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The Law Library of Louisiana

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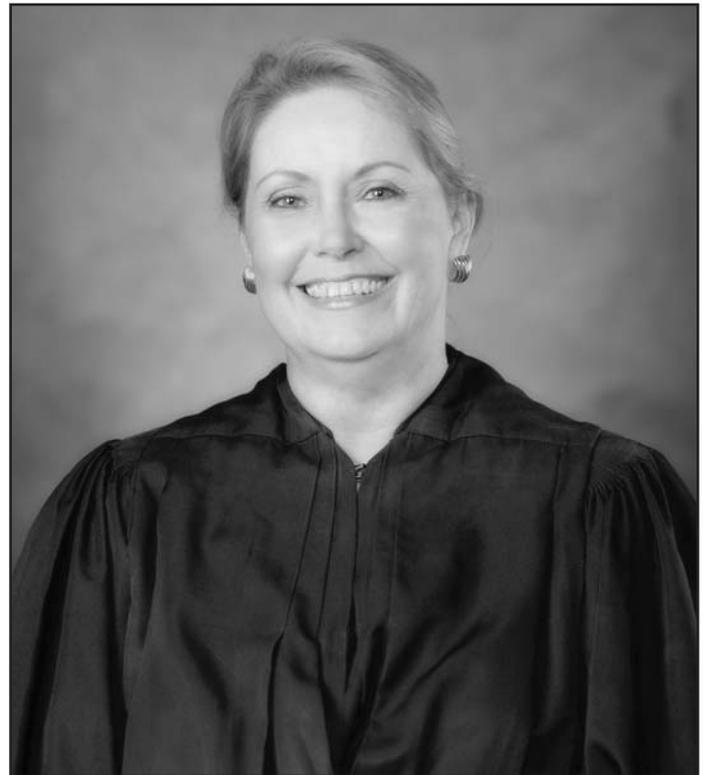
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CHIEF JUSTICE CATHERINE D. "KITTY" KIMBALL

by Tara Lombardi

On Monday, January 12th, 2009, a beautiful, crisp morning greeted spectators on the front steps of the Louisiana Supreme Court building where Justice Catherine D. "Kitty" Kimball was inducted as the Court's 24th Chief Justice, the first woman in Louisiana's history to hold that office. Chief Justice Kimball's children and grandchildren participated in the historic event, which was open to the public. Many state officials were in attendance including former Governor Kathleen Blanco, Lieutenant Governor Mitch Landrieu and Mayor Nagin who honored the new Chief Justice with their offerings of support and words of congratulation. The first woman Chief Judge of New York, Judith S. Kaye (ret.), Jimmy Faircloth, Executive Counsel to Governor Bobby Jindal, and the President of the Louisiana State Bar Association Elizabeth E. Foote, were all among the ceremony speakers.

A resident of Pointe Coupee Parish, Chief Justice Kimball had already made history in 1993 as the first woman elected to the Louisiana Supreme Court. With sixteen years on the Court, she had the longest tenure of anyone presently on the bench, thereby establishing her as Chief Justice. Although Justice Kimball acknowledged at the time that she "never felt too much like a pioneer,"¹ Louisiana Attorney General Richard Ieyoub had this to say



at her 1993 induction ceremony as Associate Justice:

Kitty was blazing new trails in the law long before there were many women in the legal profession. You might say she was a pioneer in setting an example for women who aspired to get into a profession which for so long had been dominated by men. I know that Kitty will be a voice for all the people, men, women, and children. But still, she is a pioneer.²

Chief Justice Kimball attended LSU Law School, where she received a Juris Doctorate in 1970. She then began her diverse legal career in private practice, fol-

lowed by several other positions: Special Counsel to the Louisiana Attorney General's Office; Assistant District Attorney, 18th Judicial District; Judge, 18th Judicial District Court; visiting professor at both Tulane and LSU Law Schools; Associate Justice for the Louisiana Supreme Court, and now Chief Justice. She is a member of twenty-one professional organizations, and actively serves as board member or chairman of several of them, most notably the Southeast Louisiana Criminal Justice Recovery Task Force and the Judicial Budgetary Control Board.

