woman suffrage victories at home and abroad during the early decades of the Twentieth Century. Sneider explains the transformation of the suffrage movement as it became more confrontational and militant as, for example, when in 1913 suffragists in the newly formed Women’s Party organized a parade of more than 5,000 women who marched in the streets of D.C. aided by local police and the Pennsylvania National Guard. Following the passage of the 19th Amendment to the Constitution in granting women in the U.S. the right to vote, the suffrage movement did not come to an end. Thus suffragists in the U.S. continued the fight for women in the Philippines and Puerto Rico by attaching amendments to the new governing bills for these U.S. island possessions.

This book is an engaging and scholarly history of the woman suffrage movement and will likely become a classic study for those interested in women’s studies and U.S. imperial history. It includes 36 pages of notes, an excellent bibliography and index.

—Barbara Baxter
Director, Ehrhorn Law Library
Liberty University School of Law


*American Sovereigns* explores the development of constitutional theory in the United States from the time of the nation’s independence until the Civil War. Christian Fritz dispels the myth that constitutional theory has survived unchanged from the day it was first implemented. Instead, he shows in stunning detail how the people’s understanding of constitutionalism began before the 1787 convention and continued to evolve through numerous events over the course of the next half century. The founding principle of the constitution is the belief that the power of the government was endowed to the people, also known as the “collective sovereign”. Few at the time of our nation’s independence in 1776 would argue with this, but there were differences of opinions as to what scale the government operates by the permissive will of the people. There were those, including Thomas Jefferson, who believed solidly in a government that operates at the discretion of its citizens but others, including George Washington and Alexander Hamilton, who distrusted the common people with this kind of power. Washington and Hamilton believed that there should be some filter to the rule of the collective sovereign to avoid anarchy and allow the government to function effectively.

Fritz points out that there were numerous state constitutions that were drafted around 1776 to coincide with our nation’s independence from British control. This is important because it shows that the debate that took place during the U.S. Constitutional Convention and the resulting document were based on numerous ideas that had already been debated extensively, and as such the framers were well versed in these principles. The people in the new republic were able to construct their own constitutions through conventions as state democracies would replace the old colonial regimes. Experiments with new states in framing their constitutions would set forth the proposals that would later become a part of the U.S. constitutional convention. The levels of participation of the people as well as their ability to alter their government or constitution were consistently among the most important issues debated. While everyone agreed that these state governments operated at the will of the collective sovereign not everyone agreed as to the method or what checks and balances if any should be placed.

The power of the sovereign would remain a
disputed issue throughout much of the early nineteenth century as several states were redrafting their constitutions. Much of the debate centered on the procedures to change the constitution whether by conventions, amendments, or by methods outside of any procedure. Most believed that the government existed at the will of the people and if the government was acting outside of the boundaries set by the constitution, then actions could be taken to alter or abolish the constitution regardless of the requirements, if any, established by the current document.

Christian Fritz covers several historical events that tested and tempered the nation's attitude toward allowing the removal of their current governments either at the state or national level. These episodes reflected interposition where certain parties can intervene when the government abuses its power. Earlier tests included the Whiskey Rebellion and more notably the response to the Alien and Sedition acts by the Virginia and Kentucky state legislatures that objected to these laws and issued resolutions declaring the acts unconstitutional.

The next major test would arrive when during the war of 1812 President James Madison decided to nationalize the state militias. Many of the federalist dominated New England states were enraged, and the Hartford Convention was convened to challenge the federal government's actions. At this convention delegates from several New England states issued resolutions that would at least provide them with reimbursement for the use of the state militias by the federal government as well as a number of constitutional amendments to improve the region's influence in national affairs. The true test of the sovereign's right to alter the constitution would come to a head along with the security of the union when South Carolina considered using nullification to declare unconstitutional tariffs that were believed to be designed to transfer wealth to the northern states at the expense of the southern states.

