Points of Interest:

WLS Summer Abroad 2004 program sites are Toulouse, France; Santander, Spain; Zhuhai, China; and Tel Aviv (Ramat Gan), Israel. More information is posted on the WLS website. Associate Dean and Library Director J. Denny Haythorn is the Program Director for the Spain program this summer.

Be the next Hot Shot Legal Researcher! See page 4 for the contest question and rules. A valuable prize will be awarded to the winner by the WLS Library staff.

WLS Library Recent Acquisitions list is now posted to the WLS website. See page 4 for details.

A Look at the Summer Abroad Program 2004

by J. Denny Haythorn, Associate Dean and Director of the Law Library

Early this semester Associate Dean Peeler and I traveled to two of Whittier Law School’s Summer Abroad cities and universities. Dean Peeler will be Director of the new Program in Toulouse, France at the Université de Toulouse, and I will be Director in Santander, Spain at the Universidad de Cantabria. Toulouse is the fourth largest city in France and although quite old, it is the location of high technology industries, a Silicon Valley in the Southern Midi-Pyrenees region of France. Santander is a major Spanish northern seaport and resort on Atlantic Ocean. The purpose of the trip was to identify housing for students in Toulouse and to discuss summer teaching and cultural arrangements with the faculty and administration of the two universities.

I flew to Madrid and took the train to Barcelona, then on to Toulouse. Professor Peeler flew to Paris, in part to meet the new University Administrators at the University of Paris X, where we have the student exchange Program. Toulouse is a wonderful town, even in late January. The older city, where the housing we found is located, and the University is a

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Rumors

by J. Denny Haythorn, Associate Dean and Library Director

Rumors have been flying around the School: “Have you heard that the ABA is coming?”

Every seven years, the American Bar Association conducts a site evaluation of each fully approved law school. These site evaluations are commonly referred to as “sabbatical site visits.” Approximately 25 law schools are scheduled for sabbatical evaluations every year. Provisionally accredited schools and those undergoing major changes in program or structure are inspected more frequently. Our relocation to Costa Mesa in 1997 was considered a major program change and the ABA conducted one of these interim evaluations.

An important aspect of the ABA approval process is the assurance that the school has a program that is consistent with sound legal education principles. This process has been going on for quite a while. The ABA first established standards for law schools in 1921. Since 1952 the ABA has been the recognized accreditation agency for professional law schools. The standards continue to evolve as the process of education changes; and nearly every year,

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On September 18, 2001, Public Law 107-41 established the Brown v. Board of Education 50th Anniversary Commission to encourage and commemorate the golden jubilee of this monumental Supreme Court decision. Brown overruled Plessy v. Ferguson and the doctrine of separate but equal. A significant contribution toward the Commission’s efforts to meet this goal is made by the Commission’s website, http://www.ed.gov/brownvboard50th. Here you’ll find information about the Commission, its members, and its workgroup. There are speeches outlining the impact of this decision as well as a FAQ section.

For those interested in tracking events marking the anniversary of this decision, one may use this website to subscribe to Brown Briefs, the Commission’s electronic newsletter. This two- or three-page newsletter highlights recent and upcoming events, their locations, dates, and related web links. A .pdf archive of past issues of this weekly newsletter is provided. Unfortunately, the Commission has not included the text of the decision and its related briefs on this site.

Reading the posted materials, especially the personal observations and formal speeches, gives one reason to pause and contemplate the impact of this single decision not only on later legislation, but also on the lives of so many citizens of the United States. It is a site worth visiting, as the case has generated much thought and study over time. What would be the standing of the United States in the world without that momentous decision? More importantly, the decision eliminated long-standing discriminatory practices and laid the foundation for a movement toward equal treatment under the law. □

The Southern California Association of Law Libraries (SCALL) held its 32nd annual Institute, Stepping Into the Future: Putting Your Best Foot Forward, on February 27-28, 2004 at the Doubletree Club Hotel in San Diego, California. The theme of the conference focused on delivering value when providing reference services. Below are a few excellent examples of the programs offered at the Institute.

Aleta Benjamin’s and Laura Cadra’s presentation on How to Become an Instant Expert was excellent and very informative. They defined an instant expert as one who is able to learn a subject area in a short period of time. When collecting information, Aleta and Laura suggested, contact other colleagues to find out whether they have already done the research and learned the lingo. After collecting information about a particular topic, maintain a list of research strategies that were used, know your colleagues’ backgrounds and interests, and know when to stop. Laura suggested using “nutshell” books, “nutcases” for researching English law, Cornell’s Legal Information Institute website, authoritative encyclopedias such as the Britannica, and the Internet. Aleta closed the presentation with a quote from Samuel Johnson, “Knowledge is of two kinds. We know a subject ourselves or we can find information upon it.”