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CHIEF JUSTICE KIMBALL

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As a testament to her legal success, Chief Justice Kimball has been honored with many awards and has been recognized for her work in the field of law. She has given at least four commencement addresses; and in 2006 she won the Louisiana Bar Foundation's Distinguished Jurist Award and was inducted into the Louisiana Justice Hall of Fame.

Concerned by a regular docket of cases involving children in trouble or suffering at the hands of caregivers, Justice Kimball felt the need to "find a way to bring [a] kind word to each and every Louisiana child."³ Inspired by this sentiment, Chief Justice Kimball's friend, psychotherapist Shirley Porter, in 1997 wrote *You Are Sunshine*, a children's book aimed at building self-esteem which embodies

Chief Justice Kimball's desire to reach the troubled children of Louisiana. From this, the Sunshine Foundation was born, and through a partnership with the Louisiana National Guard, the Foundation was able to distribute 500,000 books to four and five year-olds across the state. In honor of her work as an active child advocate, Chief Justice Kimball received the 2002 Louisiana CASA Association President's Award as well as the 2003 CASA Ambassador for Children Award.³

Foremost among her other achievements, Justice Kimball also raised three children with her husband of 42 years, Clyde W. Kimball, while building an outstanding, history-making legal career within the Louisiana judiciary.

For further information on

Chief Justice Kimball, please see the following resources:

Campaign page: <http://www.kittykimball.com/index.htm> (accessed 1/12/09).

Chief Justice Kimball's Biography: <http://www.lasc.org/justices/kimball.asp> (accessed 1/12/09).

"Running for Office: Louisiana Supreme Court District 5, Kimball." 22 Aug. 2008. *The Advocate*. 10 December 2008 <http://www.2theadvocate.com/news/elections/runningforoffice/27261724.html?showAll=y&c=y>

Pace, Tom. "Ass't. Justice for La. Supreme Court, Kitty Kimball with Tom Pace on Child Rape Death Penalty." 24 September 2008. *Talk of the Town with Tom Pace*. 10 December

2008 <http://www.shreveport.com/shrevetalk/viewpodcast.php?play=yes&cid=190>

The Sunshine Foundation Web site: <http://sunshinefoundationinc.org/profile.html> (accessed 1/12/09).

Sources:

1. Cannizaro, Steve. "First Woman Justice to be 'Symbolic Voice'." *Times-Picayune* 13 January 1993.

2. Supreme Court for the State of Louisiana. "Induction Ceremonies for Honorable Catherine D. Kimball." *West's Louisiana Cases*. Vols. 644-645. St. Paul: West, 1995. XLVII-LVII.

3. Louisiana Supreme Court. "IPSO FACTO...The Sun Shines On." *Court Column*. Summer 2003. 8



(left to right) Associate Justice Jeannette Theriot Knoll, Chief Justice Catherine D. Kimball, Associate Justice Bernette Johnson and former Louisiana Governor Kathleen Blanco at the reception following Chief Justice Kimball's induction.

HAIL (AND FAREWELL) TO THE RETIRING CHIEF

by Katie Nachod

December 31, 2008, represented the end of another year here at the Louisiana Supreme Court, but also the end of an era. That date was the last official day on the bench for Chief Justice Pascal F. Calogero, Jr., the longest-serving justice in the history of our court. Calogero was initially elected as an associate justice in 1972, and he became Chief Justice in 1990. Many of the retiring Chief Justice's accomplishments and awards were detailed during a December 2, 2008, *en banc* ceremony in the courtroom. Guy deLaup, Immediate Past President of the Louisiana State Bar Association (LSBA), served as the emcee. Father Kevin Wildes, S.J., President of Loyola University, where Calogero received his J.D. in 1954, gave the invocation. Charles Kronlage, an old friend of the Chief's from their Loyola Law School days and a partner in his first law firm, led the audience in the Pledge of Allegiance.

The first speaker, Kim Boyle, the LSBA President-Elect, honored the Chief not just for his many contributions to the LSBA, but more importantly for what he has done to improve legal ethics and professionalism. She praised him for his integrity in the administration of justice in Louisiana, and for the leadership he showed in making changes to the attorney disciplinary rules that helped improve the quality of legal services. At the end of her remarks, she said to him, "You have been our champion, you have been our spokesman, and you will be sorely missed."

