



DE NOVO

The Newsletter of
The Law Library of Louisiana

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E. D. WHITE'S CENTENNIAL YEAR

by Georgia Chadwick



Professor Paul R. Baier with Justice John L. Weimer at the Jean Lafitte National Historical Park Theatre, September 17, 2011.

Edward Douglass White took his seat as Chief Justice of the United States on December 19, 1910. For the past year Louisiana State University law professor Paul R. Baier has served as a one-man Centennial Celebration Committee to honor White, the only Louisianan to serve on the Supreme Court of the United States. The Centennial Year started out appropriately in Thibodaux, Louisiana, where White was born on his parents' plantation in 1844. On December 18, 2010, Professor Baier's guest editorial on the significance of White's life and career appeared in Thibodaux's *Daily Comet*. On the Centennial Day, Sunday, December 19, 2010, at the invitation of Bishop Sam Jacobs, he delivered remarks rekindling White's memory to the faithful at a Centennial service at St. Joseph's Co-Cathedral in Thibodaux.

The highlight of Professor Baier's

Centennial Year was the preview of his play "*Father Chief Justice*": *Edward Douglass White and the Constitution* at the Coolidge Auditorium in the Jefferson Building of the Library of Congress, across the street from the U.S. Capitol. The play about the ninth Chief Justice was presented on Mardi Gras Day, March 8, 2011. March 8 is also the birthday of White's former Union foe and later good friend and Brother on the bench, Justice Oliver Wendell Holmes, Jr. The audience is treated to a living portrait of White through important events in his life: being captured as a young Confederate soldier during the Civil War, a survey of his important opinions, and a look at his interactions with fellow justices on the Supreme Court.

Playwright/Professor Baier casts prominent local lawyers as his ac-

tors, which increases the size of the audience. For his Coolidge Auditorium performance, the following were featured: Charles Cooper, Cooper & Kirk, as Chief Justice White; Ronald Flagg, president of the District of Columbia Bar, as Justice John Marshall Harlan; Tom Goldstein, U.S. Supreme Court Blogger, as Justice Louis Brandeis; Law Librarian of Congress Roberta I. Shaffer as Fanny Holmes; and Jacob A. Stein, Stein, Mitchell & Muse, as an elder Justice Holmes. Donald A. Hoffman, Leake and Andersson, traveled from New Orleans to reprise his part as Justice Holmes delivering his famed *Abrams* dissent on the value of freedom of speech even in time of war. Professor Baier appeared in his signature role as Professor Richard Henry Jesse,

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E. D. WHITE'S CENTENNIAL YEAR

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White's old friend. Co-sponsors of the event were the United States Supreme Court Historical Society, Georgetown University Law Center, Louisiana Bar Foundation, George Washington University Law Center, Supreme Court of Louisiana Historical Society, LexisNexis, and Wolters Kluwer Law & Business Publishers.

Approximately 400 people attended the Tuesday afternoon presentation. The performance was detailed in the Supreme Court Historical Society's *Quarterly*, Volume XXXIII, No. 1, 2011. Copies of *Loyola Law Review's* publication of Act V of the play, "Cricket on the Hearth," were distributed to guests at a post-production party at the Law Library of Congress hosted by Roberta Shaffer and her staff, and funded by LexisNexis and Wolters Kluwer. An important "first" occurred with the Library of Congress presentation - the recording of the performance on YouTube, which can be viewed at http://www.youtube.com/watch?v=s7F9alN_OZQ. Additionally, a scene from the Coolidge Auditorium performance can be accessed from the Louisiana Bar Foundation website here: <http://www.raisingthebar.org/News/FoundationNews.asp?NewsID=171>

Professor Baier returned to Washington, D.C. on March 30, 2011 to present the *Standard Oil* Octopus scene (Act IV, scene ii) at the invitation of Alan Van Fleet, Chair of the Antitrust Section of the American Bar Association. Over 500 antitrust lawyers at the Section's annual Spring meeting attended the performance at the J. W. Marriott Hotel. Featured players were Alan Van Fleet, Greenberg, Traurig, Houston, TX, as the fierce Justice Harlan delivering a volcanic dissent against Chief Justice White's "Rule of Reason"; William J. Kolasky, WilmerHale, Washington, D. C., was cast as Chief Justice White. Copies of the play were distributed to Section leaders and other distinguished guests attending the crowded Marriott performance.

Professor Baier was particularly energetic in reaching Louisiana students and teachers. On April 8, 2011, at the invitation of E. D.

