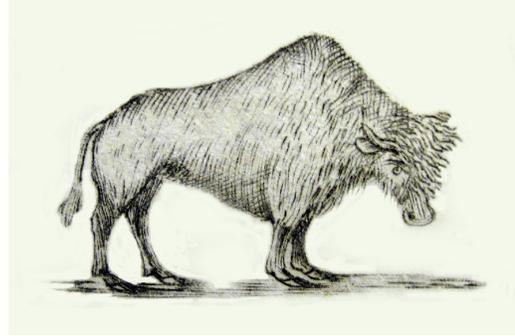


# LHQRB



Newsletter of the Legal History & Rare Books Special Interest Section of the American Association of Law Libraries  
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## **Bibliographica Necronomica: Selections from the Literature of Grimoires, Cursed Books and Unholy Bindings**

Kurt X. Metzmeier  
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### **I. Introduction**

In a 1923 short-story published in the path-blazing science-fiction and horror writing serial *Weird Tales*,<sup>1</sup> H. P. Lovecraft introduced an object to horror-literature that would soon take on a life of its own, figuratively and literally.<sup>2</sup> The object was a rare book, the “Necronomicon of the mad Arab Abdul Alhazred,” an ancient and forbidden magical text, giving an account of the Old Ones, beings that had been worshipped as gods from

the darkest and most primeval times. In later stories and novellas, Lovecraft added a few small details about this baneful book, but he knew that mystery was the key to maintaining the dread aspect of the Necronomicon. His inspirations included the medieval magical texts known as “grimoires.”<sup>3</sup> In one story, “The Festival,” the fictional Necronomicon is described alongside real texts:

Pointing to a chair, table, and pile of books, the old man now left the room; and when I sat down to read I saw that the books were hoary and mouldy, and that they included old Morryster’s wild *Marvells of Science*, the terrible *Saducismus Triumphatus* of Joseph Glanvill, published in 1681, the shocking *Daemonolatrea* of Remigius, printed in 1595 at Lyons, and worst of all, the unmentionable

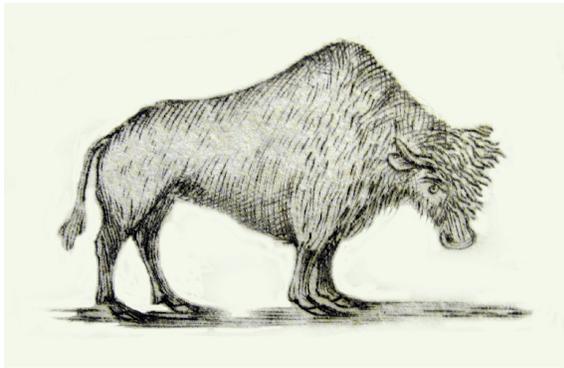
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<sup>1</sup> *Weird Tales* was a horror, fantasy, and science fiction pulp magazine that published from 1923 to 1954 (and was revived in 1988). Lovecraft was one of the many writers of a group that included Clark Ashton Smith, Ray Bradbury, August Derleth, Robert Bloch, and Robert Sheckley who made the publication the seedbed of modern genre literature.

<sup>2</sup> H.P. Lovecraft, “The Hound,” *Weird Tales* 3.2 (February 1924) 50-52, 78.

<sup>3</sup> The mad Arab sprung from a different source, the stories of *jinns* and flesh-eating *ghouls* of Sir Richard Francis Burton’s *Thousand Nights and a Night, or Arabian Nights* (1880) which Lovecraft had enjoyed as a boy. See Robert W. Lebling, *Legends of the Fire Spirits: Jinn and Genies from Arabia to Zanzibar* (Berkeley, Calif: Counterpoint, 2010) for more on the horrifying potential of Arab folk-lore.



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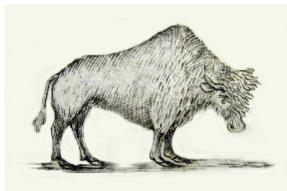
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*Necronomicon* of the mad Arab Abdul Alhazred, in Olaus Wormius' forbidden Latin translation; a book which I had never seen, but of which I had heard monstrous things whispered.<sup>4</sup>

The *Daemonolatreia* is the work of a 16<sup>th</sup> century French judge, Nicholas Remy, who presided over many witchcraft trials, writing in Latin under the name Remigius. Glanvill's 1681 work is also a witchcraft book. Both works were written to fight demonic influence, but the details of the forms of witchcraft that they described made them excellent candidates to be turned into grimoires. The inclusion of Morryster's *Marvells* is likely an homage or an inside joke; they are mentioned in an 1890 short-story "The Man and the Snake" by Ambrose Bierce, a writer whose fantastic short-stories like "An Occurrence at Owl Creek Bridge" foreshadowed and inspired Lovecraft and his fellow the "Weird Tales" writers.<sup>5</sup> The inclusion of real works would not be surprising to a student of Lovecraft's work. He was an avid reader and a dogged researcher. (You can see this side of Lovecraft in *The Case of Charles Dexter Ward* where Ward scours libraries and old deeds in Lovecraft's hometown of Providence, R.I., in order to piece together the story of his mysterious ancestor, Joseph Curwen). However, Lovecraft was not impressed by the fictional potential of actual magical books: "As for seriously-written books on dark, occult, and supernatural themes—in all truth they don't amount to much. That is why it's more fun to invent mythical works like the *Necronomicon* and *Book of Eibon*."<sup>6</sup>

Lovecraft's creation was later adopted (with his approval) by other writers of "weird tales like August Derleth and Clark Ashton Smith.<sup>7</sup> "It rather amuses the different writers," Lovecraft wrote to a friend, "to use one another's synthetic demons and imaginary books in their stories--so that Clark Ashton Smith often speaks of my *Necronomicon* while I refer to his *Book of Eibon*."<sup>8</sup> Although Lovecraft's stories have proved difficult to adapt to film, the *Necronomicon* has proved more versatile. Director Sam Raimi built his "Evil Dead" trilogy around the book in its most energetic forms. Raimi's tome is bound in human skin that lives, breathes—and bites.<sup>9</sup> The popularity of the *Necronomicon* made it inevitable that someone would try to publish a "real" version. In 1977, the "Simon *Necronomicon*" was released.<sup>10</sup> Translated by a purported acolyte of the Old Ones named Simon, the book was filled with curses and incantations, the prime elements of a traditional

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<sup>4</sup> H.P. Lovecraft, "The Festival," *Weird Tales* 5.1 (January 1925), 169-74.

<sup>5</sup> Lovecraft listed Bierce's "The Death of Halpin Frayser" as one of his "ten favorite weird stories." *Fantasy Fan* 2.2 (October 1934) reprinted in *H.P. Lovecraft, Collected Essays: Literary Criticism* (S. T. Joshi, ed. New York: Hippocampus Press, 2004).

<sup>6</sup> Letter to Willis Conover (July 29, 1936). Reprinted in "Quotes Regarding the *Necronomicon* from Lovecraft's Letters," The H.P. Lovecraft Archive, <http://www.hplovecraft.com/creation/necron/letters.asp>.

<sup>7</sup> Clark Ashton Smith gave one of the early descriptions of the *Necronomicon* in "The Return of the Sorcerer," but it was of the Arabic version, not Olaus Wormius' Latin translation. "It was enormously old, and was bound in ebony covers arabesqued with silver and set with darkly glowing garnets," Smith wrote. "The Return of the Sorcerer" was first published in *Strange Tales of Mystery and Terror in September* in 1931, and is reprinted in Smith, *Out of Space and Time* (Lincoln: University of Nebraska Press, 2006) 236-56.

<sup>8</sup> Letter to Miss Margaret Sylvester (January 13, 1934). Reprinted in H.P. Lovecraft Archive, above.

<sup>9</sup> *The Evil Dead* (1981), *Evil Dead II* (1987) and *Army of Darkness* (1992).

<sup>10</sup> Abdul, Alhazred, Simon, and L. K. Barnes, *The Necronomicon* (n.p.: Schlangekraft, 1977). This work is not to be confused with artist H. R. Giger's *Necromonicon*, a collection of Lovecraft-inspired illustrations (Zürich: Edition C., 1977).

grimoire but one not discussed by Lovecraft. An important and recurring theme associated with the expanded myth of the Necronomicon was the curse of the book itself, one that fell on persons who either stole the book or used it improperly.

An ancient magical book with dangerous import. A cursed tome. A horrific binding. This short essay will bring these elements together by exploring the literature surrounding real books of magic, genuine book curses, and books bound in the skin of humans found in real libraries. It will start with a brief review of Owen Davies masterful treatise on grimoires. This will be followed by an examination of some scholarly articles on first book curses and then books bound in the tanned flesh of human beings—all written by Lawrence S. Thompson, a librarian and scholar whose life story could have been sketched by Lovecraft himself.

## II. Grimoires

No greater model for Lovecraft's Necronomicon exists than the mysterious and oft-proscribed volumes whose long history Owen Davies relates in *Grimoires: A History of Magic Books*.<sup>11</sup> From the beginnings of writing, Davies tells us, books of magic incantations, curses and cures, and mystical knowledge have been collected and preserved, whether in Sumerian cuneiform, or Egyptian papyrus, or the codices of the medieval monks. In the era of the Greeks, these books of magic often mingled with books of science. However, it was in the Middle Ages, when the Catholic Church and its orthodoxies were supreme, the grimoire took on its enduring form: a bound codex containing mystical knowledge that stood apart and ultimately opposed to the sacred works of Christianity contained in the Bible and writings of the church fathers.

The medieval grimoire, Davies tells us, typically boasted a purported pedigree from ancient Jewish or Egyptian texts. The oldest, the *Clavicule of Solomon*, was reportedly written by the king of the Bible and another extremely popular grimoire, the *Sixth Book of Moses* (a *Seventh Book of Moses* was often appended) had an even more illustrious author. The *Corpus Hermeticum* of Hermes Trismegistus was said to derive from Egyptian magical texts and may have first circulated in pagan Rome. While in these works may have been read openly in the early Christian era, even by some church theologians, they were gradually driven underground by the tightening of church orthodoxy. As the grimoires passed furtively from hand-to-hand, often by persons with less understanding of the Latin text, their mere possession as physical objects was thought to have magical power.<sup>12</sup>

Even as the church began what Davies rightly calls a "War on Magic" and witchcraft, grimoires lived on in the shadows. Ironically, the very tools of the witch-finder, treatises like Remy's *Daemonolatreia* and the famed 1486 *Malleus Maleficarum* of Heinrich Kramer, were so full of details that they could be "decompiled" to reconstruct spells and rites and thus entered the grimoire market themselves.<sup>13</sup> The grimore survived the witch-craze and entered the print era with the 1559 publication of *Agrippa's Fourth Book of the Occult* in Marburg, a university town and Lutheran stronghold.<sup>14</sup> Other such texts were rushed onto the printing presses. Grimoires remained books of dubious legality and were strongly prohibited in Catholic regions, but copies were widely circulated, even in philosophical circles.<sup>15</sup>

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<sup>11</sup> Davies, Owen. *Grimoires: A History of Magic Books*. Oxford: Oxford University Press, 2009.

<sup>12</sup> *Id.* at 67.

<sup>13</sup> *Id.* at 70.

<sup>14</sup> *Id.* at 50-53.

<sup>15</sup> Robert Darnton's *The Corpus of Clandestine Literature in France, 1769-1789* (New York: W.W. Norton, 1995) shows several grimoires in the lists of confiscated books found in records of the Old Regime, although, as Darnton's notes in *The Forbidden Best-Sellers of Pre-Revolutionary*

Like the grimoire itself, Davies' book doesn't end with the Enlightenment, and instead he moves on to relate the history of magical books as they move into the Western Hemisphere. In the United States, he suggests, they helped to inspire the early Mormon Church, and, in the Caribbean, Davies shows how African occultism adopted and adapted such texts. In the 20th century, he illustrates the central role grimoire has played in fostering Modern Paganism and the Wicca religion.

Davies brings the story back to the subject of this essay in the last chapter, discussing the publication of the *Simon Necronomicon* and its evolution from a clever ruse into a text seriously believed by some to contain genuine mystical knowledge and real magical powers. "The *Simon Necronomicon* is a well-constructed hoax. Its contents have been stitched together from printed sources from Mesopotamian magic and its supposed discovery by monks is a well-worn motif in grimoire history," he notes, "but as a piece of magical literature it, and other *Necronomicons*, are no less 'worthy' than their predecessors. Like all other grimoires explored in this book, it is their falsity that makes them genuine."<sup>16</sup>

### III. Book Curses and Dreadful Bindings: The Writings of Lawrence S. Thompson

Two aspects of *Necronomicon* lore constantly arise in literature and especially cinema: curses upon persons who carelessly use or abuse or steal such books, and the horrific revelation that the book is bound in the skin of a human. While it may surprise or shock librarians accustomed to using 3M Tattletape for security and buckram for book-covers, book curses and actual books bound in human flesh are known to the bibliographic literature. One prolific scholar of this area of arcane library history was Lawrence Sidney Thompson. Thompson is best known for his *The New Sabin* (an update of Joseph Sabin's *Dictionary of Books Relating to America*),<sup>17</sup> the translation of Albert Predeek's *A History of Libraries in Great Britain and North America*<sup>18</sup> into a popular library school textbook, or perhaps his decades long effort to create a world-class rare books collection at the University of Kentucky.<sup>19</sup> However, early in his career he wrote a series of articles on bibliographic oddities, many of which were later collected into his *Bibliologia Comica or Humorous Aspects of the Caparisoning and Conservation of Books*.<sup>20</sup>

Lawrence Thompson (who might have supplanted Dr. Harry Walker Jones, Jr. if Steven Spielberg had met him)<sup>21</sup> was well-suited even at this early stage in his career to undertake this research.

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*France* (New York: W.W. Norton, 1995), 69, they were not as popular as political, religious and erotic texts.

<sup>16</sup> *Id.* at 268.

<sup>17</sup> Lawrence S. Thompson and Joseph Sabin, *The New Sabin: Books Described by Joseph Sabin and His Successors* (Troy, N.Y.: Whitston, 1974).

<sup>18</sup> (Chicago: American Library Assn, 1947).

<sup>19</sup> Lawrence S. Thompson, *The University Libraries and the Antiquarian Book Trade: Fragments of Library History* (Lexington, Ky: Margaret I. King Library, University of Kentucky, 1983) and "Books at the University of Kentucky," in *Books in Our Time: Essays* (Washington, Consortium Press 1972), 163-75.

<sup>20</sup> (Hamden, Conn.: Archon Books, 1968). Thompson follows in the footsteps of Holbrook Jackson, whose 1931 *Anatomy of Bibliomania* deals, albeit briefly, with all the same themes. Jackson's *Anatomy* has been reprinted repeatedly, appearing in a paperback published by the University of Illinois Press in 2001.

<sup>21</sup> Even though he had not been library director since 1965, and had retired as a classics professor in the 1980s, "Larry" Thompson was still a legendary character at University of Kentucky when I arrived as a graduate assistant in the UK library in the mid-1990s. Stories about his book-buying exploits in Europe and the epic battles with university bureaucrats that

Classically trained in his native North Carolina (he would end his career teaching Latin and Greek), he chose the path of librarianship and had just started work in the Iowa State College library when the bombing of Pearl Harbor punctuated his career. He joined the FBI as a special agent, tracking criminals and Nazi spies in postings in New York, Washington and Latin America.<sup>22</sup> In New York, he spent his free time in the New York Public Library, which published his early scholarship in its *Bulletin*.

#### A. Book Curses on the Biblioklepts

Not surprisingly, the G-man librarian took an early interest in bibliokleptomania, the obsessive stealing of books.<sup>23</sup> In the course of his studies he ran across the use of book curses to discourage theft. (This was among the more subtle methods; some libraries used heavy chains to prevent pilferage).<sup>24</sup> In "A Cursory Survey of Maledictions,"<sup>25</sup> Thompson gives an excellent history of the book curse. The earliest versions he finds go back to the beginning of written literature. In one instance, the director of the library of the Assyrian King Ashurbanipal—a man who is obviously proud of his cataloging—writes:

The palace of Ashur-bani-pal, king of hosts, king of Assyria. who putteth his trust in the gods Ashur and Bêlit, on whom Nabil and Tashmetu have bestowed ears which hear and eyes which see. I have transcribed upon tablets the noble products of the work of the scribe which none of the kings who had gone before me had learned, together with the wisdom of Nabil in so far as it existeth [in writing]. I have arranged them in classes, I have revised them and I have placed them in my palace that I, even I, the ruler who knoweth the light of Ashur, the king of the gods, may read them. Whosoever shall carry off this tablet, or shall inscribe his name on it, side by side with mine own, may Ashur and Bêlit overthrow him in wrath and anger, and may they destroy his name and posterity in the land.<sup>26</sup>

It is in the medieval library where the book curse reached its greatest use, drawing on wellspring of that era's fear of damnation. In some ways, the practice was discouraged by church officials; a 1212 church council in Paris directed that "no book is to be retained under incurring a curse [for its alienation] and we declare all such curses of no effect."<sup>27</sup> Thompson notes that this declaration appears to have had little effect, given the great numbers of books with such curses that are found throughout Christendom, including great numbers in the Vatican Library. It is also belied by the special bull of Pope Gregory XI promising excommunication of anyone stealing from a library of

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ensued were still circulating. His friend Bill Katz gives a good account of Thompson's extraordinary life and character in his introduction to the *Bibliologia Comica*, 9-12.

