Vol. 08, No. 08 (May 1998)
For the seventh consecutive year, the Law Library entered a team in the Monroe County Public Library's VITAL Quizbowl. The contest is held each spring in order to raise funds for the library's adult literacy program. Perry and the Masons (otherwise known as Jennifer Bryan, Juliet Smith, Dick Vaughan and Nonie Watt) were pitted in the first round against a new team, The Quiver (whatever that means). Being the diligent librarians we are, we attempted to prepare ourselves for the contest but were somewhat discouraged when told that 90% of the questions would come from the World Book Encyclopedia. (Okay Jennifer, you take vols. A-E...) The remaining questions would be about the VITAL program itself.

The game got off to a fast start with both teams quick on the buzzers. We amazed our friends and family by correctly answering queries ranging on such diverse topics as plane geometry and hockey players from the 1950's. And yes, Dick really did know the URL for the VITAL website. Then the controversy hit. “Name two of the original thirteen colonies.” Well, duh! How about Massachusetts and Pennsylvania? As the entire audience gasped in disbelief, we were ruled incorrect. Excuse me? It seems the answer sheet only listed twelve colonies, leaving off Massachusetts. When the moderator suggested she toss the question out, I’m afraid at that point we had to remove the buns from our hair and wrestle the judges to the ground. We won the battle, but alas, lost the war. So unnerved by the experience, our buzzer thumbs were unable to respond with their usual lightening speed, and Perry and Company went down to defeat, 110-80.

While we suffered the agony of defeat yet again, we reminded ourselves it was all for a good cause. And besides, we got great consolation gifts this year -- pocket knives. Are they trying to tell us something?

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**LAW LIBRARY SEMESTER BREAK HOURS**  
**MAY 9 - 25, 1998**

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**LAW LIBRARY SUMMER HOURS**  
**MAY 26 - AUGUST 4, 1998**

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New & Noteworthy:
Native Resources

A recent (March 8-9) New York Times series outlining the growing prosperity and conflicts on American Indian reservations noted that, “the number of Indian lawyers has increased more than ten-fold to about 1,000 in the last 20 years, and there has been a four-fold increase to just over 300 in the number of tribal courts.” Correspondingly, then, it comes as no surprise that over the past few years there has been an increase in the number of books published that address legal issues related to American Indians (or as the Library of Congress classifies the subject: Indians of North America--Legal status, laws etc.).

Joining the shelves of such classics as Robert Weil’s The Legal Status of the Indian (1888), Karl Llewellyn’s The Cheyenne Way (1941), and Vine Deloria’s Behind the Trail of Broken Treaties (1974) are a new generation of books addressing everything from gaming laws to the legal definition of who is a Native American.

Listed below are a few of the titles the Law Library has added to its collection in the past two years:


BOOK OF THE MONTH

This month I would like to depart from my usual form and review a number of books we have in the Law Library related to a particular topic. Recently I was reading my latest issue of American History, and it discussed this year marking the 50th anniversary of the Alger Hiss spy case. Hiss was a former State Department official who was accused of being a Communist and Soviet spy by Whittaker Chambers, an editor at Time magazine. The investigation by the U.S. House of Representatives Un-American Activities Committee was led by a freshman congressman from California named Richard Nixon. Ultimately, Hiss was convicted of perjury and spent three years in prison. Richard Nixon used this case and the publicity it created to help win election to the United States Senate in 1950, and ultimately being elected President in 1968. The case marked a watershed in the public’s view towards Communism and contributed to the Red scares of Senator Joe McCarthy.

Many books have been written about the Hiss case. The Law Library has a number of books on the topic. True to form, the principals in the case wrote books about it. Whittaker Chambers presented his views in Witness (E743.5.C47), while Alger Hiss defended himself in his book, In the Court of Public Opinion (E743.5.H54). Chambers’ book was published in 1952, and he died of a heart attack in 1961. Hiss’s book was published in 1957, after he was released from prison. Hiss died in 1996 at the age of 92.

No full-length independent biography has been written about Alger Hiss, probably because he died so recently. However, there is a very recent biography of Whittaker Chambers, written by Sam Tanenhaus and published in 1997 (E743.5.T36 1997). Several books were published in the years immediately following the trials (the first trial ended with a hung jury--the second trial jury convicted Hiss). The Law Library’s collection includes:


Busch, Francis X. Guilty or Not Guilty (includes a section on Alger Hiss) KF220.B882


However, the defining book on the subject was published in 1978. Allen Weinstein started his research convinced of Alger Hiss’s innocence. Using the Freedom of Information Act to obtain government documents and previously classified material, Weinstein eventually came to the conclusion that Hiss was guilty. His book is titled: Perjury: the Hiss-Chambers Case, and is at E748.H59 W44 1978.