The second speaker, the Honorable Eldon Fallon, U.S. District Court Judge, Eastern District, noted that opinion writing, while a significant part of the Chief's responsibilities, is just the tip of the iceberg. There are many behind-the-scenes tasks and administrative duties that a chief justice must keep up with in order to maintain a smooth and efficient workflow and to ensure that justice is evenly dispensed, and Calogero excelled at this aspect of



Chief Justice Calogero and Moon Landrieu at the reception after the ceremony

the job. In addition, he went above and beyond the basics by working for more than twenty years, in the face of many obstacles, to get the court back into its previous home at 400 Royal Street. Judge Fallon commended Calogero for his tireless efforts to realize this dream.

The third speaker was the Honorable Moon Landrieu. He spoke of the time when he and Calogero were law students at Loyola and then practiced law with Charles Kronlage in a poor neighborhood near the Criminal Courts Building. The year was 1957, during the Jim Crow era, when there were few African Americans or women in any aspect of the legal profession. "These three lawyers worked hard to provide legal services to all who came to them, and the lessons they learned during their practice served them well for the rest of their careers. When Calogero joined the Louisiana Supreme Court in 1973, he began to work toward his goals of inclusion and fairness. Under his guidance, the Court took "a dramatic turn for the better," according to Landrieu, who added, "As I look at this court today and see the effect of his evenhandedness, his sense of justice, his love of humanity, I can't help but think of the enormous debt we all owe him."

Justice Catherine "Kitty" Kimball, who has become Chief Justice upon Calogero's retirement, then

spoke about what working with him has meant to her. She noted that no one before and perhaps no one after will attain Calogero's length of service, but that the consistent and focused quality of that service was even more impressive than the quantity. "You are the stability that rooted us and made us feel welcome," she said, adding that he had probably attended more weddings, funerals, meetings, programs, and bar functions than any other individual. She also thanked him for his dedication to the principles of indigent defense, juvenile justice, and fairness to all in the legal system.

Justice John Weimer shared a personal story from some years ago, when a group of Thibodaux Elementary School students was competing in a national honors program for reading. Justice Weimer's wife asked Calogero to come to Thibodaux and speak to the students. He accepted and gave a very eloquent and personal speech about the benefits of reading. Justice Weimer observed that the children had never before paid such attention to any speaker. After his talk, Calogero stayed for some time and spoke to each child individually, despite the many demands on his time. Weimer closed by praising Calogero for his work ethic, diligence, fairness, dedication, and devotion to the principles of justice and the rule of law.

Justice Bernette Johnson made the final remarks, observing that she had first met the Chief in 1984, when she was elected a trial judge at Civil District Court, and he performed her swearing-in ceremony. She told him that he had always set a fine example, a model of diligence and hard work for all others to follow. She applauded him for his many accomplishments, not the least of which was bringing the court back to the beautiful Royal Street building, which will serve as a significant aspect of his legacy.

After the Chief accepted a plaque honoring him for his long term of excellent service to the court and the people of Louisiana, he began his response by welcoming Justice Greg Guidry, who will be taking the vacant seat on the court. Calogero then said, "All good things must come to an end, and for me at least, this has certainly been a good thing." He recounted the numerous blessings in his life, including his parents, his wife and children, and his many friends. He also thanked the voters who elected him to the Court four times, and the clerks and court staff who worked so hard for him over the years, and without whom he could not have accomplished what he did.

Calogero spent several minutes praising incoming Chief Justice Kimball, then looked out at the audience and said with assurance, "You will never regret the day that she became Chief Justice." He closed by offering the following words: "I was recently asked how I would like to be remembered. I responded that I hope history would look back on me kindly. I would like to be remembered as an energetic, hard-working, honest, and able judge who contributed during his service on the Louisiana Supreme Court to maintaining stability in the law and jurisprudence, while serving the least privileged of our citizens with compassion, integrity, and fairness." The ceremony, which featured a good measure of laughter and tears, closed with a prayer from Rabbi David Goldstein, and then Calogero moved into the crowd to shake hands and exchange greetings with his many well-wishers. δ

