JUSTICE SANDRA DAY O’CONNOR SPEAKS AT LOUISIANA SUPREME COURT GRAND OPENING

United States Supreme Court Justice Sandra Day O’Connor will speak at the official grand opening of the Louisiana Supreme Court on October 2, 2004. DeNovo takes this opportunity to provide a selected review of the material related to Justice O’Connor which the Law Library owns, as well as a brief introduction to Justice O’Connor’s remarkable life.

by Georgia Chadwick

I remember vividly the excitement around the country when it was reported that President Reagan was considering a woman appellate court judge from Arizona to fill Justice Potter Stewart’s seat on the United States Supreme Court. The facts reported were that Judge O’Connor was raised on her family’s cattle ranch, attended Stanford University and then Stanford’s law school and had finished third in her class, which had also included Justice William Rehnquist. She and her husband John J. O’Connor III, also a Stanford law school graduate from the class below hers, were the parents of three sons. Judge O’Connor was known for her devotion to her family, her hard work as a lawyer, state legislator, and judge, and for her significant contribution to civic causes. Before her nomination, the O’Connors led a comfortable but busy family life in the prosperous Paradise Valley neighborhood in Maricopa County outside Phoenix, Arizona.

On July 7, 1981, President Reagan announced his intention to nominate Sandra Day O’Connor to be an associate justice of the Supreme Court. The President submitted the nomination to the Senate on August 19, 1981, and on September 9, 10, and 11, hearings were held before the Senate Judiciary Committee. On September 15 the Committee concluded by a vote of 17 years and one vote of “present” to send the O’Connor nomination to the full Senate for confirmation. The nomination was confirmed by a vote of 99-0 on September 21, although one senator was absent and was not able to vote. Sandra Day O’Connor was sworn in as the 102nd Justice and the first woman to serve on the United States Supreme Court on September 25, 1981.

Moving Days, or How I Learned to Stop Worrying and Love Relocating

By Janice Shull

Flashback: May 19, 2004 – the months of preparation are over and the day of reckoning has arrived. The question looms—will the books fit in our new space? We have mapped each shelf on Loyola Avenue to its new location in the Royal Street courthouse. We have measured each shelf with lengths of string to match the odd sizes of shelves in Royal Street and the first book on each shelf bears a color-coded number to send it to its new shelf destination. Our experienced team of movers from the Quality Group arrives and divides into four teams of three people to begin loading large gondolas. They load the books backwards from bottom to top in apparently random sections. We hold our collective breath hoping that the old, unreliable elevator in the Loyola Avenue building won’t break down (it does not).

Once the books arrive at Royal Street more crews unload the gondolas into each area of the library. Although the obvious disarray of the gondolas gives the appearance of a jigsaw puzzle, the color-coding and numbering scheme works well to guide the shelvers, and they make very few shelving errors. All of the books do fit with a small amount of growth room allowed. The entire process takes only three and a half days!

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I was a librarian at the University of Texas Law School’s Tarleton Law Library in 1981 when Sandra Day O’Connor was nominated to the Supreme Court, and I had the opportunity to help Professor Roy Mersky assemble materials on the nomination to be published as a supplement to his series co-edited by J. Myron Jacobstein, *The Supreme Court of the United States: Hearings and Reports on Successful and Unsuccessful Nominations of Supreme Court Justices by the Senate Judiciary Committee, 1916-1981*. I prepared an annotated bibliography of articles outlining the major events relating to the nomination and the first year Justice O’Connor was on the Supreme Court. There are many reasons to look at the hearings which were held almost twenty-five years ago. For example, it is interesting to read the interchange between the nominee and Senator Denton, who voted “present” in the Judiciary Committee rather than vote against the nomination, over his questions to Judge O’Connor about her views on abortion and on the rights of homosexuals. Throughout the hearings Judge O’Connor was polite, careful, and very prepared for the Committee’s questions.

