

Loquitur

MINNESOTA STATE LAW LIBRARY

The First Rung on the Ladder of Justice

Vol. 18 No. 2

Editors: Daniel Lunde,
Elizabeth Tuckwood

Spring/Summer 2004

From the Director

*I not only use all the brains that I
have, but all that I can borrow.*

Woodrow Wilson

Like Woodrow, I am always on the look-out for new ideas. Luckily, a wellspring is near at hand—the Law Library staff. For proof, I invite you to read our [2003 Annual Report](#) and the events related in this issue of *Loquitur*. Let me take this opportunity to publicly thank every staff member for his or her ideas, enthusiasm and support during this busy and rewarding time. Chronologically, here are some spring highlights.

- The [Peter S. Popovich Rare Book Fund](#) benefited from a photo shoot in the Library for a discreet ad (meaning an anonymous library) by West, a Thomson business. The Library provided a

beautiful setting, but I found it ironic that West publications were largely absent from view.

- The Library presented a very successful Spring Showcase series, beginning with former Governor Al Quie talking about riding the Continental Divide on horseback and ending with a reenactment of the oral arguments in *Brown v. Board of the Education* (exactly fifty years after the decision was handed down) starring Justices of the Minnesota Supreme Court as the U.S. Supreme Court.

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For more information about Library services, programs, and publications, see our **homepage** at <http://www.lawlibrary.state.mn.us>

The views expressed are not necessarily the views of the editors or the State Law Librarian.

We encourage suggestions and submissions of articles and book reviews. Contact Daniel Lunde for more information: by phone at 651-296-0031 or by e-mail at daniel.lunde@courts.state.mn.us

From the Director (continued)

- For National Library Week, the Library featured a display case on “Famous Challenged Books.” Patrons were invited to guess the reasons each book was challenged.

Saturday Hours:

We must announce, regretfully, that the State Law Library will no longer be open on Saturday mornings. This difficult decision was made after a yearlong study of Saturday usage, which has declined substantially in the last several years. Budgetary considerations also were a factor in our decision.

- The Library hosted and participated in a Minnesota Association of Law Libraries program on “The State of County Law Libraries.” The past, present and future were examined as we learned about the Minnesota experience and issues facing county law libraries nationwide.
- Minnesota Judicial Center staffers enthusiastically supported a fund-raising event for the EVERYBODY WINS! lunchtime reading program at Benjamin E. Mays Magnet School. MSLI staff have coordinated this program since 1996. The bake sale earned over \$700, with all the goodies disappearing in two hours. Part of the proceeds was donated to the school library and the rest reserved for program expenses.
- The State Law Library's County Law Library Program (CLLP) co-sponsored with Stearns County Law Library the first regional conference for Minnesota county law library managers.
- In honor of Law Day 2004, the Library unveiled a newly acquired manuscript of the 1849 Minnesota Rules of Court.



The 1849 Minnesota Rules of Court.

This handwritten document, dated August 13, 1849, is the oldest Minnesota

Territorial item owned by the Library. The Rules were discovered in the Washington County Courthouse in Stillwater and were recently donated to the State Law Library. The Rules were developed the first day of the first term in district court in the Territory of Minnesota. Nineteen attorneys were sworn in on Aug. 13, 1849, and they all argued for adoption of rules from their home states. The document shows additions, deletions and weariness in the handwriting of Clerk Henry Wilson. The Rules on display emphasize that, from the earliest days of the Territory, Minnesota established a formal system for the administration of justice. Our exhibit traces the progress from the first eight-page document—consisting of seven court rules—to the current 1,192-page book, which covers all manner of courts and court proceedings in Minnesota.

- The Law Library Services to Prisoners Annual Meeting commemorated their 20th anniversary.

And all this was accomplished without sacrificing the daily needs of our library patrons. Good job - one and all!

Barbara Golden
Minnesota State Law Librarian

A Stellar Showcase Series *Daniel Lunde* **Head of Library Development and Special Projects**

The Minnesota State Law Library Spring Showcase events during April and May were a fascinating series of presentations.