HISTORICAL SOCIETY TO LAUNCH CELEBRATION OF WOMEN IN THE LAW

by Carol Billings

Having enjoyed a productive 2008, the Supreme Court of Louisiana Historical Society has begun planning a busy slate of activities for 2009. Commencing in the late spring, "Louisiana's Celebration of Women in American Law" will get underway with the installation of new exhibits in the Louisiana Supreme Court Museum. The content is now being developed by the staff of the Law Library of Louisiana in response to Chief Justice Calogero's desire expressed at the dedication of the courthouse that an exhibit featuring women in Louisiana law be created.

Appropriately honoring our new Chief Justice Catherine Kimball, the installation will highlight the accomplishments of our state's women judges, law professors, lawyers, and officials. Women lawyers in American history will also be recognized.

The society's board of directors also has plans in the works for a series of programs and lectures focusing on women in our state's and country's past and recent legal history. The society hopes to attract panelists and speakers from both in and out of state. Many veteran Louisiana women lawyers and judges as well as those actively practicing and serving are being contacted and encouraged to participate. All who would like to be involved should contact Carol Billings at carolbillings3@cox.net or to call Library Director Georgia Chadwick at (504) 310-2402.

Throughout 2008 the society's museum welcomed many visitors with major support from the staff members of the Law Library of Louisiana, who frequently lent their expertise as tour guides. Hundreds of school children, teachers, and civic groups viewed exhibits illuminating Louisiana's legal history

and portraits of former chief justices. In May the society cooperated with the Louisiana Bar Foundation to sponsor the production in the Supreme Court's court room of LSU Law Center Prof. Paul Baier's original play *Father Chief Justice*, which depicts the friendship between U.S. Supreme Court Chief Justice Edward Douglass White of Louisiana and Justice Oliver Wendell Holmes. A stellar cast of judges and attorneys, including Chief Justice Calogero, played roles in the performance

With the society playing host at a reception on December 10, the Coleman family presented a portrait of founding president James J. Coleman, Sr. by artist Jean Seidenberg to the Supreme Court by the Coleman family. This painting now hangs in the museum to commemorate Mr. Coleman's leadership in accomplishing the restoration of the courthouse and the estab-

lishment of the society. Chief Justice Calogero, Federal District Judge Eldon Fallon, Mr. James J. Coleman, Jr., and society president David Bienvenu paid tribute to Mr. Coleman, Sr. during the dedication program.

Also on December 10 the Board of Directors of the Society met and welcomed several new members: Judge Marc Amy, representing the Louisiana Bar Foundation; Judge James L. Dennis, appointed by Chief Justice Calogero; and Mr. Jimmie Thorns, appointed by Justice Johnson. To launch projects for 2009 the board created several new committees: nominations, program, lecture, and membership. Society members are encouraged to volunteer to serve on any of these. In addition to the projects described above, the board agreed to have a sign made for the Royal Street side of the courthouse welcoming the public to the museum. δ

EXHIBITS AND MORE AT THE LAW LIBRARY OF LOUISIANA & THE LOUISIANA SUPREME COURT MUSEUM

by Georgia Chadwick

A number of interesting and informative exhibits are currently on display in the Law Library and in the Louisiana Supreme Court Museum, and we invite visitors to 400 Royal Street to see and enjoy them. Two exhibit cases in the State Wing of the Law Library feature vignettes of the judicial careers of 29 African American and women Louisiana judges who were pioneers in the elected judiciary. In the library's Federal Wing is an exhibit with many photographs detailing the life and career of Edward Douglass White, the only Louisiana native ever to serve on the

Supreme Court of the United States. White served one year on Louisiana's Supreme Court before serving in the United States Senate, followed by an appointment to associate justice, and finally as Chief Justice of the Supreme Court of the United States.

Facing the library's Information Desk are two exhibit cases celebrating the life and career of retired Chief Justice Pascal Calogero, Jr., featuring photographs and quotations from friends and colleagues. Ten rare maps framed for display hang in the library's Rare Book Room and in the adjacent hallway. A signed edition of a

bird's-eye-view of the Crescent City, designed for the recently concluded Prospect.1 city-wide art exhibition, was donated to the library and will soon join this collection. One of the map's designers, local architect Jakob Rosenzweig, explained that a great deal of research using historical maps of the city was done to create the Prospect.1 map.

