A LEGACY OF LIBERTY:  
CELEBRATING LAW DAY 2009

by Katie Nachod

The celebration of Law Day had its origins in 1957, when American Bar Association (ABA) President Charles S. Rhyne envisioned a special day for honoring the rule of law and its contributions to the freedoms Americans enjoy. On February 3, 1958, President Dwight D. Eisenhower established the first Law Day as May 1, 1958, by issuing Proclamation 3221 (3 C.F.R. 143 1958). In this proclamation, falling between one which ended the quota on imports of short (less than three-fourths of one inch in length) harsh or rough cotton and another which declared March 1958 to be Red Cross Month, President Eisenhower urged Americans to “remember with pride and vigilantly guard the great heritage of liberty, justice, and equality under law which our forefathers bequeathed to us.” He concluded by asking the people of the United States, and especially the legal profession, the press, and the radio, television, and motion-picture industries, to observe this designated day with appropriate ceremonies and activities. Every President since Eisenhower has issued a similar Law Day Proclamation, all of which are viewable on the Law Library of Congress web site: http://www.loc.gov/law/help/commemorative-observations/law-day.php

In the late 1960’s, the ABA started selecting a theme for each Law Day, which has since focused on such issues as access to justice, legal literacy, and the 50-year anniversary of Brown v. the Board of Education. Since February 12, 2009, marked the 200th anniversary of the birth of our 16th President, Abraham Lincoln, who spent much of his adult life practicing law and serving in government, the theme selected for this year’s Law Day was “A Legacy of Liberty - Celebrating Lincoln’s Bicentennial.” In a lovely bit of synchronicity, President Barack Obama’s first Law Day proclamation, number 8367 (74 Federal Register 20861, 5/5/2009), heralds the contributions of this man who rose from humble beginnings to guide our nation through what was arguably the most turbulent time in our history. President Obama has spoken and written eloquently of his admiration for Lincoln, and of the impact that Lincoln’s principles and beliefs continue on following page
Celebrating Law Day

continued from front page

have had on his own life. How fitting that just three months into his presidency, Obama had the opportunity to memorialize Lincoln's lasting legacy, including his vision of the "more perfect Union" promised in our Constitution's preamble.

Here at the Law Library of Louisiana, we celebrated this year's Law Day with both an exhibit and a CLE program featuring two speakers. The exhibit, which comprises four display cases in the library hallway, highlights key aspects of Lincoln's story while illuminating some lesser-known facts about his life. The first display case deals with Lincoln as a lawyer, and includes facts about his legal practice, pictures and biographies of his law partners, and quotes about him from some of his legal associates. The second case focuses on Lincoln as a statesman, and features handwritten copies of his most famous writings, such as the Gettysburg Address and the Emancipation Proclamation, illustrating his inimitable style and cadence. In addition, this case also has information about Lincoln's controversial suspension of habeas corpus in the Merryman case, and a time line of his political career.

The third case contains a sampling of the many books written about Lincoln, a total of over 4,000 by one count. More has been written about Lincoln, in fact, than any other person in history, with only three other figures coming close: Jesus Christ, William Shakespeare, and Napoleon Bonaparte. Included in our selection are: a new biography of Lincoln by George McGovern; a book about Lincoln as a writer; several books about Lincoln as a lawyer; a book about the conspirators involved in the plot to assassinate Lincoln; and a children's book recounting an incident where young Abe Lincoln caught a fish that would have added to his family's meager dinner that night, but ended up giving it to a shabby and hungry soldier he passed on his way home.

Finally, the fourth exhibit case is devoted to Lincoln's place in popular culture, ranging from sheet music of 19th century songs such as "We Are Coming, Father Abraham," and "The President's Inauguration March," to a movie poster and DVDs representing the over 200 films and television shows depicting him. There are also reproductions of various currency, both coins and bills, featuring Lincoln's image, an original box of Lincoln Logs with a cabin made out of the logs, and a picture of the flatboat used to recreate Lincoln's second journey down the Mississippi, an 1831 trip from Illinois to New Orleans. Just for fun, we threw in some oversized chocolate pennies as window dressing. Kudos go to the library's Administrative Assistant, Jason Krupa, who culled the images and facts from various sources and also designed the displays.