<sup>22</sup> Thompson's wartime experiences in Latin America gave him a lifelong interest in the region which is reflected in his *Printing in Colonial Spanish America* (Hamden, Conn: Archon Books, 1962) and *Essays in Hispanic Bibliography* (Hamden, Conn: Shoe String Press, 1970).

<sup>23</sup> Lawrence S. Thompson, "Notes on Bibliokleptomania," *Bulletin of the N.Y. Publ. Library* (February, 1947) reprinted in *Bibliologia Comica or Humorous Aspects of the Caparisoning and Conservation of Books* (1968), 41-89. See also Thompson, *Bibliokleptomania* (Berkeley, CA: Peacock Press, 1968).

<sup>24</sup> Jackson, *Anatomy of Bibliomania* (New York: Farrar, Straus, 1951), 367-68, discusses this phenomenon; however, B. H. Streeter's *The Chained Library: A Survey of Four Centuries in the Evolution of the English Library* (London: Macmillan, 1931) is the definitive work.

<sup>25</sup> *Bull. of the N.Y. Publ. Library* (February, 1952) reprinted in *Bibliologia Comica or Humorous Aspects of the Caparisoning and Conservation of Books* (1968), 91-118.

<sup>26</sup> *Id.* at 92.

<sup>27</sup> *Id.* at 95.

books donated to church by the Holy Roman Emperor, Charles V. Excommunication is often a part of the book curses, especially those inscribed in books part of monasteries, despite lingering questions over whether mere librarians--even monkish ones--could wield such an awesome power. Judas Iscariot is another subject of book curses, his horrifying death and damnation being deemed a particularly terrifying exemplar: "This blessed book belongs to church of the monastery of Sinai and whosoever takes it away or tears a leaf from it, may the Virgin be a foe to him, and may his fate be one with the fate of Judas Iscariot."<sup>28</sup>

Threats of leprosy and other dread diseases were also employed. Other threats were more practical and included hangings and beatings--something the civil authorities could administer and thus outside the category of true curses.

Thompson quotes dozens of representative curses in Greek, Latin, Old German, and both Old and Middle English, with footnotes revealing his extensive research. He notes, however, that the exaggerated book curse was always a weak protection against theft. It is likely they played the same role that stern signage has in modern libraries: a statement of the rules that only reinforces the habits of the honest patrons, but also reassures the librarians that "something" has been done.

Over time, the weakness of the book curse, combined with its frequent use, led to more poetic and humorous versions--perhaps to cajole rather than compel compliance. (Again, modern analogies come to mind). The earliest still employed the same forms and vocabulary:

Who lets this book be lost  
Or doth embesell yt,  
God's curse will be to his cost  
Give him plagues in hell fytt<sup>29</sup>

Later curses were more muscular in their expression:

This book is one thing  
My fist is another  
Touch the one thing  
You'll sure feel the other<sup>30</sup>

Thompson concludes by acknowledging that today the book curse is now only used in comic bookplates, and books are now protected physically by the criminal code and intellectually by the copyright statutes.<sup>31</sup> But he reminds us that early book curses were tangible evidence of the librarian's constant battle against the "acquisitive instinct."

### **B. Anthropodermic Bibliopgy: Bookbinding for the Damned**

Another of Thompson's interests was the history of book-binding and the unusual materials used in the process. In researching "Bibliopgia Fantastica,"<sup>32</sup> an article that surveyed exotic bindings like rare woods, hula grass, elephant hides, and eel skin, he ran across a material he would expand

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<sup>28</sup> *Id.* at 97.

<sup>29</sup> *Id.* at 103.

<sup>30</sup> *Id.* at 109.

<sup>31</sup> A viewer of movies on DVD cannot help to notice the functional similarity of the copyright warning to the curse of Ashurbanipal's librarian.

<sup>32</sup> Lawrence S. Thompson, "Bibliopgia Fantastica," *Bull. of the N.Y Publ. Library* (September, 1944) reprinted in *Bibliologia Comica or Humorous Aspects of the Caparisoning and Conservation of Books* (1968), 15-40.

upon later--books bound in human skin. In his first piece, "Tanned Human Skin," published in a leading journal for medical librarians,<sup>33</sup> he covers a variety of unusual uses of the abhorrent hide. He relates that when the notorious murderer William Burke was executed in 1829 his skin was made into a wallet and the remnants dyed and cut-up into swatches for souvenirs. Burke and his confederate William Hare were grave-robbers who stole corpses to sell to Edinburgh medical schools, which required them for dissections. When the duo got tired of waiting for funerals, they took a more pro-active stance and starting killing unfortunates that frequented Hare's wife's boarding house and the local pubs.<sup>34</sup>

Because medical schools were the recipient of the cadavers of executed prisoners (as well as less documented bodies), many of Thompson's examples of books bound in human skin are like the copy of Milton bound in the skin of George Cudmore of Devon, who was hanged for killing his wife.<sup>35</sup> One of the American titles Thompson identifies is a treatise on human anatomy bound in the skin of a "soldier who died during the great rebellion," found in the library of the Philadelphia College of Physicians.<sup>36</sup> He does not record whether the unfortunate combatant's skin was dyed blue—or grey.

Thompson's 1949 pamphlet, *Religatum De Pelle Humana*,<sup>37</sup> focuses more on books, and he surveys a number of items found in American libraries. He describes human-skin bound books in California's UCLA library, the Library of Congress in Washington, D.C. and the library of Harvard. Other such books are found in Chicago, Cleveland, Philadelphia, and Boston.<sup>38</sup> (A recent piece in the *Harvard Law Record*<sup>39</sup> indicates that many of the items Thompson saw in the 1940s are still found in those libraries). Interestingly, Thompson notes an anthropodermic book found in a private library in Lovecraft's own hometown of Providence, Rhode Island.<sup>40</sup>

#### IV. Conclusion

The plain tan covers of the books lining the shelves of our law libraries are unlikely to contain any ancient magical texts and few of our rare book collections contain a volume of law reports bound in the flesh of a long-deceased jurist. And it is the rare library that stamps a curse in the Nolo

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<sup>33</sup> Lawrence S. Thompson, "Tanned Human Skin," *Bull. Med. Library Assoc.* 34 (2) (1946) 93-102. See also "Legends of the Human Skin," *Papers of the Mich. Acad. of Sci., Arts & Letters* 34 (1948) 277-87.

<sup>34</sup> Thompson, "Tanned Human Skin," 94-95. See Lisa Rosner, *The Anatomy Murders: Being the True and Spectacular History of Edinburgh's Notorious Burke and Hare, and of the Man of Science Who Abetted Them in the Commission of Their Most Heinous Crimes* (Philadelphia: University of Pennsylvania Press, 2010) for a modern account of the killings.

<sup>35</sup> Thompson, "Tanned Human Skin," 96.

<sup>36</sup> *Id.* at 97. This library had at least three other anthropodermic books at time the article was written. A recent Associated Press article, "Some of Nation's Best Libraries Have Books Bound in Human Skin," (January 9, 2006), indicates that they were still there. (This article is available at various websites, including the *Diverse Issues in Higher Educ.* site, <http://diverseeducation.com/article/5323/>, accessed on 10/10/2011).

<sup>37</sup> Lawrence S. Thompson, *Religatum De Pelle Humana* (Lexington: Margaret I. King Library, 1949) reprinted in *Bibliologia Comica or Humorous Aspects of the Caparisoning and Conservation of Books* (1968), 119-60.

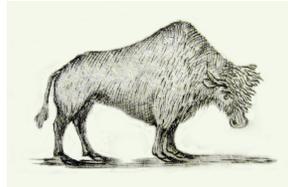
<sup>38</sup> *Id.* at 139-47.

<sup>39</sup> Dan Alban, "Books Bound in Human Skin," *Harv. L. Record* (November 11, 2005). Available online at <http://www.hlrecord.org/2.4462/books-bound-in-human-skin-lampshade-myth-1.579032>, accessed on 10/10/2011.

<sup>40</sup> Thompson, *Religatum De Pelle Humana*, 147.

selected passage from a form-book might help a lawyer get a judge to rule in his favor, but it is unlikely to cast out a demon or summon an ancient god. After all, the case of *United States ex rel. Gerald Mayo v. Satan and His Staff*, 54 F.R.D. 282 (W.D.Pa. 1971), clearly established that even Satan must be properly served process in the standard manner. Nonetheless, those of us who study rare books must acknowledge that they have a mysterious power, both in the real world and the fantastic worlds conjured by writers.

*Kurt X. Metzmeier is Associate Director of the Louis D. Brandeis School of Law Library, University of Louisville.*



## **A Visit to Grandfather's Law Office, or The Picture Book\***

Mark W. Podvia

Dolly was so excited she could barely sit still. She was going to spend the whole day at her grandfather's law office in downtown Harrisburg, Pennsylvania. She and her mother had met her grandfather at his office before, but this was going to be her first all-day visit.

It seemed as if she had sat in the parlor for hours—although it could not have been more than ten minutes—before she finally heard her grandfather's heavy footsteps coming down the stairs. Grandfather had been wounded in the leg during the Civil War battle of Gettysburg; his footsteps were unmistakable.

"I see that you are ready to go, my dear," said grandfather. He smiled at his six-year-old granddaughter, so pretty in her white dress and straw hat. "We had best get going or we will miss the trolley."

"I'm all ready, Grandfather, and I am so excited!" said Dolly. "Let's go!"

Dolly loved riding the trolley. The electrified line that ran past her grandparent's house had opened in 1891, shortly before Dolly had been born, but the green and yellow trolley cars still gleamed as if they were brand new. It was a beautiful ride down Front Street, with lovely homes off to the left and the mighty Susquehanna River on their right. Dolly could see the steam-powered coal dredges operating in the River.

It only took a few minutes for the trolley to reach Market Street, where grandfather's law office was located. On the way they passed the site of Pennsylvania's capitol building, which had burned the

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\* Among the books in the author's possession is a battered copy of the *Congressional Globe*. Pictures, apparently cut from newspaper advertisements, have been glued onto many of the book's pages, obviously the work of a child. This story offers a possible explanation as to how those pictures came to be there. Dolly and Grandfather are fictitious. Any resemblance to real persons, either living or dead, is purely coincidental.

previous year.<sup>1</sup> Dolly remembered watching the flames that had reached high into the sky as the building burned. She had heard that there were plans to build a grand new capitol to replace the old brick structure.<sup>2</sup>

While walking to his office, grandfather stopped at newsstand where he purchased two bottles of root beer, a bag of licorice, a couple rolls of candy wafers,<sup>3</sup> a bag of Wilbur's chocolate Buds,<sup>4</sup> and a copy of the July 8<sup>th</sup>, 1898, edition of the *Telegraph*, one of Harrisburg's daily newspapers. Grandfather never read Harrisburg's other newspaper—the *Patriot*—because it had printed insulting remarks about President Lincoln's speech at the dedication of the Gettysburg military cemetery many years earlier.<sup>5</sup> Grandfather refused to forgive the editor of the *Patriot* for that!

Grandfather's law office was on the second floor of a bank building. Usually his clerk would have been able to keep Dolly occupied while grandfather worked, but the young man was out sick with a fever. Dolly would be on her own for much of the day.

Grandfather made certain that Dolly was comfortably situated in his conference room. The room held a large wooden table and a massive roll-top desk. The walls were lined with wooden bookcases that held dozens of law books. Dolly loved the smell of the leather bindings of the books, some of which were more than a century old. Among Grandfather's most prized possessions were four books that had been published in England shortly before the American Revolution. Grandfather had told Dolly that the books were by a man named Blackstone.

"Here are some Wilbur Buds, licorice and candy wafers for you, child," said grandfather, "and root beer for when you get thirsty. I'll leave the *Telegraph* with you—you might enjoy looking at the pictures. If you want to cut anything out of the newspaper, you will find a pair of scissors in the desk drawer. Please be very careful if you use them!"

"I will, Grandfather," replied the six-year-old.

"I have to meet with a client shortly," said grandfather. "I will be back to check on you after my appointment."

Grandfather went off to his office, leaving Dolly on her own. She took a piece of licorice from the bag and opened the *Telegraph* on the table. The front page headline read "Taking of San Juan Hill:

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<sup>1</sup> The "Old Brick Capitol" was destroyed by fire on February 2, 1897.

<sup>2</sup> Pennsylvania's new capitol building was dedicated on October 4, 1906. At the time of the dedication, President Theodore Roosevelt described the new capitol as "the handsomest building I ever saw."

<sup>3</sup> Production of candy wafers— sold today as Necco Wafers—began in 1847. They were a favorite among soldiers during the Civil War.

<sup>4</sup> Wilbur Buds, introduced in 1893, resemble Hershey Kisses but predate Kisses by 14 years. The Wilbur Chocolate Company continues to operate in Lititz, Pennsylvania today.

<sup>5</sup> The *Harrisburg Patriot and Union* offered the following remarks regarding Lincoln's speech at Gettysburg: "The President succeeded on this occasion because he acted without sense and without constraint in a panorama that was gotten up more for the benefit of his party than for the glory of the nation and honor of the dead ... we pass over the silly remarks of the President: for the credit of the nation we are willing that the veil of oblivion shall be dropped over them and that they shall no more be repeated or thought of." The *Telegraph* ceased publication in 1948. Today the *Patriot-News* survives as Harrisburg's only daily newspaper.

Daring Charge of the Rough Riders Led by Roosevelt.”<sup>6</sup> Colonel Theodore Roosevelt’s picture stared up at Dolly from the newspaper—he was certainly a handsome man! Dolly had heard all the news about America’s war against Spain. War was terrible, but she was so excited to read the news of America’s victory. Grandfather had told her that Colonel Roosevelt might someday become President of the United States.

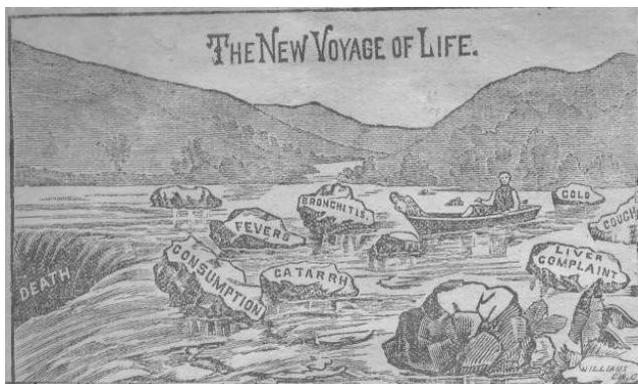
Dolly took a break from her reading. She ate a few of the candy wafers—clove, chocolate and wintergreen—along with a Wilbur Bud, and poured herself a glass of root beer. She returned to her newspaper, turning to the advertisement for Pomeroy’s Department Store.<sup>7</sup> Pomeroy’s was the finest department store in Harrisburg. That was where Dolly’s mother had taken her to get her beautiful Easter dress and hat. Dolly loved shopping there!

One of the pictures in the Pomeroy’s advertisement showed a woman wearing a beautiful dress. Dolly’s mother had a similar dress.

Dolly got up and walked to the roll-top desk, where she found a pair of scissors. She returned to the newspaper and cut out the picture. She also cut out a picture of a woman wearing a shawl, as well as drawings of several dresses and children’s jackets.

Dolly got up to get another Wilbur Bud—Dolly loved chocolate—then returned to her newspaper. She turned the page and found the advertisement for Bowman’s Department Store.<sup>8</sup> Bowman’s was slightly smaller than Pomeroy’s, but it was a wonderful store and Dolly loved the lady who ran the children’s department. Dolly cut out a picture of a man in a suit. He was so handsome!

Dolly continued looking through the pages of the *Telegraph*, stopping occasionally to cut out an interesting picture. One depicted a woman in a beautiful dress, drawn so she could be seen from all sides. Another showed a horse pulling a cart.