The Alger Hiss case continues to draw interest. Was Alger Hiss a Soviet spy and Communist, or not? Hiss maintained to his dying day that he was neither. However, as the writer of the article for American History says, the preponderance of the evidence suggests that he was a spy and Communist. We may never know the answer for certain. This level of doubt will probably continue to benefit the publishing industry as additional books are published on this man and how he impacted American politics and the American psyche.

Michael Maben
Cataloging Librarian

Westlaw and Lexis password extensions

Students who are taking classes over the summer; working for a professor; conducting research for a B706 paper, law journal note, or moot court brief can have their Westlaw and Lexis passwords extended for the summer. The best, and fastest, method to do this is to go to the following web sites:

Westlaw http://www.westgroup.com/password.htm
Lexis http://www.lexis.com/lawschool

Choose Lexis-Nexis Xchange, then look for the Summer Access graphic. All passwords not extended for the summer will be deactivated or suspended May 9. Graduating students will be able to access only the Career databases on Westlaw and Lexis during the summer. Returning students' passwords will be reactivated in August. If you have any questions, see one of the student representatives or me.

Juliet Smith
Electronic Services Librarian
Restitution of Gold Seized in WWII

On November 13, 1997, Senator Alfonse D’Amato introduced Senate Bill 1564 which attempts to provide redress for inadequate restitution of assets seized during World War II which belonged to victims of the Holocaust. The bill was passed by both houses of Congress and was sent to the President for signature on February 4, 1998.

Senator D’Amato was also one of the most tenacious members of a group of legislators who urged that a broader investigation be initiated to report on the confiscation by Nazi Germany of an estimated $580 million of central bank gold--around $5.6 billion in today’s values—along with an indeterminate amount in other assets during WWII. This preliminary report, referred to as the Eizenstat Report, was issued in May 1997. The introduction of the Report describes the historical events surrounding the seizure of assets from countries invaded by Germany and individual victims and the role played by neutral countries, particularly Switzerland, in the acceptance of the stolen gold in exchange for goods and materials. The Report focuses in depth on topics relating to wartime efforts to halt commerce with Germany and prevent the flight abroad of German assets; the Safehaven Program; Potsdam heads of government meeting and the Paris Reparations Conference; the Allied-Swiss negotiations at Washington, March-May 1946; Five-Power Conference on reparation for non-repatriable victims of Germany, June 1946; Implementation of the May 1946 Allied-Swiss Accord; Allied negotiations with the other neutral countries; U.S. Army involvement with the acquisition, accountability, and security of German monetary gold and related assets following WWII; disposal by the United States of captured gold looted by Germany from individual victims of Nazi persecution and from European Central Banks; the Tripartite Commission for the restitution of monetary gold; Bank for International Settlements; and the disposition of heirless assets, 1946-1963.

The investigation involved the efforts of eleven federal agencies and the review of 15 million pages of documentation in the National Archives. Those documents are available to researchers for the first time through an Appendix volume of the Eizenstat Report which serves as a finding aid to records at the National Archives at College Park, Maryland.

This two-part report is in our Government Documents Collection on the fourth floor (S 1.2: R4/2 and S 1.2: R4/2 Appendix). After the Report was issued, hearings were held on June 25, 1997 during which representatives from federal agencies and international organizations testified concerning efforts to restore gold and other assets seized during WWII and efforts to enforce past agreements. The hearing is also available in the documents collection (Y 4. B22/1: 105-18).

Marianne Mason
Documents Librarian

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The Suggestion Box

(Each month in this space Associate Director Linda Fariss replies to suggestions received by the Library)

**Suggestion:** We need paper-feeding copy machines. Please address in next *Res Ipsa!*  Andrew Welborn

**Response:** Well, I promised you that I would print the next "legitimate" suggestion you submitted, so here it is! We would all love to have paper-feeding copy machines and, as a matter of fact, the new ones that we just received have that capability. Unfortunately, the University will not allow us to have them in public areas. A number of years ago we had a document feeder on our copy machine and law students kept breaking it. Because of that, we are no longer given that option. I did request it, but the request was denied. Thanks for the suggestion!
Ruled Out of Order

I'm sure there are many readers of this newsletter, who, like myself, have become addicted to the Prime Minister's question hour (now appearing on C-SPAN Sunday evenings at 8:00 p.m.). This strange and wonderful institution pits the wits on both sides of the floor against one another in a debate that is usually humorous, sometimes raucous, and occasionally just downright raunchy.

