



DE NOVO

The Newsletter of
The Law Library of Louisiana

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Law Library of Louisiana Hours

Monday—Thursday
9am-9pm

Friday and Saturday
9am-5pm

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Jason Kruppa - Library Associate

The \$64,000 Question: When Are We Moving?

by Carol Billings

If we've heard it once, we've heard it a thousand times: When are you moving to Royal Street? For a long time, regular users of our library thought it would never really happen. Out-of-town librarian friends grew tired of asking us. But the Brice Construction Company is working hard and fast to complete renovation of the grand old courthouse where the Supreme Court sat--along with various municipal offices--from 1910 to 1958. The latest predictions we've heard are that we should be in our new library sometime in the first half of 2004--only about a year from now.

So we're ready to let you in on what we know about our new-home-to-be. The Law Library will be located on the second floor of the courthouse, occupying the entire oval on the Chartres Street side as well as the rectangular mid-section of the building that connects to the rectangle facing Royal Street. Other court departments will be housed in the Royal Street side of the second floor.

When library users arrive at the top of the grand double winding stairway or exit the public elevator in the Chartres St. wing, they will be greeted at the library information desk in a large lobby area. Public computer terminals for consulting the online catalog of



the collection and other electronic resources will be located nearby along with seating for readers using print materials.

Through four sets of double doors readers will enter the main area of the library where the majority of the collection will be housed in three stack areas overlooking Chartres, St. Louis, and Conti streets. The reference desk in the middle will have librarians on duty to provide assistance. Tables and carrels wired for computers (some provided by the library and some for users' laptops) will be located in all three areas.

Two special new rooms that our current library lacks are expected to be popular features of our new home. A "computer lab" that can be used for instructional sessions

for both court staff and the public will enable our staff to introduce our users to electronic resources and research products. The rare and valuable books that have long resided in the director's office will have their own climate-controlled Rare Book Room, which will accommodate additional older materials from the stacks. Our staff has also been considering establishing a "popular reading area" in the lobby for law-related novels, recent periodicals, and newspapers.

Of course the staff is looking forward to much-improved work areas with sufficient space to operate more efficiently.

continued on page 2



Your place or ours?

Is your court, firm or class interested in participating in a Law Library of Louisiana Orientation? For more information call:
Carol Billings @
(504) 568-5706



Loislaw: A Research Alternative

by Cathy Lemann

Many attorneys and courts use either Westlaw or Lexis for electronic searching of cases, statutes, etc. One of the comments we frequently hear is that these services are expensive. As we examine other products that provide access to legal material, we will let you know what we think of them.

The oldest competitor is Loislaw. This product, on CD, is available for use in the Law Library at the public access terminal. Discs include Louisiana cases, statutes, attorney general opinions, and administrative code, U.S. Fifth Circuit cases, and U.S. Supreme Court cases. For most users, the way to go would be to access Loislaw via the Internet at www.Loislaw.com. There are various packages available which can include state and/or federal material as well as treatises published by Aspen.

Each product has different search strategies. It is definitely worth spending a little while looking

at the user guide and any help screens. Loislaw uses different connectors and shortcut symbols than either Westlaw or Lexis. Once you learn the method, it should not be difficult to create good searches. If you are familiar with either Lexis or Westlaw, you should be able to create successful searches in Loislaw.

One of the wonderful things about Loislaw is the search template, which sets out various fields that can be searched. This avoids having to learn or remember how to do field searches as you would do in Lexis or Westlaw. If you are looking for all decisions by Judge Wisdom dealing with search and seizure, just plug "Wisdom" into the *judge* field and "search and seizure" in the *majority opinion* text field. Because the *all fields* option is the topmost choice, many people enter search terms there, but I suggest using the *majority opinion* text box for searches within a case to speed results.

The Louisiana library in Loislaw has coverage of the Louisiana Supreme Court from 1921 to the present and the Courts of Appeal from 1972. U.S. Supreme Court coverage begins in 1899. Federal Circuit Courts are available from, generally, 1924. Federal District Court opinions from 1932 to the present are available as a premium service.