Thomas Wilson Dorr would push the power of the collective sovereign to its limits when he attempted to change the government in Rhode Island by establishing the "People's Convention" to draft resolutions to replace Rhode Island's colonial charter constitution that would eventually expand the suffrage to all white males. The resolutions that were passed were approved by a majority of the citizens in the state but his efforts to actually replace the current government failed. The vote was not approved by the state legislature or any procedure in the Rhode Island Charter. Eventually a convention would be called by the state legislature that would result in a new constitution for Rhode Island but the argument of the people's ability to change the government at any time with or without specified procedures or actions by the state legislature would be debated for many years afterward. Despite eventually being tried and imprisoned for treason Dorr would eventually be released and exonerated. However, this did little to settle the debate.

Over the course of early American history prior to the Civil War the prevailing belief was that the government derived its authority by the permissible will of the people. Most agreed that there were situations that justified the revolution and overthrow of the government, but many differed on the requirements and whether changes should be sought through procedures provided by a constitution or simply by a movement. The major rebellions especially the South Carolina nullification and Dorr's revolution in Rhode Island would result in a gradual shift from the idea that the sovereign has the absolute ability to use interposition to change the government.

James Madison, who would be a major player in many of these events including the South Carolina nullification, would find himself clarifying positions in his *Report of 1800* where he supported the power to nullify a law deemed unconstitutional. There were two main views with regard to those who had the power to change a tyrannical government through interposition: First, the collective sovereign operating nationally as a people; Second, the sovereign states themselves individually without regard to the people. Madison did not agree with either of these perspectives but instead believed that only
the collective sovereign through an individual state acting in concert with people in other states could justify the interposition imposed by the South Carolina nullification.

“He considered the people of the states the ultimate judge of the constitutionality of acts of the government. This involved the ultimate constitutional authority to render national laws void or give constitutional text final meaning. It required the participation of a majority of the collective sovereign.” (p. 233)

As the new nation moved toward the period of the mid-nineteenth century the belief that the government operated by permission of the people would take a back seat to the preservation of the union. Each rebellion that would test the limits of the permissible will of the “collective sovereign” would also be viewed as an endangerment to the nation itself. Hence Americans became dedicated to preserving the union and the concept of correcting the government’s action through interposition faded away.

I was very pleased with American Sovereigns and would recommend it not only to those who have an interest in constitutional law or theory but for those who generally love American history. Fritz gives the reader a new perspective of how the early founders viewed government power and the people’s right to remove that power. The author is very knowledgeable of the events that took place during the period covered in his book and effectively uses them to make his points. I was impressed with how much detail the author provides, especially with respect to statements from notable figures ranging from the famous, including James Madison, to relative unknowns such as a specific convention delegate or state senator. Fritz also gives plenty of background information on key events and analyzes how they impacted constitution theory. This level of detail shows the depth of research used to compile this book and effectively demonstrates how the constitution was tried and tested, as well as the general public’s understanding of how constitutional theory worked. A substantial amount of notes organized by chapter along with credits and an index are included.

—Christopher C. Dykes
Reference/Research Librarian
University of Houston
O’Quinn Law Library


This book from Professor Kuehn is an academic look at some of the techniques used by potential heirs in Renaissance Florence to avoid coming into possession of an inheritance that could be more trouble than it was worth. In that era, a Florentine’s reputation and success could be bound to their family’s fortunes, for better or for worse. At times, a potential heir might discover that their new inheritance would come saddled with more debts than assets, effectively leaving them with nothing but bills by which to remember the dearly departed. Though he describes several legal approaches, Kuehn’s main focus is on the practice of repudiation, by which an heir could reject their inheritance in full, passing the assets and liabilities from the estate to the next person in line.