The Louisiana Supreme Court Museum has on continuing display the portraits of the Court's Chief Justices and the extremely popular timeline displaying Louisiana's legal history from 1801 to 2007. Four display cases in the museum are

dedicated to an exhibit created for the bicentennial of the Digest of 1808; on display as part of this exhibit is an 1861 portrait of Louis Moreau Lislet, on loan from the Grand Lodge of Masons in Alexandria, Louisiana.

Coming soon to the museum will be an exhibit featuring photographs from the January 12 induction ceremony of Chief Justice Catherine "Kitty" Kimball. The photographs, taken on this bright beautiful day, convey the excitement of all participants as the first female Chief Justice in Louisiana history taking her place on the Court. δ

CAN YOU TAKE YOUR MONKEY TO GALATOIRE'S?

by Marie Erickson

Everyone is familiar with guide dogs for the blind – Science Diet pet food even has the story of Buddy the guide dog on every bag – but the world of service animals has expanded greatly. Animals assist the hearing-impaired, calm psychotics, alert their owners to impending seizures, assist paraplegics, and provide emotional support to agoraphobics, allowing them to lead a normal, drug-free life.

Dogs, of course, still do a variety of work as service animals as well as guiding the blind. They pull wheelchairs, turn on lights, open doors, and retrieve dropped items for people with limited mobility. Some dogs are able to sense impending seizures before their owners do, or find cancers with their exquisite sense of smell. But the service animal group now extends beyond the canine persuasion, including miniature horses who guide the blind [www.guidehorse.org/], monkeys who care for paraplegics [www.monkeyhelpers.org], and others who provide emotional support, among them parrots, pigs, iguanas, and ducks. [Rebecca Skloot, "Creature Comforts," *New York Times Magazine*, December 31, 2008]

So the short answer to this article's titular question is yes, you can bring your monkey to Galatoire's if he performs tasks for you that your disability prevents you from doing for yourself.

There's a long answer, too – isn't there always? Read on.

As there are many settings in which the disabled require consideration, so too are there many laws addressing service animals in these settings. The Americans with Disabilities Act [42 U.S.C. § 12101 et seq.; 47 U.S.C. § 225 and § 611] permits any animal performing tasks for a disabled person to accompany that person on an airplane [14 C.F.R. § 382.37(C)]. 14 C.F.R.



a capuchin monkey, one of many types of service animals for the disabled

§ 382.38(a)(3) covers seating with the animal; 14 C.F.R. § 382.55 states that carriers must allow the animal to travel with the disabled person, and must accept ID cards, written documentation, harnesses and the like, or "the credible verbal assurances" of the disabled person that the animal is a service animal. The airline can require 48 hours' notice for an "emotional support or psychiatric service animal" or any service animal if the flight is 8 hours or longer. [14 C.F.R. § 382.77(c) (8-9).] The emotional/psychiatric service animal needs to be accompanied by a recent letter from a licensed mental health professional. [14 C.F.R. § 382.117(e)] The carrier is not required to carry unusual service animals such as "snakes, other reptiles, ferrets, rodents, and spiders." [14 C.F.R. § 382.117(f)] Our hypothetical monkey would be okay, however, and could ride public transit, too. [49 C.F.R. § 37.3] And you thought the C.F.R. was a humorless collection of bureaucrat-speak!

Returning to the specific question about Galatoire's, disabled people must be served in public accommodations and commercial facilities, among them restaurants. [28 C.F.R. § 36.104] This section defines a service animal and task as follows:

"Service animal means any guide dog, signal dog, or other animal individually trained to do work

or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."

A disabled person does not have to be accommodated if he or she (or the service animal) poses a direct threat to the health or safety of others, but the threat must be individually assessed, based on reasonable judgment, which relies on current medical knowledge and the like. [28 C.F.R. § 36.208] It reasons, then, that if you can bring your guide dog into an emergency room [Day v. Sumner Regional Health Systems, Inc. 2007 WL 4570810 (M.D. Tenn., not reported in F. Supp. 2d)], you should be able to bring your monkey to Galatoire's (unless he bites someone). So far the monkey's on the way to dinner.

