

THE REPORTER

Volume 13, Number 3

April 2004

Valparaiso University School of Law Library

Back in the Day (of Colonel DeMotte) . . .

by Gail Hartzell

1879 is the year that Valparaiso University School of Law was founded. At that time, the population of the United States was 49,208,000, the American flag had 38 stars, and Rutherford B. Hayes was President. Suffragists fought for a woman's right to vote, and temperance crusaders sought the prohibition of alcohol. Do you wonder what life in the United States was like 125 years ago and what other interesting things happened in that year? A look at the following facts and statistics will give you some idea.

What was the U.S. population like in 1879?

- 17% of Americans could not read or write.
- The average size of the American family was 5.79 people.
- 43.8% of Americans lived on a farm.

How many degrees were conferred by U.S. institutions of higher education?

- 12,081 bachelor's degrees were conferred: 9,808 to men and 2,273 to women.
- 54 doctorates (or degrees equivalent to doctorates) were conferred: 51 to men and three to women.

How long was the workday, and what were people paid?

- 10.3 hours per day was the length of the average workday.
- A plumber earned \$3.12 per day for a 54-hour week; a fireman earned \$1.39 per day for a



125th ANNIVERSARY
SCHOOL OF LAW
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The Reporter is published by
the Valparaiso University
School of Law Library.

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Design: Susan Waldschmidt

60-hour week. The average annual salary for public school teachers was \$195.

What did everyday items cost?

- Sugar sold for 8.5 cents a pound.
- A pair of baby shoes cost five cents.
- Men's neckwear items (ties, bows, and scarves) were priced at about 25 cents each.
- A new solid oak highback chair cost one dollar.
- A four-piece antique bedroom set was \$11.

What famous people share an 1879 birth date with V. U. School of Law?

- Albert Einstein (March 14)
- W. C. Fields (April 9)
- Margaret Sanger (September 14)

- Leon Trotsky (October 26)
- Will “I never met a man I didn’t like” Rogers (November 4)
- Paul Klee (December 18)

What businesses got their start in 1879?

- P. T. Barnum teamed with Al Bailey to create “The Greatest Show on Earth” circus.
- The Scott Paper Company was founded in Chester, PA.
- The Lambert Pharmaceutical Company was founded in St. Louis.

What innovations made life easier?

- The first incandescent electric lamp was invented by Thomas Edison.
- The first cash register was patented by James Ritty.
- The first automobile engine was invented by Karl Benz.
- The first automobile patent, for a wagon fitted with an internal combustion engine, was filed in the United States by George Baldwin Selden.

What happened for the first time in 1879?

- Taxes on real property were introduced.
- Frank Woolworth failed in his first attempt to establish a 5-cent store in Utica, New York. Later in the year, he added 10-cent items to his store in Lancaster, Pennsylvania, and created the successful Woolworth’s 5- and 10-cent store. He took in \$127 during his first day of business.
- Milk was offered for sale in glass bottles.

What important events were happening in the legal profession in 1879 (besides the founding of V. U. School of Law)?

- Belva Ann Lockwood, U.S. feminist and lawyer, was the first female lawyer to argue before the Supreme Court.
- Frank Shepard was doing well with his new process of listing each time a case was cited or affected by a later case (later to be known

as “Shepardizing”), which he had started six years earlier.

- John B. West was busy expanding his weekly report of Minnesota court decisions into the National Reporter System. He and his brother Horatio had founded West Publishing in 1872 and would incorporate it in 1882.

What songs were popular?

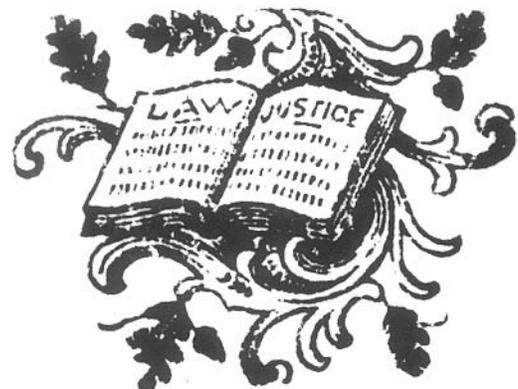
- The most popular song of the decade was “Silver Threads among the Gold.” Other favorites were “I’ll Take You Home Again, Kathleen” and Stephen Foster songs, such as “The Camptown Races.”
- “Carry Me Back to Old Virginny,” “In the Evening by the Moonlight,” and “Oh! Dem Golden Slippers” were hits written by James M. Bland, the first prominent African-American songwriter.