Riding the Divide - April 8: Former Minnesota Governor Al Quie spoke of his experiences riding horseback along the Continental Divide from Canada to Mexico. Along the way, he kept a journal and that journal became the book entitled *Riding the Divide*.



Former Governor Al Quie with State Law Librarian Barb Golden.

The Innocence Project - April 22: Erika Applebaum, Executive Director of the Innocence Project of Minnesota, spoke in-depth about her work with the Project, which provides pro bono investigative and legal assistance to prisoners trying to prove that they were wrongfully convicted of crimes they did not commit.

Spring Acoustic Music Jam – April 29: Dan Griffin and Fred Grittner, collectively known as the Grifters, presented a marvelous mix of original songs, pop classics and guitar jams. Fred Grittner is the Minnesota Clerk of Appellate Courts and Dan Griffin works in Court Services.

Commemorating the 50th Anniversary of the Landmark U.S. Supreme Court Opinion – Brown v. Board of Education – May 17: This event, which was held in the Supreme Courtroom at the Minnesota Judicial Center, featured a reenactment of the oral arguments leading to *Brown v. Board of Education*. Most of the Justices of the Minnesota Supreme Court participated, as did Judge Wilhelmina M. Wright of the Court of Appeals (presenting the arguments of Thurgood Marshall) and Peter B. Knapp, Law Professor at William Mitchell College of Law (presenting the arguments of John Davis).



Judge Wright taking the part of Thurgood Marshall during the *Brown v. Board of Education* reenactment.

Following the reenactment and a reading of a condensed version of the opinion, Jim Chen, Law Professor at the University of

Minnesota, discussed the impact and legacy of this landmark decision. The program concluded with a reception and refreshments in the Law Library. It has been approved for 1.5 hours of CLE credit in the “Eliminating Bias” category.

Law Library FAQ

Barb Golden

During National Library Week, among other events, we listed the top five questions asked by visitors to the Library and the answers, which we now announce to the world:

Wow! How big is this library? The Minnesota State Law Library is about the size of a football field. It contains almost nine miles of shelving! If you were to lay down a line of the physical books that we have in our collection, the books would reach all the way to Northfield. We estimate the weight of these volumes to be 402 tons - about the same weight as 67 adult male elephants.

What is the most expensive volume? *Statutes of the Realm* (England), a set of twelve volumes, is worth more than \$20,000.

What is the oldest volume? *Natura Brevium* (London, Rycharde Tottell, 1557). This book was given to the Library as a gift from former Minnesota Governor Elmer L. Andersen.

Why do you have all these books? Isn't everything online? Following our motto of "First Rung on the Ladder of Justice," we consider our print collection to be a great equalizer - a state investment in law for all Minnesota citizens. Although many materials are freely available online (see [Internet Legal Resources](#)), accessing the bulk of online law is still an expensive proposition, and much historical material remains unavailable.

Are you open to the public? YES, YES, YES!!! You don't have to wait for an open house to visit the Library or use our resources. Everyone is welcome. Please visit our [website](#) for more information about us.

CLLP Spring Conference - A Great Success

Susan Larson

County Law Library Coordinator

County law library managers and Minnesota State Law Library staff participated in the County Law Library Program's first Spring Conference on April 27 in St. Cloud, Minnesota. The Conference, an outgrowth of the CLLP Annual Meeting that was held at MSLL last fall, offered participants the opportunity to meet, discuss and learn more about subjects of importance to the group.

Agenda topics included

- Handling unique pro se patron issues
- Sovereign citizens

- The common law court movement
- Patriot groups, tax protesters and similar groups
- Internet filtering software for county law libraries in relation to the Children's Internet Protection Act
- Marketing self-help collections and centers in relation to the *MN Rules of General Practice: Rule 110*

The program also featured a tour of the Stearns County Self-Help Service Center and a demonstration of LawMoose by LaVern Pritchard.

The Spring Conference participants included fourteen managers from rural and metropolitan county law libraries, as well as three MSLL staff members: State Law Librarian Barb Golden, Karen Westwood and Susan Larson. About half of the law library managers in attendance did not have backgrounds in law library management, so the opportunity to see an out-state county law library run by a full-time law librarian was a valuable learning experience.