A somewhat scary picture was labeled “The New Voyage of Life.” It showed a man rowing a boat down a river trying to avoid hitting numerous rocks. The rocks were all labeled: Consumption, Cold, Cough, Liver Complaint, Fevers, Bronchitis, and Catarrh. A waterfall just past the rocks was marked “Death.”

Dolly found out many other pictures, ranging from dancing frogs, to cows to various articles of clothing. By the time she finished with the newspaper she had a stack of pictures. Now she just needed to figure out what to do with

them.

Dolly took a break for her second root beer, along with another Wilbur Bud and a few more candy wafers. She took several minutes to look out the window, watching the traffic in the busy street

<sup>6</sup> The Rough Riders, along with the Buffalo Soldiers of the 10<sup>th</sup> Cavalry Regiment, actually captured nearby Kettle Hill, not San Juan Hill. In 2001 Colonel Roosevelt was posthumously awarded the Medal of Honor by President Bill Clinton for his bravery during the assault. This particular issue of the *Telegraph* could not be located; the headline is taken from the *Citizen* of Jackson, Michigan.

<sup>7</sup> Pomeroy’s was bought by Bon-Ton stores in 1987. The downtown Harrisburg store closed three years later.

<sup>8</sup> Bowman’s Harrisburg store closed in 1969. The author has fond memories of shopping at the downtown Bowman’s as a child.

below. It was filled with pedestrians, horse-drawn wagons and trolleys.

Dolly looked around Grandfather's imposing law library. The book-filled shelves reached almost to the ceiling, high above Dolly's head. She could read the titles on some of the books—*Dallas Reports*, *Mumford's Reports*, *Laws of Pennsylvania*. Dolly looked forward to the day when she would be able to read these impressive books.

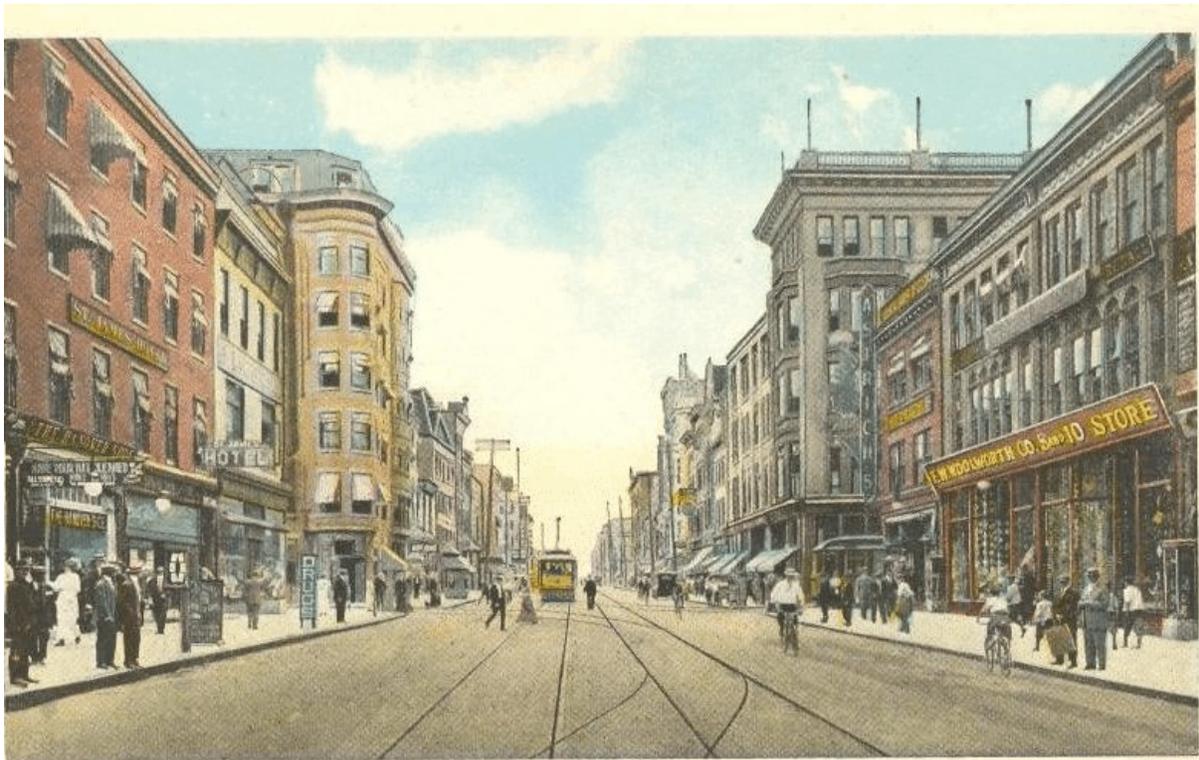
Grandfather thumped into the room and saw Dolly looking at his bookshelves. He wondered whether his bright granddaughter might someday take over his law practice. After all, he knew that Dean William Trickett had enrolled a female student at his law school in nearby Carlisle.<sup>9</sup> Perhaps Dolly would study law under the great Trickett someday!

"Would you like to go for lunch, child?" asked Grandfather. "I know that it is a little early, but I have to be back for a 12:15 appointment.

Dolly suspected that Grandfather planned to take her to the Woolworth store for lunch. She loved the soda fountain there.

"Will we be going to Woolworth's, Grandfather?" asked Dolly. "Can I get a hot dog?"

"Of course, my dear," replied Grandfather. "Just make certain to leave room for a hot fudge Sundae!"



*A post card view of Harrisburg's Market Street as it appeared near the turn of the last century. The Woolworth store, where Dolly and Grandfather ate lunch can be seen to the right.*

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<sup>9</sup> Julia Radle, Dickinson School of Law Class of 1899.

At lunch, Grandfather told Dolly that his morning appointment had been with a man who needed something called a will. He explained that people obtained wills so that they could specify who would receive their property when they died.”

“Is your client going to die?” asked Dolly, suddenly feeling very sad.

“No, child,” said Grandfather with a little a slight laugh. “He is much younger than me so I hope he will be around for a long time. However, he wants to be prepared, just in case.”

Dolly was thrilled that her grandfather had been able to help his client. Perhaps someday, she thought, she would be able to help people in the same way.

Dolly and Grandfather returned to his office, stopping at the newsstand for another bottle of root beer.

“This will give you something to drink this afternoon, child,” said Grandfather.

When they returned to the office Dolly had a question for her Grandfather.

“Grandfather, I’ve cut out so many pretty pictures. Do you have any paste, and a book in which I can glue them?”

Grandfather looked around his office. He knew that they had a jar of paste, but he was uncertain as to whether he had a spare book. Then he remembered that several days earlier he had received a box of books from a book publisher in Philadelphia. Packed in the box, probably as fill, had been a battered copy of the 1871 *Congressional Globe*. Grandfather had no use for the book; he had planned on throwing it out.

“You can use this, Dolly,” said Grandfather, handing her the battered book, along with a jar of paste.

“Thank you, Grandfather” replied Dolly.



Dolly spent the afternoon pasting the pictures that she had cut out in the book that Grandfather had given to her. She pasted the Pomeroy’s women in the beautiful dress next to the Bowman’s man in the suit. She imagined them as being dancing partners at a ball. She filled page after page with her pretty pictures. She spent the afternoon pasting, pausing only occasionally for a piece of licorice or a Wilbur Bud or a candy wafer.

By the time Grandfather had finished with his afternoon appointments, Dolly had finished pasting all her photos in the *Congressional Globe*.

“Do you like my picture book, Grandfather?” asked Dolly.

Grandfather paged through the book. He had intended on throwing the battered book in the trash. Now his granddaughter had turned it into a prized possession.

“I love it,” said Grandfather. “May I keep it?”

“I made it just for you, Grandfather,” said Dolly. “I had hoped that you would want it! Thank you for letting me spend the day in your law office!”

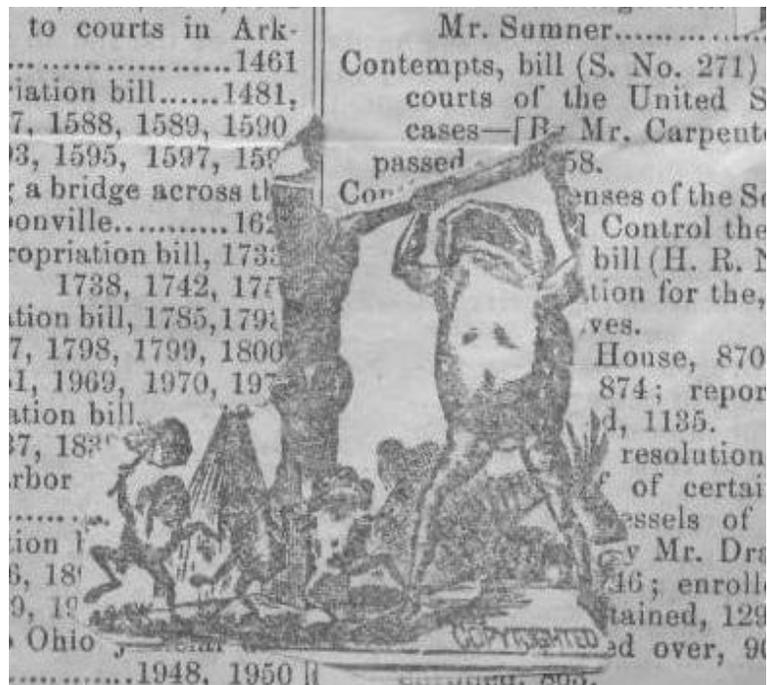
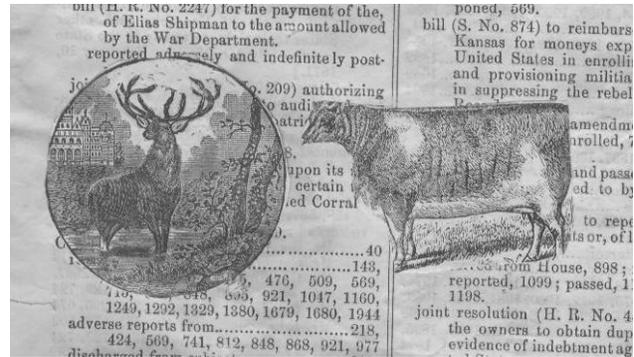
Grandfather added Dolly’s picture book to his library. Other books might be worth more, at least in monetary terms, but Dolly’s picture book was his favorite.

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It was now December 1916. Dolly had graduated from Dean Trickett’s law school the previous year. She had clerked for her grandfather for a year after her graduation. He was now retired; his Harrisburg practice was hers.

Occasionally during the early-morning hours, Dolly would retreat to her conference room and look through the picture book that she had put together so many years ago. It brought back memories of that day when she had decided to become a lawyer. Grandfather had kept it for all those years, sitting on the shelf next to his first-edition Blackstone.

*Mark Podvia is Associate Law Librarian and Archivist at The Dickinson School of Law of the Pennsylvania State University.*



**Archive Spotlight:  
Water Resources Collections and Archives**

Taryn Rucinski

The Water Resources Collections and Archives (WRCA),<sup>1</sup> formerly known as the Water Resources Center Archive (WRCA),<sup>2</sup> currently located on the campus of the University of California Riverside (U.C. Riverside)<sup>3</sup> and California State University, San Bernadino (Cal. State. San Bernadino)<sup>4</sup> libraries, was founded in 1958, pursuant to the passage of

a special act of the California State Legislature which authorized the creation of the University of California's Water Resources Center (WRC) in 1957.<sup>5</sup> The archive, which was established in furtherance of the Center's mission, was "designed as both a library and archives with a mission to preserve and make accessible unique technical information about all aspects of water in the West, nationally and internationally."<sup>6</sup> The WRC/WRCA organization in 1964, was later designated a state water research institute under federal law.<sup>7</sup> As a result, the WRCA is a unique archive that is of special importance to researchers interested in water rights, dams, floods, as well as other water related issues in environmental legal history.

The WRCA was originally established and housed on the campus of the University of California Berkley (U.C. Berkley),<sup>8</sup> and founded with the assistance of university coastal engineers and professors, Morrough P. O'Brien and Joe W. Johnson.<sup>9</sup> Moreover, for the archives first thirty-two years, until 1991, the WRCA was headed by its first librarian—later director—Gerry Giefer;<sup>10</sup> since 1993 the archives has been directed by Linda Vida.<sup>11</sup> However, in 2009 as part of massive state cut-backs in educational spending,<sup>12</sup> as well as space issues at the O'Brien Hall, the archive's fifty-year tenure at U.C. Berkley ended as the WRC was scheduled to close by December 31, 2009, and the archive was required to locate a "new academic home" by June 30, 2010.<sup>13</sup>

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<sup>1</sup> Home, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/> (last visited Oct. 8, 2011) [hereinafter *WRCA Home*].

<sup>2</sup> About WRCA, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/about> (last visited Oct. 8, 2011).

<sup>3</sup> Home, UNIV. OF RIVERSIDE, <http://www.ucr.edu/> (last visited Oct. 8, 2011).

<sup>4</sup> Home, CAL. ST. UNIV. SAN BERNADINO, <http://www.csusb.edu/> (last visited Oct. 8, 2011).

<sup>5</sup> About WRCA, *supra* note 2.

<sup>6</sup> *Id.*

<sup>7</sup> State Water Resources Research Institutes Act of 1964, Pub. L. No. 88-879, 78 Stat. 329.

<sup>8</sup> Home, UNIV. OF CAL. BERKLEY, <http://berkeley.edu/> (last visited Oct. 8, 2011).

<sup>9</sup> *Water Resources Collections and Archives*, ESCHOLARSHIP, <http://escholarship.org/uc/wrca> (last visited Oct. 8, 2011) (hosted by the University of California) [hereinafter *ESCHOLARSHIP*].

<sup>10</sup> *Id.*

<sup>11</sup> Matt Jenkins, *Viva la Archives!*, HIGH COUNTRY NEWS, Apr. 26, 2010, *reprinted in On Water, UC RIVERSIDE LIBRARIES*, <http://blogs.library.ucr.edu/wrca/2010/05/05/high-country-news-article-on-wrca/> (last visited Oct. 8, 2011); Mike Taugher, *Archives at Risk*, OAKLAND TRIB., May 17, 2010.

<sup>12</sup> Matt Weiser, *UC Archives on Water Imperiled*, SACRAMENTO BEE, Oct. 29, 2009, at B1.

<sup>13</sup> Letter from Daniel M., Dooley, V.P. Agric. & Natural Res., Sr. V.P. External Relations, Univ. of Cal. to Colleagues (Oct. 2, 2009), available at <http://ucanr.org/pdfs/10-2-09.pdf>. Other reasons for the closure of WRCA have been offered "including . . . because the Office of the President's Division of Agriculture and Natural Resources no longer finds it to be a priority." David Holmes, *Open Forum: Why is UC Abandoning its Water Library?*, SFGATE.COM, (May 24, 2011, 5:46 PM), <http://blog.sfgate.com/opinionshop/2010/05/24/open-forum-why-is-uc-abandoning-its-water-library/> (website of the SAN FRANCISCO CHRON.).

After a significant amount of negotiation, the WRC closed on schedule and the archives was transitionally located at the U.C. Berkley College of Natural Resources.<sup>14</sup> Shortly thereafter, in May of 2010 a proposal to transfer responsibility to the U.C. Riverside and Cal. State. San Bernadino libraries, was submitted to U.C. Berkley.<sup>15</sup> Under the terms of the proposal,<sup>16</sup> which was formalized in a Memorandum of Understanding, both universities intended to share, both the physical maintenance and storage for the collection, and “to collaboratively manage the WRCA as a statewide resource for all of University of California and California State University, as well as external stakeholders who benefit from the information within the archives.”<sup>17</sup> The proposal to move the collection was approved on July 10, 2010,<sup>18</sup> and the archives officially reopened on April 25, 2011.<sup>19</sup>

This mission of the archive has been articulated thus: “to collect, organize and make accessible information about water in all its manifestations.”<sup>20</sup> In furtherance of its mission, the WRCA provides academic and scholarly support to the students, researchers, and faculty of the University of California and California University organizations.<sup>21</sup> In recent years, the WRCA has additionally become a “gateway to water information in support of water management decision-makers in both public and private sector agencies.”<sup>22</sup> Today, the archive stands as the preeminent water law archive in the United States with collections far exceeding its next nearest competitor, the Colorado State Water Resources Archive.<sup>23</sup>

The primary portal for the majority of the information provided by the WRCA is the archive’s website, located at <http://library.ucr.edu/wrca>.<sup>24</sup> The main site has a clean design, is well organized, and is broken out on the left-hand side navigation bar to give users as much information as possible about the resources available, including details about: 1) news, events and projects; 2) hours, contact, mission, history, and board; 3) archives, digital maps, and photographs; 4) reference, circulation and other requests; 5) grant projects and online exhibits; and 6) information about financial and material donations.<sup>25</sup> From this main page, users are also

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<sup>14</sup> Proposal for New Ownership and Management of Water Resources Center Archives Library Submitted by the College of Natural Resources, University Library (UC Berkeley), and California Digital Library (UCOP) (n.d.), <http://ucanr.org/sites/ANRUpdate/files/29088.pdf>.

