You’re all probably familiar with *The New York Times* in print, that venerable newspaper first published back in 1851 as *The New York Daily Times*. “All the News That’s Fit to Print” still appears on the left side of the masthead today as it did a century ago. You’ll find today’s issue hanging from a newspaper rack inside the Whittier Law School Library.

Some of you may have used *The New York Times* on microfilm when you were undergrads or graduate students. Loading the film was strictly a trial and error process, and figuring out how to read its pages right-side up involved some guesswork with the equipment. Spinning images flew by your tired eyes as you tried to locate a reference you found in a printed index.

A few of you may know that it’s now possible to subscribe to *The New York Times* e-book reader edition, using your Kindle, I-Pad, Nook, smartphone or other hand-held device.

Fewer of you still may realize that the Whittier Law School Library maintains a subscription to a digital version of *The New York Times*, published by NewsBank. This digital version is accessible to all Whittier Law School faculty, staff and students from any networked campus computer or laptop, as well as anywhere off-campus through the Whittier Law School intranet.

The digital *Times* is an exact replica of the daily print version of that newspaper, complete with the news stories, editorials, op-ed pieces, color images, advertising, and multiple sections that have always kept subscribers busy for hours, whether they were reading for current (continued on next page)
awareness, in-depth analysis, or picking a vacation destination, challenging themselves on the crossword puzzle, or reading an extensive book review of the latest bestseller.

The Whittier Law School subscription to the Times offers a moving one-year backfile from the current date. It’s ready for you to enjoy. To access from a computer networked to Whittier Law School, simply type this URL into your browser:

www.newsbank.com


From home, or anywhere else in the world, log into the Whittier Law School intranet (my.whittier), select the “Student Life” tab, travel down the column of online resources available to you, then select The New York Times Digital Edition (1-Year Backfile to Present Date). Enter your username and password to pass through the EZ-Proxy gateway, and you’re in. Click on “Log In” or “Connect to NewsBank Products” on the upper right side of the NewsBank webpage. Then, make your choice to view The New York Times Advance—Sunday edition, The New York Times Book Review, The New York Times Magazine, or The New York Times newspaper for the current date.

Try out this important resource. If you have any questions or difficulty with accessing or using it, please contact me. We’re here to help!

Hugh J. Treacy, Associate Director
Whittier Law School Library

Dean Haythorn is a retired Air Force Assistant Staff Judge Advocate and participates with the Career Services Office to help advise students on careers in the military. Although each service appears similar, each has a unique view of the responsibilities of their lawyers, staff judge advocates. This past summer Denny had an opportunity to travel to the United States Marine Corps Base, Quantico, Virginia and meet with Marine Corps leaders, including their Judge Advocate officers.

As an Air Force lawyer, Denny understood the philosophy of that service and, by participating in Army and Navy JAG conferences and programs, he became familiar with the type of work experience and expectations of these other services. While there are differences in degree in work opportunities between these services, the Marine Corps view of their legal officers is far different.

Denny heard of this opportunity to learn about the Marines from our Assistant Dean of Admissions, Tom McColl, a former Marine himself. The Corps selected about 60 educators from colleges and universities in the western United States and paid for their travel and accommodations for the trip. In this group there were only representatives from three law schools.

At Quantico the selected educators were introduced to senior Corps leaders to learn about the philosophy of the Marines and the extensive educational and training programs to turn candidates into Marine officers. Unlike the other services all Marine officers spend nearly a year in various training programs in preparation for their assignments. Obviously the final school for Marine officers is at the Navy JAG School in Newport, RI. The Marine Corps has an extensive library to support the several educational school schools at the base. The library collection also has archives on Marine history available to scholars.

Professor Haythorn can now provide our students a better understanding of the opportunities and demands of serving as a Marine Judge Advocate.
More precisely, does interface design in legal databases like Westlaw, Lexis or Fastcase favor selection of primary source material over secondary source material when doing legal research?

This was the key question at a program entitled The Economics of Interface: Vendors Respond, held at the American Association of Law Libraries annual meeting in Denver last July. Representatives from several leading online database providers attempted to answer the question with the help of moderator Julie Jones, author of Not Just Key Numbers and Keywords Anymore: How User Interface Design Affects Legal Research, winner of the 2008 AALL/LexisNexis Call for Papers competition. Vendor panelists were: Molly Miller, LexisNexis; Mike Dahn, representing West, a Thomson Reuters business; and Ed Walters of Fastcase.

Ms. Jones' paper addressed how interface design can affect the research process, especially that of the novice searcher. One may ask, what exactly is a user interface? Known simply now as UI, a user interface is the structural overlay presented to a searcher by a vendor's product. It might consist of empty boxes to be filled in, drop-down menus requiring a highlighted choice to be made, tabs organizing categories of information available, etc. Intuitive decision-making, represented by mouse clicks, filled-in boxes, etc., is important; and each information vendor has its own way of organizing and presenting search results.

With Westlaw, Jones wrote, law students were presented with an interface that encouraged keyword searching of multi-jurisdictional or combined primary law databases over the browse features and secondary sources that should be the starting point of novice searchers. In her opinion, these features and sources were hidden, just too many mouse clicks away.