Kuehn devotes the early part of his book to a description of the Florentine law on inheritance and its history. Chapter 1 is a brief history of the earlier versions of inheritance and repudiation law, from the ancient Roman era to medieval Italy. Chapter 2 details the law of inheritance and repudiation as crafted by the Florentine government and as evolved from its predecessors. Chapter 3 describes many of the techniques Florentines used to manipulate the law to their best advantage. The second half of the work provides statistics on the use of repudiation and then gives numerous examples of heirs’ use of repudiation or other tactics to avoid inheriting debts. Much of the information in this part of the book comes from Kuehn’s exhaustive look at Florence’s registry of repudiations, covering 11,317 repudiations from 1365 to 1534. Chapter 4 is a detailed
statistical analysis of the repudiations, breaking them down by (among other things) decade, gender of and relationship between the repudiating heir and the deceased, and the location of the repudiation. In the final three chapters of the book, Kuehn concentrates more on providing examples from the registry to illustrate the law of repudiation in practice, although he provides additional statistical analysis in Chapter 6.

This book contains several sections that may be useful to someone with a general interest in legal or Italian history. The first chapter offers a good introduction to inheritance law under the ancient Roman regime, and the book also provides the reader with a useful snapshot of the relationship between debtors and creditors in Renaissance Florence, as well as the importance of family ties in that era. Chapter 7 also contains an interesting description of how consilia pro parte, briefs designed by legal experts to advocate one side's position in a case, often became well-regarded secondary authority.

It seems a safe bet, though, that Prof. Kuehn created this book with specialists in mind. Kuehn seems to assume that the reader is familiar with the vocabulary and concepts of civil law, ancient Roman law, and Renaissance-era Italian law and society. Though Kuehn defines many terms that may not be familiar to non-specialists, sometimes it is only after using the term several times. Most of the terms that Kuehn did not define were in Black's, but I eventually had to look up an article on Renaissance Italy to find out what a repetitio (an oral qualifying exam) was in the context of the book. Some of these terms may not have been vital to understanding Kuehn's main point, but this reviewer still found it distracting.

Despite that, this book provides a fascinating look at the ways Renaissance Florentines manipulated the tools at their disposal under inheritance law - not just repudiation, but trusts and dowries as well - to try to gain as much of the familial estate as possible while shedding themselves of the estate's debt burdens. People studying Renaissance-era Florence or the history of inheritance will find a treasure trove of resources here; Kuehn has written brief summaries of a number of repudiations selected from the Florentine registry, which one assumes would be just about the only way to get such information in English. An Appendix also reproduces (in their original language) the text of several repudiations, acceptances, and other documents related to inheritances that were filed with Florentine courts and registries. Finally, the statistical analysis of repudiations provides an interesting take on life in that era.

In sum, Heirs, Kin, and Creditors in Renaissance Florence would be a valuable resource for libraries at institutions with a substantial interest in the Renaissance era or the evolution of the law of inheritance. Otherwise, most librarians can consider this an interesting but optional purchase.

—Fred Dingley
Reference Librarian
College of William & Mary Law Library


Professor Kesselring provides a useful study of mercy and authority in the Tudor state. The sixteenth century saw the centralization of royal authority in which justice and mercy were an important part of the sovereign's powers. The sixteenth-century monarchy grew in power as the kings and queens consolidated their power, expanded control over the country with new legislation, its takeover of the state church from Rome, and expanded its authority throughout the island. The dual grant of mercy by the sovereign reflected his/her royal authority, while the penitent had to display a certain presentation in accepting that pardon which reduced or eliminated his punishment.
Chapter 1 provides the historical background to her work and includes the distinctions between approaches to criminal law and punishment that differed between the sixteenth and eighteenth centuries, since the earlier century was more agrarian, the government was still part of the king’s overview compared to parliamentary sovereignty of the eighteenth century, and social conditions favored the social elite (pp.

Kesseling discusses the changing approaches to punishment and mitigation (ch. 2) as the monarchy expanded its control over society through legislation. Parliament expanded both crimes and punishments. Additional felonies, trespasses, and misdemeanors were created as well as the use of royal proclamations to expand the use of fines. Corporeal punishment also increased during the century. Imprisonment was exceeding detrimental to people because of poor conditions within the jails or prisons. New types of punishment like transportation began during this period. Mitigation of services also evolved during this period with a reduction in the use of sanctuary and benefit of the clergy, though maintained throughout the century.