Amber Lee Smith’s presentation, Finding Foreign Law for the Ever-Shrinking World, on researching foreign and international law, was also highly informative. She provided some useful web links such as Social Science Information Gateway and the Library of Congress’ Nations of the World. She also suggested consulting the International Labour Office’s NATLEX website, Statesman’s Yearbook, LLRX.com, Reynolds’ and Flores’ online version of Foreign Law Guide, Martindale-Hubbell’s International Law Digest, and authoritative federal government web sites, such as that maintained by the FBI and other agencies, for relevant information about foreign and international law. □
Among the books in our Law Library collection which assess the legacy of the 1954 milestone Brown vs. Board of Education decision, four of them reflect a pessimistic view of school integration today and race relations in general. Although the Brown decision remains highly significant, the authors of the books briefly reviewed here argue that the case was a watershed of social change and movements in American life outside the field of education. Although the decision was intended to redress educational inequities along racial lines, its track record on this issue has been far less successful.

Peter Irons’ book Jim Crow’s Children reviews the famous demonstrations and confrontations of the civil rights movement and at subsequent court decisions which influenced new directions in school integration ultimately undercutting this goal. The case of Swann vs. Charlotte-Mecklenburg Board of Education was a key decision that launched busing to achieve public school desegregation. The case was originally filed in 1965 as plaintiff Darius Swann alleged that a voluntary school transfer program in Charlotte, North Carolina was being utilized by white students to transfer out of schools there but was not open for use by black families. The City of Charlotte ultimately lost its case before the U.S. Supreme Court in 1969 and was ordered to integrate its schools by all means available, including busing. Busing began in Charlotte in September 1970. Although black children obtained access to better schools through this means, one of the effects of that decision was the permanent transfer of white children from 3,000 families out of the public school system. President Richard Nixon soon climbed aboard the bandwagon of the “anti-busing movement;” he lambasted the “extreme social planners” as being a force for evil in race relations as pernicious as old line segregationists. Some Northern members of Congress also beat hasty retreats from their earlier endorsements of school integration.

Detroit parents Ronald and Verna Bradley filed suit in 1970 on behalf of a proposed three-county desegregation plan in the Detroit area. This would have incorporated suburbs outside the City of Detroit as the Bradley’s attorneys contended that integration plans within Detroit itself would be insufficient to desegregate schools. When this case went before the Supreme Court in 1974, the defendants did not contest an allegation that Detroit had drawn up its school boundary lines to sustain racial segregation but that suburban cities were not involved in these decisions and were thus innocent parties. The defendants also argued that current government officials in Michigan could not be held liable for discriminatory conduct by government officials of the past. The Bradley’s lost their case by a 5-4 vote as a new and more conservative majority on the high court agreed that only Detroit had practiced disparate treatment of its students along racial lines. Thus, incorporated suburbs could not be included within an integration plan. Following this decision, white flight from Detroit public schools increased 50% during the next six years.

Irons ends his book on a pessimistic note, profiling Topeka High School where the original desegregation plaintiff Linda Brown attended as a secondary school student. Today students still bicker in classroom discussions along racial lines on issues of discriminatory conduct, inclusion in school programs, academic tracking, and expulsions/suspensions. Irons argues the students are unable and unwilling to bridge the gap between them.

Harvard professor Gary Orfield of the Harvard Project on School Desegregation, one of the nation’s leading advocates for the pursuit of racially integrated public schooling, implies in his work that something of an unholy alliance may have developed between minority group separatists and anti-busing whites to derail and even reverse public school integration. Thus he believes that, ironically, our nation’s public schools are actually reverting to the era of Plessy vs. Ferguson. His study, Dismantling Desegregation, incorporates a few case studies arguing that the dismantling of school busing has both failed to stop the phenomenon of white flight from public schools and has not provided quality education for minority children.

An example from Norfolk, Virginia supports that contention. Norfolk was placed under a court order to utilize busing to achieve school desegregation in 1972. Through court approval the city was able to return to the concept of neighborhood schools in 1986. This case represented the first major victory for the Reagan Justice Department in its efforts to dismantle more liberal desegregation plans and restore the concept of neighborhood schools, which enabled the creation of ten all-black elementary schools in the city. In presenting its case the city alleged that mandatory desegregation contributed to the flight of white children from the public school system altogether; and that minority children would actually be better off in their own neighborhood schools.