The second part of our celebration of Law Day involved a free CLE program entitled "Abraham Lincoln: A Few Thoughts About a Real Man," held on April 28, 2009. The first speaker was David Madden, the Robert Penn Warren Professor of English at LSU and the Chair of the Louisiana Abraham Lincoln Bicentennial Commission. Professor Madden focused his talk on the role that Louisiana played in Lincoln's life and in his plans for the Union, plans that had lived to fulfill that plan, the history of our state might have been very different, for we are still suffering from the effects of the harsh Reconstruction that followed Lincoln's death.

The second speaker was E. Phelps Gay, a partner at the local law firm of Christovich and Kearney. Mr. Gay, a self-described Lincolnphile rather than a Lincoln scholar, developed an interest in our 16th President back in the early 1990s when he purchased a copy of Lincoln: His Speeches and Writings, edited by Roy Basler. He was captivated by Lincoln's simple yet incredibly moving style of expression, and his initial interest gave way to what he said can only be called an obsession. He began his speech with a few examples of Lincoln's striking use of language, including these phrases: "dedicated to the proposition that all men are created equal;" "the mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and hearthstone..." and "with malice toward none, with charity for all, with firmness in the right...let us strive to finish the work we are in, to bind up the nation's wounds..."

Over the course of his speech, Mr. Gay sought to answer the question of who Abraham Lincoln really was by expanding on six aspects of the man's character: he was a poor boy from Kentucky; he liked to tell jokes and stories; he liked to teach himself new things; he was an eloquent speaker and writer; he was a sad and private man; and he was obsessed with the idea of honor. Woven through these topics were various interesting bits of trivia about Lincoln's life.

For example, Lincoln had less than one year total of formal
schooling, for his father discouraged education and made him work long hours on their family farm in Kentucky. If Thomas Lincoln found his son reading a book under a tree, even if his chores were finished, he hit him with a stick and called him a lazy bum. When Lincoln turned 21, he left his family home, never to return, not even for his father’s funeral. He moved to Illinois, where he pondered two career choices – lawyer or blacksmith – and fortunately for us all chose the former. Rather than apprentice with another lawyer, as was the custom at the time, Lincoln read every law book he could get his hands on, and learned the law on his own. He also read the complete works of Shakespeare, the King James Bible, Aesop’s Fables, and Pilgrim’s Progress. No doubt the allegorical nature of these works influenced his lyrical and metaphorical writing style.

Lincoln, Mr. Gay informed us, was the only President in our history who was granted a patent by the U.S. Patent and Trademark Office. After riding steamboats on the Mississippi River and probably getting stuck on shoals a few times and having to get out and help push the boat, he invented a device that used adjustable buoyant chambers to lift the boat over such obstacles. He was granted a patent for the invention in 1848. Lincoln also suffered many tragedies in his life, such as the death of his mother when he was only nine, and of his sister Sarah when he was eighteen. He also had to deal with harsh treatment from his father, what was by many accounts an unhappy marriage, and later the death of two of his sons. He had few close friends and may have been afflicted with what we now call clinical depression, but despite all this, he achieved perhaps more than any other figure in our history, and earned his rightful place in the pantheon of our country’s greatest men.

Please come visit our library and view the Lincoln exhibit, which will be up through September. You can also pick up a copy of an excellent bibliography of selected books and web sites about Lincoln and his relationship with the law, compiled by one of our Reference Librarians, Tara Lombardi.}

LEGAL SELF-Help SECTION

by Jenny Creevy

Have you ever needed help with a legal matter, but didn’t want to consult a lawyer? Or maybe you wanted a crash course in a legal topic before you talked to a legal professional. The Law Library has the tools to help.

One of our most recent collections is the Legal Self-Help section. It is located in the Reading Room on the shelves right after the Louisiana Cases. We have three main publishers for our Legal Self-Help collection: Nolo Press, the National Consumer Law Center, and West Publishing.