The two books written by Justice O’Connor are both of great interest. Her memoir of growing up on the family’s cattle ranch on the Arizona-New Mexico border, co-written with her brother Alan Day, the book, published in 2002, is entitled *Lazy B: Growing Up On A Cattle Ranch in the American Southwest*. Life on the ranch was harsh, and everyone worked very hard. There was no electricity or running water until young Sandra Day was seven years old. However, the family was close, and activities included competitive card games and entertaining guests whenever they had free time. Sandra’s father was very stern, and from him the children learned that results matter. He expected tasks to be done a certain way, and there would be no praise when a task was successfully completed – it was simply expected. The focused pragmatism that marks both her personality and her judicial opinions first took root in these formative years, instilled by a lifestyle that necessarily saw the value of never throwing anything away. Sandra’s mother, despite the isolated life on the ranch, was elegant, and I enjoyed seeing the photos of her in her stylish clothes.

Justice O’Connor first visited New Orleans with her family. Her father wanted his children to know the world outside their ranch and, whenever possible, he took the family on trips. One summer they drove the entire length of the Mississippi River from its source in Minnesota to New Orleans. Justice O’Connor writes that the family marveled at the old houses and quaint streets and names.

After her birth, life on the ranch changed dramatically. The cowboys who helped the family run the ranch doted on baby Sandra and did anything they could to entertain her. When she was older, she was accepted by the cowboys to ride in the ranch roundup of cattle once they realized she could hold up her end. When Sandra Day O’Connor was first nominated, there was certainly mention of the fact that she was raised on a ranch, but this book provides insight into how her Western background shaped her to be the person she is today.

Justice O’Connor published a book in 2003 entitled *The Majesty of the Law: Reflections of a Supreme Court Justice*, which contains a series of thoughtful essays on the Constitution and the Supreme Court meant for the lay audience. In the preface she states that the book is her attempt to speak about her exposure not only to the Arizona desert and sun but to the rest of the country as well – exposure to the richness of its history, to the Supreme Court and to some of its members, and to some of the legal issues she has confronted along the way. Reading this book encourages me to learn more about the history of the Supreme Court and how it has changed since the beginning of our government.

There have been many books written for young people about Justice O’Connor’s life, and of these, *Meet My Grandmother: She’s a Supreme Court Justice*, was written by Lisa Tucker McElroy with help from Justice O’Connor’s granddaughter, Courtney O’Connor, who was nine years old at the time. The book has color photographs of Courtney spending some time with her grandmother at the Supreme Court and in Washington, D.C. There is even a photograph of Justice O’Connor starting off her day at the aerobics class held in the Supreme Court’s gym. I particularly enjoyed the photographs of Justice O’Connor’s office.

The library has two books analyzing Justice O’Connor’s voting record: *Not a Particularly Different Voice: The Jurisprudence of Sandra Day O’Connor* by Robert W. Van Sickel, and *Swing Dance: Justice O’Connor and the Michigan Muddle* by Robert Zelnick. In 1995 Justice O’Connor delivered the Gauer Distinguished Lecture in Law and Public Policy, which was endowed by the Mr. and Mrs. Edward H. Gauer, San Francisco philanthropists interested in constitutional and intellectual studies. Our library has a copy of the 1995 Gauer lecture sponsored by the National Legal Center for the Public Interest. The title of the lecture is *The Life of the Law: Principles of Logic and Experience from the United States*. 
ELECTING THE PRESIDENT — READ ALL ABOUT IT!

by Carol Billings

“For a long while before the appointed time has come, the election becomes the important and . . . all engrossing topic of discussion. Factional ardor is redoubled, and all the artificial passions which the imagination can create in a happy and peaceful land are agitated and brought to light.” Thus observed Alexis de Tocqueville in 1835. What he described in Democracy in America sounds very familiar as we gear up to vote in our 55th presidential election on November 2. Bumper stickers and campaign buttons abound, and we eagerly tune in to the nightly news to hear the latest charges lobbed by the candidates at each other.