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WLS Library Acquisitions Lists Now on the Web
by Hugh J. Treacy, Associate Director

Check out our new Recent Acquisitions lists posted on the WLS Library web page!

Each list is compiled annually and updated monthly. The lists are accessible by author-title and by subject heading. You may search each acquisitions list by keyword using the “Edit, Find” feature on your PC.

The lists replace time-consuming typewritten or word-processed entries with computer-compiled bibliographic information. Using Adobe ProCite software, we converted bibliographic records in our Innovative Interfaces online catalog into MS Word documents containing new acquisitions cataloged each month. The documents were then converted into Adobe Acrobat .pdf files, accessible on the web using Adobe’s free Acrobat Reader. You will find easy access into each list by using the Bookmarks and Thumbnails features provided by Adobe Acrobat.

Visit http://www.law.whittier.edu/library/acquisitions.asp. If you need to download Adobe’s free Acrobat Reader, go to www.adobe.com. If you have any questions, please call me at (714) 444-4141, x-495.

Hot Shot Legal Researcher Contest!
Find the Answer & Win!
by Hugh J. Treacy, Associate Director

Once again, it’s time to enter the next “Hot Shot Legal Researcher” contest offered by the WLS Library staff. The contest is open to all currently enrolled Whitter Law School students. A valuable prize will be awarded to the student who submits the winning entry. The winner will also be featured in the next issue of The Library Advocate.

Here’s the scenario in which you’ve found yourself:

You’ve taken a break from your law studies and gone to the movies. You walk into the theater, sit down, and toss back that popcorn. The movie begins—and you’re the star! It’s the year 1829. You’re in a bit of a pickle! Not only are you verrrry early for class, but a brand-new bobby has nicked you for coining and your lawyer is nowhere to be found. There was a hue and cry, and a thief-taker was summoned; lucky for you a pair of beadles prevented your certain demise. The turnkey mumbles that you’ll soon appear before a JP at Old Bailey to answer. Relax, you’ll need not recite a neck-verse, he says. If yer lucky, says he, you won’t end up in a hulk or Newgate; hope for a discharge!

Now it’s 2004, and you’re back in class trying to explain the movie to one of your law school friends.

Explain what happened in detail; be sure to define all terms in your description of these events. In order to win, you must relate this story in terms that would be understood by an average person who is not an attorney or a law student. Write down your answer and drop it into the contest box at the Circulation counter in the Law Library.

Contest deadline is 5:00 pm, May 5, 2004, the last day of classes.
maze of delightful narrow streets. There will be plenty for our students to do. Toulouse is an interesting mix of historic and modern, all blended together. Whittier Law School students will have a wonderful time.

Dean Peeler and I left Toulouse on the train to Bayonne, transferred to another train bound for Irun at the French Spanish border, then to Santander via express bus. The trip took most of the day, but the views of the Pyrenees foothills and the fishing villages along the Atlantic were wonderful.

After arriving in Santander we took a taxi to the Las Brisas Hotel, where some of our students will stay this summer. Additional housing for our students, at the Las Brisas Apartments and Don Carlos Apartments, is only a few blocks away. As in Toulouse, it is remarkably easy to walk anywhere in the central Santander. The University is only a fifteen-minute walk or a two-minute bus ride from student housing. The beach, however, is across the street.

I was particularly interested in the working port and ferry landing, near the train station, and the Olympic training area for sailing. Restaurants of all types are located near the student housing. It is easy to see why Santander is a resort destination in the summer.

Dean Peeler and I met with the University Coordinator, Gemma Castros, and two law faculty members, Vicente Gonzalo and Julio Lopez, who will teach in the Program. I hope to meet some of the librarians at the University this summer to see if we can establish some connection between our two libraries. Now that the Summer Program here is well established, it may be time to expand the relationship between our two institutions. We also met with a young faculty member who is considering coming to Whittier to study for her LL.M. next year.

After too short a time in Santander, Calvin left for Paris, retracing our route to Irun and to Paris. I left to return to Madrid on the train, a beautiful ride through the mountains south of the coast and across the plains on northern

Obviously, Madrid is an older European capital. Many of the public buildings are from the Hapsburg era and look as if they might belong in Paris or Vienna. The museums, parks, public buildings, restaurants, and subways are all first-rate. It is easy to find your way in the city. It is a beautiful city in which to be.