Some tasks animals perform for the disabled are obvious. Monkeys feed paraplegics. Pit bulls pull wheelchairs. Miniature horses guide the blind. But what if the disability is not obvious? Galatoire's can ask what task or function the animal performs without asking about the person's disability. [Grill v. Costco Wholesale Corp, 312 F. Supp. 2d. 1349 (W.D. Wash. 2004)]

If you do plan to take your service monkey to Galatoire's, a word to the wise: have a recent letter from your doctor explaining why you need the monkey, and have a certificate from the people who trained the monkey, in hand when you go. It wouldn't be a bad idea to have the monkey wear a service-monkey vest, either.

Or you could just put him in a tux and go during Carnival. No one will notice. δ

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LOOKING BACK

by Jason Straight

The retirement of one Chief Justice and the induction of another is a momentous event in the history of the Louisiana Supreme Court, the most recent being one of the most notable. In the last several months, Louisiana has had the honor of celebrating the long and successful judicial career of Chief Justice Pascal F. Calogero, Jr. and of welcoming Catherine D. "Kitty" Kimball, the state's first female Chief Justice. This time of transition is a great opportunity to reflect on the history of the Court.

Since the Louisiana Supreme Court's creation in 1812, 111 justices have served on the

court with 24 having served as chief justice (or, prior to 1845, in the comparable position of Presiding Judge). The average length of service for a Louisiana Supreme Court justice is roughly 10 years. The chief justices have served on average 20 years on the court, including time served as both chief justice and, prior to becoming chief, as associate justices, and roughly 9 years in the office of chief justice

Louisiana was admitted to the union in 1812 and since that time has been governed by more individual constitutions than any other state. The structure and organization of the State Supreme Court has changed under each of Louisiana's nine constitutions and several times by amendment or special acts. The Louisiana Supreme Court was created by the Constitution of 1812 (Art. 4, S. 5) which mandated a Supreme Court comprised of three to five judges to be appointed by the Governor and serve a term of life on good behavior. In 1845 (Art. 64), the number of justices was regularized to four, a chief justice and three associates. Justices were appointed to eight year terms.

The Constitution of 1852 (Art. 64) increased the number of associate justices to four and divided the state into districts that would each elect an associate justice, while the chief justice was elected by the state at large. Terms of service were also increased from eight to ten years (Art. 63). In 1864 (Art. 79 and 86), justices were again appointed to serve eight year terms. The Constitution of 1868 made no changes to the number, selection, or terms of justices. The 1879 Constitution (Art. 82) instituted a system of staggered terms with the initial court consisting of a chief justice appointed for 12 years and associate justices appointed to terms of 10, 8, 6, and 4 years. Upon the expiration of a

term the next justices appointed would serve 12 year terms. Under the 1898 Constitution (Art. 86) justices were appointed and the associate justice with the longest tenure of service on the court served as the chief justice.

The 1898 Constitution (Art. 87) was amended in 1904 to make justices elected and not appointed. The 1913 Constitution (Art. 86) incorporated the mandate from the 1904 amendment into the judicial clause. The 1921 Constitution (Art. 7, S. 4) increased the size of the court to a chief justice and six associate justices, lengthened terms to fourteen years (Art. 7, S. 6) and instituted a system of mandatory judicial retirement. All judges were required to retire upon reaching the age of 75 unless they had served fewer than 20 years on the court system, in which case they could continue to serve on the court until they either completed a 20th year of service or reached the age of 80 (Art. 7, S. 8.) The 1974 Constitution (Art. 5, S. 3) lowered terms of service to ten years and the mandatory retirement age to 70 (Art. 5, S. 3). Judges who began serving before 1974 were, however, still allowed to retire under the rules of the 1921 Constitution.

In 1993 under the provisions of *Chisom v. Edwards*, (So.2d 86-4075) Consent Decree of August 21, 1992, an 8-justice system was adopted to allow for an equal voice in judicial election by African American voters. The 8th Justice was technically a 4th Circuit Court of Appeal judge on special appointment, but was in all capacities an associate justice. In 2000, the state districts were redrawn and the Court was returned to a 7-justice court. In 2003, a constitutional amendment was passed that allowed judges to finish their current terms of service upon reaching the age of 70 before retirement.