Chapter 3 deals with the history of general pardons—pards issued by the Tudor monarchs to demonstrate their mercy more often than their predecessors. The pardons hoped to provide for future obedience for those accepting them. Beginning with Henry VII’s issuance of a pardon upon his victory at Bosworth in 1485 until the end of Elizabeth’s reign, pardons played an important role in establishing royal power. Elizabeth offered pardons in return for parliamentary subsidies, while in other situations but made some exceptions for ecclesiastical court matters and to provide for the expelling of Jesuit priests. The rise in general pardons also offered a balance against an increasing number of punitive statutes. The pardons reduced punishments for many who committed lesser crimes, though over the decades pardons narrowed in scope and excluded more offenses.

Special pardons for individuals, numbering over 14,000 (10% of which were women) during the Tudor era, were a prerogative of the king, that covered all levels of society. Pleas went to the monarch, but beginning with Queen Mary, assize judges petitioned the queen for mercy for individuals. This meant that the judges played an important role in limiting executions as well as providing clemency upon those who they felt did not deserve their punishments. At the same time, the later Tudors began to issue conditional pardons in return for military enlistment, galley service, and exile (for Jesuit priests beginning in 1584)

Chapter 4 deals with patronage and petitions looking at the individual petitions to the monarchs and their issuance of pardons. Kesseling looks at the official correspondence of pardons, petitions for clemency, and text of pardons themselves to see how the process developed. Pardons reflected the social norms of “due pity, justice, and culpability.”(p.91) The author discusses pardons for criminal offenses, for accidental homicide, self defense (over 750), mentally ill and underage, and other types of requests for pardons. Individual petitions show reasons for mercy—lack of malice, youthful indiscretions, familial responsibilities, previous good conduct, offers of service—along with expressions of penitence and humble sorrows fill the petitions.(p.112) Few petitions offered a narrative story similar to French petitions, but concentrated on expressions of remorse. (p.116). Pardons were accomplished through personal relationships and patronage rather than through the bureaucracy of later centuries. The pardons displayed the subservience of the petitioners and emphasized their inequality to the monarch.

Chapter 5 deals with the public display of granting the pardons. Petitioners had to make an appearance at court, show their deference to the monarch before they received their reward. Pardons were also given at times of execution made scenes of punishments replaced by scenes of mercy. Kesseling portrays how pardons followed plays and other literary productions to “demonstrate negotiation of power in hierarchical relationships.” (p.162)
Chapter 6 discusses the granting of pardons following protests, especially the events and aftermath of the Pilgrimage of Grace in 1536-37. Henry VIII offered a general pardon by December 1536, but further revolts in mid-1537 led to executions that Henry claimed were for the events after the general pardon. Later, Queen Elizabeth offered no mercy in the 1569 Northern Rebellion that was offered by Roman Catholic supporters and was seen as a political challenge to the sitting monarchy. The author also discusses the monarch’s role in putting down rebellions in Scotland, Wales, and Ireland.

Chapter 7 summarizes the earlier chapters, noticeably that one has to look at the contemporary state, its government, social conditions, etc. and not to place eighteenth century views upon the earlier century. She does not follow the themes of current historians about consent of the subjects in projecting her story, but recognizes “the coercive and symbolic aspects of the law’s powers.” [p206].

Two appendices discuss first the sources of chancery papers dealing with pardons and the benefit of the belly (delaying punishment of women who were pregnant). A fine bibliography and index round off the book.

Professor Kesselring’s work will become a standard work on this aspect of royal authority in the Tudor era. It provides an important corrective to works on the same subject dealing with in later centuries

—Joel Fishman, Ph.D.
Asst. Director for Lawyer Services
Duquesne U. Center for Legal Information/Allegheny County Law Library


“It is easy for people to forget the contributions that people make, particularly after the passage of time.” Wiley Austin Branton wrote that in response to the death notice of a former mayor of Pine Bluff, Arkansas. It can also be said of Wiley Austin Branton.

