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**JEROME HALL LAW LIBRARY**

INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

# RES IPSA LOQUITUR

Newsletter of the  Law Library

Indiana University  
Volume 12, Number 3 School of Law-Bloomington November 2001

## Archiving the Web: Why it Matters to Attorneys by Peter Hook

Almost all of you during your legal careers will need to know what information was contained on a particular Website at some point in the past. The evidentiary scenarios are endless. Perhaps you have a warranty claim based on information contained on a manufacturer's Website. Perhaps you are an attorney general investigating fraud on the part of a business opportunities promoter advertising on the Web. Or maybe you're a plaintiff's attorney trying to show the absence of any warnings about a known defect as to a particular product. By the time the litigation arises, the Website may have gone through numerous changes. How can you prove that certain statements were or were not made? Short of relying on your client's contemporaneous printouts of the site, or hoping that the entity you are suing archived the numerous iterations of their HTML pages and logged when they were in use, what remedies does an attorney have? Fortunately, there are several organizations taking some good first steps in archiving the Web.

### The Internet Archive and the Wayback Machine

The Internet Archive ([www.archive.org](http://www.archive.org)) is a non-profit entity seeking to archive the Web and offer "permanent access for researchers, historians, and scholars to historical collections that exist in digital format." It was founded in 1996. One of the products of the Internet Archive is the Wayback Machine (<http://web.archive.org>). This tool allows a searcher to input a URL (Uniform Resource Locator – or Web address) and view how a

particular Website appeared during one of its earlier iterations. Try inputting the URL for the Law School ([www.law.indiana.edu](http://www.law.indiana.edu)) and see what our site looked like in 1996. (Please note: due to high demand this site has only been working intermittently). I was amazed by the breadth of sites archived. Many large corporations' sites are included. The archive even contained the Website of the small, five attorney firm for which I worked in Chicago. What are not contained are the homepages of individuals hosted on large Internet service providers' sites such as AOL.com.

### Cached Pages – A short term Solution

Internet search engines such as Google ([www.google.com](http://www.google.com)) achieve speed and effectiveness in rendering search results by making snapshots of the bare essentials of Web pages and storing them on their servers. Items stored in this fashion are said to be 'cached.' Thus, it is possible to view a cached

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Web page stored on a search engine site even after that page is no longer available on the Web. (The old page remains cached until the search engine revisits the site and updates its servers. This may take between several weeks and several months.) This feature is convenient when a site's sudden popularity makes it hard to access. The existence of cached pages is also something to consider from the perspective of an attorney trying to undue the damage of a libelous or infringing Website. You might be able to enjoin the site itself to cease broadcasting particular content, but you should also write to the various Internet search engines to have the site removed from their servers as well. This was recently done in the wake of the September 11 attacks. Google agreed to remove cached pages containing sensitive data that was originally contained on the Website of the Federation of American Scientists.

The National Archives and Record Administration (NARA -- [www.nara.gov](http://www.nara.gov)) is charged with the responsibility of preserving the history of the United States by overseeing the management of all of its federal records. Increasingly, this includes government Websites.

Shortly after noon on January 20, 2001, when George W. Bush assumed office, the Clinton Web pages vanished as they were replaced by the pages of the new administration.



Fortunately for researchers and attorneys alike, NARA subsequently made available the Web pages of the Clinton White House from 1995 through 2001. (<http://search2.nara.gov/>). I find it interesting to view the stylistic developments of the pages between those dates.

## **ONLINE CATALOG UNDERGOES UPGRADE**

Over the Thanksgiving Break, the online catalog will be upgraded. While many of the changes will be indiscernible to the average user, we wanted to call your attention to a couple of additions you might find helpful. The most important upgrade for our users will be the ability to search multiple libraries in one search. Currently, your choices are limited to searching only one library at a time (our workstations naturally default to the Law Library) or searching all IU libraries simultaneously. The upgrade will allow users to limit their searches to those libraries on an individual campus. This is particularly important in Bloomington and Indianapolis where there are multiple libraries on each campus. In addition, you will now be able to search the holdings of both law school libraries at the same time.

While our online catalog will continue to default to the Law Library collection only, you can perform one of these new searches simply by clicking on the **Select library** pull-down menu when entering your search terms. Near the top of the list will be a selection for All Bloomington Campus Libraries and further down on the list will be a heading for

Law Libraries – Bloomington and Indianapolis Campuses.

The other major change you might notice after the upgrade is when you perform a search and get no hits. Currently, the message you receive is “Item not found – perhaps the following list will help.” In addition to providing a list of close matches, the system will now prompt you to either change your search terms or to broaden your search to include additional libraries.

We hope you find the above changes beneficial. Should you encounter any problems, including unusually long response time, please notify a reference librarian.



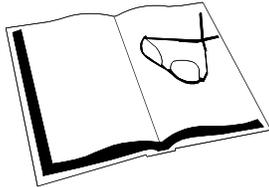
*Nonie Watt*  
*Head of Technical Services*



**NARA and the Clinton Web Pages**

## NEW NOTEWORTHY: PAST, PRESENT, FUTURE

Vaughan, Alden T. (General Editor) *Early American Indian Documents: Treaties and Laws, 1607-1789*. Washington, DC: University Publications of America, 1979-. To be complete in 20 volumes, 14 of which have been published. [KF 8202 1979]



While the law library primarily focuses on obtaining newly published materials, when necessary we do make an attempt to acquire materials published in the past. One recent purchase falls into both of these categories. The first volume of *Early American Indian Documents: Treaties and Laws, 1607-1789* was published in 1979, the most recent was published in 2001, while six volumes remain to be published.