On August 9, 2008, Chief Justice Pascal F. Calogero, Jr. surpassed the record for longest term of service on the Louisiana Supreme Court. This record had previously been held by Chief Justice John B. Fournet, who served from January 2, 1935 to July 31, 1970, a period of 35 years and close to 7 months (a total of 12,995 days). Upon his retirement on December 31, 2008, Chief Justice Calogero, who began his service on the Supreme Court bench on January 10, 1973, had served just 9 days short of 36 years on the court, 145 more days than served by Fournet. Upon retirement, Calogero had also served as chief justice for 18 years and roughly 9 months, the fourth longest term as chief justice behind O'Niell, Matthews, and Fournet. Chief Justice Calogero was elected to a total of four terms on the Supreme Court: in 1972 to serve the remainder of an unexpired term, in 1974 to a 14 year term (under the rules of the 1921 Constitution), and in 1988 and 1998 to 10 year terms.

Sources:

Billings, Warren M. and Edward F. Haas, eds. *In Search of Fundamental Law: Louisiana's Constitutions, 1812-1974*. Lafayette: The Center for Louisiana Studies University of Southwestern Louisiana, 1993.

Dart, William Kernan. "The Justices of the Supreme Court." *Louisiana Reports* 133 (1913): lxxxiv-xc.

Hamlin, Walter B. *The History of the Supreme Court of Louisiana: Continued from vol 133, Louisiana Reports*. New Orleans: Montgomery & Co., 1949.

Shull, Janice. *The Chief Justices of Louisiana: Life Sketches*. New Orleans: Law Library of Louisiana, 2007. δ

THE LIBRARY'S E-RESOURCES

BNA Labor &
Employment Law

Gale LegalForms

HeinOnline

JSTOR

LegalTrac

Lexis Congressional

Lexis Shepard's

LexisOne

Loislaw

NFPA Standards

Nineteenth Century U.S.
Newspapers

PACER

Westlaw/WestPack

WilsonWeb's Index to
Legal Periodicals

LIBRARY VISITORS: LAW STUDENTS USE LIBRARY FOR RECOVERY EFFORT

by Ruth Maboney

Over the past few years many volunteers have come to New Orleans to help in the recovery effort, and many of them have visited and used the Law Library of Louisiana. We have met high school and college students on spring break and summer vacation, librarians attending conventions, and law students doing legal research. Recently, Richard Nowak and Amanda Pintaro, who both attend the University of Illinois College of Law in Champaign, Illinois, used the library to do legal research, and I talked with them a little about why there were here.

Mr. Nowak and Ms. Pintaro are involved with the Student Hurricane Network, a national student organization which coordinates efforts to provide assistance to people living in areas affected by hurricanes.

In coordination with Tulane University, they are two of thirty University of Illinois College of Law students assigned to work on different projects in this city, and they are among many college students from other law schools who are here volunteering. Their research revolves around the Federal Acknowledgment Process, whereby the Dept. of Interior's Bureau of Indian Affairs, Office of Federal Acknowledgment, reviews and decides upon petitions for recognition submitted by indigenous peoples desiring to be federally recognized as tribes. While there is no Act of Congress that specifically authorizes the Secretary of the Interior to recognize tribal groups under the general authority granted that official over Indian Affairs, both Congress and the Federal courts have accepted the Secretary's acknowledgment of tribal groups

as federally recognized tribes. (See 25 C.F.R. 83).

Their supervising attorney, former Louisiana Supreme Court law clerk Joel Waltzer, has agreed to represent two tribes in Louisiana: the Pointe-au-Chien Indian Tribe (PACIT) and the Biloxi Chitimacha Confederation of Muskogean, which are located in the southeast region of Louisiana. The primary goal of the tribes is to get Federal acknowledgment in order to get levee protection in the area in which they live so they will not have to move. Once they are acknowledged they will be entitled to the powers, protections, services, and benefits that the federal government extends to tribes.

