

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

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President's Column – Claudia Zaher

President's Column

I am honored to serve as President of ORALL. As I mentioned at the Northern Kentucky meeting, I've always been very impressed by the people who make up this organization. I like librarians, in general - they're bright, interesting, and extremely helpful people, and I have never seen these appealing qualities in such abundance as in ORALL members

It wasn't, however, until I attended the AALL Chapter Leadership Training in Boston this summer that I fully realized how terrific ORALL is! Representatives from each of the AALL chapters were there to learn about budgeting, programming, recruiting members and other common concerns. It quickly became apparent that ORALL is a practically a model chapter, and presidents of other chapters were taking notes about some of the things we do!

The vibrancy and continued relevance of our chapter depends on the people involved – and ORALL people do become involved! For an excellent example of that professional involvement, look at this year's

nominees for AALL Vice President / President-Elect. Both Sally Holterhoff and Al Podboy are longstanding and active ORALL members and former ORALL Executive Board members.

We congratulate both of them for representing ORALL so well to a national audience.

Thanks to all of you who were able to attend ORALL 2004 for making the Northern Kentucky conference such a great success! The meeting was extremely well attended and the evaluations were overwhelmingly

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Ohio Regional Association of Law Libraries

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Newsletter

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Profile

ORALL is a 4-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky, Michigan]. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region." An annual conference is held each fall. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, Ohio Legal Resources Annotated Bibliography & Guide 3rd.

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President's Column *continued*

positive. Thank you to the Education Committee and to the Local Arrangements Committee for all their hard work in planning and organizing the conference. I'd like to add a very special thanks to each of you who took the time to fill out the evaluation forms, and to offer your thoughts, opinions and suggestions to the meeting planners. The Executive Board and the Local Arrangements Committees for ORALL 2004 and ORALL 2005 in Indianapolis truly appreciate your input and they do listen to your suggestions.

Of course, those once-a-year evaluation forms are not your only forum for voicing your comments, questions, and concerns about ORALL. Each of the Executive Board members welcomes your input. Their names and email addresses are listed elsewhere in this Newsletter so tell us what you think. Give us your suggestions for making ORALL better and better.

Keep in mind that volunteering for an ORALL committee is yet another opportunity to shape the future of the organization. Since we meet in person only once a year, much of ORALL's work is accomplished through the committees. Committees are currently being formed, and it is never too late to join one – or more. Our current standing committees are:

AALL Arrangements -to arrange the ORALL social function at AALL

Bylaws and Guidelines - to review proposals for amendments and keep our handbook current

Education – to plan the educational part of the program at our annual meeting

Government Relations – to monitor proposed legislation affecting law libraries and recommend appropriate action

Internet – to maintain the ORALL Listserv and the ORALL website

Membership – to recruit members and publish the directory

Newsletter – to publish the quarterly newsletter

Nominations – to evaluate and select candidates for office

Scholarship – to review applications and award scholarships to the AALL meeting and to the ORALL meeting.

In addition to those committees, there are two special committees for the 2004-2005 year:

Name Change Task Force – to consider a possible name change, to review advantages and disadvantages of a change, and to make recommendations to the Executive Board and to the membership for a vote at the 2005 meeting.

Archives Task Force – to complete the organization and indexing of the ORALL archives.

Please contact me if you are willing to serve on any of these committees. If you turned in the green form at the Northern Kentucky meeting, or contacted me since the meeting, you have already been placed on the committee of your choice. If you haven't yet been contacted by the committee chair, you should expect to hear something very soon. ORALL has been a vibrant chapter for 55 years now – let's keep it going for the next generation of law librarians.

For the next year, in line with AALL's goals, I would like all of us to focus on writing and publishing. (Yes, ALL of us!) The AALL Publishing Initiatives Caucus is a newly formed group of law librarians who understand that we must remain relevant

and vital in our organizations, and who stress the importance of publishing as a means of achieving recognition. The initiative is not about scholarly librarian tenure-type articles, but on publishing in outside legal publications, like bar journals, which are read by the lawyers, professors and judges who make decisions that profoundly affect our libraries.