Nolo Press was started in the early 1970’s by a Berkeley, California, legal aid lawyer. Starting from a few do-it-yourself legal guides, Nolo has grown to publishing hundreds of titles on various legal subjects. The titles are updated on a regular basis and there are new titles being released all the time. Sample titles include Busy Families’ Guide to Estate Planning: 10 Steps to Peace of Mind and First-Time Landlord: Your Guide to Renting Out a Single-Family Home. Many of Nolo’s titles include a CD-ROM with forms and letters to help with the particular subject.

The National Consumer Law Center is a non-profit organization, which according to its website, “help[s] consumers, their advocates, and public policy makers use powerful and complex consumer laws on behalf of low-income and vulnerable Americans seeking economic justice.” The NCLC publishes manuals for lawyers, consumers, as well as counselors and other advocates. The Law Library subscribes to the Lawyers set, which includes titles such as Fair Credit Reporting and Truth in Lending. The subscription includes access to a companion website, which provides additional material beyond the original books. The website can be accessed only from computers in the library.

West publishes a series called “In a Nutshell.” Each title is a concise treatise on an area of law. The Law Library has over 100 titles on subjects as varied as transnational litigation and art law. This series is located behind the information desk.

A few caveats come with this collection. The obvious one is that self-help legal titles do not equal professional legal advice. These books are not intended to address one person’s specific legal issues. Use with caution! The other caveat is that many of Louisiana’s laws differ from the laws of other states and Nolo may not specifically mention Louisiana’s laws.

As always, if you have any questions about these titles, ask your friendly Law Librarian. That’s what we’re here for!
PUBLIC PRINTER VISITS LAW LIBRARY

by Miriam Childs

On Wednesday, March 11, 2009, Public Printer Robert C. Tapella and his assistant, Trenholm Boggs, paid a visit to the Law Library and met with Georgia Chadwick, director of the Law Library, and Miriam Childs, the documents librarian. During the discussion about the library’s federal documents program, Mr. Tapella spoke of the gradual replacement of GPO Access by FDSys and encouraged Georgia and Miriam to view the FDSys beta. GPO Access provides free electronic access to online versions of numerous federal government publications, such as the Federal Register and Congressional hearings.

As Public Printer, Mr. Tapella is the Chief Executive Officer of the United States Government Printing Office (GPO). GPO is the federal government’s resource for collecting, cataloging, authenticating, and preserving published government information in all forms. GPO also produces and distributes the information originating from each branch of the federal government. Mr. Tapella oversees GPO’s printing, printing procurement, and information dissemination operations.

Since the Law Library’s inception, it has participated in the Federal Depository Library Program (FDLP). Congress established the FDLP in 1813 to ensure the availability of government information to the American public. The FDLP distributes information from all federal agencies to participating libraries. Depository libraries are responsible for maintaining their government documents collections and assuring free access to the materials made available by the program.

When Mr. Tapella asked about unusual items in our collection, Georgia Chadwick responded that one of the most unusual items in the library's documents collection is a virtually complete run, in print, of the Code of Federal Regulations, from 1937 to the present. Since it is rare to find the volume still part of a documents collection, Mr. Tapella posed with the very first CFR volume while Mr. Boggs took a photo.

Readers are encouraged to visit GPO Access at http://www.gpoaccess.gov/ and FDSys at http://www.gpo.gov/fdsys/ to explore the vast amount of government information made freely available by GPO.

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BREED-SPECIFIC LEGISLATION (OR SUZY WOULD BE DEAD IN DENVER)

by Marie Erickson

My pit-mix, Suzy, is a medium-size affectionate dog, typical of the breed. She has never bitten anyone. But you would never guess it from the number of municipalities banning the breed or its variations.

Breed-specific legislation prohibits the possession of a dog because of its ancestry, not its behavior. Although the practice does not reduce dog attacks, it remains popular, mostly at the municipal level. Many municipalities, including several in Louisiana, ban specific breeds. A vicious-dog ordinance, such as New Orleans’s N.O.M.C. §18-291 et seq. is all that’s needed.

The current winner of the banned-dog sweepstakes is the Pit Bull, although Rottweilers, Chows, Huskies, and wolf hybrids (!) sometimes show up on current lists. Past winners have been Doberman Pinschers and German Shepherds. Even the Bloodhound was considered dangerous at the turn of the 20th century. Denver’s Pit Bull ban is probably the most notorious currently in force. Although the American Veterinary Medical Association and the American Kennel Club are against such bans, the practice continues.