White High School in Thibodaux, he previewed his play to the entire student body and faculty, a crowd of over 800, in the school's gymnasium. Copies of the play were distributed to teachers, administrators, and to the library. This was the School's first "E. D. White Day," now an annual tradition. Another event followed on July 20, 2011, when Professor Baier brought "*Father Chief Justice*" to the Summer Institute for Teachers, sponsored by the Louisiana Center for Law and Civic Education and held at the Louisiana Supreme Court. Thirty teachers from around the State attended the lunchtime performance in the Court's ceremonial conference room and received signed copies of the Louisiana Bar Foundation's Centennial Edition of the play to take back to their schools. Peggy Cotogno, Director of the LCLCE, reported that Baier's presentation was "absolutely magnificent. I sat in awe while I watched it develop. There is no doubt that every educator in attendance will bring their newly learned appreciation of '*Father Chief Justice*' back with them to the classroom." The production, in turn, reached over 2500 students throughout Louisiana, according to Ms. Cotogno.

Constitution Day presentations of "*Father Chief Justice*" were the last live events of the E. D. White Centennial Year. On September 20, 2011, students and faculty at Nicholls State University, Thibodaux, were treated to Baier's "Notes for a Play" at Le Bijou Theater on the Nicholls campus. On Constitution Day itself, September 17, 2011, Louisiana State University and Southern University law students and faculty traveled by chartered bus from Baton Rouge to the E. D. White home in Thibodaux for a tour of the White Home and a picnic lunch on the grounds. A short ride downtown to the Jean Lafitte National Historic Park Theatre followed, where Justice John L. Weimer welcomed the audience and introduced Professor Baier. Justice Weimer gave the background of E. D. White's Louisiana roots and the history of the play. (Justice



Professor Paul R. Baier and Jacob A. Stein at the Coolidge Auditorium, Library of Congress Jefferson Building, March 8, 2011. Photo by Vicenç Feliú.

Weimer himself played a Union captain in the play's premiere in Thibodaux, March 8, 1997.) Appearing on the stage were Justice (Ret.) Harry T. Lemmon as Chief Justice White; Judge Mary Ann Vial Lemmon as Fanny Holmes; Louis M. Phillips as Captain Oliver Wendell Holmes at Antietam; and Professor Olivier Moréteau as Mr. Justice Holmes at ninety years of age, "sitting in silence at Beverly Farms, Massachusetts." Sponsors for the Constitution Day activities were the Student Bar Associations of LSU and Southern University Law Centers; the American Constitution Society, LSU Chapter; and the Supreme Court of Louisiana Historical Society, Donna D. Fraiche President.

The Fall 2011 issue of *Louisiana Cultural Vistas*, the award-winning quarterly magazine published by the Louisiana Endowment for the Humanities, featured an article by Professor Baier and Georgia Chadwick entitled "The Justice from the Bayou: Chief Justice Edward Douglass White—A Centennial Reflection." The article is richly accompanied by illustrations and photographs.

Through the Supreme Court of Louisiana Historical Society, Professor Baier received a 2010-2011

Jock Scott Community Partnership Grant, which was used to distribute copies of his play at various Centennial productions attended throughout the year by hundreds of students, teachers, lawyers, judges, and citizens. Funds from the grant also supported out-of-state performances.

Chief Justice White was remembered throughout the year in places important in his life: Thibodaux, New Orleans, and Washington, D. C. With funding from the Louisiana Bar Foundation, Professor Baier has brought Chief Justice White back from the obscurity of forgotten memory. He deserves our applause.

As Chief Justice E. D. White's Centennial Year comes to a close, Baier is still at it. He has been invited to bring his play to Boston, Massachusetts, for a run at the John Adams Courthouse, Pemberton Square, in the auditorium of Boston's Social Law Library, the oldest law library in America. The tentative date is March 8 (Justice Oliver Wendell Holmes, Jr.'s birthday), 2012. What does Professor Baier say about the acclaim his play has achieved? Like Shakespeare's Prospero, he says he has lived a dream: "We are such stuff as dreams are made on." (*The Tempest*, Act IV, scene i.)

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LSBA ANIMAL LAW CLE

by Marie Erickson

I attended the LSBA Animal Law Section's third annual CLE in October. As usual, the offerings were not only interesting, but geared to the practitioner. More lawyers are finding that animal law involves more than crazy cat ladies and pro bono work.