CLLP managers at the Spring Conference.

Since the Spring Conference was so successful and many county law library managers often have limited travel and training opportunities available to them, CLLP hopes to make this an annual event.

The County Law Library Cataloging Program

*Robin Horowitz
Cataloger*

The Minnesota State Law Library provides cataloging services for several of the county law libraries throughout Minnesota. Counties that rely on MSLL to do their cataloging include Ramsey, Goodhue, Dakota, St. Louis, Washington, Scott, Anoka, Itasca, Kandiyohi and Stearns. The Technical Services department staff will do original and copy cataloging for all materials; we will also add county law library holdings to titles previously cataloged for MSLL. In addition to cataloging materials, we provide shelf list cards and spine labels for library materials.

The Library's county cataloging program benefits both MSLL and the county law libraries—it is an important resource for those counties whose libraries are often too small to have full cataloging staffs and budgets, and it is a great way for our Technical Services staff to get to know their colleagues in the Twin Cities and throughout Minnesota. Most importantly, all of our patrons benefit greatly, by having access through the MSLL catalog to law related materials throughout Minnesota.

Law Library Service to Prisoners Program Celebrates Twentieth Anniversary

*Karen Westwood
Head of Public Services*

On May 14, 2004, an open house was held at the Judicial Center to commemorate the twentieth anniversary of Law Library Service to Prisoners (LLSP). The program, which provides legal research to Minnesota inmates, began as a pilot project in 1984 - with one librarian who visited five correctional facilities on a regular basis and a part-time clerk who assisted with photocopying. After twenty years, two full-time and one half-time librarians visit eight correctional facilities regularly.

Law Library Service to Prisoners is a cooperative venture between the Minnesota Department of Corrections and the Minnesota State Law Library. We believe it to be unique in the nation in the method of providing meaningful court access for prison inmates. The anniversary celebration featured Justice Sam Hanson welcoming attendees on behalf of the Supreme Court and Warden Connie Roehrich (Faribault Prison) welcoming participants on behalf of the Department of Corrections. Jim Zellmer, formerly of the Department of Corrections, and former State Law Librarian Marvin R. Anderson not only regaled attendees with tales of the creation of the program, but reiterated their ongoing belief in the worth of this in-

ter-agency venture. Mary McComb, Manager of Litigation and Offender Property Claims (Department of Corrections), concluded with her perspective on the worth of the program. "I see every inmate suit filed against the Department of Corrections," she told the audience, "and I am so happy to be able to tell inmates to visit their law libraries to help construct more coherent pleadings." McComb said that inmates who can research their claims are better able to determine whether or not to proceed, and, if they do proceed, can write a more reasoned complaint, making handling the complaint that much easier.



Mary McComb, Minnesota Department of Corrections, addresses the audience.

More than one speaker commented on the current public sentiment regarding prisoners. With other programming scaled back, the Law Library is one of the few remaining opportunities for inmates to learn about the criminal justice system and their role in it. The Minnesota State Law Library, the Minnesota Supreme Court and the Minnesota Department of Corrections look forward to continuing this long and fruitful collaboration.

WHAT'S UP DOCS? News from the Government Documents World at MSLL

Laurel Stiebler

Government Documents

Coordinator



The Library, the Web, and the Teachable Moment

The Minnesota State Law Library received a call recently from a federal agency in Washington, DC, inquiring as to how we had received some publications from this particular federal office. When I returned the call, the grateful employee informed me that two publications from their office were "never meant for release to the public," and that the word on the street was that these titles were showing up in law libraries. She knew, however, the Minnesota State Law Library owned these publications because she found them in our online catalog and had the call numbers for them right at hand.

Musing on the unlikely odds of federal employees searching the catalog of a state law library in the hinterlands, I was interrupted by her urgent request to tell her *how* we had come to procure these publications. That seemed a no-brainer to me, and

I replied, “through the Federal Depository Library Program!”

Silence.