Such bans have no rational basis. They are usually the product of hysteria, or follow a notorious dog attack. Remember the wild rumor of the 1970s that the Doberman’s brain continued to grow after his skull stopped growing, and that the animal’s brain was too big for the skull? Such fears are unfounded. The Doberman is not a dog with a tendency to bite. They are naturally cautious and are not known for their aggressive nature. The same can be said for other breed-specific legislation. The ban on pit bulls is just one example of how breed-specific legislation is often unfounded.
CONSTITUTION DAY 2009

by Georgia Chadwick

Constitution Day is celebrated each year on September 17 to commemorate the signing of the Constitution on that day in 1787 in Philadelphia, PA. The signing occurred on the last day that delegates to the Constitutional Convention met, concluding a hot and humid summer of secret sessions where delegates from twelve of the thirteen states met with the intention of revising the Articles of Confederation. The lack of central powers had crippled Congress under the Articles, and the group soon agreed that a new form of national government was needed to be supreme over the states. The document which resulted from the Convention was our United States Constitution.

It would take some years after the Constitution was signed before the new government could be formed. First the Constitution had to be ratified by the states, and the votes to ratify were close in the larger states. Delaware became the first state to ratify the Constitution on December 7, 1787, and the Constitution became effective after New Hampshire became the ninth state to ratify on June 21, 1788.

After ratification, there was still much work to be done. While there is no single day set aside to recognize the First Federal Congress, which convened on March 4, 1789, in New York City, the work done by this body was of equal significance to that done by the Constitutional Convention in 1787. This Congress provided a functioning form to the framework of government outlined in the Constitution by a number of actions including: establishing revenue sources for the federal government; creating the first departments of the executive branch; passing the Judiciary Act, which established a strong federal judiciary; deciding to create a new location for the Capital; and eventually adopting the first ten amendments to the Constitution, known as the Bill of Rights.

Three sessions of the first Congress were held. The first two sessions took place in New York City from March 4 to September 29, 1789 and from January 4 to August 12, 1790. The third session was held in Philadelphia from December 6, 1790, to March 3, 1791. A brief but very informative book by Charlene Bangs Bickford and Kenneth R. Bowling entitled Birth of the Nation: The First Federal Congress 1789-1791 (Lanham, MD: Madison House Publishers, 1989), was written to accompany a traveling exhibit created in 1989. The exhibit is now available online at http://www.gwu.edu/~ffcp/, the website of the First Federal Congress Project at George Washington University. The book and the online exhibit cover the many achievements of the First Federal Congress.

The mission of the First Federal Congress Project (FFCP), a chartered University Research Center affiliated with the Department of History at George Washington University, is to edit and publish the acclaimed Documentary History of the First Federal Congress, 1789-1791. This resource contains the records of the most important and productive Congress in our history. For a number of reasons, these records have been difficult to collect due to the lack of consistent publication practices by both houses of Congress, the general ravages of time, and the burning of Washington by the British in 1814 during the War of 1812. The volumes of the Documentary History contain primary materials which explain what steps were taken to create our federal government.

Take some time on or before September 17th to look at the informative materials available online at the Library of Congress (www.loc.gov) or at the National Archives (www.nara.gov) on the creation of the Constitution. Reviewing the story each year ensures that we appreciate the remarkable work of the delegates to the Constitutional Convention. On Constitution Day, reflect on the creative process that resulted in our Constitution, which marked the beginning of a different path for the new nation. Also take some time to learn about the First Federal Congress, which created our government from the outline presented in the Constitution. Consider the amazing fact that even after 220 years the Constitution is still a living, breathing, and ever-changing document. It has been amended twenty-seven times, interpreted by countless federal court decisions, and is used as a model for the constitutions of other democracies around the world. Despite ongoing disagreements about many of its provisions, our Constitution continues to protect the rights and liberties of all American citizens.