Many of us who are “political junkies,” enjoy delving into historical and statistical information about our past presidential elections. A brand new library acquisition and an earlier edition by the same publisher are ideal sources to satisfy one’s thirst for presidential minutiae guaranteed to stump and impress one’s friends. Presidential Elections 1789 - 2000 (Washington: CQ Press, 2002), $39.95, is not only a goldmine of facts and figures, but also an excellent source for learning how the election process has changed throughout our history. The 250-page paperbound volume is loaded with surprising tidbits and detailed explanations. It’s predecessor, Presidential Elections Since 1789, 5th ed. (Washington: Congressional Quarterly, 1991), also in our collection, which covers elections through 1988, contains additional facts and tables worth exploring. Did you know, for instance, that the first woman to run for the presidency was Victoria Claflin Woodfull, the candidate of the People’s Party (or Equal Rights Party) in 1872? Her running mate was none other than Frederick Douglass. A leading opponent was Horace Greeley, but the victory went to Ulysses S. Grant. Of course Mrs. Woodfull’s politically-active sisters could not vote for her since the Nineteenth Amendment was still 48 years away. The Fifteenth Amendment, ratified in 1870, conferred the right to vote upon men of all races, and the 26th in 1971 opened the process to 18-year-olds.

We’re all accustomed to hearing President Bush and his father referred to as “41” and “43.” In fact they are the 40th and 42nd men to hold the office. Grover Cleveland was victorious in 1884 and 1892 with Benjamin Harrison in between; so Cleveland is counted twice. If you aspire to the high office, you may be interested to know what the successful candidates did before making it to the White House. Over half, 25 of our chief executives, were lawyers. A total of 24 served in Congress, 14 were vice-presidents, and 19 were territorial or state governors.

In light of the nail-biting weeks following the 2000 election, as we waited for the outcome in Florida, readers may be interested in learning more about that quaint institution the electoral college. Although the term is not used in the Constitution, the electoral college has existed from the beginning. Sitting in the nation’s capital, New York, in September 1788, Congress passed a resolution requiring the states to appoint electors in January who were to vote in February so that the new government could convene in March. A committee of the Constitutional Convention had devised a compromise between selection of the president by Congress and a direct popular vote. Their plan, set forth in Article II, Section I, Clause 2, has with very slight modification been followed down to the present day. Each state is entitled to an elector for each of its members of the House of Representatives and each Senator. The District of Columbia also gets three electors, making the grand total 538. Prior to the ratification of the Twelfth Amendment in 1804, each elector cast two votes. The candidate receiving the highest number became president, and the runner-up became vice-president. A flaw in the system was revealed early on when the election of 1800 produced a tie. The House of Representatives then elected Thomas Jefferson president and Aaron Burr vice-president. The House had to settle the election again in 1824, this time in 1825, choosing John Quincy Adams over three opponents. For the first nine presidential elections the electoral college was not chosen by popular vote. That reform was introduced in 1824. The detailed statistical charts of electoral and popular votes in all elections reveal surprising outcomes. In eighteen presidential elections the victor did not receive a majority of the popular vote because of the presence of multiple candidates. Among those thus elected were Woodrow Wilson, Harry Truman, John F. Kennedy, Richard Nixon, and Bill Clinton. Four presidents actually trailed their opponent in the popular vote: John Quincy Adams, Rutherford B. Hayes, Benjamin Harrison, and of course President George W. Bush, who won by five electoral votes, but received 537,179 fewer popular votes than Al Gore.

If you would like to thrill and amaze your friends at your election night party with your vast knowledge of election trivia, be sure to drop by the library to take a look at either one of these volumes in the open Reference Collection.
Dictionaries— The Most Popular Reference Books in the Library

by Ruth Mahoney

One of the most important pieces of advice given to any beginning law student is to buy a good dictionary and turn to it constantly to learn the definition and pronunciation of legal words. Law dictionaries are used to identify the definition of words in their legal sense. For each word or phrase a definition is given and in some legal dictionaries a cite to a court case or other helpful information is provided. In no other profession is the use of language more important than the legal profession because lawyers use words to argue and persuade. It is one of the most important tools they have. Learning to write legal English is an important challenge to most lawyers and one that the Law Library can assist with.