<sup>15</sup> Proposal to Assume Responsibility for the UC Water Resource Center Archives through Joint Management by the University of California, Riverside and California State University-San Bernadino (May 19, 2010), <http://ucanr.org/sites/ANRUpdate/files/29090.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> Memorandum of Understanding Between California State University – San Bernadino and University of California Riverside (May 19, 2010), <http://ucanr.org/sites/ANRUpdate/files/29093.pdf>.

<sup>18</sup> *News Stories: Water Resource Center Archive Proposal from UC Riverside Accepted*, UNIV. OF CAL. AGRIC. & NATURAL RES. (July 16, 2010), <http://ucanr.org/news/?uid=1313&ds=191>.

<sup>19</sup> *News Stories: Prized Collection of Water Resources Arrives in Southern California*, UNIV. OF CAL. AGRIC. & NATURAL RES. (Jan. 21, 2010), <http://ucanr.org/news/?uid=1356&ds=191>.

<sup>20</sup> *About WRCA*, *supra* note 2.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> The Colorado Water Resources Archive is a relatively new archive, having recently celebrated its 10 year anniversary. The archive focuses its collection on “individuals and organizations that have been instrumental in the development of water resources in Colorado and the West.” *Home*, COLO. WATER RES. ARCHIVE, <http://lib.colostate.edu/archives/water/> (last visited Oct. 9, 2011).

<sup>24</sup> *WRCA Home*, *supra* note 1.

<sup>25</sup> *Id.*

able to access the WRCA's blog, *On Water*,<sup>26</sup> which provides up-to-date news stories on issues relating to the archive; this blog also contains back issues and is individually searchable for content. The main page also offers links (in the form of icons underneath the left-hand side navigation bar) to the archive's Facebook page,<sup>27</sup> to its real simple syndication, or RSS feed,<sup>28</sup> and to its "Ask Me" online-chat feature.<sup>29</sup> To fund its endeavors, the archive traditionally hosts an annual

The collection of the WRCA is incredibly diverse "consist[ing] of more than 200,000 technical reports, 1,500 specialized newsletters, over 5,000 archival maps, and hundreds of videos. In addition, WRCA manages over 200 archival collections, and has more than 100,000 historic photographs and aerial photographs that document the history of water development in the West."<sup>30</sup> The main portal that provides access to the WRCA collections is the Scotty Catalog, the main library interface for the U.C. Riverside library.<sup>31</sup> However, alternate access is also available from the Online Archive of California.<sup>32</sup>

For purposes of management, the WRCA collection is divided into five distinct archival categories: the archival manuscript collection, digital materials, the map collection, oral history collection; and the photographic collection.<sup>33</sup> The WRCA archival manuscript collection consists of "materials donated by hydrologists, engineers, academics, and other members of the water community. The collections are made up of reports, personal papers, corporate records, correspondence, data, news clippings, maps, photographs, and other archival materials."<sup>34</sup> The digital materials collection is comprised of three parts: 1) the first is a selection of scanned digital copies of "thousands of images and publications" within the WRCA collection; 2) the second is an eScholarship portal<sup>35</sup> which hosts "scanned and born-digital publications produced by UC faculty and graduate students" using the WRCA; and 3) the third part is an online archive which "preserve[s] and provide[s] access to the transient content of hundreds of websites related to California's water infrastructure;"<sup>36</sup> specifically, for the web sites of the California Water Districts<sup>37</sup> and the Sacramento-San Joaquin River Delta.<sup>38</sup>

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<sup>26</sup> *On Water*, UNIV. OF CAL. RIVERSIDE LIBRARIES, <http://blogs.library.ucr.edu/wrca> (last visited Oct. 23, 2011).

<sup>27</sup> *Water Resources Center Archives*, FACEBOOK, <http://www.facebook.com/pages/Water-Resource-Center-Archives/> (last visited Oct. 23, 2011).

<sup>28</sup> *On Water Feed*, WATER RES. COLLECTIONS & ARCHIVES, <http://blogs.library.ucr.edu/wrca/feed> (last visited Oct. 23, 2011).

<sup>29</sup> *Chat with WRCA*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/view/wrca/chat> (last visited Oct. 23, 2011).

<sup>30</sup> *WRCA Collections*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections> (last visited Oct. 9, 2011).

<sup>31</sup> *Scotty Catalog*, UNIV. OF RIVERSIDE LIBRARIES, <http://scotty.ucr.edu/> (last visited Oct. 9, 2011).

<sup>32</sup> *Water Resource Center Archives, UC Berkley*, ONLINE ARCHIVES OF CAL., <http://oac.cdlib.org/institutions/UC+Berkeley:Water+Resources+Center+Archives> (last visited Oct. 9, 2011).

<sup>33</sup> *WRCA Collections*, *supra* note 30.

<sup>34</sup> Water Resources Collections and Archives, "Archival and Manuscript Collection," <http://library.ucr.edu/wrca/collections/mss.html> (accessed October 9, 2011).

<sup>35</sup> ESCHOLARSHIP, *supra* note 9.

<sup>36</sup> *WRCA Collections*, *supra* note 30.

<sup>37</sup> *California Water Districts Web Archive*, WEB ARCHIVES, <http://webarchives.cdlib.org/a/CAWaterDistricts> (last visited Oct. 9, 2011).

<sup>38</sup> *Sacramento-San Joaquin River Delta Web Archive*, WEB ARCHIVES, <http://webarchives.cdlib.org/a/SacSJDelta> (last visited Oct. 9, 2011).

In contrast, the map collection contains an “extensive collection of historic and current maps related to coastal and inland water sources, as well maps illustrating irrigation districts and other boundary-related entities.”<sup>39</sup> Furthermore, the oral history collection of the WRCA is truly a unique resource.<sup>40</sup> Established in 1965, the WRC created the California Water Resources Oral History Series in order to “document historical developments in California’s water resources by means of tape-recorded interviews with people who have played a prominent role in this field.”<sup>41</sup> The collection is available both in print transcript and audio files formats. The last installment of the WRCA is its photograph collection which includes “more than 100,000 photographs and slides, documenting water resources development.”<sup>42</sup> The collection also hosts two image catalogs including the Catalog of Coastal Aerial Photographs<sup>43</sup> and the Robert L. Wiegel Coastal Slides Catalog.<sup>44</sup>

Finally, the WRCA has embarked upon a series of “Special Projects” all related to its mission. The first is the Clearinghouse for Dam Removal Information (CDRI), an online repository which was designed to “collect documents from government agencies, consulting firms, universities, and non-profit organizations . . . [on] dam removal.”<sup>45</sup> The next is the Cache Creek Catalog,<sup>46</sup> a public catalog consisting of all manner of documents relating to the use and maintenance of the Cache Creek and its surrounding vicinity in Yolo and Lake counties, California; the purpose of the catalog is “to facilitate administrative, research, and information needs for all parties involved [with the Creek].”<sup>47</sup> The last project of the WRCA is the California Advisory Committee on Salmon and Steelhead Trout (CACSSST), a historic collection consisting of legislative and scientific reports relating to the committees efforts to restore California’s salmon runs.<sup>48</sup>

In conclusion, the WRCA is an archive in transition. However, based on a review of the archive’s web site, news articles about the archive, and a brief review of the scholarship associated with this institution, the WRCA appears to have a bright and vibrant future as it seeks to provide invaluable historic and contemporary materials to the environmental and legal communities on the topic of water law. Moreover, it appears as if the collection has found a welcome reception in its new facilities and is actively looking to highlight as much of its holdings as possible in order to make its resources accessible to researchers via the World Wide Web.

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<sup>39</sup> *WRCA Collections*, *supra* note 30.

<sup>40</sup> *California Water Resources Oral History Series Transcripts*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/view/wrca/collections/oralhistory.html> (last visited Oct. 9, 2011).

<sup>41</sup> *Id.*

<sup>42</sup> *WRCA Collections*, *supra* note 30.

<sup>43</sup> *Catalog of Coastal Aerial Photographs*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections/coastal> (last visited Oct. 9, 2011).

<sup>44</sup> *Robert L. Wiegel Coastal Slides Catalog*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections/wiegel/> (last visited Oct. 9, 2011).

<sup>45</sup> *Clearinghouse for Dam Removal Information (CDRI)*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections/cdri/> (last visited Oct. 23, 2011).

<sup>46</sup> *Search the Cache Creek Catalog*, WATER RES. COLLECTIONS & ARCHIVES, <http://digital.library.ucr.edu/cacheecreek/> (last visited Oct. 23, 2011).

<sup>47</sup> *About the Cache Creek Catalog*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections/cacheecreek> (last visited Oct. 23, 2011).

<sup>48</sup> *California Advisory Committee on Salmon and Steelhead Trout (CACSSST)*, WATER RES. COLLECTIONS & ARCHIVES, <http://library.ucr.edu/wrca/collections/cacsst> (last visited Oct. 23, 2011).

## Rare Book Cataloging Roundtable Report

Sabrina Sondhi

The Rare Book Cataloging Roundtable met for the fifth successive year last July at the annual meeting in Philadelphia. Sarah Yates, Roundtable Chair and Cataloging Librarian at the University of Minnesota Law Library led the TS-SIS sponsored meeting which was well attended, in spite of its being scheduled at the same time as the LHRB-SIS's awards

luncheon.

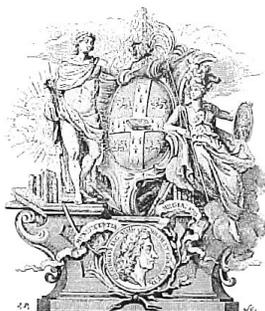
One of the major topics of discussion this year was whether RDA was suitable for rare book cataloging. The consensus was that it was not; after all, the DCRM(B) which is designed for cataloging rare books is still relatively new. The DCRM(B) also allows for a greater level of rare book-related detail and specificity than RDA would currently allow. Since RDA is still evolving, it was pointed out that the rare book cataloging community may eventually implement complementary RDA rules. However, most of the roundtable participants did not foresee this happening in the near future.

Another popular topic of conversation was genre terms. Most participants agreed that the growing use of genre terms will help patrons rediscover libraries' "hidden collections". However, several librarians admitted that their libraries used only a chosen subset of genre terms, if they decided to use genre terms at all. This means that copy cataloging records are not a viable method of adding these fields. In libraries with large collections there is also the question of how genre terms should be applied to already cataloged materials. At one major library, genre terms are being added to newly cataloged materials, but those fields are being suppressed until the point at which terms have been assigned to a significant portion of the collection. At another major library, the reference librarians will be choosing a selected few genre terms, and the catalogers will use global update to apply each individual term to materials.

Some general discussion was also held about date cut-offs for including items in Special Collections. This date was found to vary at different libraries. Some libraries also applied different date cut-offs for different purposes, *e.g.* pre-1850 for locating a book in Special Collections, but pre-1800 for cataloging a book with DCRM(B).

As happens most years, the group also had the opportunity to share news about new cataloging tools, training workshops, online presentations, and recent journal articles of interest. The rare book cataloging mailing list is set to be refounded on the new AALL platform; to be added to the list, or for more information, contact Sarah Yates (yates006@umn.edu).

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**LHRB-SIS Program: "Digging" Legal History in Philadelphia: The Meriwether Lewis Project, Monday, July 25, 10:45-11:45 a.m., Professor James E. Starrs, Speaker; Professor Emeritus of Law and Forensic Sciences, The George Washington University Law School**

Whether a death has resulted from suicide or homicide is a question AALL Annual Meeting attendees rarely are invited to consider, but Professor James Starrs, reprising his role as AALL's forensics expert, presented that query in his discussion of the controversial 1809 death of explorer Meriwether Lewis. Starrs, Professor Emeritus of Law and Forensic Sciences at The George Washington University Law School, is an icon in the field of forensics. A third-time returnee to AALL, he has discussed for his audiences the utility of applying forensic science techniques and evidence gathered during exhumation to verify or disprove accepted versions of historical legal events, and has analyzed his findings from exhumations of Colorado cannibal Alfred Packer's victims (see Kasia Solon's review at *LH&RB* 16.4 (2010): 23) and Senator Huey Long's suspected assassin, Dr. Carl Weiss (see Mark Podvia's review at *LH&RB* 15.3 (2009): 15).

This year's program did not disappoint. Professor Starrs captured the attention of his audience by combining details of the events surrounding Meriwether Lewis's death with drollery. He examined the hypotheses for murder and suicide, the cast of characters associated with Lewis at the time of his death, and some plausible motives for murder, as well as reasons why Lewis's death by suicide could be considered unlikely. Not content with mere speculation, he also reviewed the science that could provide evidence to resolve some of the questions surrounding Lewis's death.

Professor Starrs, with his team of professionals, has laid careful groundwork for the possibility of exhuming the remains of Meriwether Lewis. He has tested the condition of the soil and studied water drainage at the burial site, hypothesizing that the skeletal remains could be in good condition. He has obtained DNA samples from a Lewis descendant to prove whether the remains are actually those of Meriwether Lewis. He has planned a number of forensic tests, since evidence of black powder residue could indicate whether shots were fired at close range, bone strikes could show the trajectory of the bullet, and residual toxic substances such as mercury (a common treatment for syphilis) could indicate whether Lewis suffered from disease. Finally, Starrs has conducted test firing with weapons similar to those Lewis was believed to be carrying in order to compare shapes in the event that he finds lead balls with Lewis's remains.

Although Professor Starrs is prepared to conduct the exhumation, and enjoys the support of more than 200 descendants of Meriwether Lewis, plus the governors of Tennessee, Missouri, and Virginia, the decision to exhume lies with the National Park Service, which is responsible for the portion of the Natchez Trace in Tennessee where Lewis is buried. To date, NPS has refused to allow an exhumation, and the cause of Lewis's death remains controversial.

I anticipate his return along with that of coordinator and moderator, Jennie Meade, at the 2012 annual meeting in Boston, especially since Professor Starrs already has performed an exhumation of Albert DeSalvo, the purported "Boston Strangler," and Mary Sullivan, the woman thought to be the Strangler's final victim.

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## Book Reviews

Edited by

Joel Fishman, Ph.D.

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**Altschuler, Glenn C. & Stuart M. Blumin.**  
*The GI Bill: A New Deal for Veterans.*  
Oxford; New York: Oxford University Press,  
2009. 246 pages. ISBN: 978-0-19-518228-6. \$29.95.

The Servicemen's Readjustment Act of 1944, better known as the GI Bill, had a huge impact on America after World War II. It was a new invention in social legislation, directly benefitting 12.4 million of the 15.7 million veterans of World War II and became the largest government program in American history. When veterans were asked what difference the bill made to them, three quarters answered, "The GI Bill changed my life." (p.ix) The book's subtitle, "A New Deal for Veterans," not only places the GI bill within the context of the Roosevelt administration but emphasizes the revolutionary impact of the new policy on its veterans.

I think that Altschuler and Blumin provide a well-researched, informative and balanced study of the GI Bill. The authors argue that the bill was "unique" by comparison with what had gone before. (p.ix). Despite its mythical status, the authors do not shy away from presenting the good, the bad and the ugly about a law that reflected the politics and attitudes of the times. The book's seven chapters provide a compelling narrative, beginning with the Editor's Note and Introduction, which provide brief outlines of the work.

Chapter 1, "Before the GI Bill: Veterans and politics from the Revolution through World War I," is self-explanatory. Following almost every conflict (Revolutionary, 1812, Spanish-American, World War I) Congress responded, and veterans benefits usually took the form of a pension until the twentieth century. Each previous conflict influenced the type of benefits provided to the newest veterans.

Chapter 2, "FDR and the Reshaping of Veterans' Benefits, 1940-1943," and chapter 3, "Mission Accomplished," track the

development and process of the several bills that worked their way through Congress culminating in the Servicemen's Readjustment Act of 1944 that President Roosevelt signed. The GI Bill was not the end-product of a grand design, rather it grew in fits and starts. The final bill was the culmination of intense political maneuvering and complex negotiations in and out of Congress.

Both political parties in the House and Senate saw the need for a new program of veterans benefits and voted unanimously for the final bill. However, within a year it became apparent that the original act had serious drawbacks and was amended several times in the next few years. Altschuler and Blumin place the bill in its historical, political, social, and economic contexts and also consider the process and competing interests that led to its passage.