Wiley Branton is one of the Six Pioneers at the University of Arkansas School of Law, an esteemed group of courageous men who integrated the law school. Wiley Branton accompanied Silas Hunt to Fayetteville when Hunt registered and became the first African American student admitted to the School of Law in 1947. The pioneers went on to distinguished legal careers but Branton dedicated his life to improving civil rights and opportunities for African Americans as well as all Americans. He lived his life in the midst of the struggle for civil rights and was a nationally recognized leader but was a modest and quiet man. As described by Arkansas Senator David Pryor as “…quiet and unassuming…it is his humility and desire to always put the goals of the civil rights movement before self which probably accounts for the fact that [he] was not more famous than he was.” Wiley Austin Branton was well known during the tumultuous times of the civil rights movement. Drawing on Branton’s papers, extensive research, as well as interviews with family and friends, Kilpatrick’s work brings Branton and his times to life. This is not an account of his personal life, rather it describes a man who “…devoted his entire life to fighting for his own people.”

Kilpatrick’s There When We Needed Him is the slim but very focused account of Branton’s life as a civil rights activist. Warrior is an appropriate term to use. Branton’s fight began with his being one of the first black students at the University of Arkansas School of Law and took him to the highest levels of business and government. From his private law practice in Pine, Bluff, Arkansas, Branton, along with Thurgood Marshall, became counsel for the Little Rock Nine in the 1957 efforts to integrate Central High School. When he was leader of the Voter Education Project, more than 600,000 black voters were registered from 1962 to 1965. Branton served as executive secretary of
President Johnson’s Council on Equal Opportunity and then as a special Assistant to Attorneys General Katzenbach and Clark. Branton provided leadership to the United Planning Organization, the Alliance for Labor Action and the NAACP. Branton also served as dean of Howard University Law School. Between the foregoing positions, he also practised law with Sidley and Austin in D.C.

There When We Needed Him was a pleasure to read. I learned about a remarkable individual whose work still continues. I think this work is essential to any library that has a civil rights focus, American history or biography. With the passage of time and the publication of this book, Wiley Austin Branton and his contributions to civil rights in America will no longer be overlooked.

—Lorraine K. Lorne
Assistant Director
University of Arkansas
School of Law Library


This book, written by Gerard N. Magliocca, an associate professor of law at Indiana University-Indianapolis, is an accessible and interesting read. Covering United States Constitutional history from 1829 to 1837, Magliocca explores the generational struggle for power and how that struggle affected contemporary interpretations of the Constitution.

This book is organized into nine numbered chapters, with an unnumbered introduction and conclusion, an index, bibliography and case list. Endnotes follow the conclusion. There are black and white illustrations throughout, all of them reproductions of contemporary portraits of the major political actors of the time.

Magliocca’s central thesis is set out clearly in the introduction, which is aptly entitled “On the Constitutional Rhythm.” Magliocca’s theory is that Constitutional interpretations undergo revision as generations of traditionalists and reformers cycle through time: “To see the dynamic cycle of constitutional reform at work, this book looks at one turn of the wheel during the Jacksonian era.”

The book covers a surprising number of important historical movements and events: the rise of Jacksonian Democracy, the Indian Removal Act, Jackson’s veto of the Bank of the United States, the Deposit Crisis, the rise of abolitionism, the advent of the Republican Party, and the Fourteenth Amendment. Magliocca reveals how much of these events were driven by generational pressures and the political realities of an ongoing battle between the establishment and reformers.

While the subject matter is normally considered out of reach of the layperson, Parker’s text is easy to understand and free of legalisms. This book presents constitutional history as an integral part of American history. My only complaint is that the book covers only the Jacksonian period and does not go on to explain all of our Constitutional history. Presumably, Magliocca will someday add to this book’s coverage and treat us to more of this kind of political history.

This book has a place in every academic library, but would find the best fit in academic law libraries. This book is readable and understandable even for the layperson without a law or history background.