BREED SPECIFIC

growing? The resulting pressure made the dog insane and prone to attack without warning. The current rumor is that the Pit Bull’s jaws lock on its victim with its back jaws, ripping and tearing its way through flesh and bone. [emphasis mine] It attacks without a bark or any warning, has a high threshold of pain, and usually will not quit the fight voluntarily. The injuries the dog can inflict upon a person or on another animal are most severe.” Any competent veterinarian can explain that this is anatomically impossible for any dog.

Another problem with banning the Pit Bull is that there is no such breed. Those most commonly thought of as Pit Bulls are the Staffordshire Terrier, the American Staffordshire Terrier, the American Bulldog, and the American Pit Bull Terrier. Depending on how broadly legislation is drafted, it may cover all dogs of Molosser Mastiff ancestry, from the Pug (a miniature Mastiff) to huge dogs like the Cane Corso and Bullmastiff.

Challenges to breed-specific bans include deprivation of property, 14th Amendment, and in the case of Pit Bulls, void for vagueness. Most do not survive minimum-scrutiny analysis, but there have been successes, e.g. American Dog Owners Assn. v. City of Des Moines, and 469 N.W. 2d 416 (Iowa 1991) American Dog Owners v. City of Lynn, 533 N.E. 2d 642 (Mass. 1989), although these are few and far between. However, some municipalities have repealed their pit-bull bans, because they did not prevent dog attacks and were expensive to enforce.

Every once in a while, the biting Pit Bull wins, as in this clear case of human stupidity. In Hayes v. McFarland, 535 So.2d 568 (La. Ct. App. 3d Cir. 1988), the jury found the plaintiff 100% at fault for glaring at, repeatedly stamping his feet in front of, and yelling at the Pit Bull “Bandit,” who was sitting down at the time. When he eventually turned his back on her, she bit him. The appeals court upheld the verdict.
Health Care Anyone?

by Tara Lombardi

Since President Obama put health care legislation on the agenda, pundits from the right and the left have praised it, jeered it, argued over it, and consequently confused a lot of us about many of the issues involved. In a search for understanding, I found some viewpoints from states, medical associations and primary information sources that help clarify the government’s proposed new health care plan. The websites are listed below.

U.S. House of Representatives Energy and Commerce Committee


There are 40 documents about “America’s Affordable Health Changes Act” on the House Energy and Commerce Committee web site listed above. The documents include committee hearing minutes, a list of organizations that support the Act, a district by district impact statement, summaries and fact sheets.

American Medical Association

http://www.ama-assn.org/

See “AMA supports health system reform” on home page.

National Governors Association

www.nga.org

Read about state government health reform initiatives here. On the home page, click on the Best Practices box then select Health.

National Association of State Medicaid Directors

www.nasmd.org

See “Senate/House Side by Side on Health Reform” on home page.

Institute of Medicine

www.iom.edu

This site offers a report that compares the health of the U.S. with other nations. Click “Healthcare & Quality” then “State of the USA Health Indicators” article under “Reports.” Another topical report, “America’s Uninsured Crisis: Consequences for Health and Health Care” is in the same general area. The reports are free by scrolling to the bottom and choosing “report brief.”

Read President Obama’s perspective on the need for health care reform here:

http://www.whitehouse.gov/issues/health_care/

Link to the full text of House Bill 3200 or “America’s Affordable Health Choices Act of 2009” and follow its updates here: http://thomas.loc.gov/.

Read the letter from the Congressional Budget Office to the Chairman of the Ways and Means Committee about the cost of health care reform here: http://www.cbo.gov/ftpdocs/104xx/doc10464/hr3200.pdf.

Things Found While Looking For Other Things

by Katie Nachod

One of my favorite concepts in life is serendipity, which Webster’s New Universal Unabridged Dictionary defines as “the faculty for making desirable discoveries by accident.” With that in mind, I would like to share with you an item of note that serendipitously happened upon while looking for something else, in the 1952 Official Journal of the Proceedings of the House of Representatives of the State of Louisiana.