The set, under the general editorship of a now retired professor of Early American Civilization at Columbia University, attempts to pull together a truly massive amount of documents into one accessible collection. In his preface, General Editor Alden Vaughan explains:

Among the most crucial sources for understanding early American history in general, and the ethnohistory of Indian-European contact in particular, are the treaties between the early Anglo-American governments and the Indian tribes, and laws concerning Indians passed by the colonial, state, and early legislatures. Some treaties and related documents have never been published; others have been printed piecemeal and with little attention to accuracy; all are scattered through scores of disparate archives and libraries. There are no adequate guides to their contents nor comprehensive finding lists. Similarly, although the laws passed by the colonial governments and their pre-1789 successors were usually printed for public distribution, they have not heretofore been readily accessible nor uniformly edited.

Each volume, edited by a distinguished expert in the field, covers a specific geographic region. The documents are reprinted in full, complete with the unique “marks” of the Native American signatories. Most volumes are broken down into chapters which group documents either by a particular time frame and/or event. Each chapter has a brief preface written by the volume’s editor. All volumes include a bibliography and notes section. Surprisingly, however, individual volumes do not include an index and, as of now, there is no comprehensive index to all the volumes.

If you would like to use the volumes, you will find them in the Library’s General Collection (KF 8202 1979). As future volumes are published, they will be added to the collection, using the same call number.

The current volumes are:

- v. I: Pennsylvania and Delaware Treaties, 1629 - 1737
- v. II: Pennsylvania and Delaware Treaties, 1737-1756
- v. IV: Virginia Treaties, 1607 - 1722
- v. V: Virginia Treaties, 1723 - 1775
- v. VI: Maryland Treaties: 1632 - 1775
- v. VII: New York and New Jersey Treaties, 1609 - 1682
- v. VIII: New York and New Jersey Treaties, 1683 - 1713
- v. IX: New York and New Jersey Treaties, 1714 - 1753
- v. X: New York and New Jersey Treaties, 1754 - 1775
- v. XI: Georgia Treaties, 1733 - 1763
- v. XIII: North and South Carolina Treaties, 1654 - 1756
- v. XV: Virginia and Maryland Laws
- v. XVI: Carolina and Georgia Laws
- v. XVIII: Revolution and Confederation

*Dick Vaughan*  
Acquisitions & Serials Control Librarian

## HISTORY IN CONTEXT: UNDERSTANDING EXTREMISM IN AFGHANISTAN

Upon starting work in the Law Library in October, I attempted to systematically take in our collection. One item in particular caught my attention--the Encyclopedia of Genocide (Law Reference HV 6322.7 .E53 1999). The entry for Afghanistan is particularly illuminating. The following paragraph describing Soviet atrocities is excerpted from the three-page entry (48-50):

Air attacks throughout the southern and eastern provinces—the Pushtun heartland—methodically killed hundreds of thousands and resulted in the mass exodus of millions, creating a depopulated no-man’s-land in large areas

along the Afghanistan-Pakistan border. In addition to the bombings, which reached their peak in 1986, the Soviets used terror—chemical weapons, weapons targeting children, gruesome localized atrocities, and the destruction of crops, orchards, animals, food supplies and water sources—to empty out whole districts. Since it was intended that those who fled should not return, the irrigation systems on which Afghan agriculture depends were destroyed, turning the land into desert. pp. 48-49.

*Peter Hook*  
*Electronic Services Librarian*

## WORKING THE HALLS

### Happy November Birthdays to:

- **Prof. Amy Applegate** on the 6<sup>th</sup>
- **Prof. Dan Conkle and Heather Rayl** on the 10<sup>th</sup>
- **Prof. Doug Boshkoff** on the 11<sup>th</sup>
- **Librarian Dick Vaughan** on the 12<sup>th</sup>
- **Asst. Dean Mark Hilycord** on the 17<sup>th</sup>
- **Prof. Cathy Crosson** on the 21<sup>st</sup>
- **Asst. Dean Angela Lieurance** on the 28<sup>th</sup>



### LAW LIBRARY THANKSGIVING BREAK HOURS November 20-25, 2001

Tues.	November 20	7:30 am - 6:00 pm
Wed.	November 21	9:00 am - 5:00 pm
Thurs.	November 22	CLOSED
Fri.	November 23	9:00 am - 5:00 pm
Sat.	November 24	9:00 am - 5:00 pm
Sun.	November 25	Resume Regular Hours

### SUGGESTION BOX

(Every Month in this space Associate Director Linda Fariss responds to a suggestion from the library’s suggestion box.)

**Suggestion:** Movie request. “Paradise Lost” a documentary on a trial where teenage boys are accused of killing younger kids. Please buy the video.

**Response:** We have ordered not only “Paradise Lost: The Child Murders at Robin Hood Hills,” but also “Paradise Lost 2: Revelations,” which is a follow-up to the original documentary. Thanks for the suggestion.