Half of the CLE was devoted to intensive confinement agriculture – battery cages, gestation cages, pigs who never go outside – and its effects. Animal cruelty is only one result of intensive confinement agriculture. There are also serious pollution, and human disease and nutrition issues.

Human disease and pollution ramifications are especially serious in raising pigs or chickens in close confinement. Pigs have immune systems similar to those of humans, and are also more susceptible to various kinds of flus. Pigs catch bird flus and can transmit them to one another more readily if they are crammed together in a poorly-ventilated barn. Pigs

harboring various kinds of flu virus provide the viruses with an opportunity to mutate to types more easily caught by humans. The viruses spread to other pigs, then to farm workers, and on to the rest of us. The recent swine flu scare occurred after the virus moved, mutating all the while, to pigs, next to the humans who worked with the pigs, and then to all of Mexico and worldwide.

Any kind of animals crammed together can more easily pass diseases among themselves. Even if humans do not catch the diseases, they may be sickened by eating the animals. *Consumer Reports* recently tested supermarket chickens for the salmonella bacterium, finding it present in the majority of chickens tested. The bacteria can go on to contaminate kitchen counters, even when the chicken is cooked well enough to kill the bacteria. Manure-disposal from factory farms is poorly policed and has contaminated groundwater in rural areas where humans rely on well water, leading to several successful environmental

and nuisance lawsuits.

The afternoon sessions covered animal law in Louisiana, including an interesting session about training law enforcement officials in proper forensic techniques in animal cruelty cases, including bagging animals' paws before bagging the animals properly so a necropsy can be performed that will yield useful evidence at trial. Another panel discussed ways of getting Louisiana animal shelters to comply with existing Louisiana shelter laws.

The most provocative and interesting presentation of the day was the discussion for and against a Louisiana Animal Code. Existing laws covering animals are scattered throughout the Civil Code, the Revised Statutes, and the Criminal Code. Most of the discussion was for the promulgation of the Animal Code. Americans' attitudes toward animals have progressed from the animal as a useful tool to the animal as sentient being, especially over the last 20 years, as doing an online newspaper search or watching the evening TV news

will demonstrate. It's now generally accepted that a cat is not a television set, even though both are corporeal movables and subject to ownership. Even the law -- weighted down by earlier interpretations of property law and by its nature slow to catch up slow to catch up -- would respond in radically different ways if I were to take an axe to my cat instead of my television. Animals now occupy a place somewhere between personhood and mere property. This should be reflected in statutory law, which is supposed to reflect the will of the evolving citizen's conscience.

The Animal Law CLE was an informative and interesting way to earn seven credit hours, including one of ethics. Animal law ethics has additional ethics issues, because it involves a living animal (property rights versus animal welfare), animal-adoption contracts (are they enforceable?), and attorney fees. I enthusiastically recommend the next Animal Law CLE! ⚡

THE VOLSTEAD ACT AND PROHIBITION

by Miriam Childs

Ken Burns' newest film, "Prohibition," which recently aired on PBS, thoroughly traces the development and demise of the Prohibition era. By the time of Prohibition, the temperance movement had existed for decades, led by groups such as the Women's Christian Temperance Union and the Anti-Saloon League. The women and men involved in the temperance movement sought to protect families and society from the deleterious effects of alcohol abuse. Eventually the movement gained enough support in Congress to push through an amendment to the Constitution. The 18th amendment was ratified on January 16, 1919. The amendment's general provisions were vague and ambiguous, requiring some definition before enforcement could occur. The National Prohibition Act, commonly called the Volstead Act (Ch. 85, 41 Stat. 305-323), was the enabling legislation of the 18th Amendment. The Volstead Act, named after its sponsor, Andrew J. Volstead, was passed by Congress on October 28, 1919 over President Wilson's veto.

At first the nation's alcohol consumption actually decreased. However, Americans eventually found ways around the law. People built personal stills; yeast was added to legal pre-alcoholic "wort" that fermented to become beer; and ships lined

up beyond the three mile limit to offload liquor onto speed boats. Men sworn to uphold the law broke it because they couldn't resist the lucrative opportunities in illegal liquor. Enforcement of the law was ineffective and uneven.

The larger the city, the more likely the law was ignored, and the country was divided into "wet" and "dry" regions. Because illegal liquor was so profitable, "bootlegging" attracted kingpins such as Al Capone, who were, for the most part, beyond the reach of the law. Established social mores deteriorated. Men and women socializing in speakeasies habitually drank to excess rather than in moderation. Prohibition exacted a death toll through gangland killings and poisonings from tainted home brews. Prohibition made a mockery of authority, and Americans grew cynical and disillusioned with the law. In addition, bootleg liquor deprived the Treasury of needed tax revenue. Calls for repeal of the amendment increased each year as public support for the Volstead Act eroded.