Mike Dahn did not focus on how Westlaw accommodated the different needs of novice and veteran legal researchers. Instead, he highlighted West's development of WestlawNext, the new iteration of his company's automated legal research product. Since WestlawNext claims to search all of its databases simultaneously within a search, Dahn saw little need to distinguish between the needs of expert searchers and novices since secondary sources would be displayed in the retrieval. He reminded the law librarians present that Westlaw's longstanding commitment to legal analysis, supported by its corporate expertise and resources and WestlawNext's new search algorithms, would result in unparalleled retrieval and 64% more search efficiency than the previous version of Westlaw.

Likewise, Molly Miller did not directly address the issues raised in Julie's research paper; instead, she chose to highlight LexisNexis' customer service orientation and her company's partnership with Microsoft to develop an integrated word processing and legal research product.

Ed Walters of Fastcase stated that the interface design and search assistance offered within his online resource would "omit everything superfluous...so the essential is shown to the best possible advantage." Indeed, according to Mr. Walters, the 400,000 attorney subscribers to Fastcase support the claim that Fastcase has changed the process of legal research by retrieving the best results, the most important cases, to the top of the list through its powerful sorting algorithms. As a result, he suggested there would be little need to consult secondary sources.

The question remains, do any of these popular legal research tools provide the best support to the novice searcher as well as to the veteran? Mike Dahn asserted that Westlaw would only "irritate people" if its user interface highlighted secondary sources rather than primary sources in its retrieval display.

Ms. Jones conceded that the present emphasis on case retrieval did not originate with these vendors, but merely reflected the emphasis on case law design used with the Socratic method in law schools across the country.

Discussion and questions outlasted the time allotted; the program ended only after speakers for the next program to be offered in the meeting room demanded the room for their use. The vendor panel for this program left satisfied with their defense of their user interface designs as being best suited to meet the needs of novice and seasoned legal researchers. However, a number of the law librarians present definitely felt otherwise.

Curtis Jones, Reader's Services Librarian

In this tightly packed volume of ten chapters, Stephen C. Neff discusses the full range of legal issues brought about by the defining conflict of the nineteenth century in the United States. This book should not be considered the final word on those issues, but only a well-written survey to illustrate the complexity of the issues and how they were addressed by both sides. I have selected and highlighted a number of issues presented by the author in his analysis of the conflict.

First, was secession legal? The unionist position was that the federal system had been created by the people of the United States who, in turn, ceded some powers to the federal government, retaining the remainder to the states. The secessionists believed that the people had, prior to the drafting of the Constitution, granted the whole of their sovereign powers to the states. The Constitution was a creation of the states and should be compared to a contract between the states in which they delegated some sovereign powers to the federal government.

Second, how was the war to be classified: a rebellion against the federal government, or a war between two sovereign nations? President Abraham Lincoln sent a message to South Carolina governor Francis Pickens on April 8, 1861—four days before hostilities began—stating that Fort Sumter in Charleston harbor would be replenished by force if necessary. Confederate president Jefferson Davis considered this message to be “a declaration of hostile purposes,” and the Confederate congress then formally declared war on the United States on May 6, 1861. The Union could not return a declaration of war because to do so would have implied the confederacy was a separate, sovereign nation.

Third, how was the war to be conducted; i.e., what laws of war were employed? Generally, the laws of war employed during the conflict were based on the so-called Lieber Code, named for Francis Lieber, lawyer and professor of that period; and the writings of Union general Henry W. Halleck, who had served as California secretary of state in the 1850’s and authored an updated version of Vattel’s treatise on the law of war written in 1758.

Although there were many legal issues arising from the conduct of the conflict, the doctrine of military necessity and reprisals was the focus of much of the attention. The Lieber Code defines the doctrine of military necessity as “measures which are indispensable for securing the ends of war, and which are lawful according to the ... law and usages of war.” The concept also forbade suffering for its own sake, the infliction of torture, and the use of poison.

A reprisal is intrinsically unlawful, unless excused by regrettable necessity, the only way to halt a wrong-doer. Reprisals are non-punitive, meaning they are applied against persons other than the actual wrong-doers. Lastly, reprisals must be proportionate forms of retaliation. When Confederates captured at sea by Union forces were tried as pirates in 1861, an authorized Confederate reprisal nearly led to execution of Union prisoners of war previously marked for death. Fortunately for all, no Confederates were executed as pirates, and no Union prisoners were executed in reprisal.

President Abraham Lincoln utilized his executive power in several ways throughout the war: summoning militia troops from the states; calling up volunteers (then having this action approved by Congress several months after the war’s start); blockading Confederate ships; suspending the right of habeas corpus; imposing martial law; and finally, emancipating the slaves.

Fourth, how were slaves to be treated after hostilities began? Until they were freed in 1863, slaves were treated as property and, through the Confiscation Acts of 1861-1862, slaves were removed from their masters’ control. The Confederates were also deprived of slaves who fled to Union areas of control. The Confederacy treated captured black soldiers as property and did not recognize former slaves as lawful belligerents. In fact, they were subject to execution and even massacred, the Fort Pillow Massacre of 1864 being the most notable.