So I told her that we are one of approximately 1250 libraries across the country that participate in a program whereby U.S. government publications are distributed free-of-charge to be used by all citizens, in compliance with federal law.

More silence...as she contemplated *how many* libraries could have copies of these publications her office designated for in-house use only.

Yes, I told her, there is a procedure for recalling publications from depository distribution. And, yes, not only do I know *whom* she should contact (the Superintendent of Documents at the Government Printing Office), but I also have her e-mail address!

Effusive words of appreciation. I swallowed the urge to tell her “Gosh, ma’am, I’m only doing my civic duty.”

It’s still a mystery how the Feds came to find the online catalog of the Minnesota State Law Library (probably through some odd Google search). It still boggles my mind that a state entity told a federal entity about a program run by another federal entity (and one that might be housed just down the street from them in DC).

What strikes me—again—about this interchange is the power of the Internet to

connect people to information. The State Law Library web page is a treasure-trove of information: from access to the [library catalog](#), to direct access to the [ordinances of Minnesota municipalities](#) to a list of [recommended government publications](#) of topical interest.

As a Federal Depository Library, we work hard to provide access to the ever-increasing number of federal government documents available only electronically or in both electronic and paper format. We do this by providing *hotlinks* in our online catalog. By clicking directly on the URL, you can go directly to the online document.

What also strikes me—again—is the importance of promoting the Federal Depository Library Program to all and sundry. Free and open access to government information seems so basic that it’s easy to take this for granted—but we should! We need to ensure that this right continues to exist and be mindful of the librarians and library supporters who spend many hours supporting that endeavor.

Stay tuned for future *Loquitur* reports on the Legacy project, a collaborative effort of the Government Printing Office and the Association of Research Libraries. The stated goal of the Legacy project is to digitize a *complete* collection of tangible U.S. Government documents to make sure that these materials are available, in the public domain, for *permanent public access*. Go to <http://www.gpoaccess.gov/legacy/index.html> to read about this important initiative.

You Can't Google That!

Searching the Opinions of the Minnesota State Appellate Courts Archive

Barb Golden

Most people know about [Google](#), which is probably the best search engine at this time for finding information on the Internet. The reason that Google is so successful in finding good sites is that it identifies the most frequently visited linked pages. The more people that link to a particular site, the higher up on the list of results that site will appear. People creating links on their own sites essentially determine the top sites by their choices. But even the best search engines can access only a small percentage of the available information on the World Wide Web. This is just the surface. The “Invisible Web” is a term used to describe all the information available on the World Wide Web that is not found by using general-purpose search engines.

Some Fast Facts About the Invisible Web

- The size of the Invisible Web is 500 times larger than the Surface Web.
- The Invisible Web is the largest growing category of new information on the Web.
- 95% of the Invisible Web is publicly accessible information.
- More than half of the Invisible Web resides in topic specific databases.

Characteristics of Invisible Web Content - Why Search Engines Can't Find This Information

- Content found in databases, such as the [Minnesota Legal Periodical Index](#).
- Fee-based databases, such as Lexis or Westlaw.
- Real time content, such as current weather or airline flight checkers.
- Formats such as .pdf, audio and video. (Google searches this to a limited extent).
- Sites requiring login authorization, even if the passwords are free.
- Sites that require forms be filled out, such as patent-searching or trip directions.
- Content generated dynamically as the result of a query. (Library catalogs fall in this category. For example, if you want to know what material the Minnesota State Law Library owns, you must search [MnPALS](#)).
- Sites with a no-index protocol, such as the Opinions of the Minnesota State Appellate Courts Archive.

As stated above, you can't use Google to search the [Opinions of the Minnesota State Appellate Courts Archive](#). This is a database of the slip opinions released by the appellate courts

each Tuesday and Thursday since May 1996. A ‘slip opinion’ is a copy of an individual decision that is published immediately. It is worth noting the disclaimer on this page:

The slip opinions published at this website are subject to modification or correction by the court. The official opinions of the Minnesota appellate courts are those published by Thomson West in the *North Western Reporter* or *Minnesota Reporter*. Unpublished opinions of the Court of Appeals are not precedential and may not be cited except as provided by [Minn. Stat. 480A.08, subd.3](#).