At least once a week the Reference Department receives a telephone call with a request to read a definition of a word or phrase from one of our dictionaries. We usually reach for Black’s Law Dictionary because it is the most widely-used of all law dictionaries, but many other dictionaries are consulted on a daily basis as well. A quick search by subject (dictionary) in our online catalog will result in over 100 hits. Listed below are just a few of the dictionaries that we consult in reference department.

Ballentine’s Law Dictionary, with Pronunciations, 3d ed. - An important feature is that it provides citations to A.L.R. Annotations and to American Jurisprudence 2d.

Bouvier’s Law Dictionary and Concise Encyclopedia, 8th ed. - A three-volume scholarly work which is useful for historical terms.

Burton’s Legal Thesaurus, 3d ed. - Many words include an entry entitled “Associated Concepts” and “Foreign Phrases”.

Bryan Garner, A Dictionary of Modern Legal Usage, 2d ed. - It gives authoritative guidance on usage that is unique to legal writing.

A Civil Law to Common Law Dictionary by N. Stephan Kinsella. (54 LaLRev 1265).

Latin Words & Phrases for Lawyers - A ready reference of significant Latin words, phrases and maxims in one volume.

Kenneth R. Redden & Gerry W. Beyer, Modern Dictionary for the Legal Profession, 3rd ed. - The emphasis is on modern legal terms and concepts, including slang and colloquial references.

The Oxford Dictionary of American Legal Quotations by Fred R. Shapiro - The most complete and scholarly legal quotation dictionary.

Words and Phrases published by West contains judicial definitions of words and phrases by state and federal courts. This is not a true dictionary in the traditional sense because it is limited to words and phrases judicially construed.

The Law library has a number of special dictionaries which are devoted to specific subjects. A Dictionary of Louisiana Biography published by The Louisiana Historical Association in cooperation with The Center for Louisiana Studies of the University of Southwestern Louisiana.

This dictionary includes listings of important Louisianians of the past and persons of the past who contributed to shaping Louisiana’s history. The Sloane-Dorland Annotated Medical-Legal Dictionary gives definitions of medical terms combined with judicial interpretations of the same term. Stedman’s Medical Dictionary, 26th ed. is the most up-to-date authority on medical language. We also have a number of bilingual dictionaries including French-English, German-English, Latin-English, and Spanish-English.

One of the most important dictionaries in the collection is the second edition of the Oxford English Dictionary. The twenty-volume set contains the words that have formed the English vocabulary and all the relevant facts concerning each word including form, history, pronunciation, and etymology. It is currently in the Reading Room of the library.

It is important to read the prefatory information of the dictionary you are consulting because it will explain in detail its unique features. This is particularly true of the special dictionaries mentioned above. Electronic publication of legal dictionaries is available on WESTLAW and LEXIS and on the Internet. Some websites to look at are:

www.washlaw.edu/dictionary.html

www.uscourts.gov/understanding_courts/gloss.htm

http://quotationdictionary.com
Dictionaries: Part Deux

We decided that it was time to put out to pasture the library’s massive old dictionary, a Merriam-Webster International from 1961. After considering recent editions of a few modern dictionaries, we selected the New Oxford American Dictionary. The New Oxford American is full of features both useful and interesting to users. The dictionary has a unique approach to definitions. Entries are distilled into core meanings, and then those meanings are given sub-senses. This method makes it easy for the user to appreciate how meanings change with context, rather than providing a mere listing of senses of a word. The dictionary also includes a ready reference appendix with topics ranging from the elements, hall of famers, proverbs, and temperature. Overall, this dictionary offers concise and clear word definitions, and it is an excellent addition to the library’s general reference collection.