Loislaw makes it easy to sign up for a free trial of their product. Go to Visitors on the web site. If you have another service, try running searches in both products to compare results. You will be contacted by a sales person and I encourage you to tell him or her what you do and do not like about Loislaw.

If you would like additional instruction on how to use Loislaw, please contact Marie or Cathy for help.

THE \$64,000 QUESTION *continued from page 1*

Evaluating and measuring the current collection to determine where various types of materials should be shelved is occupying a great deal of staff effort. Duplicate and unused older sets are being weeded to provide sufficient space for easy access and growth. With the convenience of our readers in mind, the staff aims to shelve in close proximity parts of the collection that are commonly used together—for instance, the regional reporters containing state court opinions near the statutes and other resources from the other 49 states.

We also plan to shelve all

Louisiana materials together as well as most federal sources. Tentatively the rectangular stack area joining the oval to the Royal Street wing will contain materials that our users can find easily, such as law reviews and periodicals, and less-frequently-used volumes, such as foreign law.

We are carefully exploring online resources to determine which of our older, less-frequently-used sets that occupy large amounts of space can be replaced by electronic access. New products such as Hein-On-Line, that provides searchable, full-text images of a growing list of law reviews, and the forthcoming LLMC-Digital product (the soon-to-be online version of the 87,000-

volume microfiche collection of American and worldwide legal materials from all time periods) are making it possible for us to retain cost-effective access to huge bodies of material that present space and preservation problems. Nevertheless, we treasure our older hard-copy materials and plan to retain as many as possible for the convenience of our users—current and potential.

In the coming months we will appreciate hearing the opinions and advice of our users about the content and arrangement of the collection and services that they would like to have at Royal Street. Don't hesitate to call on both our staff and our Advisory Board.

Spotlight on: Central Staff

The first in a series of articles focusing on various departments and individuals and their functions within the Supreme Court.

by Jason Kruppa

Originally established in 1976 as an experimental project with two attorneys and one secretary to "assist the Court in meeting its crisis of volume," Central Staff primarily reviewed capital cases and ran the summary docket for criminal appeals. In this latter capacity, Central Staff screened the filed appeals to determine which could be disposed of summarily (i.e. without written opinion) and which should receive a full written opinion from the Court (i.e. the regular docket). The staff would then write full memoranda of cases, with the summaries appearing in the Southern Reporter under the designation "affirmed." This would relieve the judges of having to write opinions on every case, particularly if the issues raised had been clearly dealt with in earlier decisions.

Judges could, of course, choose cases from the summary docket on which to write an opinion, and Central Staff could in turn recommend cases to the judges for opinions, assuring that Central Staff's office did not become a burial ground of sorts in the interest of reducing the backlog.

By August 1978, Central Staff had grown to nine employees

and had become a permanent part of the court. Around 1982 Central Staff's responsibilities came to encompass review of supervisory writ applications, post-conviction criminal writs and some pre-trial evidenciary issues. The department also currently indexes cases and, as part of its charge, essentially maintains the history of the Supreme Court's criminal jurisprudence.

Continuing from its initial duties when first founded, one of the department's most important responsibilities involves death penalty cases. Louisiana state law requires automatic appeal on death sentence cases, and to that end each capital case goes through Central Staff for review. Because the entire case record must be reviewed, and a report researched and written, this process can take about a month. For obvious reasons in cases demanding this much attention, capital case assignments are rotated among the attorneys in the department.

Capital case records must be complete when arriving for review and should include any and all evidenciary material, from *voir dire* to the entire trial transcript. If only one or two hearings are incomplete, Cen-

tral Staff will generally find those missing elements on its own and proceed with writing the memos, which are often used by the judges when writing their opinions. If, however, the case is too incomplete, it is returned to the originating parish for refileing.

One such case was that of Henri Broadway (State v Broadway, 753 So 2d 801), submitted by East Baton Rouge Parish in 1999. The record required extensive supplements and, despite a year of work, was eventually so disjointed that Central Staff returned it for refileing. As a result of the Court's experience in Broadway, and to avoid further confusion in such matters, Central Staff rewrote Rule 1, Section 6 in Louisiana Rules of Court (State), expanding section 6(e) in particular, to provide clearer guidelines.