What literary works were written?

- *A Doll’s House* by Henrik Ibsen
- *Daisy Miller* by Henry James
- *The Brothers Karamazov* by Fyodor Dostoevsky

What sports did people enjoy?

- Horse racing (The winner of the 1879 Kentucky Derby was Lord Murphy.)
- Baseball (The winner of the 1879 National League Pennant was Providence. With George Wright as manager, the team won 55 and lost 23.)
- Tennis (The 1879 Wimbledon winner was John T. Hartley.)



“A lawyer’s either a social engineer or . . . a parasite on society.”

Dean Charles Hamilton Houston

CIVIL RIGHTS MILESTONE REACHES 50TH ANNIVERSARY

by Naomi Goodman

May 17, 2004, marks the 50th anniversary of *Brown v. Board of Education*, the case which opened many opportunities for equal education in our society by rejecting the “separate but equal” doctrine of *Plessy v. Ferguson*. Before *Brown*, *Plessy*’s assertion that “separate” could be “equal” and so fulfill the equal protection under the law mandated by the 14th Amendment, had stood for 58 years.

The American Bar Association and many law schools are celebrating the history of this important case. The president of the ABA appointed a commission to review the status of *Brown*’s goals and its current effect on civil rights. (Details are available at www.abanet.org/brown/home.html.) The Association is also the sponsor of a year-long “Dialogue on *Brown v. Board of Education*” which involves high school students across the nation discussing issues dealing with education, equality, and the effect of law on social change.

Among the many law schools recognizing this anniversary is Howard University Law School, which played a central part in the planning for *Brown* litigation. This year the school is requiring first year students to brief *Bolling v. Sharpe*, the D.C. counterpart to *Brown*; all three of their law review issues will be devoted to *Brown*; and the school’s Civil Rights Planning course will also feature *Brown*. The University of Michigan Library has created the *Brown v. Board of Education* Digital Archive at www.lib.umich.edu/exhibits/brownarchive/. The site includes the oral arguments from *Brown* as well as documents and photographs from a variety of sources and an extensive bibliography. Other law schools are inviting people connected to the case to their celebration. The Louis D. Brandeis School of Law at the University of Louisville began its celebration with a speech by the Brown sisters, plaintiffs in the case. Mrs. Thurgood Marshall opened

the joint celebration held by the Columbia University School of Law and the NAACP Legal Defense and Education Fund Inc. in February. It was her late husband who successfully argued the *Brown* case before the U.S. Supreme Court.

Here at Valpo Law, we were fortunate to have Professor Peggy Smith of the University of Iowa Law School as a speaker for the 2004 MLK Day celebration. As well as sharing her legal knowledge, she gave a very personal account of attending school in Clarendon County, South Carolina, the school district involved in one of the cases (*Briggs v. Elliot*) that was joined with *Brown* before the Supreme Court.

Our library contains books specifically on *Brown*, as well as many on civil rights. For those who want to know some of the background but don’t have time for extra reading at this point in the semester, we have two videos available: *The Road to Brown: The Untold Story of the Man Who Killed Jim Crow* (50 minutes) and *Simple Justice*, a drama based on the 1976 book of the same name (137 minutes).

I recommend *The Road to Brown* for its very personal approach focused on Charles Hamilton Houston, who laid the groundwork for the case. Houston grew up in an educated, privileged family. His mother was a teacher and his father the head of his own law firm. But service in the U.S. Army in World War I brought Houston face-to-face with the reality of segregation, and he decided to pursue law as his way to fight this injustice. Having graduated first in his class at Amhurst, he was accepted at Harvard Law School, where he was the first African-American editor of the Harvard Law Review.