—Stephanie Towery
Librarian
Haynes and Boone, LLP
Austin TX
The range and depth of the legal history articles published so far in 2008 has been immense. Since our last newsletter, there have been a number of highly interesting articles on a wide variety of topics, ranging from the treasure trove of 19th century legal material belonging to a famous New Hampshire Supreme Court Justice to reexaminations of the Dred Scott decision and an examination into how legal history might shed some light on the modern day same-sex marriage controversy.

Perhaps the most entertaining article of the last few months appeared in the Winter, 2008 volume of the New Hampshire Bar Association New Hampshire Law Journal. In “Not Your Average Doe: Notes on the Recently Discovered Library of Chief Justice Charles Doe,” (48 N.H.B.J. 11), Jay Surdowski relates the quirks and eccentricities of 19th century jurist Charles Doe, and chronicles the literary and legal treasures that were found in his library, which had been sitting in a garage only last year. The portrait he paints is both colorful and telling, illuminating both the man and his time. Surdowski can only really touch on the diversity and depth of the library itself in the space allowed, but he manages to convey both the depth and range of Doe’s library holdings while contextualizing them within both New Hampshire history and the history of the law.

Going even further back in time, Andy G. Ollree’s insightful article, “James Madison and Legislative Chaplains,” (102 Nw. U.L. Rev. 145), examines the relationship of the Establishment Clause to the existence and functions of a long-standing tradition in American legislative practice, the legislative chaplain. Ollree poses the question, “How separate can church and state be when the state has a chaplain?” He proceeds to approach the question from angles of both constitutional interpretation and historical development, giving the reader insight both into the Constitution and into the workings of the legislatures of the past.


Some interesting titles are on the horizon in the field of legal history books. Nancy Maveety’s Queen’s Court: Judicial Power in the Rehnquist Era (University of Kansas Press) is due to hit shelves on September 8, 2008, soon after Lawrence Goldstone’s The Activist: John Marshall, Marbury v. Madison, and the Myth of Judicial Review (Walker & Co.), which will be released September 2, 2008.

Of course, as the summer is upon us, it’s time to raise our heads from our books and go to the AALL Annual Meeting in Portland, where there will be no shortage of Legal History related programs! Be sure to check http://www.aallnet.org/sis/libr/programs.html for more information about dates and times. I look forward to seeing you all there!
Richard Tuske, Director of Library Operations at the New York City Bar Library, announces an exhibit to coincide with this presidential election year. The new exhibit, Hail to the Chiefs, features important books that document the defining influence of the early presidents on the Constitution and the Republic. The exhibit will also focus on presidential elections, presidential history and selected controversies in which Bar Association members played a role.


The exhibit also includes: Thomas Nast's Cartoon illustrating Election Day, 1864, which first appeared in Harper's Weekly on November 2, 1864, and satirized the 1864 Presidential election between Democrat George McClellan, former commander of the Union Army of the Potomac, and President Abraham Lincoln as a fight between a nation at peace and a return to southern rebellion; a guide to the presidential election process edited by Thomas Hudson McKee and published by the Statistical Publishing Company in 1892, The national platforms of all political parties, with the names of all candidates at each presidential election from 1789-1892, showing the votes for each candidate; and a report by the Association of the Bar of the City of New York's Committee on Federal Legislation, The Law of Presidential Impeachment, in response to the possible impeachment of President Richard M. Nixon. The report concluded that grounds for impeachment were not limited to or synonymous with crimes, but rather included any action that would undermine the integrity of government.

The New York City Bar (Association of the Bar of the City of New York), founded in 1870, is located at 42 West 44th Street.

Maryland State Law Library Donation
by Steve Anderson, Director of the Maryland State Law Library

In February, the Maryland State Law Library received a donation of The Constitutions of the Several Independent States of America from 1781. The book was the first compilation of state constitutions, and only 200 copies were printed.