Since the rule change, which became effective in 2000, every parish has responded favorably except Orleans Parish, which continues to submit cases with significant material missing.

As a department, Central Staff ensures specific, focused review for criminal cases reaching the Supreme Court.



Head of Central Staff Gregory Pechukas (1978)

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★ Do you have any ★
★ De Novo questions? ★
★ Or suggestions? ★
★ Story ideas, com- ★
★ ments? Something ★
★ you would like to see ★
★ included? ★
★ Please feel free to ★
★ email them to: ★
★ Jason Kruppa at ★
★ jkruppa@lasc.org ★
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What We're Up To: Library Staff Activities

Janice Shull, Head of Technical Services, wrote two articles which were recently published: "What I Learned About Preservation from Visits to 30 Libraries and How it Applies to You: Conference Report", *Technical Services Law Librarian*, vol. 28, no. 1/2, pp. 32-33; and "Where Do I Find Recent Legislation and Statutory

Annotations Published After a Code Volume or Pocket Part?" in *Teachable Moments for Students, Perspectives: Teaching Legal Research and Writing*, vol. 11, no. 2, pp. 80-81.

As AALL Secretary, **Catherine Lemann** visited the Minnesota Chapter of the American Associa-

tion of Law Libraries in St. Paul on February 18. The weather was cold, but sunny. The program was "Alternatives to Lexis and Westlaw." Catherine gave the attendees an update on news from AALL including information about the 2003 Annual Conference in Seattle and the new Executive Director.

Federal Depository Library Highlights

By Georgia Chadwick

One afternoon in first grade my teacher said that everyone should find a book in the classroom and read for a while. I immediately went over and picked up the dictionary. She expressed some concern when she checked on me later and saw my selection, but she left me alone with it. I think I liked that it was so packed with information and there was no plot involving Dick, Jane or Spot.

It should be no surprise, then, that my favorite government publication is the *American State Papers*, the first part of the United States Serial Set. The Serial Set began publication in 1817 to provide a permanent record of Congressional activity. It is still being published today, although only the regional libraries in each state receive the bound volumes. In 1831 Congress passed an act making a provision for the reprint of Congressional documents to

any one, without that knowledge of these things, which can only be obtained by long experience, undertaken to separate and arrange these documents, he would have been in great danger of reducing the whole to a heap of confusion."

The compilation, printing and distribution of the set took place between 1831 and 1861. Although the 38-volume set of *American State Papers* is said to contain over 6000 documents, these are only selected documents. However, the editors -- Walter Lowrie, Secretary of the Senate, and Matthew St. Clair Clarke, Clerk of the House -- scoured all available sources, including the confidential files of the Senate and the records of the Department of State. It was their goal that, from reading the great principles embodied in the documents, "the breast of every citizen [would] be filled with an honorable pride in the institutions of his country, and with gratitude to those who have laid the

A handy feature of the *American State Papers* is that each volume contains a chronological list of the documents included in that volume in the front and a subject index at the end. Although no cumulative index for the entire set was published by Gales and Seaton, our library does have the *United States Serial Set Index*, published by the Congressional Information Service, which includes finding lists as well as subject access.

I recommend that anyone interested in the earliest formative period of our government take a look at the *American State Papers* and read the "Introductory Notice" in which the editors describe why these documents are so important:

"It must be obvious to all who consider the period which it embraces; the structure of the Government; the systems to be organized; the principles to be established; and the difficulties to be overcome; that this collection



Until 1817 and the beginning of systematized procedures for publishing Congressional documents, these documents were widely scattered, and many were destroyed when the British burned Washington during the War of 1812

cover the critical gap from 1789 to 1817. The original intention was to print the documents of the 1st through the 14th Congresses, but by the time the set was completed in 1861, some documents from even the 25th Congress were included. The legislation provided that the documents were to be selected under the direction of the Secretary of the Senate and the Clerk of the House of Representatives and would be published by the private printers Gales and Seaton.