Groups such as the Women's Organization for National Prohibition Reform led the crusade for repeal. Just as women were actively involved in supporting Prohibition, women were actively involved in bringing it to an end. Prohibition

didn't cure the ills of alcohol abuse, but rather ushered in seriously disturbing societal problems of its own. The 21st amendment, ratified on December 5, 1933, brought the era of Prohibition to a close. Today alcohol consumption remains a controversial topic. America still has its "wets" and "drys." ⚡



(Photo courtesy pbs.org)

SO MANY BOOKS, SO LITTLE TIME



by Katie Nachod

A wonderful thing about being a librarian is that we get to work in a place that is filled with books. One of my favorite things to do is wander the shelves and see what titles catch my eye. Our library's Technical Services staff members have made it easy to browse electronically within our collection by posting lists of titles that have been recently added to our shelves. To access these lists, go to the court's web site, <http://www.lasc.org>, and then click on "Library Catalog" on the left. Next, click on "Lists" in the black bar at the top of that next page, and click on "New Titles," which will bring you to the monthly lists of recent acquisitions. It's an easy way to keep up with what's new, since once the books are added, they go to many different locations and call numbers within the library. I was recently perusing the list of titles that the library received in May 2011, seeing what looked interesting. Here are a handful which seemed especially noteworthy, and which provide an idea of the range and scope of our collection.

Sticking with the historical theme, the first title is *And the Pursuit of Happiness* (New York, NY: Penguin Books, 2010) by Maira Kalman. This book is impossible to categorize. One reviewer called it a graphic novel, while another said it was like a Victorian collage scrapbook. Illustrated by many of Kalman's quirky paintings and also by photographs, this lovely tome is also filled with her scribbled musings on our country's history and our present culture. It is irresistible, starting with the exquisite portrait of Benjamin Franklin on the cover, spectacles perched on his nose and fur hat covering his head. A much more somber theme is found in *I Am Murdered: George Wythe, Thomas Jefferson, and the Killing that*

Shocked A New Nation (New York, NY: Wiley, 2009) by Bruce Chadwick, a university professor turned historical crime writer. He delves into the case surrounding the 1806 poisoning of George Wythe, who was a mentor to Thomas Jefferson and friend to George Washington, John Marshall and Henry Clay. The dastardly deed took place in Richmond, Virginia, and Professor Chadwick addresses all aspects of the crime, from the details of the poisoning, to the elements of American law and forensic science involved in the investigation, and finally to the revelation of the murder suspect. The final historical title, *The Black History of the White House* (San Francisco, CA: City Light Books, 2011) by Clarence Lusane, is more sweeping in scope than the others, exploring the roles and contributions of black men and women from George Washington's White House through Barack Obama's. The stories of slaves (some owned by our nation's presidents) and freed blacks, are interwoven with those of builders, craftsmen, chefs, musicians, writers, and policymakers, creating a very sweeping history of racial struggles and progress in our country.

The next two books I selected from the list both deal with cutting-edge modern technology. The first, *Forensic Science in the Court: Challenges in the Twenty-First Century* (Lanham, MD: Rowan and Littlefield, 2011) by Donald E. Shelton, provides an overview of the legal standards for admissibility of evidence and discusses the various kinds of forensic evidence, including: DNA; fingerprints; handwriting; bullets and firearm markings; hair and bite-mark analysis; and bloodstain patterns. The author, who is the Chief Judge of the Michigan 22nd Judicial Circuit, also touches on the impact of recent exonerations of convicted murderers through DNA evidence, and on the effect of forensic science television shows like C.S.I. on the development of our evidence law. A different aspect of technology is the focus of the second book, *Assisted Reproductive Technology: A Lawyer's Guide to Emerging Law and Science* (Chicago, IL: ABA, 2011, 2nd ed.), by Charles P. Kindregan and Maureen McBrien. The authors, both

attorneys and law professors, start out by providing a review of the history of reproductive methods and the changes in the American family which have precipitated the development of new means by which people can create a child. Each of the next several chapters covers one type of assisted reproduction, including: intrauterine insemination; invitro fertilization (IVF); cryopreserved embryos; surrogacy; posthumous reproduction; and reproductive cloning. The authors also provide an overview of the moral and legal issues surrounding the use of this technology within the current regulatory framework.