The AALL Publishing Initiatives Caucus will foster writing by law librarians in legal publications, maintain a clearinghouse of such articles, provide a forum for sharing topics, and make contacts with our allied professional organizations, which are most likely to publish articles by law librarians. In casual conversation, we hear about lots of

these kinds of activities already being done, but there's so much more that we could do. I know there are many of you in ORALL-land who have already given programs at local public libraries or at librarian conferences or at local bar association meetings. We're asking you to polish up that presentation and submit it for publication. You've already done most of the hard work, and the Caucus can help you find the publisher. From what I understand, most editors are hungry for content and will gladly work with you to get your information published. That's a win/win all around.

There are 297 of us – so I suspect there are at least 297 publishable items out there right now. Find yours!

* * *

DIRECTORY

By Thomas Hanley, University of Dayton School of Law, (Interim) ORALL Treasurer

Reminder! Contact Data on your Membership Renewal Form

Fellow ORALL members:

You should be receiving your membership renewal forms fairly soon. Please look the form over carefully and check your contact information closely. Be sure to change any information that is no longer accurate before you return your form and dues check to Tom Hanley, our interim Treasurer. Please also fill in any changed information regarding your phone number, FAX number, and email address. The membership database and the directory when subsequently published can only be accurate if you take the time to make certain that the information you provide is accurate. Errata for the current directory are at the end of this newsletter.

Finally, please indicate a clear preference on the form for whether you want your contact information to appear in the directory section of the ORALL website. Also, the ORALL Board has voted to change the defaults for how you will receive the newsletter and the directory. If you want one or either in paper format, you must indicate that on your renewal form. The absence of a clear indication that you want paper will result in you receiving access to these publications in electronic form. I encourage you to choose to receive them in electronic format. The electronic choice saves ORALL money and you receive the publications or access to the publications sooner than if you opt to receive the publications in paper.

Happy New Year!

* * *

Tech Talk

THE (FUTURE) VIRTUAL LAW LIBRARY

By Deborah Dennison, Case Western Reserve University School of Law

There is much speculation about the future of law libraries, including the role of librarians (in legal education and in general), print versus electronic resources, and virtual reference. So I was interested in browsing a recently published report by the Primary Research Group entitled, *Creating the Digital Law Library*.¹ The Primary Research Group conducts surveys and research for law firms, libraries, and other institutions on issues such as management and collection development². This particular study surveys nine law libraries – six law firm libraries, two academic law libraries, one public law library – on how various electronic resource issues are handled in the respective library. Some information is gleaned from this survey, although in a few cases, it appeared that respondents rather dashed off answers (almost like a telephone survey for whoever answered the phone). An additional shortcoming for academic libraries was the small number of such libraries included.

Not surprisingly, there were no single approaches to common concerns such as computer training in law schools, library web sites, and electronic newsletters. The introduction summarized well the findings, some of which I will convey here. With all the buzz about 24-hour reference, the consensus was that there was no pressing need for law libraries to move toward virtual reference, *but that it was quite useful to use software capable of tracking use of what library services are used, who is using them, for what purpose, and for what length of time.* On computer training: while it's no surprise that younger lawyers have better computer literacy (than older lawyers), *"virtually all lawyers share an aversion to the specialized legal databases... especially since the advent of net technology."* As those who work with license agreements (and other processing issues) well know, digitization does *not* free up library staff time. Another consensus is that law librarians (one might assume this extends to all staff) have made good adjustments to reduced physical space and reduced print budgets; *very problematic, however, is adjustments to staff reductions.*

Although exploring none of the issues in depth, the survey serves as a catalyst causing one to consider how one's library handles corresponding issues. Because library staff tends to specialize in specific areas, there is sometimes a lack of awareness for practices outside of one's regular expertise. For example, as a cataloger, I might provide access to electronic resources via our OPAC, but not be aware of specific practices regarding e-journal alerts for faculty. Likewise, reference staff would know that some web sites are available on the OPAC, but might not know that the library has a collection development policy about adding URLs to the OPAC. The survey also offers us an opportunity to think more broadly about what we do.