Throughout this trip I was impressed by how friendly and helpful the people were everywhere we went. They are proud of their country; they have a lot for which to be proud. I am certainly looking forward to this summer.

Pictures of Santander and Toulouse are on the School’s website. Note that Whittier also has Summer Abroad Programs in China at Sun Yat-sen University, Zhuhai campus, near the city of Guangzhou, and at Bar-Ilan University located in Ramat Gan near Tel Aviv, Israel.
The Legacy of Brown v. Board of Education
(continued from page 3)

The new school plan in practice has in fact not stopped an exodus of white families from the city's public schools; has not facilitated parental involvement in schooling by shortening transportation distance to schools; and has actually seen the worsening of minority student academic performance in neighborhood schools. Only 2% of white students returned to city elementary schools between 1986 and 1990; later, net departures resumed (in fact white flight had actually leveled off during the last five years of busing from 1981-86). School board member Lucy Wilson stated that ironically the schools have become much more segregated than they ever were under busing. Poverty-stricken students have also become more thoroughly concentrated in selected schools.

Norfolk developed a “school effectiveness” program which offered more individualized instruction to minority children, multicultural education, and increased parent/teacher conferences. In fact diagnostic test scores for children in these schools have not improved and have even failed to reach nationwide averages; and minority children attending racially mixed schools have actually performed better than those attending segregated schools. The schools’ voluntary transfer program has likewise not been used by minority parents at the levels anticipated, with no more than 16% of minority children transferring to white majority schools in any one year between 1986 and 1993. PTA membership and involvement have also declined.

James Patterson’s look at Brown vs. Board of Education focuses on the sometimes bitter harvest which the decision has wrought. He spoke of a few blacks speaking nostalgically of Jim Crow-era academies of the past, which an older official of the NAACP whom he interviewed labeled completely unjustified. Conservatives such as Glenn Loury of Harvard University and liberals such as Derrick Bell of New York University Law School argue that integration has had its day and that the supposed advantages of black children sitting next to white children in school is overrated. Diane Ravitch attempts to comfort Americans in a roundabout way by noting that other multiethnic nations have failed to develop unity as well.

Many of the former children who were key plaintiffs in famous school desegregation cases offer a mixed evaluation of whether their ordeals were worth the price they paid from angry Southern mobs of the 1950s and 1960s. Today in New Orleans, Ruby Bridges-Hall operates a foundation which promotes art education for inner city students—as a 6-year old in 1960, she had tomatoes and other food debris thrown at her during the desegregation of New Orleans schools. Of the famous Little Rock Nine, most have subsequently enjoyed great success in life, including Ernest Green who is a managing director at Lehman Brothers. Melba Patillo-Beals is an author who states unequivocally that she would be willing to repeat her Little Rock ordeal if need be. On the other hand the original plaintiff from the Topeka case, Linda Brown-Thompson, is a race relations pessimist. So is Elizabeth Eckford of the Little Rock Nine, who is seen in a famous 1957 photo of a girl shouting slurs at her from behind. She states in response to whether her ordeal was worth the price: “Absolutely not, positively not.”

Ellen Condliffe Lagemann’s collection of essays on the Brown decision not only looks at Brown’s disappointing legacy in education but also at how the decision animated other social changes. She reviews Gunnar Myrdal’s 1944 book on racial segregation, An American Dilemma, as stating that desegregation is a moral problem and must depend substantially on people changing their hearts in order to succeed. Lagemann argues that the decline of support for public sector missions in general in America inevitably impacts the thrust for social change as well.

Lamar Miller’s essay continues along the lines of Myrdal by stating that the Brown decision calls for a level of community both unknown and unaccepted within the larger society. He states that Brown nonetheless broke the back of the Jim Crow system; set the stage for Dr. King’s entry into the civil rights movement through the Montgomery, Alabama bus boycott; launched movements on behalf of other racial minorities; revitalized the women’s movement; and also gave the impetus for the evolution of the peace, and gay and lesbian rights movements. He states that the law cannot actually force one group to accept others as their equals; it cannot dismantle practices based upon racial stereotyping; and it cannot erase willful blind naiveté about the depth of contemporary racism.