The object of the game is to insult one's opponent as imaginatively as possible, and apparently there is little considered beyond the pale. In fact, addicts may have concluded that there is nothing a member might say that would be ruled too crude or boorish. However, it turns out that there is, and it's all recorded in The Table: The Journal of the Society of Clerks-At-The-Table, a scholarly periodical that your Library subscribes to. Each issue includes a section, entitled "Unparliamentary language," which lists all statements disallowed in all the commonwealth parliaments throughout the world. And it's pretty interesting reading.

Of course, the reader will find there the many disallowed descriptions of one's opponent as a coward, liar, hypocrite, or slime-ball (alternatively - bucket). Beyond these epithets, the most popular seem to be names of animals. Some instances from the last three years include: "demented hyena," "ferret," "lapdog," "balding Bambi," "poisoned dwarf" (I know it doesn't really count as an animal, but I wanted to include it anyway), "gutless mongrel," "little toad," "jackal," "rat," and "road kill."

Interestingly, different clerks-at-the-table treat these regrettable slurs differently. For example, in Canada "[r]emarks...are not always ruled out of order simply because of the words used:...the Chair may...consider[] the tone used, the context, and whether the remarks caused disorder." Despite this reasonable approach, the Canadian parliament is in there with the best of them, except perhaps the parliamentary assembly of the Australian state of Victoria, which wins for crudeness hands down. The clerks differ also in their reporting technique. Most prefer to list the disallowed remarks boldly, in quotation marks. Others prefer to summarize remarks considered too objectionable to repeat.

Following are a few disallowed remarks culled from the last three years, organized by category.

1. Expressions that make no sense, but seem vaguely rude.

"[H]e comes to this House looking up the wrong end of a sewer pipe." (Manitoba)

(Referring to a male member opposite) "the honorable member who is dressed in a cinema usherette's jacket" (U.K.)

2. Interesting scatological barbs.

Expletive referred to politely as a "description of seagulls' droppings." (U.K.)

A member described as "defecation of low flying pigs." (Victoria)

3. Unanswerable ripostes.

"You forgot to mention that you balanced the budget by stealing $188 million." (Saskatchewan)

"[W]e may be the B team. It's quite a relief from the BS team that we're used to hearing from your ranks." (Sask.)

"They call him 'Spoons' because he knocks off the silverware at fund-raising functions." (New South Wales)

"Have you been taking your medicine?" (NSW)

4. Cutting to the chase.

"What is the difference between you and a bucket of s...t?" (Victoria, of course)

Cont...
Res Ipsa Loquitur

“My God, you are a cretin!” (Northern Territory)

“The only dope in this place, shorty, is you.” (NSW)

5. New epithets (at least new to me).


“F..kwit.” (Victoria) According to the same, a low “general purpose pejorative[,]” current in Australia since ca. 1940, possibly a (very clever) play on ‘nitwit.’

And to think that “Unparliamentary Language” begins with the statement that “simple expletives and abuse are...omitted.”

Ralph Gaebler
Foreign & International Librarian

WORKING THE HALLS

Happy May Birthday to:

Amanda Burnham on the 1st
Ralph Gaebler on the 3rd
Kelly Townes on the 5th
Prof. Susan Stuart on the 6th
Prof. Alysa Rollock on the 10th
Jeanné Brown on the 19th
Prof. Fred Cate on the 20th
Prof. Don Gjerdingen on the 22nd

Happy June Birthday to:

Kathy McCarnes on the 3rd
Cindy Smith on the 20th
Jennifer Bryan on the 22nd
Prof. Sarah Hughes on the 26th
Jean Janisse on the 27th

Happy July Birthday to:

Prof. Lisa Farnsworth on the 1st
Amy Cheek on the 2nd
Dean Fred Aman in the 7th
Ann Likes on the 9th
Prof. Sophia Goodman on the 12th
Prof. Susan Williams on the 12th
Prof. Perry Hodges on the 18th
Prof. John Scanlan on the 18th
Marianne Mason on the 25th
Ken Dunn on the 26th
Prof. Steve Johnson on the 27th

Happy August Birthday to:

Prof. Laura Daghe on the 5th
Beth Plew on the 5th
Prof. Gene Shreve on the 6th
Len Fromm on the 15th
Prof. Steve Conrad on the 16th
Prof. Seth Lahn on the 17th
Dale Calabrese on the 19th
Prof. Ed Greenebaum on the 19th
Prof. Jeff Stake on the 19th
Sherrilyn Lawrence on the 27th
Prof. Harry Pratter on the 27th

Welcome!

Ainura Cholponkulova who will be visiting the law school as an IREX scholar for the next six months.

Teresa Kaczmarek as one of our new faculty secretaries! Teresa is located in Room 252.

CONGRATULATIONS!
Class of 1998