Since the slip opinion is a court publication, it does not include many enhancements provided by commercial vendors that are familiar to attorneys. For example, as a general rule, the name of the lower court judge is not included in the slip opinion. Therefore, searching by a district judge’s name to find a trend in his or her decisions on appeal is not possible through the Archive. Still, if you are connected to the Internet and cannot afford a commercial service, this is an excellent free database in which to begin your research into Minnesota caselaw. The archive is the most popular destination on the State Law Library website.

Tips on Searching the Opinions of the Minnesota State Appellate Courts Archive

- Full-text search options at <http://search.state.mn.us/lawlibrary/>.
 - Includes options to search the [briefs database](#) and the entire Law Library site.
 - Each time you visit or refresh the search options page, you get a different tip on searching the database.
- Words are treated individually *unless* you specify a connector. This means that entering a string of words will result in opinions that contain any of those words, even only one word. Use connectors [+ , - , “”] to limit the number of results.
 - +linehan (word must appear; there should be *no space* between the plus (+) and the word).
 - "search warrant" (words must appear as a phrase).
 - -domestic (word *must not* appear; *use sparingly*, as it eliminates cases where the word is used negatively, as in “this is not a domestic action;” there is *no space* between the minus (-) and the word).
- **Caveats**
 - Be aware of capitalization (when uppercase is used anywhere in the word, the search is for an exact match).
 - This is a word search, *not* a string search, i.e., you cannot search within a word, and there are no wild cards. (However, the plural of any word entered is automatically searched for, including plurals such as women.)

Final Tip of the Day: Since the State Law Library uses the North Star search engine, these same tips apply for searching Minnesota government information at <http://search.state.mn.us/>. You can use this site to search the public court site by adding +site:www.courts.state.mn.us to your query.

The Minnesota State Law Library Commemorates the 50th Anniversary of *Brown v. Board of Education*

The landmark decision on school desegregation, *Brown v. Board of Education*, was decided fifty years ago on May 17th. In a unanimous U.S. Supreme Court opinion, Chief Justice Earl Warren wrote the following: “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” Rather than discuss the profound significance and undeniable impact of this decision, we have instead selected for you a bibliography of important resources that can be obtained at the Library and through the Internet.

(For an account of the Showcase event commemorating the 50th anniversary, see page 4 of this issue of *Loquitur*.)

A select bibliography of materials pertaining to *Brown v. Board of Education* - including periodical articles, books and websites

The opinion of *Brown v. Board of Education*, of course, speaks for itself. The following citations provide the primary locations of the decision in reporter volumes: 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873, 38 A.L.R.2d 1180. To find the opinion and related cases on the Internet, go to <http://www.brownat50.org/brownCases/BrownCasesFrameset.html>. For the various oral arguments for *Brown* and related cases, go to <http://www.lib.umich.edu/exhibits/brownarchive/>.

The following articles are available either in paper copy or on *HeinOnline*, a full-text database available from the Library (arranged alphabetically by author):

Bell, Derrick - *Brown v. Board of Education* and the Black History Month Syndrome - 1 Blackletter J. 13 (1984).

Cound, John J. - **A Very New Lawyer's First Case: *Brown v. Board of Education* - 15** Const. Comment. 57 (1998).

Jones, Nathaniel R. - **The Desegregation of Urban Schools Thirty Years after *Brown* -** 55 U. Colo. L. Rev. 515 (1983-1984).

Jones, Nathaniel R. - **Racial Desegregation of Public Schools: Application of the Principles of *Brown v. Board of Education* -** 54 N.W. U. L. Rev. 348 (1959-1960).

Jones, Nathaniel R. - **The School Segregation Decision: Problems of Desegregation: Introduction -** 3 J. Pub. L. 90 (1954).

Orlow, Barri A. - **Fifty Years after *Brown v. Board of Education*: Resegregation of America's Public Schools -** 9 Widener L. Symp. J. 183 (2002-2003).