It seems that this would have been a simple project, but the report by the Secretary of the Senate and the Clerk of the House of Representatives, contained in the "Introductory Notice" in the first volume of the *American State Papers*, indicates that it was an enormous task not only to select the documents but also to prepare them for the press as well.

Until 1817 and the beginning of systematized procedures for publishing Congressional documents, these documents were widely scattered, and many were destroyed when the British burned Washington during the War of 1812. The report states, "Had

broad and firm foundations of a nation's welfare."

Lowrie and Clarke decided that the pages in the set would be folio size because of the number of tables to be inserted. They considered a strict chronological arrangement, but chose an arrangement of ten subject classes instead. The documents within each class are arranged chronologically. The ten classes are: I. Foreign Relations, II. Indian Affairs, III. Financial Affairs, IV. Commerce and Navigation, V. Military Affairs, VI. Naval Affairs, VII. Post Office Department, VIII. Public Lands, IX. Claims and X. Miscellaneous. The description of what is included in each subject category only appears in the front of the first volume of the set, volume one of Foreign Relations.

Genealogists are often interested in the Public Lands volumes, which include claims of individuals and corporations for land, and the Claims volumes, which embraces all other claims against the United States *except* land. Also of interest to many of our patrons are the maps reproduced throughout the set.

of State Papers contains diversified and important information not easily derived from any other source. It lays open, during a critical and agitating period, every spring of the foreign and domestic policy of the United States; it discloses the governing principles of those who first, under Divine Providence, put our republican system into motion; it traces perils, from within and from without, by which that system was surrounded; it removes the veil from the designs of artful enemies or insidious friends; and it presents for future imitation the integrity and constancy, the moderation and wisdom, under which the republican institutions of the United States have been seen to gather strength from every succeeding year."

It is nice to be able to see the books themselves in our library, but the text has also been digitized in its original format as a part of the Library of Congress' American Memory project. The online collection, called "A Century of Lawmaking for a New Nation," contains the records of the U.S. Congress up to 1875. The *American State Papers* can be found at <http://memory.loc.gov/ammem/amlaw/lwsp.htm>

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 504-568-5706.

RECENT REFERENCE QUESTIONS



Do you know of an online source for locating Acts of the Louisiana Legislature?

Yes, if the act is fairly recent. The Legislature's web site, www.legis.state.la.us has Acts from the 1997 Regular Session to the present. Look for Session Info at the top of the page, then choose the appropriate session. Use the drop down menu at View a specific instrument and change it to Act. Type in the act number, hit view and it should pop up.

How do I get a pardon of a felony conviction from 1975? I would like to get all of my rights back, including the right to own a gun so I can go hunting with my son.

R.S. 15:572 provides that the governor may pardon those convicted of offenses against the state upon recommendation of the Board of Pardons. Information about the Pardon Board can be located by searching the Boards and Commissions of the Legislature's web site, www.legis.state.la.us. There is also information in the Louisiana Administrative Code at

LAC 22:V.101. That is available on the Internet at <http://www.state.la.us/osr/lac/22v01/22v01.pdf>

What are the standards used by the Department of Transportation and Development to determine the priority of repairing ruts in a road?

A search of cases reveals that the DOTD has a maintenance planning manual and/or a manual for maintaining roadways. Contact the Department to determine the specific name of the manual and if it is possible to review a copy.

A Heart to Heart Experience

On Valentine's Day our staff collaborated with other members of the New Orleans Association of Law Librarians to host a "Show and Tell" mentoring experience for a group of students from the LSU School of Library and Information Science. Over king cake and coffee, each of our librarians

explained how their particular job contributes to the grand scheme of library operations. They described how the electronic information revolution has challenged us to rethink how we can best serve our clientele. After taking our guests on a brief tour, we escorted them to the Jones, Walker firm, where head

librarian Tina Gambrell and her staff provided a lovely lunch. A panel discussion highlighting various types of law libraries — academic, firm and court/public — was presented by Ms. Gambrell with Tulane documents librarian Katherine Nachod and U.S. Fifth Circuit staffer Ann Middleton.