Lastly, how was the war to be concluded lawfully? The famous surrender at Appomattox occurred on April 9, 1865. Over the next two months came additional surrender ceremonies in other geographic locations where fighting had occurred. Lincoln closed Southern ports by proclamation; neutrality status of foreign powers was to end; recognition of the Confederacy as a belligerent power was to cease; no safe harbor was to be given to Confederate vessels in foreign ports; persons convicted by military tribunals were discharged; prisoners of war were released. War criminals were to be hung. Totally dismantling the Confederate government was without precedent. The southern states that had seceded were, as Lincoln had put it, “out of their proper practical relation with the Union.” It took years of legal action to accomplish the peace.

*Chris Osborne, Reference Assistant*
GovDocs Corner


A collaborative effort between GPO employees James Cameron (Publication and Information Sales) and Nick Crawford (Creative Services), this colorful and illustrated story in comic book format introduces children to the history of print. Adults may also find this charming story to be an easily understandable overview of the importance of print and print publications in our daily lives.

Margot McLaren, Serials & Government Documents Librarian

HathiTrust: Shared Digital Repository

Last month I attended the Fall 2010 Federal Depository Library Council and Conference held in Arlington, Virginia. One of the many interesting programs I attended was one entitled *Harvesting Government Documents into the Local Catalog: A New Model for Online Access*, presented by Christopher Brown of the University of Denver.

Brown’s presentation focused on “harvesting” and moving full-text federal government documents and bibliographic records into the “local” catalog at Denver from the repository for this collection, the HathiTrust, a shared digital resource physically located at the University of Michigan, Ann Arbor.

Preserving government documents by harvesting them is a notable task. Brown and his team at the University of Denver began this project for two reasons: their library patrons are used to using electronic documents, and all of their print documents will be in storage for 18 months while their library is under renovation.

Typically, harvested items at the University of Denver are placed within their Innovative Interfaces Encore online catalog database. Each item is described by a unique record within the online catalog and is easily identifiable and accessible. In the case of government documents, which fall outside copyright protection, the items harvested are available in full-text, digital format.

HathiTrust is a shared digital repository launched two years ago by the 13-member Committee on Institutional Cooperation at Michigan in collaboration with the ten libraries of the University of California system and the California Digital Library, an organization that supports the UC community’s pursuit of scholarship and extends the UC mission of public service into the digital information era.

HathiTrust is making bibliographic records for materials in the public domain available so that institutions around the world can load them into their online catalogs, alerting users to the availability of these digitized volumes.

Although the University of Denver is not a member of the HathiTrust, it illustrates the opportunity seen by some academic libraries to contribute to this digital repository. In exchange for its participation, Denver’s online catalog now contains digitized documents spanning about 150 years.

For non-member libraries such as Whittier Law School Library, the HathiTrust digital repository is accessible online. All items in the public domain contained within this resource, including government documents, are available to users at [http://catalog.hathitrust.org](http://catalog.hathitrust.org). We can also access the University of Denver Penrose Library online catalog to view their resources at [http://library.du.edu](http://library.du.edu).

This digital repository is designed to assist researchers with identifying and obtaining useful materials relevant to their scholarly research. Even items still protected by copyright are identifiable through bibliographic records that permit interlibrary loan to secure the work to which a record pertains.

For more information about HathiTrust, how it works and how our Library might make use of this repository, please contact me.

Margot McLaren
Serials & Government Documents Librarian
Who Am I?

Our Whittier Law School Library student assistants are some pretty amazing people! Before they started learning about torts, contracts, and criminal procedure, each of them distinguished themselves in exciting, challenging ways. Here below is a small sample of what they’ve done before they came to Whittier Law School. To make things more interesting, see if you can match the right name to each accomplishment listed.

A. Completed a solo airplane flight at age 17.

B. Worked as a “carnie” during her teenage years.

C. A published journalist.

D. Climbed the Rock of Gibraltar.

E. Played a professional sport for three years.

F. Worked for a men’s fashion magazine in London.

G. Worked as an extra in the movie, Captain Correlli’s Mandolin.

Library Staff News of Note...

Serials & Government Documents Librarian Margot McLaren attended the Fall meeting of the Federal Depository Library Program in Arlington, Virginia, October 17-20, 2010.

Associate Library Director Hugh J. Treacy became the 58th President of the Southern California Association of Law Libraries (SCALL) on June 29, 2010, for a term of one year. Associate Dean J. Denny Haythorn also served as President of SCALL for the 1988-1989 term.


Associate Dean for Library and Information Services J. Denny Haythorn traveled in July 2010 to Marine Corps Base Quantico, Virginia to meet with USMC Judge Advocate General (JAG) officers and other Marine Corps leaders.

Library Hours

Fall Semester

Monday—Thursday
8:00 am—12:00 am

Friday
8:00 am—10:00 pm

Saturday
10:00 am—8:00 pm

Sunday
10:00 am—12:00 am