Roger Wilkins’ essay argues that the Brown decision ultimately led blacks to move into significant leadership positions in American society and created a much larger black middle class, although U.S. institutions remain dominated by white men at a much larger proportion than their population share. He states that contemporary disappointment in Brown was inevitable given the advantage of hindsight exposing unrealistic

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The Legacy of Brown v. Board of Education
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expectations in the 1960s. He stated that many civil rights activists actually believed that all persons could be educated out of their prejudices; but they were naive in failing to recognize that 350 years of prior history would deeply entrench both personal psychology and institutional behaviors which are racist. He argues that the use of coded racism by politicians after the 1960s has given racial animosities a new life; and civil rights law professor Lani Guinier’s call for a national conversation on race has resulted in neither a general conversation nor an honest one. The battle for economic equality will prove a much more difficult fight than the one to abolish the Jim Crow system.

Finally, Judge Robert L. Carter’s essay argues that moving beyond the simple abolition of de jure segregation to mandate integration and eliminate disparities has proven to be a more enormous problem than the original. Proposed solutions that involve higher government spending and even wealth transfer initiatives are highly controversial. Carter calls for a look at the work of education professors Mary Hoover and Asa Hilliard as a realistic response to the bleak outlook for integration now. These scholars argue that academies within the inner city which have high rates of success in sending their students to college should be examined with the idea of replicating their practices in much larger numbers of schools. He nonetheless argues that equal educational opportunity is an “arid abstraction” for minority children and has no positive effects on educational offerings. Ironically, the achievements of Brown must be found outside the arena of education. □

Selected Bibliography


GovDocs Corner

Whittier Law School Library has recently acquired a number of publications from the federal government that may be of interest to faculty, staff and the public:

*The Army Lawyer*. Charlottesville, VA : Judge Advocate General’s School, 1971-. KF7209.A1 A74

The distribution of the above title in print ceased with the December 2003 issue, and is available on the web site at: [http://purl.access.gpo.gov/GPO/LPS31585](http://purl.access.gpo.gov/GPO/LPS31585)


Legal History: Military Tribunals

Since the start of the war on terrorism in 2001, much attention has focused on the fate of 660 individuals, suspected terrorists, captured by American and allied military and law enforcement forces and detained at the American naval base at Guantanamo Bay, Cuba. The United States government would like U.S. military tribunals to try these detainees. The use of military tribunals to adjudicate certain cases is not new to American legal history. For example, a 12-member military commission ordered by President Andrew Johnson on May 1, 1865 tried and convicted eight conspirators in the plot to assassinate President Abraham Lincoln and other government officials. In another 1865 case, a military tribunal convened to try former Confederate captain Henry Wirz of conspiring with other Confederate officials to cause the deaths of Union soldiers held as prisoners of war at the infamous Andersonville, South Carolina prison. Wirz was convicted of murder and conspiracy and was executed by hanging on November 10, 1865, coincidentally where now sits the U.S. Supreme Court building in Washington, D.C. In the following year, the U.S. Supreme Court decided ex parte milligan, 71 U.S. 2 (1866). In Milligan the Court struck down the use of military tribunals, in the absence of martial law, while the civil courts are open and functioning. The Court did not address the constitutionality of military tribunals in cases involving violations of the rules of war.

Library Staff News of Note

Associate Director Hugh Treacy, Public Services Librarian John O'Donnell, Reader’s Services Librarian Curt Jones, and Serials Librarian Margot McLaren attended the Southern California Association of Law Libraries 32nd Annual Institute, held on February 27-28, 2004 in San Diego.

Associate Dean and Library Director J. Denny Haythorn is the WLS representative on the Whittier College Presidential Search Committee. Denny is also serving as the Program Director for the WLS 2004 Summer Abroad program at the University of Cantabria, Santander, Spain.

Catalog Librarian Bill Nazarro will be attending the Advanced Serials Cataloging Workshop in conjunction with the Serials Cataloging Cooperative Training Program, April 15-16, 2004, at the University of Hawaii, Manoa.

Serials Librarian Margot McLaren will be attending the Innovative Interfaces Users’ Group Meeting in Boston, April 2-5, 2004.

Gini Mattson made the Honor Roll and Dean’s List in the Fall semester. She will be studying abroad this summer in Greece.

Christina Casas Feu graduates in May with her LL.M and will be returning to Spain to work in the field of international law.

Ping Jia will graduate with her LL.M this summer; later, she will return to China to practice business law.

Ian Jung is getting married in July at home in Kauai, Hawaii.

Someone wise once said....

The man who does not read good books has no advantage over the man who cannot read them.

—Mark Twain (1835-1910)

Books, like friends, should be few and well chosen.

—Samuel Paterson