De Novo email

We are establishing an email notification service that will alert our readers when a new issue of De Novo has been posted on our website. If you would like to receive such notification, send an email message to jshull@lasc.org. In the subject line type: "De

Novo email service" and in the body of the message give us your name & address so that we can remove your name from the regular mailing list.

In the interest of reducing our postage and printing costs, if you decide that you no longer

wish to receive De Novo, please let us know to remove your name from our mailing list. Please notify us also if your address changes. You may contact the library at 504-568-5796 or 800-820-3038 or send an email to jshull@lasc.org.



A New Start

Acquisitions librarian and De Novo founding editor Cathleen Furlong has accepted a position as law librarian at the Chaffe, McCall law firm. Everyone here at the Law Library of Louisiana wishes her much success in her new endeavor. Her wit and exu-

berance will be missed.

Miriam D. Childs will be leaving her current position as Serials Librarian at the Earl K. Long Library at UNO to become the new Serials/Acquisitions librarian here at the law library. We will feature

more about Miriam in the next issue of De Novo.

Jason Kruppa will be assuming editing duties on De Novo. Please direct all comments, ideas and winning lottery numbers to him at jkruppa@lasc.org.

Spanish Treasure in Our Library

A survey of historical legal materials from Louisiana's Spanish period

By Carol Billings

Before turning the spotlight on our library's early Spanish resources, we need first to set the stage for their introduction into colonial Louisiana. Preoccupied in the middle of the eighteenth century with a series of imperial wars and continental entanglements, the French decided that they had bigger fish to fry than their colony in Louisiana. To compensate the Spanish Bourbons for their support during the Seven Years' War, France ceded Louisiana to Spain in 1762 by means of a secret treaty. However, it was not until 1766 that the Spanish imperial bureaucracy was in sufficient order to take possession of the colony. Carlos III appointed as governor the inept Antonio de Ulloa, who immediately earned the resentment of the French elite with his autocratic attempts to assimilate the colony into the Spanish empire. A financial crisis turned

The Law Library of Louisiana owns several titles that include the Code O'Reilly. Gustavus Schmidt, the attorney historian who founded Louisiana's first law school in 1844 (the forerunner of Tulane), translated it for publication in 1 *Louisiana Law Journal*, No. 1 (1841). It also appears in the *American State Papers*, vol. 1 Misc., Documents, Legislative and Executive of the Congress of the United States 362-376 (Washington: Gales & Seaton, 1834) with references to Spanish laws. Another source in English is Benjamin Franklin French's *Historical Collections of Louisiana*, part 5, 269-288 (Wiley & Putnam, 1846-1853). The late distinguished L.S.U. law librarian Kate Wallach explained that the code was "not an orderly arrangement of the body of Spanish law, but merely a digest of the most important Spanish laws applicable to Louisiana."

1265. Strongly influenced by Roman and canon law, *Las Partidas* consists of seven parts: the Catholic faith; royalty and nobility; justice; betrothals and marriages; loans, sales, contracts, etc; wills and inheritance; and crimes and offences. So important an element in Louisiana's Spanish legal foundations was the compilation that the Legislature on March 3, 1819, "authorized and encouraged the translation of such parts as are considered to have the force of law in this state." The translation by Louis Moreau Lislet and Henry Carleton, omitting the portions dealing with the Catholic faith and criminal matters, was published in 1820.

Two important depositories in New Orleans provide scholars the opportunity to conduct research in the original manuscript

Our staff is often asked what qualifies as the oldest book in our library. The honor belongs to Las Siete Partidas, published in three volumes in 1587.

dissatisfaction into rebellion, and the Superior Council left over from the French regime, acting on the colonists' grievances, expelled Ulloa to Havana.