Like many Americans, I think of the GI Bill primarily in terms of college tuition and low-interest home loans that were made available to veterans. These are covered in detail in chapter 4, "SRO: Veterans and the Colleges," and chapter 7, "Finding a Home: The VA Mortgage." By 1956, more than 7 million veterans had participated in either education or training programs, and more than 2 million had taken out home loans backed by the Veterans Administration. There was an explosion in the number of students enrolling in college or university and this caused a huge increase in the need for housing, facilities, faculty, curriculum and other services. The GI Bill paid full tuition up to \$500 as well as providing stipends for veterans, married or single. The bill provided opportunities to many men who otherwise might not have attended college. The vets were excellent, determined students, and few flunked out. They tended to view the benefits as a privilege, not an entitlement, and had a positive view of government.

Although buying a home was not the first priority of veterans, there was a housing squeeze when they were ready to take advantage of the loans guaranteed by the VA. After problems with the VA mortgage program were quickly resolved by Congress, about 17% of vets used the mortgage guarantee program to purchase a home, 27% used FHA loans, and 55% used conventional loans (p.195) between 1945-1955.

As I stated previously, the authors include the good, the bad and the ugly about the GI Bill, particularly in chapter 5, "The Most Inclusive Program: Race Gender, and Ethnicity in Title II" and chapter 6, "Overlooked: GI Joe but not Joe College." Issues of gender, race and ethnicity are the focus of these two chapters although there are not overlooked elsewhere in the book. The authors indicate that even though the authors and administrators of the bill did not consciously intend the legislation to be racist or sexist, it was created with (white) men in mind (p.119). As "the most inclusive program...it did not discriminate between more or less privileged Americans. It made no distinctions between GI Joe and GI Jane" (p.118); "... It made no distinction based on "race, creed, color, or national origin" (p.129). Yet it was discriminatory in application and the VA failed these groups by not providing information and counseling about the programs available to veterans, as required by the legislation. These omissions influenced the extent to which each group took advantage of the GI Bill benefits. Current political and cultural prejudices also had a significant impact on the administration of the benefits. Nevertheless, there were gains and losses based on gender, race and ethnicity.

Women gained by entering the workforce and enrolling in colleges in record numbers during the war; they lost as the men returned home, the GI Bill was passed, and as things returned to normal, women returned to the domestic sphere. After passage of the GI Bill, women became a casualty of the post-war educational boom and college admissions officers turned down record numbers of applications from female high school graduates (p.125) to give veterans top priority, at least for a few post-war years.

Although underrepresented in the armed forces, African-American vets gained by taking advantage of the education and training benefits offered by the GI Bill, especially as a way to progress into the middle class. More blacks than whites used their Title II (Education) benefit to attend schools and training programs below the college level. Following the war, the VA may not have been willing to challenge the status quo in race relations, but the veterans who went to college gained the skills to organize and became active leaders and participants in the civil rights movement (p.137).

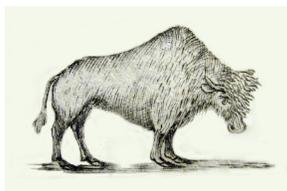
Religious and ethnic groups fared better under the GI Bill in large part because during the war the military came to look more like America than any other organization, public or private (139).

Discrimination did not disappear overnight, but the discriminatory admissions policies of colleges and universities were challenged. Democratization of higher education accelerated in large part because of the demonstrated success of millions of vets.

The GI Bill was a product of its time and was not perfect but there is no denying its significance in shaping post-war America. About 78 percent of veterans took advantage of one or more of the benefit programs (unemployment payments, education or training, VA-guaranteed loans) offered under the bill (p.8). The GI Bill was an innovative set of programs that enabled veterans to not only readjust to civilian life but realize richer and more satisfying lives (p.203).

Altschuler and Blumin write about a very familiar icon of Americana but bring fresh insights and perspectives to the story of the GI Bill. I think this would be a welcome addition to general academic and large public libraries. In the law library setting this work would be useful as a narrative type of legislative history. The authors provide extensive bibliographic footnotes that show use of government reports, hearings, documents, newspapers, magazines, primary and secondary sources. The Epilogue brings the GI Bill up to the present, indicating how it has changed over the years into a tool for military recruitment.

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**Dickinson, Laura A., Mark W. Janis, and John E. Noyes, Eds. *International Law Stories*. New York: Foundation Press, 2007. xiii, 442p. ISBN: 978-1-59941-086-9. \$40.00.**

Foundation Press's website states that its "Law Stories" series was designed to "bring famous cases to life by telling the true, never-heard-before stories behind landmark cases", and in the process of telling those stories, explain the cases' importance to the body of law.<sup>1</sup> The idea is a good one – if a student can attach an interesting story to a case, it should be easier for them to remember. I read many cases during law school, and while many of them have blurred together, I can still remember the case involving Rose of Aberlone or the story of, as my Torts professor described her (cue sad, sympathetic tone), "poor Mrs. Palsgraf".

Though I have heard of the "Law Stories" series before and our library regularly purchases new installments in the series, I had never read one of the volumes before, so I decided to take the chance to review this book and find out if it lived up to its promise. Overall, I would say that *International Law Stories* does a good job of achieving what its editors set out to do – present important events in the field of international law through stories that help the reader to understand how they contributed to the development of that body of law.

The book contains thirteen chapters, which the editors have organized into three parts. The first part is devoted to "Nuremberg and Its Progeny", discussing the Nuremberg trials and subsequent human rights actions; the second part to the domestic impact of international law; and the final part to interstate conflicts in international law. The lines between categories can be blurry at times – the chapter discussing Abu Ghraib and *Hamdan v. Rumsfeld*, for example, could likely have fit any of the three categories. Nevertheless, the division into parts helps the reader understand how the cases discussed tie together.

The editors seem to have done a good job in selecting the cases to be covered in the book. One of the chapters even reaches beyond the world of caselaw, discussing a principle of customary international law that evolved from diplomatic correspondence. Most of the stories focus on developments that involve the United States, but there is one chapter describing the first case contested in the Inter-American Court of Human Rights, and another involving the case that led to the idea of “objective bodies” such as the United Nations that could have a legal impact on even non-members.

There is a decent mix of historical developments from the 19<sup>th</sup> and 20<sup>th</sup> centuries that marked important milestones in international law. Among other things, the reader can find out about how Daniel Webster averted another war with the British and developed a doctrine of the amount of force a State can properly use in self-defense; why migratory birds helped determine whether treaties could override the rights of individual states within the United States; not to mention where the distinction between self-executing and non-self-executing treaties came from (something that has baffled many a law student – and librarian).

The editors also selected well in picking cases from the past couple of decades that they thought would have a major impact on international law in the years to come. Granted, it is always hard to predict the future, but I believe the editors chose their “instant classic” cases well. For example, one of the chapters discusses the 2001 *LaGrand* case involving German citizens who were sentenced to death in the United States without being told they could contact the German consulate for help. As if to illustrate the importance of this case, I just read a news article about a Mexican citizen who was executed in Texas in July 2011 without being given access to Mexican consular officials.

Selecting good cases, though, is just the first part in making a good casebook – in a series like “Law Stories” that is intended to bring the law to life for the reader, the book itself must be readable. As a whole, the book succeeds. Each of the thirteen chapters has different authors, legal scholars covering both sides of the Atlantic. With different authors, there will be different writing styles. Some chapters pop to life; others are somewhat drier. All chapters, though, are at least readable, and accomplish their most important tasks – selecting an important case, giving the reader the story of the people behind the case, and establishing why that case is important to the development of international law. I was pleased to see that many of the chapters even included an epilogue to tell you what happened to the parties after the case was over (a question that comes up now and then when reading about cases). The author of the chapter on *Filártiga v. Peña-Irala* did an especially good job of bringing the people in the case to life, including interviews with the plaintiff’s attorney, a clerk at the Second Circuit who was assigned to write the opinion, and a Justice Department attorney who wrote the United States’s amicus brief in the case.

If *International Law Stories* is a typical example of the “Law Stories” books, then I would say this is a series well worth adding to academic libraries’ collections. I am interested in international law, and this book taught me quite a few things about the field I did not know. The editors and the chapter authors did a fine job of weaving the individual stories into an overall tale that illustrates how international law has evolved from the body of customary practice between nations to a system that relies more on the text of treaties and collections of supernatural “objective bodies” like the United Nations and the European Union, as well as international courts like the International Court of Justice. The authors also do a good job sounding a warning tone about the United States’s recent unilateral tendencies and their possible impact. This book assumes some familiarity with concepts like customary practice and positivism, but it would serve well as a supplemental text to an international law class or as a good read for someone interested in the history of the field.

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**Dreisbach, Daniel L., Mark David Hall, Eds. *The Sacred Rights of Conscience*. Indianapolis: Liberty Fund, 2009. xiv, 672p. ISBN: 978-0-86597-715-0. \$14.50. (paperback)**

In *The Sacred Rights of Conscience*, Daniel L. Dreisbach and Mark David Hall have delivered what the subtitle of the book promises—*Selected Readings on Religious Liberty and Church-State Relations in the American Founding*. The question is, when one has that, what exactly does one have?

The book consists of readings that run the gamut from single paragraphs in letters to political pamphlets of many pages. The subject matter covers an enormous amount of time and number of subjects, which are tied together by short essays. The book begins with selections from the Bible and European influences and then enters the specifically American experience of religion and public life, from the colonial period to the 1830's. The American selections treat some of the well-known church/state controversies, such as early religious discriminations, disestablishment in the States, the omission of God and prohibition of religious tests in the Constitution, the adoption of the Establishment and Free Exercise Clauses, the use of religious references in the early Republic, the religious disputes in the election of 1800 and the treatment of the metaphor of the Wall of Separation between church and state.

Dreisbach and Hall are scrupulously fair scholars. Aside from the biblical and European sources, which are too scattered and opaque to contribute to the reader's understanding of the American religious experience and should be eliminated in the next edition, their selections are helpful and do not exhibit any ideological bias. This alone should earn them praise in this politically tendentious field.

Nevertheless, the format they have chosen—relatively short readings with a few very brief essays—may unintentionally create misleading impressions. For example, their essay about the Presidential election of 1800 states that Jefferson's supporters "introduced into American political discourse a separationist principle... ." This phrasing suggests that separation of church and state was a relatively late idea in America. But this ignores the contribution that Roger Williams made in the 1640's forward, which is included in earlier portions of the book. Even if Williams' pamphlets did not circulate in America until later, it is unlikely that the thrust of separation was not communicated from Rhode Island outward. In addition, a reading in the book from James Bayard explains the omission of a reference of God in the Constitution in completely separationist terms: "[the Constitution] was intended exclusively for *civil* purposes... ." (364). Bayard's explanation comes very late, in 1833, and perhaps Dreisbach and Hall would say that Bayard did not reflect the thinking of 1787. But that kind of explanation is precluded by the format they have chosen.

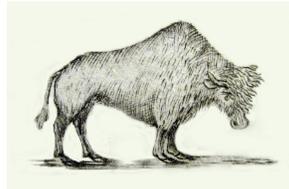
Another example of a perhaps misleading treatment is the authors' view that the Establishment Clause primarily served as a federalism device that "implicitly affirmed state jurisdiction in religious matters." (405) This suggests that America in 1791 was still accepting of the state religious establishments. Yet a too-short earlier section of the book describes the movements in the states toward disestablishment and prohibitions on public support of religion—for example, the rejection by the voters in Maryland of taxpayer support of multiple religious denominations in 1785. (253). It is at least arguable that the ban on national religious establishment was adopted with an understanding that official support for religion in the states was waning.

The format of readings without much explanation also allows only a very simplistic story to be told by the authors about America's history of church/state relations. That story is essentially that the diversity of Protestant denominations in America led to a principle of religious liberty but that Christianity in particular and religion in general retained a dominant role in early American culture.

I don't think anyone could contest that description, but it leaves out an underlying trend over this period. Something seems to have happened in American life between 1750 and 1800. For example, the Day of Prayer Resolution adopted by the Continental Congress in 1775 was directed to "Christians" (217) and the Thanksgiving Resolution of 1777 was proclaimed "through the merits of Jesus Christ" (224). But the Day or Prayer Resolution in 1779 makes no reference to Christ beyond the phrase "year of our Lord" and the Resolution of 1780 drops even that reference. More generally, it seemed from the readings that a less Christian and even less pious atmosphere was forming during this period. By 1788, Elihu was referring to the drafters of the Constitution as "great philosophers" and calling those who wanted a reference to God in a new Preamble, FANATICS, in capital letters (353).

I am no historian and so my impressions here are undoubtedly not worth too much. Yet that is precisely the problem with the format of this book. It encourages simplistic conclusions instead of leading the reader to a more nuanced understanding.

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**Gillette, Michael L. *Launching the War on Poverty: An Oral History*. Oxford: Oxford University Press, 2010. xx, 458p. 2d ed. Paper. ISBN:978-0-19-538727-8. Oxford Oral History Series. \$24.95.**

Poverty has long been a bane of civilization and a challenge to national leaders. The United States, in that regard, has a long and creative history of trying to address the problem and to insure freedom from want for its people. In the 1930s President Franklin Roosevelt led the effort to raise living standards and made social legislation broadly acceptable. In the 1960s President Lyndon Johnson sought to extend those protections in what he called the Great Society. Specifically, he declared war on poverty in his first State of the Union Address in 1964, and then through the passage of the Economic Opportunity Act in August of that year (PL 89-452, 78 Stat. 508). The legislation set up the Office Economic Opportunity, an umbrella under which a constellation of innovative anti-poverty programs were assembled and administered. *Launching the War on Poverty: An Oral History* traces the anti-poverty warriors' creative process that framed the issues, forged the programs, got them underway, and administered them. It is an inside view in the voices of the participants – assembling the team, drafting the legislation and getting it passed, launching the programs, and overcoming obstacles along the way. And, it is a backwards glance from a position of experience and reflection.

The interviews were excerpted from the large oral history collection at the Lyndon Baines Johnson Library in Austin, Tex., which holds more than 1,700 interviews recorded to fill in the gaps in the written record of the Johnson years. They were begun under the auspices of the University of Texas, at Austin, during the last year of the Johnson presidency, and continued until the 1980s. In an effort to encourage candor the interviewees were allowed to review and edit their comments. Nonetheless, there are some limitations to the oral history approach that need to be kept in mind when reading this account. Memories can be vague, biased, or erroneous, and relevant topics can be overlooked. In the Johnson project some officials declined to be interviewed and others declined

to make the transcripts available. There can also be inconsistent recollections, although in this account there is a remarkable degree of consistency.

The interviews relied upon in this account were excerpted and arranged topically – and (mostly) chronologically – to highlight corroborative and divergent recollections. The second edition is enhanced by the inclusion of the direct words of President Johnson. They were taken from recorded telephone conversations and add an interesting contrast between his contemporaneous and spontaneous conversations with recollections of those conversations after years of reflection. They also bring Johnson's role and participation more directly into focus.

Also included for the reader's use are helpful thumbnail biographies of each quoted interviewee, a lengthy bibliography, footnotes, and a list of those interviewed, when, and by whom. The cast of characters is an assorted lot of borrowed government officials, university based economists and academics, corporate lawyers, and experts on poverty. It should be kept in mind, though, that this is a view of the War on Poverty from the top and does not include voices of those the programs were intended to help and other participants at the local level.

What became the War on Poverty had its origin in the administration President John F. Kennedy, who had read accounts of American poverty from such authors as Michael Harrington and Harry Caudill, as well as a series of articles in the New York Times by Homer Bigart. They convinced him that poverty was an issue that needed to be addressed and could be a good issue to take to the voters in his reelection effort. A working group was set up under Walter Heller, Chairman of the Council of Economic Advisers, to look into means. The day after Kennedy's assassination Heller met with Johnson and got enthusiastic permission to continue. Because Johnson had taught underprivileged Hispanic children in Texas in the 1930s and had also run the National Youth Administration office for Texas he had strong feelings about the need for, and effectiveness of, anti-poverty programs. He also saw eradication of poverty as his signature issue, and he wanted it in the spotlight of public attention, noticed by all.

Johnson decided on a more comprehensive approach than the small demonstration program that Kennedy and Heller had in mind and recruited R. Sargent Shriver, Director of the Peace Corps and a Kennedy brother-in-law, to organize and run the War on Poverty Task Force. Although the process was chaotic, frenetic, and idealistic within six months they had conceived specific programs and crafted and secured passage of legislation to carry them out. Shriver used his powers of persuasion, and backing from the president, to staff the task force and to sell the programs on Capitol Hill, all while still running the Peace Corps. First, he had to get theoreticians to generate the ideas, then planners to put the ideas into action, and then people who could draft the legislation and sell it to Congress. Finally, he needed people to operate the programs. Many of those people have a voice in this treatment.