Boston College Law Library Receives Gift from Library of Frank Williams Oliver
by Karen Beck, Curator of Rare Books, Boston College Library

The Boston College Law Library recently received a gift of about 430 old and rare books in the areas of law, history, legal history, and legal bibliography. Highlights include a six-volume large folio set of Hargrave's State Trials (1776), an early Webster's Dictionary from 1828, several editions of Coke's Institutes, and many
English and American legal treatises. The books came from the library of Frank Williams Oliver, a Chicago lawyer who retired to Miami and passed away recently. Highlights of the gift will be on exhibit in Fall 2008.

Recent Acquisitions for the Yale Law Library’s Rare Book Collection

by Mike Widener, Rare Book Librarian, Lillian Goldman Law Library

Spring 2008 has been a busy season for acquisitions in the Yale Law Library’s Rare Book Collection. A total of 91 titles were added through gifts or purchase.

The American trials collection grew by thirty titles in Spring 2008. These included The Fall River Tragedy: A History Of The Borden Murders (1893); a bizarre recreation of the Lindbergh kidnapping (Criminal File Exposed!, 1933); the Amistad trial (New England Anti-Slavery Almanac, 1841); the adultery trial of the Rev. Joy Fairchild (Boston, 1845); censorship of abolition literature (Remarks on the Decision of the Appeal Court of South Carolina, in the Case of Wells, 1835), sidewalk preaching in New York City (Account of the trial of John Edwards, 1822); Rev. Henry Ward Beecher’s adultery trial (True History of the Brooklyn Scandal, 1878), and murder trials aplenty (The Most Foul and Unparalleled Murder in the Annals of Crime: Life and Confession of Reuben A. Dunbar, 1851; The Short Life and Ignominious Death of Stephen Merrill Clark, 1821; Trial of Henry G. Green, for the Murder of His Wife, 1845; Trial of Rev. Mr. Avery, 1833; Report of the Trial of William Henry Theodore Durrant, 1899).

Seven titles were added to the William Blackstone Collection. The most notable is an apparently unrecorded variant of Eller 180, Commentaire sur le code criminel d’Angleterre (2 vols., 1776), still in its original paper wrappers. Two somewhat ephemeral items testify to Blackstone’s role in debates through the years. Our Legal Heritage (Montgomery, Ala.: Administrative Office of Courts, 2001) contains a lengthy excerpt from Blackstone with commentary by Judge Roy Moore, the Chief Justice of Alabama who lost his judgeship for refusing to remove the Ten Commandments from his courtroom. An 8-page pamphlet by the English mystic John Ward is titled This penny book proves clearly that the bishops and clergy are religious impostors, who falsely pretend to an extraordinary commission from Heaven, and terrify and abuse the People with false denunciations of judgment, and as such by the present laws of England, according to Blackstone’s Commentaries, vol. IV, p. 62, are liable to fine imprisonment, and infamous corporal punishment. This pamphlet also contains a true song, of 18 verses, against priestcraft and oppression to be sung to the tune of the Vicar and Moses (Birmingham, 1832).

Another 18 volumes of Italian statutes and related treatises were acquired, including statutes of Vicenza (1675), Trento (1640), and Milan (1800), as well as ordinances for the notaries’ guild of Cremona (1597), the Bergamo marketplace (1701), the legal profession in Bergamo (1795), and the pawnbrokers of Vicenza (1576). The 1718 edition of the agricultural statutes of Rome, Gli statuti dell’agricoltura, includes illustrations of the life cycle of locusts.

Joost de Damhoudere's *Practycke in criminele saecken* (1642) has dozens of woodcuts depicting crimes and criminal procedure.

In addition to the gifts from Farley P. Katz, the Rare Book Collection received three other outstanding donations. Thomas Mortimer's *Every Man His Own Broker* (London, 6th ed. 1765), which includes a summary of the laws governing stockbroking, was considered the essential guide to the London stock market for decades. Our copy was donated to honor the 80th birthday of Professor Henry G. Mann, Yale Law School alumnus (LL.M. '53, S.J.D. '66), dean emeritus of George Mason University School of Law and a founder of the Law & Economics Movement. The donor was Professor Mann's sister-in-law, Mrs. Beverly M. Marine of Houston. Mr. Harold I. Boucher of San Francisco donated two fine English titles, *Essex's Innocency and Honour Vindicated, or, Murther, Subornation, Perjury, and Oppression Justly Charg'd on the Rurtherers of that Noble Lord and True Patriot, Arthur (late) Earl of Essex* (1690), with a frontispiece mapping the murder scene in the Tower of London, and John Bys dall's *Jura Coronae: His Majesties Royal Rights and Prerogatives Asserted Against Papal Usurpations, and All Other Anti-monarchical Attempts and Practices* (1680).