Carlos responded with brutal force, sending Irish soldier of fortune Alejandro O'Reilly to take command in Louisiana in 1769. The new governor lost no time trying the rebels, earning the sobriquet "Bloody O'Reilly" for executing five and sentencing five others to ten-year prison terms. A talented, decisive administrator nevertheless, O'Reilly instituted reforms that gave the colony a stable government and a means of conflict resolution that lasted until 1803. To replace the French Superior Council he installed the Cabildo and created a system of law in keeping with Spanish interests. He charged two lawyers, Don Felix Del Rey and Manuel José de Urrutia, with redacting a mingling of the laws of the Indies and Castile with selected French customs into what became known as the Code O'Reilly. Their major sources were *Recopilación de las Indias*, the *Siete Partidas*, and the French *Code Noir* of 1724.

Although a number of Spanish laws were enacted especially for Louisiana to deal with practical matters such as land and livestock, a far greater combination of laws was declared applicable in Louisiana and Spain's other colonies. One of our library's real treasures is the first edition of *Recopilacion de Leyes de Las Reinos de Indias*. This compilation of 6,447 enactments dealing with the administration of the colonies was first published in four volumes in 1681 by Julian de Paredes in Madrid. Scholar John Thomas Vance has written that "according to the Spanish and Hispanic-American historians [the *Recopilacion*] despite its defects deserve to rank higher than anything done in the English and French colonies, because of its humanitarian spirit and the protection afforded to the native subjects of the Spanish crown."

Our staff is often asked what qualifies as the oldest book in our library. The honor belongs *Las Siete Partidas*, published in three volumes in 1587. This compilation was accomplished during the reign of Alfonso XI (or el Sabio) between 1256 and

records of the Spanish colony. The Louisiana State Museum Historical Center in the old U.S. Mint houses records of the Spanish judiciary. Governor O'Reilly himself established the office of *Escribano of the Cabildo*, the clerk responsible for preserving the archives concerning the Cabildo and its proceedings. These records were turned over to French Prefect Laussat, who transferred them to the Americans in 1803. They now form an important part of the Louisiana Division of the New Orleans Public Library.

Finally we mention the Treaty of San Ildefonso, adopted on October 1, 1800, by which Spain returned Louisiana to France. Not only our library's visitors, but anyone with access to the Internet may find an English translation of the treaty by going to the website of the Avalon Project at Yale Law School <<http://www.yale.edu/lawweb/avalon/ildefons.htm>>. The site offers the text of many important historical documents.

Visit:

www.consumerlaw.org
For information on the National Consumer Law Center's publications.

www.lasc.org

Visit:

www.nolo.com
For information on Nolo's legal self-help publications.

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Lobby Exhibit Features Landmark Case

By Janice Shull

It isn't a fight involving Eminem, or M&M's in a trademark infringement suit. This "M" and "M" is Marbury v. Madison (5 U.S. (1 Cranch) 137), the first significant opinion to be issued by the U.S. Supreme Court under Chief Justice John Marshall. February 24, 2003 marked the 200th anniversary of the opinion, and in honor of the occasion the library has gathered materials featuring the case and its effect on American society.

The four exhibit cases in the Supreme Court building's first floor lobby contain much information about the case in which William Marbury sued Secretary of State James Madison for mandamus to force the

delivery of Marbury's commission as Justice of the Peace in New York. The historical background is full of intrigue, tension between the Federalists and the Democratic-Republicans, and competition for power between Congress, the President and the judiciary. Materials on display also portray the life of John Marshall, the third Chief Justice. Marshall has been credited with the fullest expression of the doctrine of judicial review, so basic to the American judicial tradition. For an informed but entertaining presentation of the American judicial tradition at the Supreme Court, we suggest *Marshall, the Courthouse Mouse* by Peter and Cheryl Barnes. This children's book tells the story of the court in rhyme

and is accompanied by very clever illustrations.

We invite you to take a few minutes to peruse the lobby exhibit and to stop in the library to learn more about this landmark case. Basic information is easily accessible on the internet:

<http://www.jmu.edu/madison/marbury/>

<http://usinfo.state.gov/usa/info/usa/facts/democrac/9.htm>

http://supreme.lp.findlaw.com/supreme_court/landmark/marbury.html

An alternative viewpoint on the significance of the case and the landmark status of Marshall's opinion is offered at:

<http://www.law.com/jsp/article.jsp?id=1045793314566>