From the beginning the task force, with the full support of Johnson, determined that since the problem of poverty defied rigid institutional boundaries the centerpiece of their attack should be comprehensive community action programs overseen, but not controlled, by a small independent agency. They also felt that innovative ideas would go further in a new agency – the Office of Economic Opportunity (OEO) – than in the established bureaucracy. Secretary of Labor Willard Wirtz preferred a full-employment program because it would get money into people's pockets, make them taxpayers, and get them off welfare. Shriver and his team disagreed and felt that extreme poverty was debilitating and that the poor had to be made ready for jobs before jobs were made ready for them. It was to be a hand up, not a hand-out.

The idea behind the Community Action Program was to allow localities to be creative, to innovate and come up with programs that suited their own local needs, i.e., what works in Boston may not be helpful in Kansas City. Through "maximum feasible participation" it would seek regularized input from the target population to learn what they thought. It was also hoped that the program

would focus the public's attention in communities around the country on the problems of poverty. As Shriver's deputy Jack Conway put it, "If they give us three years with this program, we'll put a rivet on the conscience of the country that they'll never take off."

Since there were a variety of needs a variety of programs was arranged under the umbrella of the OEO to meet them.

The Jobs Corps: Offered vocational training to teenagers to prepare them for the job market. The idea was to get the youth out of their environment, get them some education, health, nutrition, and social services.

Project Head Start: For children in the year before school starts. It was not just pre-school service but a more comprehensive child-development program that would offer health, nutrition, and social services. More than 50% of the poor were children. Reaching them early was essential to their long term success.

Volunteer in Service to America (VISTA): A national service program akin to the Peace Corps.

Legal Service Program: To assist and advocate for the poor through free legal services.

The OEO also oversaw delegated programs, such as *Work Study* (operated through the Office of Education) and the *Neighborhood Youth Corps* (run by the Department of Labor). Indeed, over time the programs conceived and run by the OEO were to be spun off to the established departments and agencies so that OEO could concentrate on newer programs.

The Office of Economic Opportunity got off to a fast start and for a while it was seen as the agency with the most action in town. However, because it was new, experimental, and got off to such a fast start it had its share of problems, as well as opponents. A primary concern was over power struggles for control of local agencies – would the poor be merely involved in decision making or would they control the agencies? In the end, Congress had to amend the law to put local government in control. But there were other problems too.

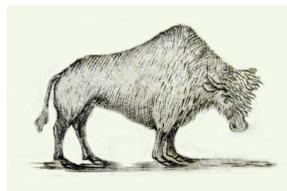
- The OEO was slow to recognize the need for guidelines.
- They didn't have an adequate audit system in place early on.
- They didn't have an adequate audit system in place early on.
- Violence and crime erupted in a few Jobs Corps centers.
- Poor job placement from the Jobs Corps at first.
- Lack of adequate funding – in part due to the escalation of the war in Vietnam.
- Poverty turned out to be more intractable than had been originally thought.
- Early enthusiasm faded.
- Race was sometimes an issue – especially in the south.
- Overheated rhetoric and over-optimism led to difficulty in living up to expectations.
- Bad press – any local problem was reported as if of national importance.
- While the OEO was supposed to be in charge of interdepartmental anti-poverty efforts Shriver did not have the leverage or standing to oversee those efforts.
- Tactical mistake - maybe they should have built an early record of success by focusing first on the easier cases rather than on the hardest ones. Lack of early success endangered the program.

With more than a thousand programs there were bound to be some problems. In the end, though, the fact remains that many of these programs were successful and continue to be so today: Head Start, Jobs Corp, Legal Services Corporation, Work Study, Americorps VISTA. And the community action program had impact. Localities learned how to create programs to deal with poverty and other concerns and departments redirected how they allocated money. Unfortunately, since it is hard to quantify the programs' effect on the eradication of poverty the history will continue to be controversial. Still, the poverty rate shrank during those years and at least some of the improvement can probably be attributed to the efforts of Johnson, Shriver, and the others quoted in this book.

After Johnson left office the Office of Economic Opportunity struggled along during the years of the Nixon presidency but was replaced in 1975 by the Community Services Administration, which was in turn abolished in 1981 by the Reagan administration. Along the way its popular programs were transferred to other departments.

The War on Poverty is still controversial and its repercussions continue to inform our national debate today. As such much has been written about it, positive and negative. Regardless of one's point of view this book can be of use by showing what the old warriors thought they were doing and where they thought they failed. It is a rich vein and tells an exciting story. It is also a fascinating read and it captures some of the spirit of that dynamic historical moment. Donald M. Baker, former counsel to the OEO, may have summed up the war's overall impact best when he said, ". . . I think that there has been a sort of unmeasurable and imponderable impact that, I suspect, is of more long-lasting importance than what we've done directly, and that is the indirect impact on the operations of federal, state, and local agencies, public and private. They are never again going to do things in the area of helping the poor quite so badly as they were doing them beforehand."

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**Jensen, Kristian. *Revolution and the Antiquarian Book: Reshaping the Past, 1780-1815*. Cambridge: Cambridge University Press, 2011. x, 318p. ISBN: 978-1-107-00051-3.**

Wonderfully researched and written, Kristian Jensen takes the reader on a journey to eighteenth century Europe to develop themes and characters significant to the collection of incunabula. These rare books, called incunabula, were the earliest books printed of 1400s and 1500s vintage. Jensen's many examples of incunabula come from his years as Head of Arts and Humanities at the British Library, and enrich the text. One example of these old and rare books is Fichet's *Rhetorica*, printed in Paris around 1471 and bound in red satin as a gift for Pope Sixtus IV, which was enthusiastically bought in 1791 by an aristocrat collector.

These old books took on a new role during the time of the French Revolution. During the 1700s and after a hundred years of neglect the suddenly became sought over 'cultural trophies.' Jensen's research documents the reasons why this collection activity in rare incunabula spiked in the 1700s particularly in the year 1790. The catalogues of the great collections in such early books by the Bodleian and British Libraries, as well as the Bibliotheque National in Paris, really were acquired during this time frame. As one gauge the seriousness of collection and acquisition efforts Jensen quotes from letters by the Library Director in Paris to the French military requesting incunabula be systematically purchased or looted from occupied Germany for the Bibliotheque National.

Jensen's focus on incunabula collection is enhanced by many themes. For example, cultural attitudes Jensen discusses indicate that the fascination with early books was not about the content of the works but rather about ideas of intellectual freedom and either national or class pride. The content of incunabula was typically in Latin in difficult gothic font, lacked page

numbers, indexes, or verso. They were not read by many of the collectors and as Jensen demonstrates with excellent historical analysis were routinely rebound and even dismembered to fit into binding of the 1700s. Original wood covers and binding were disintegrating by the 1700s and not valued or brutally replaced by modern cover art. Further, rare book pages were bleached to display a whiteness expected from modern presses that removed margin notes and any context from the medieval uses of the work.

Other themes from *Revolution and the Antiquarian Book* document the effect of the collapse of the Benedictine Monastic orders in French occupied Germany and the sudden availability of incunabula on the international book market. The motives and operations of major book sellers and collectors made incunabula a market category for the first time. As an example, Jensen integrates the rich correspondence of Earl Spenser into the narrative to show a collection fever for incunabula as essentially competition with the revolution in France led by the Bibliotheque National in Paris for knowledge control.

One of the greatest strengths of the book is the deep harvest of examples from the primary historical documents of the era. Jensen's book is 318 pages long but the last one hundred pages are endnotes and bibliography. This is a great resource of the letters, library collection policies, book catalogues, book selling manifests, newspaper coverage, and other cultural sources of 1780-1815 in Europe touching and concerning incunabula.

Jensen researched the material as a scholar in the Lyell readership in bibliography at Oxford University for 2007-08. The set of six lectures formed the basis of the *Revolution and the antiquarian book* (2011). Interestingly the lengthier title of Jensen's lectures describes the subject matter of his research better than the eventual book title. The lectures were called *Collecting Incunabula: Enlightenment, Revolution and the Market - Rediscovering and Re-creating the Earliest Printed Books in the Eighteenth Century*, and this title more accurately defines his scholarship.<sup>1</sup> The book, like the lectures, assumes a historical context by the reader on the events of the times. The invention and impact of printing, the Reformation, the rise of a bourgeois class, revolution and world war until the French defeat at Waterloo underpins the narrative but is not explained. Jensen's approach works because the collection of incunabula is a discreet part of a large drama and needs focus to be coherent without defining the larger issues of history.

The activities of the new United States and other countries beyond England and France are not incorporated into the text. For example, George Washington appears once in the text but does not even rate a spot in the index.

*Revolution and the Antiquarian Book: Reshaping the Past, 1780-1815* is expertly divided into six chapters that roughly mirror the Lyell lectures. Chapters 1 & 2 read like an antiquarian book-lover's tale of war and the search for meaning on both sides of the Channel. Contrasting English and French motivation and practice is a clever way to foster understanding of the incunabula phenomenon of the time. Chapter 3 seems like a departure from the narrative and jumps back from the 1780s to the early part of the century. This Chapter is readable and adds to the impact of the book but does feel like a prologue to the main chapters and perhaps should be at the beginning of the work. Chapters 4 & 5 are worth the wait and show the cultural activity surrounding the books. In particular Chapter 5 should be read by any book lover for the madness of both 'commemorating and obliterating' the past that happened to incunabula collected in this time period.

The hard-bound volume of *Revolution and the Antiquarian book: Reshaping the Past, 1780-1815* is published by Cambridge Press and includes numerous pictures and portraits. All illustrations are

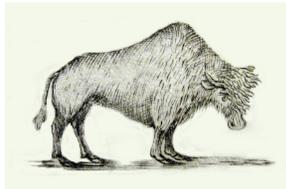
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<sup>1</sup> See the Lyell Lecture website for Jensen's Oxford lectures: [http://www.bodley.ox.ac.uk/csb/lyell\\_online.htm](http://www.bodley.ox.ac.uk/csb/lyell_online.htm) (visited June 30, 2011).

black and white and sometimes they do not convey the beauty of these old books as well as color might allow.

Jensen's scholarship and spirit of librarianship work well in this recent work.

Rob Hudson  
Associate Dean of the Law Library  
Phoenix School of Law



**Kaye, J. M. *Medieval English Conveyances*. Cambridge, Cambridge University Press, 2009. xlv, 382p. Cambridge Studies in Legal History Series. ISBN: 978-0-521-11219-2. \$140.**

This treatise treats the development of the contents of documents conveying property beginning with the conquest in 1066 by William the Conqueror to the end of the Medieval period which ends with approximately the reign of Henry VII at the end of the Fifteenth Century. One of the first questions the author addresses is how did William the Conqueror convey the land in England to his followers after conquest. It is an accepted fact that he displaced the Anglo Saxons with his own Norman followers but how was this accomplished? The author suggests that the documentation has not survived but this reviewer proposes another thesis. Perhaps the concept of private ownership and looking to some document for authority for ownership had not been fully conceptualize in 1066. The Normans began castle building immediately and the King appointed his trusted followers in charge of each castle as the concept of feudal system was put in place.

The author reviews the general developed of charters conveying property and it is not surprising that the scribes who drafted these documents would in time include standardized provisions which by the end of the Fifteenth Century became common depending on what type of property conveyed. This introduction is an prefatory chapter to the history to the evolution of the law governing charters ranging from pleading such a documents and how the courts treated forgeries of which there are many.

In chapters following the introduction, the author examines the different types of conveyances and examines the common provisions separately for each type with appropriate quotations from these historic documents found in many printed and manuscripts sources found in many depositories throughout England. For the American reader it is simply amazing that so many such manuscripts have survived. Monasteries and Churches were among the earliest corporations to receive charters and grants which were kept in collections designated as chartulary. The bibliography lists the many such collections which have been printed or still exist in manuscripts. These charters and collections are an insight into activities of life during this era which is known to many as the "Dark Ages".

The Normans not only built the early stone castles but they introduce the feudalism system which required the holder of grant to perform certain duties, generally military duties for his mesne grantor. Not surprisingly, over the centuries that followed, other duties were required of holder of the demesne and charters with common provisions for specific purposes such as grants in alms. Such grants were to religious houses or churches, generally obligating the receptor to pray for the soul or take care of the donor in some way during his lifetime. It is interesting to note that this was a form of retirement. The author notes that a few that some of the religious houses purchased

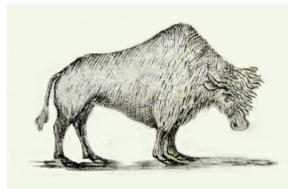
land and insisted that the grant be made in alms perhaps getting a lower price for the land. The grantor had to make arrangements for what ever the duties required in his charter to be provided for.

As long as a woman remain unmarried, she could dispose of her property as freely as a man but as soon as she married, the husband could dispose of her property unless some other provision was made. If the property was conveyed during the marriage, provision must be made for his interests. The author reviews many reasons why such conveyances were made and the results. This chapter is of interest in view of today studies of women's rights.

There are several valuable appendices in this volume. The first is a listing of "Abbreviations and references" to sources that the author cites in the text. The local historical societies in England have for several centuries, been engaged in publishing these local records and far more involved in this type of publication. Another valuable segment of this volume is its glossary of legal terms which aids the reader to understanding legal terms of this period.

To read this book requires close study for it is legal technical. It is obvious that the author has done in depth research among the old charters in the preparation of this volume and has produced an excellent study of the origin of these documents and their use over the several centuries surveyed.

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**Lash, Kurt T. *The Lost History of the Ninth Amendment*. New York: Oxford University Press, Inc., 2009. xix, 374p. 1ISBN: 978-0-19-537261-8. \$85.00.**

In conversations about constitutional law or constitutional history, the Ninth Amendment rarely is discussed because it is among the least known amendments to the U.S. Constitution and from Kurt Lash's perspective it is also the most misunderstood. This amendment guarantees:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. <sup>1</sup>

"By the People" in the eyes of the author refers to the people in their respective states and does not refer to individual citizens of a nation. In other words, this amendment was designed to ensure that the first eight amendments would be not be construed as mere exceptions to a federal government with unlimited power and risk undermining the states' power of local self government. The problem occurs when one looks at the Tenth Amendment, which states that "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."<sup>2</sup> At first glance, this view of the Ninth Amendment would render the Tenth Amendment redundant because the Tenth specifically limits the power of

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<sup>1</sup> U.S. Const., Amend. IX.

<sup>2</sup> U.S. Const., Amend. X.

the federal government at the expense of the states, but Lash sets out to show the real purpose of the Ninth and how both amendments were designed to work together to develop a construction of limited federal power. This interpretation may not be accepted by many constitutional scholars, but the author makes a compelling case that looks at the history of the Constitution, case law, and scholarly writings. The analysis considers the state ratifying conventions and follows the history of the Ninth through the Antebellum, Reconstruction, and New Deal periods showing how this amendment was originally understood and how the Supreme Court and modern scholars eventually disregarded the amendment altogether.

The author is very thorough in his analysis of the Ninth Amendment and how it lost its original meaning. First, he discusses the concerns from the state ratifying conventions to the U.S. Constitution about the dangers of a centralized federal government and how the Bill of Rights were promised as a remedy to ensure a limited government. Second, he refers to James Madison's original draft of the Ninth Amendment which was more specific about its application to the states, but was changed to simplify the text. Third, he alludes to James Madison's speech in 1791 against the Bank of the United States where Madison discusses the Ninth Amendment in support of his opposition. Fourth, Lash points to the early struggles of the nation with respect to the Alien and Sedition Acts and the role of the Ninth in the debate regarding its constitutionality. Fifth, he consults scholarly writings such as *View of the Constitution of the United States*<sup>3</sup> by St. George Tucker to illustrate the common understanding of the Ninth Amendment in the nation's early history. Finally, he heavily relies on state and federal case law, including several Supreme Court cases to display the history of the Ninth Amendment.

So how did everyone get it wrong? Kurt Lash explores this question in vivid detail. He shows that numerous cases for the first century and a half of U.S. history and scholarly writings, that regardless of whether the individual court or scholar had a broad or narrow interpretation of federal power, understood that the Ninth Amendment was designed to protect the rights of states and meant something different than the Tenth Amendment. Assuming the author's interpretation of the Ninth is correct, it would appear to be moot considering the addition of the reconstruction amendments including the Thirteenth, Fourteenth, and Fifteenth, which were designed to expand individual rights. This is especially the case with the Fourteenth, which applies the privileges and immunities to the states. The author deals directly with the impact of the Fourteenth Amendment on the Ninth Amendment:

“Either the Ninth was completely *erased* as an enforceable clause, or remnants of the original Ninth survived Reconstruction and must now be *reconciled or synthesized with* the Fourteenth Amendment. It is this last possibility that seems most supported by the historical record (p. 248).”