Just as interesting as learning about the man is seeing the legal strategy that led to success. The video shows the patience and long-term planning necessary for the

eventual success of *Brown*, and the careful creation of precedent to build from smaller cases to the big case. As Dean of the Law School at Howard University, Houston greatly improved the quality of education there while training many of the young lawyers who would conduct the legal fight for civil rights. He determined that the first attack would be on school segregation, because this was such a powerful symbol for all other discrimination in society. His first tool was a movie camera, which he used to create *A Visual Presentation from the NAACP*. This film showed, with images and statistics, the stark evidence of inequality resulting from “separate” schools and other facilities.

After years of ignoring severe health problems and working 14 to 19 hours a day, Houston died of congestive heart failure in 1950, at age 54. The *Brown* victory came four years later, based on the groundwork he had done. By then precedent had been created by half a dozen cases that successfully challenged segregation in education. Houston had trained and mentored a group of expert civil rights litigators, including Thurgood Marshall, his successor as chief counsel to the NAACP. They finished the work Houston had started.

Brown was an important legal achievement, followed by the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Yet, 50 years later, in many areas of the country, racial segregation in education persists. A report from The Civil Rights Project at Harvard

University, *Brown at 50: King’s Dream or Plessy’s Nightmare?*, asserts that segregation levels have again risen to those of the 1960s. Court cases and legislation cannot prevent white flight to the suburbs or the flight of successful middle-class African-Americans to better neighborhoods, better schools and colleges, and better jobs. As a result of these two migrations, the children who are left in poorer urban and rural areas still lack access to a quality education. This report is on the Web at www.civilrightsproject.harvard.edu/research/reseg04/resegregation04.php.

The story of *Brown* is inspiring, and the *Brown* decision has been the indispensable legal cornerstone for much progress. But to consider its goals accomplished is to ignore work still to be done.

In addition to the videos mentioned above, the Law Library holds many books on *Brown*, and more on civil rights. These materials can be located in Galileo by using the following searches:

For books on *Brown*:

Keyword search: brown board

Subject search: brown oliver 1918- trials

For books on civil rights:

Subject search: civil rights united states

Free Database Use During National Library Week by Mary Persyn

National Library Week is an annual event to recognize the contributions of our nation’s libraries and librarians and to promote library use and support.

Libraries provide a world of opportunity for all people, regardless of age, income, or background. Libraries connect students, faculty, families, senior citizens, business people, native-born Americans, and immigrants with the information they want and need to be successful in our ever-changing society. Libraries are part of the American dream—places for opportunity, education, lifelong learning, and free and equal access to a world of resources.

National Library Week will be celebrated this year the week of April 18-24. In celebration of National

Library Week, Thomson Gale Publications is offering free access to 24 of their databases for the week. These include general knowledge databases such as *Gale Virtual Reference Library*, *InfoTrac OneFile*, *InfoTrac Religion and Philosophy*, and the *Health and Wellness Resource Center*; history, biography, and literature databases such as *Eighteenth Century Collections Online* and the *Times Digital Archive*; and business and law databases such as *Business and Company Resource Center*, *Associations Unlimited*, and *Military and Intelligence Database*.

To try out these databases between April 18 and 24, go to www.gale.com.

Why Is Lady Justice Celebrating Valpo Law's 125th Anniversary?

by Sally Holterhoff

She has become part of the Law School's 125th anniversary celebration—the woman pictured on the banners which have been hanging inside and outside Wesemann Hall since last fall. Wearing a blindfold, she is dressed in a long, flowing gown, and she holds a sword in her right hand and scales in the left. Although we recognize her as a common representation of “justice,” we may not know her name or be familiar with her background and the symbolic meaning attached to her image through the centuries.

“Lady Justice” is actually Themis, the goddess of law and justice in Greek mythology. She was also known by the Greeks as Dike and by the Romans as Justitia. The Greeks believed that Themis protected the just and punished the guilty. Judges gave their verdicts in her name and according to her advice. As she is usually depicted, Lady Justice is regal and coolly impersonal. The unsheathed sword she holds is a symbol of power, authority, or protection, ready for use in the interest of justice. The scales, which she holds evenly, represent a just balance between the two opposing forces.