Bicentennial of the French Civil Code Exhibit

by Janice Shull

In conjunction with the conference sponsored by Loyola University School of Law on September 8, 2004, a selection of items related to the French Civil Code are on display for the month of October. Items arrayed on the table in the Rare Book Room include two copies of the original edition of the *Code Civil des Français*, commonly referred to as the Code Napoléon. In 1801 Napoleon ordered the Conseil d’État to create a systematic code of civil laws from the thousands of royal decrees and customary laws in effect. Exemplary for its brevity and clarity, the civil code made the law accessible to all French citizens and inspired similar codes in jurisdictions around the world. Louisiana’s Civil Code of 1825 owed much of its organization and some of its content to the French civil code.

The Law Library of Louisiana possesses several documents which trace the development of the code, its legislative history, analysis and philosophy, and a comparison with codes from other jurisdictions. Listed below are the primary sources for study of the French civil code in our library. Many treatises and annotated editions from the 19th century are also available in the library’s foreign law collection. Law review articles in the Periodicals section provide American viewpoints on the French civil code.

In order by publication date:


- *Code civil des Français* (Paris: Imprimerie de la République, 1804)


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Memorial Books

If you are interested in memorializing a family member, friend, or colleague by purchasing a book for the library’s collection please contact Carol Billings at 504-310-2401.
**A New Acquisition**

*A Documentary History of the Legal Aspects of Abortion in the United States*, ed by Roy M. Mersky, 21 volumes

by Carol Billings

Sarah Weddington writes in her introduction to the most recently published volumes of *A Documentary History of the Legal Aspects of Abortion in the United States*, “When I won Roe v. Wade in 1973, I thought that its words were written in granite. Now the words seem written in sandstone. The sharpness of their protection of women and privacy rights has been eroded by more recent Supreme Court decisions.”

The upcoming presidential election has once again focused attention on the future make-up of the high court and fueled speculation that the outcome could determine the fate of *Roe v. Wade*. Unquestionably the abortion issue is one of the most hotly contested of our time and shows no sign of cooling down. Recently acquired by our library, *A Documentary History of the Legal Aspects of Abortion in the United States,* compiled by Roy M. Mersky, director of the Tarlton Law Library at the University of Texas, provides a comprehensive, full-text collection of all the decisions, briefs, and oral arguments related to the six most important abortion cases decided by the Supreme Court. Having all of the documents from each case in one place greatly eases the burden on the researcher. For each case the final volume contains an index of parties filing amicus briefs.

Number 1 in the Mersky series contains eight volumes *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989), which failed to overturn *Roe v. Wade* but nevertheless upheld Missouri’s laws restricting abortion practices. A record number of 78 amicus briefs were filed in the case, and all are included. The second number in the series consists of the three volumes treating *Roe v. Wade*, 410 U.S. 113 (1973), itself. While legalizing abortion in the United States, the case also addressed a woman’s right to privacy.

Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992), is the subject of the third part, made up of six volumes. The case upheld the essentials of *Roe v. Wade* but permitted portions of Pennsylvania’s Abortion Control Act to stand. Part four, *Colautti v. Franklin*, 439 U.S. 379 (1979), in one volume covers one of the cases that struck down state laws meant to discourage abortion. The requirement determining the viability of a fetus was deemed too vague to stand.

Providing the foundation for *Roe v. Wade* was *Griswold v. Connecticut*, 381 U.S. 479 (1964). It articulated a constitutional right to privacy and struck down state laws forbidding the use of contraceptives by married couples. The one volume work is number five in Mersky’s series. Published in 2003, the two volumes constituting part six present the documents in *Stenberg v. Carhart*, 530 U.S. 914 (2000). In this case the Supreme Court ruled against a Nebraska ban on “partial birth abortion,” finding it an unconstitutional violation of precedents set forth in *Roe* and *Casey*. It further struck down the ban because it provided no exemptions for situations endangering the mother’s health.

The entire documentary history is available from William S. Hein & Co., publisher. The first five sections of the series were originally published between 1990 and 2000 by Fred B. Rothman & Co., which has since been purchased by Hein.