In the author's eyes, the Fourteenth Amendment simply limited the scope of the rights retained by the states under the Ninth; it did not do away with them completely. The New Deal brought on a number of cases such as *NLRB v. Jones & Laughlin Steel Corp.*<sup>4</sup> that, according to Lash, discarded the Ninth and Tenth Amendments altogether. Discussion in fact wasn't revived until *Griswold v. Connecticut*,<sup>5</sup> which produced a concurring opinion by Justice Arthur Goldberg using the Ninth in support of the right to privacy based on the notion that the ninth referred to the protection of individual rights. Hence, the Ninth Amendment evolved from a provision respecting the right of local self government to a disregarded area of the Constitution. While the Rehnquist

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<sup>3</sup> ST. GEORGE TUCKER, VIEW OF THE CONSTITUTION OF THE UNITED STATES: WITH SELECTED WRITINGS (1803).

<sup>4</sup> 301 U.S. 1 (1937).

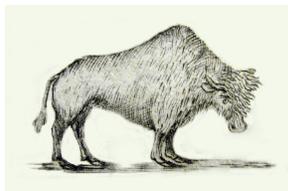
<sup>5</sup> 381 U.S. 479 (1965).

court gave the author hope in the revival of federalism principles through rulings such as *United States v. Lopez*<sup>6</sup> and *Alden v. Maine*<sup>7</sup> that have restricted federal power, he points out that these cases incorrectly attribute this principle to the Tenth Amendment, but use Ninth Amendment reasoning instead. Lash stipulates that the same court completely disregarded the principle altogether in the famous medical marijuana case, *Gonzales v. Raich*.<sup>8</sup>

The author points out that some modern scholars have failed to fully understand the Ninth Amendment as well. For example, *The Founders Constitution*,<sup>9</sup> published in 1987, did not include excerpts attributing the right of local self government to the Ninth Amendment.

*The Lost History of the Ninth Amendment* will challenge the reader to view the Ninth Amendment differently than how it is otherwise perceived in modern times. Lash's argument will not convince everyone as there are varying views of the Constitution with respect to the power of federal government as it relates to state government and individual rights. However, it is an eye opening exposition of the inconsistent application of constitutional principles by our courts and scholars that everyone, especially those whose interests lie in constitutional law, should read.

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Reference/Research Librarian  
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Center



**Peterson, Merrill D. *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820s*. Indianapolis, Indiana: Liberty Funds, 2010. xxvii, 412p. ISBN: 978-0-86597-789-1 (pbk)/ 978-0-86597-788-4 (hbk). \$17.50/\$34.00.**

Merrill D. Peterson (1921-2009) was Professor Emeritus of History at the University of Virginia and a noted Jeffersonian scholar. Peterson was a prolific author who wrote for a general audience making his books highly readable. In addition to Thomas Jefferson, his subjects included the abolitionist John Brown, the great 19th-century orator and statesmen Henry Clay, Daniel Webster, John C. Calhoun, and Abraham Lincoln. Notable works include *Thomas Jefferson and the New Nation* (Oxford University Press, 1970) and *The Great Triumvirate* (Oxford University Press, 1988).

*Democracy, Liberty, and Property* is a collection of original documents with introductory essays by Peterson that provide context for each state convention discussed. First published in 1966 by Bobbs-Merrill - as part of the American Heritage Series - this Liberty Funds edition reprints selected debates, Peterson's introductions, chronologies, analytical tables, and a selective bibliography. New to the 2011 edition is a forward and further reading list by G. Alan Tarr,

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<sup>6</sup> 514 U.S. 549 (1995).

<sup>7</sup> 527 U.S. 706 (1999).

<sup>8</sup> 545 U.S. 1 (2005).

<sup>9</sup> THE FOUNDERS' CONSTITUTION (Philip B. Kurland & Ralph Lerner eds., 1987).

Distinguished Professor of Political Science and Director of the Center for State Constitutional Studies at Rutgers University – Camden.

The book is not a survey of state constitutions, as the subtitle might suggest. Rather, it covers three constitutional conventions: Massachusetts (1820-21), New York (1821), and Virginia (1829-30). Peterson selected these three conventions as being representative in size, political development and influence, issues and conflicts, and as the leader of their geographic section – New England, Middle Atlantic and Southern.(p.xxiii) Each state also faced distinctive conflicts – Massachusetts with religious liberty, New York with problems of institutional structure, and Virginia with slavery and equality of representation.

Most of the original state constitutions had been drafted during the Revolutionary War by people who lacked experience in constitutional design and self-governance. With the passage of time the constitutions proved to be insufficiently democratic, devoid of checks and balances, and lacking in separation between branches of government. A number new states and territories seeking statehood had written constitutions that served as examples to other states.

Significant changes had occurred in political thought and practice since the writing of the original charters and constitutions. Reformers insisted that constitutions should reflect those shifts.

The book title, *Democracy, Liberty, and Property* represents three current themes in the histories and speeches. Reformers and conservatives valued liberty but reformers tied it to the expansion of democracy, while conservatives believed expanded democracy threatened the liberty and privileges of the property owner. Excerpts of speeches by John Adams, Martin Van Buren, James Madison, James Monroe, and John Marshall are among the selections.

Representation is a recurring topic throughout the book, addressed by Joseph Story and Daniel Webster at the Massachusetts convention. I found history coming alive for me in the eloquent speech of John R. Cooke on representation at the Virginia convention. Cooke spoke of “eternal truth,” “nature of man” and “happiness to be obtained.”

“That all power is vested in, and consequently derived from, *the people.*”

“That all men are, by nature *equally free.*” And

“That a *majority of the community possesses*, by the law of nature and necessity, a right to control its concerns.” (p.261)

At the Virginia convention, Abel P. Upshur spoke on majorities and minorities, making a distinction between majority of interests and majority in number. He states, “...each individual has his rights, which are precisely equal to the rights of his fellow. But the right of a majority to rule, necessarily implies a right to impose restraints in some form or other; either upon the freedom of opinion or the freedom of action.” (p. 277) Upshur asks if the minority is bound by what the rest have determined, how will the majority be determined?

Democracy and representation were complicated issues. Who was represented, who could vote, and how representation was determined were heavily contested. Representation based on population was not clear cut. How were women, children, and slaves to be counted? In the 1820s enfranchisement meant white males. Reformists called for the equality of representation and enfranchisement of every man who paid taxes or served in the militia. Conservatives were concerned about protecting property and wanted to limit the franchise to real property owners. Virginia plantation owners feared heavy taxation of slaves with the expansion of the vote.

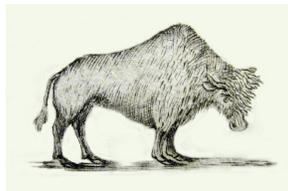
Institutional structure was another recurring topic at the conventions. Experience had shown the need for a separation of powers. The New York convention of 1821 produced important reforms

when it abolished the Council of Revision and the Council of Appointment, made thousands of offices elective, and reformed the state judiciary.

I quite enjoyed Peterson's writing style. His introduction to the Virginia Convention set the stage for me with such comments as "inexhaustible exercise in political erudition", "a dazzling forensic display", and "men that can split hairs in all abstruse questions of political economy." (p.243) He also gave me a vivid visual image with his description, "There seated around a long table – all except John Randolph, who pouted and stared in a corner". (p.247)

*Democracy, Liberty, and Property* is highly recommended for students of history, political science and for law and academic libraries.

Joni Herbst  
Technical Services Law Librarian  
University of Oregon, John E. Jaqua Law Library



**Robertson, Craig. *The Passport in America: The History of a Document*. Oxford: Oxford University Press, 2010. x, 340p. ISBN: 978-0-19-973342-2. \$27.95.**

"Show me your papers."

No phrase evokes the involuntary dread of authoritarian power and the terror of bureaucratic arbitrariness as this four-word request for one's passport. This fear is not surprising; in the inner dialogue we humans typically go through in deciding what kind of person we should be—good or bad, successful and hard-driving or serene and content, confident or pushed-around—rarely is the existential question of "who am I" rendered so brutally concrete. In one small booklet, with a few lines of text, a tiny photo, and stamps and seals, one's identity is defined.

It is this social construction of identity that is the real theme of the Craig Robertson's *The Passport in America* and its evolution through the nineteenth and early twentieth centuries from something personal, local and attested by one's neighbors to an impersonal bureaucratic construct, established with official documents. While telling the story of one document, the passport, Robertson describes the increasing importance of official documents in all aspects of the life of modern Americans. A subtext to the story is the increasingly herculean efforts by officials to pin down this identity and to use new technologies to confirm a person's identity in a single document. Along the way, enduring themes of race, war, immigration and class make cameo appearances.

*The Passport in America* is divided into two distinct parts. The first examines the surprisingly rich history of the physical document as it evolved from a simple letter of introduction to a complex legal document by focusing on its constituent parts: name, signatures, description, photograph, etc. Each data point had its own interesting set of problems, and Robertson also discusses the bureaucracy that involved to work out these issues and to assemble the document.

The second part looks at the complex issues that the passport regime involved, including knotty questions of citizenship, the possibility of fraud and forgery, and the increasing role in national

security in its evolution.

The story of the creation of the document that we call a passport is really a collection of separate stories of the various bits of data we accept without thought as fixed and self-evident but were until recently much more negotiable in meaning. Standard features of the modern document like exact name, official birth date, signature, even physical description are in fact modern creations. President Barack Obama was long hounded by opponents to produce a "birth certificate" but few perhaps realize that uniform birth registration is a 20<sup>th</sup> century innovation and that only those presidents elected after WWII could reliably produce such certificates.

Robertson effectively describes the evolution of the U.S. passport, its various datum, and the application process. The original passport was merely a letter of introduction from the Department of State to foreign nations on behalf of person. It made no attempt to verify the identity of that person; its mere possession was the some total of its effectiveness. America's earliest passports were "big official looking" papers, twelve-by-eighteen inch broadsheets, written in grand letters and bearing wax seals. As time progressed, the seals evolved and were surrounded with ornamentation—not to prevent forgery, but instead to enhance the "sacredness of the instrument." The seal, always that of the U.S. Department of State, became an elaborate engraving similar to those found on paper currency, which, like the passport, developed into an abstract representation of the authority of the U.S. government. The late nineteenth century saw the proliferation of these valuable pieces of paper from the postal money order (1864), to the travelers check (1891), to the first "electronic funds transfer" by telegraph (1918).

Robertson describes how the passport began to take the current booklet form in 1826, with the increasing instance of forgery in postwar Europe. Standardization still focused more on the sacredness of the document than the identity of the user. In 1933, a new publication caused consternation in the State Department over a mock advertising representation of the passport. Even as authorities grumbled over the dissolution of the passport's "trademark," the data within the passport identifying the user was coming under increasing scrutiny.

Among the most fascinating parts of *Passport in America* are the mini-histories of the various datum that became part of the passport. In the chapter on "name," Robertson discusses how the rise of the passport occurred at a time when the stabilization of the formal name as a concrete part of identity was still underway. An early American might sign his last name "Boon" or "Boone" as his mood carried him, and his middle initial might stand for different things throughout his life. A passport, however, required that name to be frozen in form and spelling, a concept that was not only strange, but also resented. Moreover, the gendered reality of 19<sup>th</sup> and early 20<sup>th</sup> century America is revealed in the lack of separate passport names for married women. A wealthy American woman might travel the courts of Europe carrying a passport identifying her as "wife of Andrew Carnegie." This did not sit well with early feminists; the National Women's Party and the Lucy Stone League joined together to force the State Department to issue women passports in their own names, succeeding only in 1925--five years after women received the right to vote.

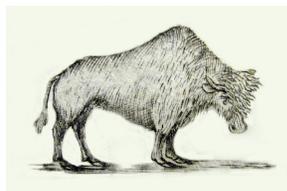
The signature also had its own interesting history. In the beginning, the key signature was that of the issuing official; early on this would be that of the secretary of state. The requirement that the passport holder's own signature be affixed was the first anti-forgery measure. Its use coincided with the beginnings of modern forensic science. Handwriting analysis was one of its first tools and Robertson does a good job showing how the development of police science affected travel documentation. However, the use of signatures posted problems not only with illiterate travelers, but also with "important" men who had never had to sign anything to prove who they were and certainly not on demand for a grubby functionary. This was part of the "passport problem," the egalitarian discomfiture felt by traveling Americans unaccustomed to the indignities we moderns take for granted.

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

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

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

Kurt X. Metzmeier  
Louis D. Brandeis School of Law, University of Louisville



**Schneider, Elizabeth M., Stephanie M. Wildman, Eds. *Women and the Law Stories*. New York: Foundation Press, 2011. xiii, 475p. ISBN: 978-1-59941-589-5. \$40.00.**

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

What distinguishes this volume from a case law textbook on women and law is the amount of detail and attention paid not only to the legal histories of each case, but also to the backgrounds of the women involved in the case, their motivations for pursuing litigation, and the personal impacts of the case upon them both during and after the legal process. Such detail is achieved through exhaustive research that includes conducting in-person interviews with individuals personally involved in various cases, as well as obtaining access to personal documents related to the cases.

Such individualized attention sometimes extends not only to the female plaintiffs, but also the female attorneys and judges involved in various cases. For instance, in “Single-Sex Public Schools: The Story of *Vorcheimer v. School District of Philadelphia*,” author Martha Minow tells the story of Susan Vorcheimer, who sought to attend the most prestigious public high school in Philadelphia, which was all-male at the time. Minow not only pieces together Vorcheimer’s personal history through court opinions and other outside sources, but also interviewed Vorcheimer’s attorney to gain insight into her legal strategy for the case.

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

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

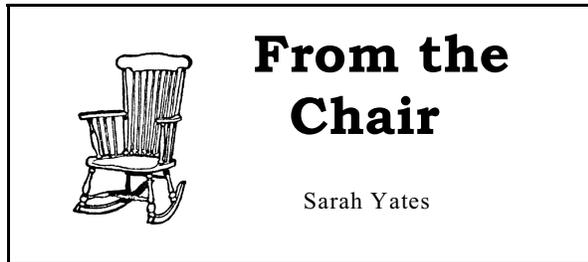
Some of the articles also serve to illustrate how little American women have been and still are served by the judicial system, even after years of groundbreaking cases that have moved women’s rights forward. In “State-Enabled Violence: The Story of *Town of Castle Rock v. Gonzalez*”, author Zanita E.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

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

Overall, this book is an excellent supplement to any casebook used in a course on feminist jurisprudence or women’s rights. It provides significant contribution to legal literature in its focus

on the lives and stories of the women whose struggles personally motivated these various cases, and paved the way for greater rights for all women across the U.S. across a wide array of issues. But they also highlight the struggles that women still face in these areas, despite the progress that has been made in the judicial and legislative arenas. In this way, *Women and the Law Stories* is also a call to arms towards ensuring that progress continues in expanding women's legal rights in the United States.

Alyssa Thurston  
Research Services Librarian  
Pepperdine University School of Law Library



What would you do with an extra fifteen minutes?

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

our usual sixty.

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

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

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

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

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

program: Early Law Libraries as Historical Documents: Recording the Bookshelves of Long-Ago Lawyers. Where else are you going to hear about using social media to reconstruct the contents of historic lawyers' libraries? Nowhere, that's where.

Here is the tentative schedule of LH&RB stuff at the 2012 meeting (but double-check your official program in case of changes):

Sunday, July 22, 12:00-1:00	LH&RB Program: Morris Cohen Student Essay Contest Presentation
Sunday, July 22, 5:15-6:30	LH&RB Business Meeting
Monday, July 23, 8:30-9:45	Program D-3: The Law of the Salem Witch Trials
Monday, July 23, 10:45-11:45	Program E-4: Digitizing Legal History
Monday, July 23, 12:00-1:00	LH&RB Program: "Digging" Legal History in Boston: The Case of the Boston Strangler
Monday, July 23, 6:00-8:30	LH&RB Reception
Tuesday, July 24, 8:30-9:45	Program H-2: Early Law Libraries as Historical Documents: Recording the Bookshelves of Long-Ago Lawyers

So many people worked to put together this roster of educational programs. Big thanks go out to:

All the LH&RB members who proposed a program, whether it was accepted or not: Georgia Chadwick, Susan Lyons, Jennie Meade, Laura Ray, and Mike Widener;

All the LH&RB members who agreed to speak or otherwise participate in programs, whether those programs were accepted or not (and here I won't name names, just in case anyone prefers it that way—but you know who you are);

The Education Committee, who solicited the program proposals and massaged them into their final forms;

The Cohen Contest Committee, whom I will be begging to put together a presentation on the off chance that our contest winner cannot attend;

The executive board: past chair Stacy Etheredge, vice-chair/chair-elect Mike Widener, and secretary/treasurer Joni Herbst; and

A certain LH&RB member who has been instrumental in planning what promises to be a fabulous reception in 2012.