The next two titles both deal with social justice issues, an area of concern to the courts as well as to society in general. In the first, *The School-to-Prison Pipeline: Structuring Legal Reform* (New York, NY: NYU Press, 2011) by Catherine Kim et al., the authors analyze the current state of law for each entry point on the pipeline. All the players are addressed, from the education system to the criminal justice system, including the police and the courts. The goal is to make the law be an effective weapon in the struggle to reduce the number of kids in the pipeline, and to ensure that all young people have a safe and nurturing educational environment. The second book, *The Black Dragon: Racial Profiling Exposed* (Sun River, MT: Jigsaw Press, 2010) by Joseph Collum, addresses a very different social problem. Reading like a novel, this account covers over thirty years of illegal search and seizure practices by New Jersey state police on the New Jersey Turnpike. The troopers started out stopping long-haired hippies in the 1970s, but after the drug wars started in earnest in the 1980s, racial profiling became the norm. The unconstitutional practices were deeply ingrained in all levels of government, and according to the author, they still continue today.

Our library purchases many biographies, concentrating especially on those about the lives of judges, lawyers, and others in the legal field. A notable recent addition to our collection is *John Paul Stevens: An Independent Life* (DeKalb, IL: Northern Illinois University Press, 2010) by Bill Barnhart and Gene Schlickman. Through richly detailed family history and a careful and thorough analysis Stevens' life as a lawyer, judge,

and justice, the authors provide a complete portrait of the second longest serving Supreme Court justice. Interviews with friends and colleagues, including many famous public figures, help flesh out the picture that emerges of an independent and sometimes unpredictable man who helped shape American law during his 35 years on the highest court, often as its most prolific and eloquent dissenter.

In order to serve the needs of users trying to research various aspects of the law on their own, our library has created a self-help section, which features books on such topics as filing bankruptcy, starting a business, or becoming a landlord. One recent addition to this collection is on a fairly specialized topic that would be of great use to the many artists in our community. The title is *Legal Guide for the Visual Artist* (New York, NY: Allworth Press, 2010 5th ed.) by Tad Crawford. In a very clear and comprehensive fashion, the author covers all the business and legal issues of which painters, sculptors, photographers, cartoonists, and other visual artists should be aware, including: copyright; contracts; studios and leases; sales by galleries and agents; taxes; and grants and public support for the arts.

So if you have an interesting legal question, or even a garden-variety one, that you would like to get assistance with, or if you would like to look at some of the interesting books in our library's collection, please stop by and let our Reference staff members help you in whatever way we can. While our library does not check books out to anyone who is not a court employee, everyone is welcome to come into our beautiful library and ask questions, wander the shelves, search our catalog (which you can also do from your own computer, as described above), and sit and peruse some of the books I have mentioned.

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THE LIBRARY'S FRENCH LAW COLLECTION



by Tara Lombardi

Our French law collection consists of over 200 French legal resources which span the 15th through the 20th centuries, including French legal encyclopedias, commentaries, treatises, statutes, codes, guides, summaries, bibliographies and dictionaries, many with English translations. Below is Part I of an annotated list of some of the highlights of our collection.

Bibliographies:

Bibliographie générale des sciences juridiques, politiques, économiques et sociales de 1800 à 1925-1926 / par A. Grandin; publiée par la Société anonyme du Recueil Sirey, 1926. A complete bibliography of French legal materials 1800-1934, and an indispensable tool for French lawyers published in 1926 by noted publisher, Sirey. The three main volumes are beautifully rebound in leather, and we have eight supplements from 1927-1934.

French bibliographical digest: Law books and periodicals by René David. New York: Cultural Division of the French Embassy, 1952. Most helpful to the American lawyer. Explanations are in English with comparisons of French and American types of legal research tools.

Guide to the law and legal literature of France / prepared under the direction of Edwin M. Borchard, by George Wilfred Stumberg. Washington, D.C.: U.S. GPO, 1931. An older critical and descriptive bibliography in English.

Codes:

Les codes d'audience Dalloz : suivis des lois, ordonnances et décrets s'y rattachant / avec renvois aux ouvrages de M.M. Dalloz, 1919. The "codes d'audience" are designed especially for judges and contain the text of the codes and the most important statutes in one volume without any editorial comments. Contains 8 codes: civil, procedure civile, commerce, penal, instruction criminelle, forrestier, rural and travail.