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  - $7.00 per document.

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**Look Ma, No Wires!**

The Law Library’s new wireless system provides any user with a WiFi capable laptop broadband internet access. SID information will be published in plain view in both hot spots. The system is secure in that one user cannot see or access another. There is a logon web page for users to complete prior to access. Those who are recognized by the system as frequent users will be offered, after a designated number of uses, a login account to the library’s wireless system. There are two hot spots, one each in the Conti and St. Louis wings of the library. There are also internet accessible terminals in these areas. Six public terminals with access to internet, legal research, and library tools are located near the information desk.
Now that we’re in the French Quarter, De Novo makes room to address the rich palette of dining choices around us.

First up is La Boucherie, both a coffee house and cafe located at 339 Chartres, directly across Conti St. from the Court. Because of its proximity, La Boucherie gets regular lunchtime business from many Court employees who find the atmosphere, selection and prices all very satisfying.

The coffee shop section offers an expansive list of brews, with the usual suspects (cafe au lait, espresso) supplemented by various herbal teas, chai and fruit smoothies. A wide variety of generously sized pastries (provided by Zoe’s) are also available, as is Italian ice cream by Angelo Brocato.

Tables for the restaurant begin at the end of the coffee bar and extend into a comfortable dining area (solid wood decor) with a wide mirror on the far wall. An ideal spot during the city’s milder periods in the Spring and Fall, several tables line a sunny, narrow outside space on one side of the main dining area. The other side of the dining area branches off into a smaller room with eight tables and a register where patrons may place food orders (La Boucherie also takes to-go orders by phone). Behind the register is the kitchen, where all the meals are prepared.

Salads and sandwiches are La Boucherie’s specialties. Grilled chicken can be added (for a price of $2.00) to the garden and caesar salads ($5.00 apiece), and fresh fruit salad and spinach salad are also available. The real variety comes in sandwiches. Nine specialty sandwiches are on the menu, but if none of those meet your tastes, you can build your own deli sandwich, choosing from a combination of nine meats, nine cheeses, seven types of bread and eight dressing items. All sandwiches come with a choice of side salad, fruit salad or Zapp’s potato chips, and range in price from $6.00 to $8.00, depending on the combinations of meats and cheeses.
Moving Days

Those were grueling days for the library staff, who supervised the loading and unloading from 9 a.m. to 9 p.m. One staff member commented, “It was like a pile of ants, building an ant hill, having it squashed flat, and building it again.”

The new building seemed strange at first—too big, too hollow, too incomplete. Everything that had been moved needed to be located, unpacked, or installed. There were no clocks, no pictures, no lamps, no plants to soften the space. Book ends were hard to find, the shelves had to be adjusted throughout the library to better fit the books, the chairs for library users were too tall to fit under the tables and carrels. And then there was the bird, trapped in the Technical Services office, flying around and evading capture for days.

Now four months later we are at home in our new space and it is hard to think back to those first confused days, even harder to remember our cramped, unpleasant space in the old library. Our space here is open and expansive, dignified but lively, classic in looks but modern in functionality for the user. Our new computer lab offers many possibilities for educational outreach. Six public workstations are convenient to the information desk, and more remote study carrels are wired for laptop use and soon to feature wireless service.

The Microform Room has been configured for easy self-service of microforms. The reference desk is centrally located for all users, with highest use materials kept at the desk for ready reference. The Rare Book Room, handsome and spacious, allows us to fulfill our mission of preserving our oldest and rarest items.

The greatest benefit of being in our new quarters is the interaction with people, from the curious tourist to the long ago users of the building. Lawyers stop by to share their stories of being sworn in or arguing before the court in this building. Many people remember visiting the Wildlife and Fisheries Museum here as school children. Judges point out their particular courtrooms and recall the decrepit conditions that prevailed for so long in the courthouse. Today we look at this magnificent structure and remark that we are glad to be back home again at last. And we hope that it will be for a very long time.