Why am I not naming this "certain member"? I want the details of the reception to remain mysterious...in large part because we don't yet know what most of them will be. For now I will just say this: Remember all the things that made Philadelphia's reception great? (Or if you didn't attend, remember hearing about it afterwards and being overcome with regret for missing out?) There was scintillating conversation, delicious food and beverages, charming book-lined rooms, rain that held off just long enough, a couple playful cats. I guarantee that the most important of these features will be enjoyed at next year's reception as well.



## 2012 LH&RB Programs

Laura Ray

Your Legal History & Rare Books SIS is sponsoring three formal program proposals at the 2012 AALL Annual Meeting in Boston. Once again, recognition of the excellent educational programming from our small but mighty group!

Monday, July 23rd, will be a busy morning. At 8:30am-9:45am, we will have *The Law of the Salem Witch Trials*. This

program will examine the substantive and procedural laws regulating witchcraft trials in the late 17th century, and how they were applied in the Massachusetts Colony during the Salem trials. Then at 10:45am-11:45am, we are co-sponsoring *Digitizing Legal History*. This case-study program will review the creation of the digital archive of litigation documents related to the Mt. Laurel cases, a series of groundbreaking cases on affordable housing in New Jersey regarded as the equivalent of *Brown v. Board of Education*. It is sponsored by the Computer Services SIS, and additionally co-sponsored by the Micrographics/Audiovisual SIS. We'll get you started again early on Tuesday, July 24th. At 8:30am-9:45am, we will have *Early Law Libraries as Historical Documents: Recording the Bookshelves of Long-Ago Lawyers*. This program will explain how to analyze a library as a historical document, how to reconstruct a library, and why a library is a powerful and useful collection development tool, as well as demonstrate the Library Thing's "Libraries of Early America" project.

Our LHRB SIS Luncheon will be on Sunday, July 22nd, 12noon-1pm, and will feature the 2012 winner of our *Morris Cohen Student Essay Contest*. Our Business Meeting will also be on Sunday, 5:15pm-6:30pm. Stay tuned to future Newsletters, and check our Web site, for details on all our activities at the 2012 AALL Annual Meeting. Congratulations to all of our program proposal planners!

Sincere thanks to my fellow coordinators of our three 2011 AALL Annual Meeting formal programs. In addition to *Old into New: Collaborative Law Library Digital Collections*, Galen L. Fletcher brought you *We The People: Constitutional National Treasures in Philadelphia Archives*, and Jennie Meade brought you "Digging" *Legal History in Philadelphia: The Meriwether Lewis Project*, featuring our favorite exhumation Professor James Starrs. Kudos also to our LHRB SIS Chair, Sarah Yates, who did a great job organizing our *Luncheon Roundtable*. I don't know about you, but this is fast becoming one of my favorite programs. This is when our Morris Cohen Student Essay Contest winner presents remarks. This year, Jed Glickstein, a JD candidate at Yale Law School, discussed his essay *After Midnight: The Circuit Judges and the Repeal of the Judiciary Act of 1801*.

Wishing all of you a delicious and restful holiday season

*Laura E. Ray is Instructional Services Librarian at Cleveland-Marshall College of Law.*



## Editor's Corner

Mark Podvia

Welcome to the Fall issue of *LH&RB*! I hope that you like it.

Hopefully you were all able to attend to LH&RB reception at Philadelphia Rare Books & Manuscripts at the AALL Annual Meeting back in July. What a wonderful reception! The books, the food and the beer were all

fantastic! Yes, there was wine too, but who really cares about wine when quality microbrew beer is available? A very big **thank you** to everyone at Philadelphia Rare Books & Manuscripts!!!

The deadline for the Winter issue of *LH&RB* is **March 3, 2012**. Please submit articles or you will be stuck reading more of my drivel (note: in my defense, "The Picture Book," my article in this issue, is my first attempt at a children's story—I do hope you like it).

Best wishes for a very merry Christmas, a happy Hanukkah, a cool Yule, a prosperous New Year and a joyous whatever holidays I might have missed!

Mark Podvia

## Scenes From AALL 2011



*Karen Beck passes Hughes-Humphreys the Bison to our new Chair, Sarah Yartes.*



*Rob Mead, Chair of the Morris Cohen Student Essay Contest Committee and 2011 Contest winner  
Jed Glickstein.*

...

*Karen Beck and Joel Fishman at our reception at Philadelphia Rare Books & Manuscripts.*





## Member News

Mike Widener

The latest book by **Warren Billings**, *Magistrates and Pioneers: Essays in the History of American Law* (Clark, NJ: Lawbook Exchange, 2011), came off the press in July. In March, **Warren** delivered a paper, “Send us . . . what other Lawe books you shall see fitt:’ Books That Shaped the Law in Virginia, 1600–1860,” at the annual Virginia Forum in Lexington, Virginia. Also in March, **Warren**

presented “Southern Caudillos: Harry F. Byrd, Sr., and Huey P. Long, Jr.,” at the annual conference of the Louisiana Historical Association in Lafayette.

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**Thomas Mills**, Assistant Director for Collections at the Cornell Law Library, has added “and Rare Books Curator” to his job title. He is working on several digitization projects, including Cornell’s trials pamphlet collection, funded by a \$155,000 grant from Save America’s Treasures, and the Donovan Nuremberg Trials Collection.

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**Bill Sleeman** departed the Thurgood Marshall Law Library at the University of Maryland this spring, to become the Assistant Librarian for Technical Services and Special Collections at the U.S. Supreme Court Library in Washington, D.C.

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**Stacy A. Etheredge** is the new Reference and Instruction Librarian at the West Virginia University College of Law Library in Morgantown, West Virginia.



## Exhibits

Kasia Solon

### **From the Bounds Law Library, the University of Alabama School of Law:**

The Knights Templar emerged in the Middle Ages as a religious order committed to protecting Christians along the pilgrimage route to the Holy Land. Renowned for their bravery in battle, the Knights Templar gained many powerful admirers and supporters. The

Templars thus amassed an enormous amount of wealth and enjoyed a period of great esteem and privilege in medieval society. In the early 14th century, the Knights Templar was heavily persecuted and finally dissolved.

Even though there is no scholarly recognition of a historical nexus between the medieval Knights Templar and the modern Freemason organization, the Freemasons identify with the legendary

religious order. In the 19th century, Templar rituals were incorporated into Freemasonry practices. These Templar ceremonies are preserved and recorded in Masonic books and code sections. “Hiding in Plain Sight: The Knights Templar in Alabama and the Nation,” a new exhibit at the Bounds Law Library, illuminates this little-known component of an active modern organization with works selected from the John C. Payne Special Collections. The books and documents on display date from 1861 to 1922. They include an illustrated book of rituals, a manual of Masonic Knights Templar ceremonies, a pamphlet of by-laws, and a legislative act incorporating the Knights Templar Order by the state of Alabama.

**From the Daniel R. Coquillette Rare Book Room, Boston College Law School:**

New Exhibit--Golden Age of Legal Publishing in Massachusetts

This new exhibit is up for viewing in the Rare Book Room, and a digital edition is also available for those unable to visit the physical exhibit or for anyone interested in more information on the featured works. <http://www.bc.edu/schools/law/library/about/rarebook/exhibitions/masslegal.html>

Massachusetts was an extremely important legal publishing center in the 19th century, when American law book publishing was taking off. Prior to and right after the American Revolution, virtually the only law books being published in the colonies were statutory compilations and reprints of English and continental legal texts. However, by the beginning of the 1800s, a “home-grown” canon of American legal literature began to emerge.

“The Golden Age of Legal Publishing in Massachusetts” traces this progression in Massachusetts legal publishing, beginning with a 1648 statutory compilation and ending with Christopher Columbus Langdell’s famous A Selection of Cases on the Law of Contracts, which revolutionized teaching at American law schools. Beautiful first editions of Joseph Story’s works and Simon Greenleaf’s Treatise on the Law of Evidence are among the featured items.

Educational Technology Specialist Chester Kozikowski helped integrate QR codes into the exhibit. This addition blends old and new and allows those touring the exhibit with a smart phone to easily access additional content about the exhibit—audio clips, links to related websites, and a link to the digital edition of the exhibit, which is also available from the exhibit’s webpage.

The exhibit will be open for viewing into Spring 2012.

**KS:** In response to my question about how she put together this virtual exhibit, Laurel Davis replied: “Prezi is a terrific tool—it is web-based presentation software that allows you to put together a slideshow, but it’s a bit more visually engaging than a PowerPoint. There are different templates that you can use for the background and fonts, and you can insert images, YouTube videos, drawings, tables, etc. Basically, you write your text and then upload other content, and then Prezi allows you to create a path that links all of the elements—that is when you get the zooming phenomenon that swings the viewer from one item to the next. It is very user-friendly,

and it is free. You can pay extra for some additional features, but I just used the free-version.” People should feel to get in touch with her if they have any questions.

**From the Howard W. Hunter Law Library, Brigham Young University Law School:**

Two exhibits during the past six months celebrated our law school's history, plus one goes back to Roman times.

In honor of the 40th anniversary of the BYU Law School (announced March 9, 1971), the law library displayed the 1972 architectural rendering and floor plans of the law school. A short history of the planning, construction and dedication of the building was also included. See: <http://huntersquery.byulaw.info/wordpress/index.php/2011/03/a-ruby-anniversary-40-years/>

Then, to honor the 140th birthday (and 50th year of his passing) of the law school's namesake, J. Reuben Clark, Jr. (1871-1961), the law library displayed books by and about this international lawyer, ambassador to Mexico, and religious leader. See: <http://huntersquery.byulaw.info/wordpress/index.php/2011/08/j-reuben-clark-display/>

Finally, BYU's Robert K. Thomas University Professor of Law, John Welch, presented "The Legal Significance of BYU's Roman Bronze Plates" on Oct. 20, 2011 at the law school. The Roman military diploma plates (from 109 A.D.) are an example of double, sealed, witnessed legal documents. The plates are on display in the law library, and an online version is here: <http://romanplates.byu.edu/>

**From the Lillian Goldman Law Library, Yale Law School:**

How is it that the figure of a woman, draped, holding scales and sword, has been so widely recognized as a symbol of the law for more than 500 years?

This question was at the heart of an exhibit from the Yale Law Library's Rare Book Collection: "The Remarkable Run of a Political Icon: Justice as a Sign of the Law." Using images from books printed between 1497 and 1788, the exhibit traces the roots of the iconography of Justice, a remnant of the Renaissance, that remains legible today. The exhibit features eleven volumes from the Law Library's Rare Book Collection, along with four emblem books on loan from Yale's Beinecke Rare Book & Manuscript Library.

The shifting attributes of Justice, displayed in the exhibit, reflect the complex relationships between judgment, sight, knowledge, and wisdom. In the 1400s and 1500s, a blindfold on Justice signified her disability; today the blindfold is commonly understood as a sign of justice's impartiality.

The exhibit was curated by Judith Resnik (Arthur Liman Professor of Law, Yale Law School), Dennis Curtis (Clinical Professor of Law Emeritus, Yale Law School), Allison Tait (Gender Equity & Policy Postdoctoral Associate, Yale Women Faculty Forum), and Mike Widener (Rare Book Librarian, Yale Law Library). The exhibit draws heavily on Resnik's & Curtis' new book, REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS (Yale University Press, 2011).

The exhibit was on display through December 16, 2011 in the Rare Book Exhibition Gallery, located on Level L2 of the Lillian Goldman Law Library, Yale Law School, 127 Wall Street. The

exhibit is still available online via the Yale Law Library Rare Books Blog, at <http://blogs.law.yale.edu/blogs/rarebooks/>>. For more information, contact Mike Widener, Rare Book Librarian, at (203) 432-4494 or <[mike.widener@yale.edu](mailto:mike.widener@yale.edu)>.

**From the New York City Bar Library:**

The New York City Bar Library has a new online exhibit, Patent Medicines & Miracle Cures, featuring advertisements from almanacs, journals, and directories from the late 19th and early 20th centuries. It can be viewed at:

<http://www.nycbar.org/library/featured-exhibitions/patent-medicines-and-miracle-cures>

**From the Tarlton Law Library, the University of Texas School of Law:**

New online exhibits—

**UT School of Law First Year Societies:**

In 2004, the University of Texas School of Law launched the Society Program. The purpose of these societies is to foster a sense of community among law students and to provide an opportunity for students to interact with faculty in small groups. Students are assigned to a society in their first year and remain a member of that society until graduation.

The eight societies are named in honor of individuals who made a significant impact on the University of Texas School of Law. This exhibit provides biographies on these notable individuals. The materials used in compiling this exhibit are housed in the Rare Books and Special Collections Department of Tarlton Law Library and include oral histories, articles, the Law School's yearbook, The Peregrinus, and the University of Texas yearbook, The Cactus.

**The Peregrinus: The Law School Mascot:**

For over a century the Peregrinus has served as a mascot and "patron saint" for the University of Texas School of Law. Although based on a joke made at the turn of the twentieth century, the Peregrinus soon came to embody some of the most noble aspects the legal profession. The Peregrinus is strange in appearance, seeming an impossible accident of nature. It is part bird, part mammal, and completely imaginary. Nonetheless, it holds a place of honor in the hearts and memories of our students and alumni. The Peregrinus, proudly represents the University of Texas School of Law and serves as a reminder that the law must bring justice.

**UT School of Law Buildings Photographs:**

The department of Rare Books and Special Collections at Tarlton Law Library houses a large collection of photographs and related resources documenting the history of the Law School. As an ongoing project, the department and the library are systematically digitizing historical collections and placing them in the UT Digital Repository for the use and enjoyment of the law school community and the public.

We plan to expand this collection as we discover additional images of UT School of Law's historic buildings.



**Arthur W. Diamond Law Library, Columbia University**, by Sabrina Sondhi, Special Collections Librarian

The Diamond Law Library is pleased to announce the addition of a typescript copy of the unpublished *Autobiography of Robert Ludlow Fowler* (New York, 1920) to its collection. Mr. Fowler (1849 – 1936) was a graduate of Columbia Law School (LL.B. 1870), and spent his life working as an attorney, then judge, in New York. A prolific writer, Fowler

authored numerous works, including *History of the Law of Real Property in New York*, the *Codification in the State of New York*, and contributed to the *History of the Bench and Bar of New York*. His autobiography, based upon his diaries, discusses his legal apprenticeship, his time spent at Columbia Law, his law practice, his family and friends, and his travels.

Of particular interest is Mr. Fowler's description of how he entered the law profession:

It was in 1868 that I concluded to take up the profession of the Law as a career without going to college. .... [A]n old friend, originally from our Country, who had a very successful career in the Law, invited me for my parent's sake, to take a place in his office. .... Mr. Benjamin J Dunning was a model lawyer. He preferred office work and the mysteries of partition and real property cases, in which he was very learned and expert.

At this time it was usual for a law student to pursue work in a lawyer's office and attend lectures at the Columbia College Law School, then conducted by Professor Theodore W. Dwight, an instructor of high reputation. As my father's brother, Matthew Van Benschoten Fowler had been a lawyer and knew Professor Dwight well from living at the same hotel with him, we consulted him and I remember that he said Professor Dwight had "an unusual faculty for imparting knowledge." ....

I subsequently found that Professor Dwight all that had been stated and he taught all our classes with the best results for those days. He was almost our sole professor, lecturing, instructing and questioning us in turn. Professor Ordronaux did, however, lecture on Medical Jurisprudence. But his lectures were I think optional although I attended them regularly. Mr. Dunning occasionally invited his students to his house of an evening and there examined them and questioned them closely. This was very unusual for active lawyers in those days. I remained with Mr. Dunning during the better part of my law courses of two years. He paid me a small salary which I certainly did not earn for I was very ignorant and dull about learning law.

In the year 1870 I passed my examination for the Bar and graduated at the Columbia Law School. I was just of age and a more unlearned and inexperienced lawyer there never was. .... I engaged a small desk in the office of a friend .... Mr.

George R. Schieffelin, a man of fortune and position.

This volume adds to our growing collection of manuscript and one-of-a-kind items relating to legal education and the practice of law in 18<sup>th</sup> and 19<sup>th</sup> Century New York.