Even though the students were here for only one week, they view their work as contributing to a much larger picture. They recog-

nize that Louisiana is a mixture of different cultures and if the Indian tribes are forced to leave, then the state will lose a unique aspect of that mixture. They also wish to bring back to Champaign, Illinois, the awareness that people in this area still need a lot of help.

Before they left, both students commented on how much they learned from visiting this courthouse because of the various exhibits in the Museum and library. They also enjoyed doing historical statutory and regulatory research using our print collections, especially the Code of Federal Regulations which dates back to 1938. We certainly hope that Amanda and Richard will keep us apprised of the progress of this case and return again soon to visit the law library, because we are always grateful to volunteers who come to our community and our library. δ

PORTRAIT OF JUSTICE FRED A. BLANCHE, JR., DEDICATED

by Carol Billings

The portrait of a former Supreme Court Justice who was especially important to the library staff has been added to the collection hanging in the courthouse. On January 13 Mrs. Polly Pepper Blanche, an accomplished artist, presented to the court the portrait which she had painted of her late husband, Justice Fred A. Blanche, Jr. Justice Blanche was sworn in thirty years ago, on January 5, 1979, having served on the First Circuit Court of Appeal for nearly ten years and earlier on the Nineteenth Judicial District Court for nine years. Justice Blanche retired from the Supreme Court on May 16, 1986. His law clerks – Jan Hayden, John Olinde, John Perry, and Susan Daigle – collaborated with Mrs. Blanche in having the portrait dedicated.

Justice and Mrs. Blanche were great supporters of the Friends of the Library. When the organization was struggling in 1982 to attract its original

members, Justice Blanche hosted the first recruitment party. He was the first justice to join the Friends as a life member. His retirement party, hosted by the Friends with major support from the Blanches, is still considered by oldtimers as one of the most festive occasions ever held at the court. Justice Blanche himself was the star entertainer, belting out swing era favorites to the accompaniment of the Rampart Street Six jazz band, who had traveled with their piano from Baton Rouge. The Friends presented Justice Blanche with a leather photo album inscribed to "our devoted friend and benefactor."

Justice Blanche was the son of Fred A. Blanche, Sr., a president of the Louisiana Bar Association, with whom he began the practice of law. Having earned his bachelor's degree from LSU, he interrupted his education to serve in World War II. Heavily decorated, he attained the rank of major in the infantry. He

returned to LSU and received his law degree in 1948. He continued service in the U.S.

Army Reserve, retiring from the JAG Corps with the rank of colonel. δ



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A CELEBRATION OF PROGRESS

Community members will honor the successes of the civil rights movement on Thursday, February 12 at 2pm – both Abraham Lincoln's bicentennial and the NAACP's centennial – by unveiling an historical marker at the site of Homer Plessy's arrest in 1892. Sponsored by the New Orleans Center for Creative Arts, The Crescent City Peace Alliance and the Plessy & Ferguson Foundation, the event will be held at the corner of Press Street and Royal Street on Thursday, February 12 at 2pm. Appearing at the ceremony will be Louisiana Supreme Court Justice Bernette Johnson, Tulane professor Lawrence N. Powell, UNO professor and longtime NAACP officer Raphael Cassimere, and his-

torian and author Keith Weldon Medley. Performances by students from NOCCA, Frederick Douglass Senior High School and McDonogh #35 Senior High School will also be featured.

The 1892 arrest of Homer Plessy was part of an organized effort by The Citizen's Committee to challenge Louisiana's Separate Car Act. While many consider the Civil Rights movement to have begun in the 1950's, communities were organizing for equal rights much earlier. Although the Supreme Court ruled against Plessy in 1896, the case featured Justice John Marshall Harlan's "Great Dissent," and the Committee's use of civil disobedience and the court

system foreshadowed the Civil Rights struggles of the Twentieth Century.

Keith Plessy and Phoebe Ferguson, descendants of the principals in the Supreme Court case, will announce the Plessy and Ferguson Foundation for Education, Preservation and Outreach. The foundation will work to create new ways to teach the history of civil rights through film, art, and public programs designed to foster understanding of this historic case and its effect on the American conscience.

A brief reception will follow.

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