Case law:

Journal des audiences de la Cour de cassation: ou, Recueil des arrêts de cette cour, en matière civile et mixte. (1806) French Supreme Court cases. Our set is incomplete, 1806-1819, but it is rare.

Commentary on the Coutumes:

We have two commentaries on the Coutumes of Normandy that date back to the late 1600's:

La coutume réformée du pays et duché de Normandie / commentée par Me Henry Basnage, Ecuier, seigneur du Franquesney, avocat au Parlement, 1694.

La coutume réformée du pays et duché de Normandie, anciens ressorts et enclaves d'iceluy / commentée par M. Josias Berauld, Jacques Godefroy, & d'Aviron, & expliquée par diverses remarques, annotations, & arrests recueillis par le mêmes auteurs, unis en un corps; où sont adjointez quantité de d'arrests nouveaux, donnez sur les principaux articles, & sur diverses matieres; comme aussi les réglemens de la Cour, & les articles placitez, 1684.

Code noir:

Le Code noir: ou Recueil des réglemens rendus jusqu'à présent, concernant le gouvernement, l'administration de la justice, la police, la discipline & le commerce des negres dans les colonies françoises, et les conseils & compagnies établis à ce sujet, 1767. Code noir for the French island colonies and her possessions in North America.

déclarations et arrêts: concernant le commerce, l'administration de la justice, & la police des colonies françoises de l'Amérique, & les engagés, avec le Code noir et l'addition audit code, 1765. Criminal law and Code Noir for all French colonies, including America.

Domat:

Les lois civiles dans leur ordre naturel by Domat, 1777. Our copy is a 1777 one-volume oversized reprint of the two volume original. It has been rebound, and is in an archival box to prevent further decay, but is not too fragile to read, and there are no loose pages. This revolutionary work successfully reordered the existing law in accordance with the principles of natural law. No one before Domat had ventured beyond the confines of the Romanist tradition, nor had anyone so freely rejected obsolete doctrines or irrelevant and conflicting rules in rationalizing the mass of customary law.

Domat recasted the entire mass of existing Roman law and restated it concisely in what he believed to be a rational system. *Les lois civiles* unified Roman sources, French customs and legislation. It has been called the preface to the Code Napoleon, and is still a source of argumentation in Louisiana jurisprudence. *Les lois civiles* is believed to have had a great influence on colonial American law. Both Thomas Jefferson and John Adams owned a translation of this work.

The civil law in its natural order / by Jean Domat; translated from the French by William Strahan, 1850. English translation of *Les lois civiles dans leur ordre naturel*. The earliest edition we have of this important translation.

Napoleonic Code:

The first three titles below include verbatim transcripts

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Printing from Lexis
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Mediated Westlaw
 Patron Access
 \$25.00 per search

Mediated LexisOne
 \$25.00 per search

THE LIBRARY'S FRENCH LAW COLLECTION

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of the speeches and debates about the projet (draft) of the Napoleonic Code. They include comments from Napoleon himself.

Procès-verbaux du Conseil d'État: contenant la discussion du projet de Code civil: ans IX-[XII], 1803.

Verbatim transcripts of the debates about the projet of the Napoleonic Code, including Napoléon's comments.

Procès-verbaux du conseil d'état: contenant la discussion du projet de code civil, 1803.

Same as above.

Recueil complet des discours prononcés lors de la présentation du code civil / par les divers orateurs de Conseil

d'état et du tribunal, et discussion particulière de ces deux corps avant la rédaction définitive de chaque projet de loi, 1838.

Verbatim transcripts of speeches on the Code.

Table analytique et raisonnée des Procès-verbaux du Conseil d'État: contenant la discussion du Code Napoléon / redigée par m. Bousquet, publiée avec l'agrément de m. Locré, 1808.

Subject index for the transcripts of the debates about the projet of the Napoleonic Code.

Projet de code civil / présenté par la commission nommée par le gouvernement, le 24 Thermidor an 8, 1801.

The projet itself.

Code civil des Français, 1804.

Officially published *Code Napoléon*, 1804. We have 2 copies in French and 2 copies in English.

Jurisprudence du Code Napoléon : ou Recueil des arrêts rendus par les cours

d'appel, et par celle de cassation, de puis la promulgation du code / par Bavoux et Loiseau, 1803.

Early collection of case reports interpreting the Code Napoléon.