The blindfold worn by Lady Justice is a later addition. Before the 16th century, she was usually shown with her vision unobscured. But in the early Renaissance, artists began to show her blindfolded. As law professors Judith Resnik and Dennis E. Curtis point out in their essay *Images of Justice* [96 Yale L.J. 1727 (1986-87)], the blindfold imagery may have begun as a cynical comment about the indifference of courts to abuses of the law. A woodcut by Albrecht Dürer in 1494 showed Lady Justice being blindfolded by a fool who is leading her astray. In a satirical drawing by Flemish painter Pieter Brueghel from around 1554, a blindfolded Lady Justice is surrounded by scenes of cruelty and gross punishments supposedly being carried out in her name. “Justice,” in this portrayal, has become insensitive and detached.

Through the centuries, the role of Lady Justice has received her fair share of criticism and of praise. In his book *The Struggle for Law* (1879), the German jurist Rudolph von Jhering offered the following explanation for the symbolism of her sword and the scales: “Justice which, in one hand, holds the scales, in which she weighs the right, carries in the other the sword with which she executes it. The sword without the scales is brute force, the scales without the sword is the impotence of law. The scales and the sword belong together, and the state of the law is perfect only where the power with which Justice carries the sword is equalled by the skill with which she holds the scales.”



For centuries, sculptors have produced statues of Lady Justice in bronze, marble, wood, granite, and gold. In courthouses and public buildings across the United States, inspirational images of her are found in sculpture and on murals. She stands atop both Old Bailey in London and the City Hall in New York. At the U.S. Supreme Court building, she is portrayed in several groups of sculpture, both with her blindfold and without it. In many places and times, her familiar figure has personified the concept of impartial justice.

As depicted on our 125th anniversary banners, Lady Justice has one additional accessory. In her right hand, along with her sword, she holds a wrapped gift. Contrary to rumors that this gift represents skill at power shopping, it is intended as recognition of the Law School's connection with and dedication to justice—for the past 125 years and into the future as well. But just in case there's some truth to that shopping rumor, we can't help but wonder what our famous Lady will be wearing to the May 1 Gala . . .

SHELF LINERS

by Michael Bushbaum

So, you've taken 1-L Legal Research or are about to complete it. You may even have taken Advanced Legal Research if you were lucky enough to get in. (By the way, there are still spaces available for the summer session.) At this point, you figure you know everything there is to know about finding the law. "Ah, not so fast, young student," as the wise teacher would say. There is more, much more, that you will need to learn before you can truly hold your head up and proudly proclaim that you are REALLY ready to face the world with your research skills.

Remember, you will need more than just an understanding of the topic and key number system, skill in crafting the perfect terms and connectors search, and confidence using the C.F.R.'s table of authorities. You will need the ability to find all sorts of things not legal, and things legal that probably won't be in reporters or annotated codes. But . . . where to start?

A relative newcomer to the Internet may be your answer. Could a blawg be in your future? A blawg, in case you're wondering, is the legal version of a blog. Many of you already know what a blog is, but for those of you who aren't familiar with that term, it's defined at samizdata.net/blog/glossary.html as "a contraction of web log, a form of online writing characterized in format by a single column of chronological text, usually with a sidebar, and frequently updated." And what, then, is a blawg? It's simply "a web log written by lawyers and/or concerned primarily with legal affairs."

What does all that mean? First and foremost, it means that if you can find a blawg on point, written and run by someone in whom you have a great deal of confidence, then you will have, right at your fingertips, an up-to-date source of legal and nonlegal material in the particular area of law you're investigating. Why is this important? For one thing, a good blawg may give you the newest take in an area of law—something you might not find using only traditional sources. And if you are new to an area of law, a blawg may begin the research process for you, leaving you to concentrate on your client's problem rather than spin your wheels trying to get a handle on an area of law unfamiliar to you.

Okay, enough of why looking at a blawg is good; now, how to find a blawg that is on point. Running a search using a search engine such as Google will retrieve a number of blawgs. The best of these is blawg.org, which offers a reasonably comprehensive look at what is available, broken down by topics and user types. Another good site is netlawblog.com. This site, while not as easily navigated from its front page, does offer more links. If there is a specific area of law that has a blawg, this site will give you a link to it.

So, now that you know more about blawgs, keep them in mind as you go into the world of lawyering. As a lawyer, you have only so much time, so spend it wisely and where it will do the most good. Remember, you are now in the world where it isn't the strong that survive, it's the smart who survive, and at the top of that food chain are only those who really know how to get the most from their research.