The following books are also available in the Library (in call number order):

KF 228 .B76 B58 2002 – ***Black, White and Brown: the Landmark School Desegregation Decision Case in Retrospect* -** Eds. Claire Cushman and Melvin Urofsky. Washington D.C., CQ Press, 2004.

KF 228 .B76 W48 2002 - Balkin, Jack - ***What Brown v. Board of Education Should Have Said: the Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision* -** New York, NYU Press, 2002.

KF 4155 .I75 2004 - Irons, Peter – ***Jim Crow's Children: The Broken Promise of the Brown Decision* -** New York, Viking, 2004.

KF 4155 .K55 1976a - Kluger, Richard - ***Simple Justice: the History of Brown v. Board of Education and Black America's Struggle for Equality* -** New York, Legal Classics Library, 1994.

KF 4756 .A44 M87 1950 - Murray, Pauli - ***States' Laws on Race and Color, and Appendices...* -** Cincinnati, Women's Division of Christian Services, Board of Missions and Church Extension, Methodist Church, 1950. [This book cites all the racial discrimination laws for

subject area, such as education, marriage, etc., for each state and quotes the pertinent passage in the state statutes.]

KF4756 .A29 A9 - Avins, Alfred- *The Reconstruction Amendments' Debates: The Legislative History and Contemporary Debates in Congress on the 13th, 14th and 15th Amendments* - Richmond, Virginia Commission on Constitutional Government, 1967. [These amendments were important in the civil rights debates and especially *Brown v. Board of Education*. Justice Black cites these as most important.]

KF 4757 .A5 F7 1965 - Friedman, Leon - *Southern Justice* - New York, Random House, 1969.

KF 4757 .H535 1996 - Higginbotham, A. Leon - *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process* - Oxford, Oxford U Press, 1996.

KF 4757 .Z9 W3 - Warren, Earl - "*All Men are Created Equal*", intro by Mendes Hershman - New York, Assoc. of the Bar of the City of New York, 1970. Benjamin N. Cardozo lecture, v.29.

KF 8745 .B55 D86 1977 - Dunne, Gerald T. - *Hugo Black and the Judicial Revolution* - New York, Simon & Schuster, 1977.

KF 8745 .D6 A28 1980 - Douglas, William O. - *The Court Years: 1939-1975* - New York, Random House, 1980.

KF 8744 .F75 - Friedman, Leon – *The Justices of the United States Supreme Court, 1789-1969: Their Lives and Major Opinions*, 4 volumes - New York, Chelsea House, Bowker, 1969.

KF 8745 .M33 R65 1993 - Rowan, Carl T. - *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall* - Boston, Little Brown, 1993. [Thurgood Marshall argued the case before the Supreme Court.]

KF 8742 .S39 1993 - Schwartz, Bernard - *A History of the Supreme Court* - New York, Oxford U Press, 1993.

KF 8745 .W3 A2 - Warren, Earl - *The Public Papers of Chief Justice Earl Warren* - New York, Simon & Schuster, 1959.

KF 8748 .W55 1956 - Williams, Jerre - *The Supreme Court Speaks* - Austin, U of Texas Press, 1956.

The following web pages are available on the Internet and pertain to Brown v. Board of Education:

The American Bar Association site at
<http://www.abanet.org/publiced/lawday/theme2004.html>.

The National Public Radio site at
<http://www.npr.org/news/specials/brown50/>.

The American Association of Law Libraries site at
[http://www.aallnet.org/committee/diverse/Brown at 50.htm](http://www.aallnet.org/committee/diverse/Brown%20at%2050.htm).

How to obtain copies of the articles and books listed

All of these materials are available at the Minnesota State Law Library or on the Internet. For more information, contact us at our website at <http://www.lawlibrary.state.mn.us/index.html>, by e-mail at askalibrarian@courts.state.mn.us, or by phone at (651) 296-2775.

Daniel Lunde - with thanks to Barb Golden, Dennis Skrade and Karen Westwood for their bibliographic assistance

MSLL Mission Statement

The Minnesota State Law Library exists to provide vital, timely and efficient library services to the judiciary and the public seeking legal information.