George Washington University Acquires Rare Item

by Jennie C. Meade, Director of Special Collections, Jacob Burns Law Library

GW's Jacob Burns Law Library (Washington, DC) recently has acquired a scarce incunabulum, *Decisiones Rotaee Romanae* (Venice, 19 July 1496), a representative of the compilations of papal judicial decisions which began to appear in the fourteenth century and by the fifteenth century were printed each year. These collections reported the decisions of the papal Court of Audience, known as the Rota, and were important as a source of canonical authority. Medieval lawyers and scholars alike regarded these compilations as essential, especially examples such as this copy, where each decision is numbered and indexed to ease the process of research and consultation. The collected decisions of the Rota were reprinted infrequently, unlike their statutory counterparts; this compilation has been attributed to Wilhelm Horborch. The Library's copy is considered a fine example of fifteenth-century Venetian typography, and has extensive manuscript initials and rubrication.

LH&RB MEMBER NEWS

C. Frederick LeBaron

Jennie C. Meade, Director of Special Collections at the Jacob Burns Law Library of The George Washington University sends word that *A Legal Miscellanea*, the newsletter of the Friends of the Jacob Burns Law Library, is the recipient of the 2008 AALL-West/Thomson Excellence in Marketing Award in the Best Newsletter category, to be presented on July 14th at the AALL Annual Meeting in Portland, Oregon.

Fred Shapiro, Associate Librarian for Collections and Access and Lecturer in Legal Research at Yale Law School, has won the following awards for his book, *The Yale Book of Quotations* (Yale University Press):

Named a Best Book of 2006 by amazon.com
Finalist in the category of Nonfiction for the 2007 Connecticut Book Award, given by the Connecticut Center for the Book
Received Honorable Mention from the Professional and Scholarly Publishing Division of the Association of American Publishers (PSP/AAP) in the category of single-volume reference, humanities and social sciences
Winner of the Bronze ForeWord Magazine
**Book of the Year Award in Reference Selected as an Outstanding Academic Title for 2007 by Choice Magazine**

**Amy Taylor**, formerly a Reference Librarian at Georgetown Law Library, has joined the Reference Services team at the Duke Library as a Reference Librarian, where she provides reference assistance, co-teaches a section of Legal Analysis, Research and Writing and coordinates the library’s Empirical Legal Research Program.

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**LH&RB Annual Meeting Events**

Workshop W-2: What’s in this Box? Managing Archive Collections (Sponsored by TS-SIS and cosponsored by LHRB-SIS), Saturday July 12, 8:30 a.m.-5 p.m.

LH&RB Program: Law Library Journal at 100: The Evolution of a Publication, Sunday July 13, 1:30-2:45 p.m.

Program B-6: Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement, Sunday July 13, 3-4 p.m.

LHRB-SIS Business Meeting, Sunday July 13, 5:30-6:30 p.m.

LHRB-SIS Reception at Lucky Labrador Brew Pub, Sunday July 13, 7-9 p.m.

Program F-6: Oregon’s Death with Dignity Act: A Legal History (cosponsored by SR-SIS), Monday July 14, 10:45-11:45 a.m.

LH&RB Roundtable: Evolution of a Research and Legal History Web Site: From Funding Through Implementation, Monday July 14, 12 noon-1:15 p.m. Light refreshments, including plenty of chocolate, will be provided.

Program K-5: Explore the new World of Legal History Research – Be Prepared to Wiki!, Tuesday July 15, 3:30-4 p.m.