Miscellaneous:

Jurisprudence sur la capacité personnelle et sur l'effet des contrats: des femmes mariées ou ayant des biens situés tant dans les ci-devant pays de droit écrit, que dans quelques coutumes, principalement dans la ci-devant Normandie, avant et depuis la loi du 17 nivôse an 2 (6 janvier 1794) / par J.B.M. Robert, 1813.

Commentary, cases, and pre-Napoleonic history of women's rights to property, in marriage, etc. The Napoleonic Code abrogated the coutumes discussed in the history of this treatise.

Profession d'avocat / par M. Dupin, 1832.

Training, ethics for lawyers in various professions, such as being members of the Conseil d'Etat.

Le tribunal et la cour de cassation: notices sur le personnel (1791-

1879) / recueillies et publiées avec l'autorisation de M. le garde des sceaux par les soins du parquet de la cour, 1879.

Biographies of the judges of the Cour de Cassation.

If you'd like more information about our French legal resources, please contact Tara Lombardi at 504-310-2404 or tlombardi@lasc.org. The remainder of our French law collection will be explored in the next issue of *De Novo*. δ



Portrait of Napoléon Buonaparte by François Baron Gérard, 1803. Courtesy Le Château de Chantilly.

THE LIBRARY'S E-RESOURCES

BNA Labor & Employment Law

Gale LegalForms

HeinOnline

LegalTrac

Lexis Congressional

Lexis Shepard's

LexisOne

Loislaw

NFPA Standards

Nineteenth Century U.S. Newspapers

PACER

Westlaw/Patron Access Westlaw

WilsonWeb's Index to Legal Periodicals

RESTORE THE GULF COAST

The BP Oil Spill happened well over a year ago, but the spill's repercussions are still being felt in Louisiana and the rest of the communities along the Gulf Coast. The RESTORE (Resources and Ecosystems Sustainability, Tourist Opportunity, and Revived Economies of the Gulf States) Act proposes to remedy some of the negative effects of the spill. The act, sponsored by Senator Mary Landrieu, was introduced in July 2011 as S. 1400. BP and other responsible parties will pay penalties under the Clean Water Act (CWA) for each barrel of oil spilled into the Gulf. The act provides a framework for these fines to be applied to the restoration of the Gulf Coast's economy, rather than to federal spending unrelated to the affected communities.

Eighty percent of the CWA penalties from the Deepwater Horizon disaster will be used to establish the Gulf Coast Restoration Fund. A new subsection in Section 311 of the Federal

Water Pollution Control Act will govern the allocation of the penalties making up the trust fund. Sixty percent of the fund will be allocated to the Gulf Coast Ecosystem Restoration Council. The Council will be comprised of federal officials and five state officials tasked with developing a comprehensive federal plan to provide funding to projects and programs that would restore and protect the fisheries, marine habitats, and coastal wetlands of the Gulf Coast ecosystem. The Council will also develop state plans consistent with the federal plan. Fifty percent of the accrued interest on the Gulf Coast Restoration Trust Fund will go to the Gulf Coast Ecosystem Restoration Science, Monitoring and Technology Program and Fisheries Endowment.

Thirty-five percent of the fund will be made available to Gulf Coast states to be used for environmental and economic restoration.

The Governor of each of the Gulf States would have the authority to award contracts to support projects and programs that would restore and protect the ecosystems, fisheries, marine habitats, and coastal wetlands in the state.

The remaining 5% of the fund will be used to establish a Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program within NOAA. The administrator of the program would provide grants to establish one center of excellence in each of the five Gulf Coast states. Grants could be awarded to nongovernmental entities and consortiums in the Gulf Coast region, including universities.

Louisiana's economy, marine habitats, and coastal wetlands will greatly benefit from passage of this act. Track the progress of the legislation at thomas.loc.gov. δ

FEDERAL DOCUMENT CIVIL WAR RESOURCES

by Miriam Childs



Carver Hospital, Washington, DC, taken by Mathew Brady

2011 marks the 150th anniversary of the commencement of the United States Civil War, also known as the War Between the States or the War of the Rebellion. Each state has its own plans for marking the milestone. The commemoration will continue until 2015, following the war's four year course.

The current role of the federal government and the place it has in American society developed during and after the Civil War. Bureaus and agencies were created in response to the need to track the data generated by the activity of war. Therefore, a treasure trove of government documents exists for those who wish to research the Civil War.