I was doing a rather tedious culling of legislative history for a 1952 act, and in the Journal for June 18, something captioned “A Father’s Ten Commandments for a Happy Family and Peaceful Life” caught my eye. On that day, a letter was read to the members that had been written by Katherine Gillespie, the Publicity Chairman, Rho Chapter, New Orleans Beta Sigma Pi. She stated in part:

“I am taking this opportunity to send in a copy of “A Father’s Ten Commandments...,” which I consider very appropriate to be read to all the Legislators that are in session ready to pass laws, to please keep this in mind while doing so. After all, we little people consider them the ‘Dads’ of our parish and look forward to them helping us out for a bigger and better State to live in.”

The commandments originally appeared in the Rider’s Digest (Vol. V, No. 40, June 9, 1952), published weekly for bus and streetcar riders by the New Orleans Public Service, Inc., and here they are:

1. The wise father encourages a respect for other nations; and goodness go hand in hand.
2. He gives his child confidence through the safety of a happy home;
3. He teaches his child that he is no better than others, despite any differences;
4. He is quick to offer a helping hand in times of trouble;
5. He instills in his child a respect for other nations, and goodness go hand in hand.
6. He teaches his child that he is no better than others, despite any differences;
7. By his activity in community affairs, he teaches his child the importance of good citizenship;
8. He instills in his child a respect for law and order;
9. He teaches his child that intolerance and ignorance are alien to a world of peace; and
10. Through spiritual guidance, he teaches his child that greatness and goodness go hand in hand.

It’s interesting that these “commandments,” written over a half century ago, still resonate for our modern world. I guess the basic fundamental things still apply, even as time goes by.

Tara Lombardi

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fiche/film to paper $0.15
printer copies $0.15
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Printing from Westlaw
$0.04 per line
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$7.00 per document.
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$25.00 per search
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On February 12, 2009, descendants of Homer Plessy and Judge John Howard Ferguson gathered with several esteemed speakers to dedicate a plaque at the corner of Royal and Press Streets. The plaque marks the historic site of the 1892 arrest of Homer Plessy at the Press Street Railroad Yards, an event leading to the Plessy v. Ferguson decision which established the constitutionality of the “separate but equal” doctrine for the next half century.

Among the speakers at the event were Louisiana Supreme Court Justice Bernette Johnson, Tulane history professor Lawrence N. Powell, UNO history professor Raphael Cassimere, and historian/author Keith Weldon Medley, whose book *We As Freemen: Plessy v. Ferguson* tells the saga of the case in great detail. Also speaking were Keith Plessy, whose great grandfather was Homer Plessy’s first cousin, and Noel Anderson, who spoke for her mother, Phoebe Ferguson (who could not attend), great great granddaughter of Judge Ferguson.
Free People-Finding Resources

by Tara Lombardi

aced with budget cuts and an unstable economy, attorneys and firms are seeking cheaper options for many of their legal research needs, including people-finding.

There are several, well-known free sites available like 411.com and superpages.com, but they offer little information. I've recently discovered three sites that provide the searcher with a variety of people-finding documentation at no cost.

The first two sites, 123people.com and pipl.com, both search all social networking sites on the Web so they are especially good for finding old friends and acquaintances. Once a person has been discovered on a social site, their contact information is usually readily available, which makes these people finders extra useful. ReferenceUSA is a subscription people finding service that is available for free with a Louisiana library card from most parishes. See below for more details.

123people.com
As far as free sites go, this is a great one. Its search engine scours the Internet for pictures, email addresses, phone numbers, blogs, documents and social networking sites about the person you seek. When I searched for myself, I found a photo, several newsletter articles that I had written or had been mentioned in, several professional associations I belong to, and social networking sites where I have a profile like diigo.com and facebook.com.

Pipl.com
Like 123people.com, this site lists all web documents by or about a person, pictures, addresses, phone numbers, affiliations, blog posts, social networking sites, etc. When I searched for myself, I found this site to be more accurate than 123people.com, however. Search for yourself, and prepare to be shocked by all of the information you find!

ReferenceUSA (free through Louisiana Public Library database http://lalibcon.state.lib.la.us/ - must have library card to use). This service provides searchers with name, address, phone, median household income and median home value of a person. ReferenceUSA also offers a business search which provides an industry profile, a business profile, stock information and possibly more documentation. Although the potential of this site is great for people finding, I could not locate myself in this database.