The National Archives and Records Administration (NARA) holds a wealth of records dealing with the War's soldiers, officers, battles, and regiments. The first set of documents a researcher should consult are the Compiled Military Service Records (CMSR). One record exists for each regiment a soldier served in. These records provide basic information about a soldier's career, including the date of enlistment, date of

discharge, wounds received, and hospitalization, but *not* battles fought. Some years after the war, the War Department compiled the CMSRs from the original muster rolls and other records to expedite the pension claims process. The CMSRs were copied verbatim from the original records. Therefore, a researcher rarely needs to consult the original records. Both a microfilm and online index exist for the CMSRs. The online index is located at <http://www.itd.nps.gov/cwss/>.

The NARA also holds pension records, but only for Union soldiers. Pensions for Confederate soldiers were granted by the states of the Confederacy, and the records reside in those state archives. In order for a widow to collect a pension, she had to provide proof of marriage. Similarly, dependent children had to provide both proof of marriage and birth. A pension file will often contain more information about a soldier's activities than the CMSR. The record will also contain medical information if the soldier continued to collect the pension for several years. Pension files are indexed on a microfilm set entitled *General Index to Pension Files, 1861-1934*.

The third major resource located at

the NARA are the compilations of the activities of each company. Called collectively the "record of events," the full title of the resource is *Compiled Records Showing Service of Military Units in Volunteer Union Organizations*. There are two microfilm record sets, one for Union soldiers and one for Confederate soldiers. The record of events are uneven in content. Some contain daily narratives, while others only provide information about where the company was stationed.

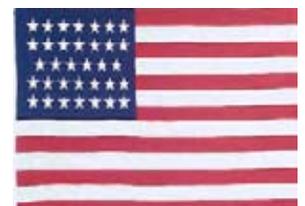
Researchers frequently want to know which battles a soldier participated in. Using the three aforementioned resources--the CMSR, the pension files, and the record of events--a researcher can deduce where the soldier was and what he was doing. However, it would be a mistake to assume a soldier fought in a particular battle without clear empirical evidence, of which there is little. Unless the researcher can find evidence, such as soldier testimony, that he was present at a certain battle, the best that can be done is an educated guess.

A number of federal publications are available for the Civil War researcher's consultation, a few of which are discussed below. A good place to start is *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* and *Official Records of the Union and Confederate Navies of the War of the Rebellion*. Published by GPO from the 1880s-1920s, these volumes contain battle reports and correspondence of Union and Confederate regiments. NARA published a print index of these sets called *Military Operations of the Civil War: A Guide-Index to the Official Records of the Union and Confederate Armies*. The compilations are

both online and searchable through Cornell University's Making of America. Visit <http://ebooks.library.cornell.edu/m/moawar/index.html> to access the records. The Army Medical Department published *The Medical and Surgical History of the War of the Rebellion* in 1870. In the 1980s NARA published *The Confederacy: A Guide to the Archives of the Government of the Confederate States of America* and *The Union: A Guide to Federal Archives Relating to the Civil War*. Maps were critical in the Civil War, and NARA published *A Guide to Civil War Maps in the National Archives* to assist the researcher. Additionally, NARA published a guide to some of its resources on microfilm entitled *Military Service Records: A Select Catalog of National Archives Microfilm Publications*.

All of the above resources are located at the NARA building in Washington, DC. Researchers who don't live near a NARA regional office or whose local libraries don't own the materials can request records online or by mail from NARA. Specific instructions for requesting Civil War records from NARA can be located at <http://www.archives.gov/research/military/civil-war/civil-war-genealogy-resources/index.html>.

(photo courtesy www.archives.gov)



34-star Civil War Flag

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NEW MLIS INTERN

by Jennifer Creevy



Welcome to another installment of Meet the Intern! This fall's subject is Corinne Rumley, a student at LSU finishing her Master's of Library and Information Science degree. Born and raised in New Hampshire, Corinne earned her Bachelor's degree in English from UNO via Portland State University.

At PSU she participated in an exchange program after her first year, which brought her to UNO. She liked it so much she decided to stay! After earning her B.A., Corinne enrolled in Library School and is graduating in 2012.

Here at the Law Library she is working on several projects, including performing an inventory of our duplicate Louisiana Acts in the basement and placing barcodes on the library's historical Serial Set, consisting of hundreds of volumes. To get a feel for different types

of libraries, Corinne has volunteered in several libraries around New Orleans, including the New Orleans Jazz Fest archives. In the little spare time she has, Corinne enjoys playing tennis at the new courts in City Park.

Thanks to Corinne for helping the library with our Louisiana Acts project, and best of luck to her in achieving her professional goals!

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