For those of you interested in an in-depth discussion of digitization and other electronic issues in libraries, I recommend Nicholas Pengelley's article, *The Virtual Law School Library*.³ Pengelley analyzes trends in web-based learning and legal education, electronic publishing, consortium responsibilities for archiving print materials, and even delves into life-style of patrons to makes predictions for a model of a law library twenty years hence. Pengelley reasons that the triad of the law school, information technology, and the library needs to develop a plan to the demand

¹ *Creating the Digital Law Library* (Primary Research Group, 2003).

² <http://www.primaryresearch.com>

³ Nicholas Pengelley, *The Virtual Law School Library*, 29 Int'l J. Legal Info. 615 (2001).

for education outside the traditional classroom; such a plan would reduce much of the current uncertainty that exists.

In some fashion, we are already aware of the issues discussed in both reports. The impetus would be to move forward in a collaborative effort. It would be interesting for ORALL libraries to coordinate a survey similar to the Primary Research Group's, and consider building on some of the ideas put forth in Pengelley's well-reasoned article.

* * *

The Call for Papers Has Begun



Have you been thinking of writing an article of interest to law librarians? Maybe you just need a push to get started? Whether for fame or for fortune, this is your chance to enter the AALL/LexisNexis™ Call for Papers Competition.

The AALL/LexisNexis Call for Papers Committee is soliciting articles in three categories:

- Open Division for AALL members and law librarians with five or more years of professional experience
- New Members Division for recent graduates and AALL members who have been in the profession for less than five years.
- Student Division for budding law librarians still in school. (Students need not be members of AALL)

The winner in each division receives \$750 generously donated by LexisNexis, plus the opportunity to present his or her paper at a special program during the AALL Annual Meeting in San Antonio, Texas. Winners papers will also be considered for publication in the Association's prestigious *Law Library Journal*.

For more information, a list of previous winners and an application, visit the AALL website:
http://www.aallnet.org/about/award_call_for_papers.asp.

If you have any questions, please contact any member of the AALL/LexisNexis Call for Papers Committee, Chair, Virginia Davis, davis@uh.edu ; Renee Rastorfer, rrastorf@law.usc.edu or Patricia Wellinger, pwellinger@law.du.edu

Submissions must be postmarked by March 1.

* * *

SPYWARE DELENDA EST

LIBRARIANS MUST BECOME SPYWARE SLAYERS

**BY KEN KOZLOWSKI, DIRECTOR OF THE LAW LIBRARY
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Before we get to the crux of the spyware problem, let's review a bit of history. "Ceterum censeo Carthaginem esse delendam" - "And therefore, I conclude that Carthage must be destroyed", was the motto of Roman conservative senator Marcus Porcius Cato. "Carthago delenda est" became to be more than a mere motto, however, reaching "slogan" status as Cato used it as a sort of punctuation for every one of his speeches at the Roman Senate. For example, "the temple of Juno must have the tiles repaired and Carthage must be destroyed, we propose the slums in the Subura be cleared and Carthage must be destroyed." Cato's persistence finally paid off in the form of a third Punic War versus Carthage, Rome's bitter trade rival. After the defeat of Carthage came about, its walls were torn down, the city put to the torch, the citizens were sold into slavery and the Senate decreed that no one could live where Carthage once stood. Some stories say the fields were sewn with salt. (the latter has been paraphrased, or even downright lifted from, material located at <http://myths.allinfoabout.com/nutshell2.html>)

So now you ask, what does this have to with spyware. Well, **SPYWARE DELENDA EST**, of course. For those of you who haven't been following, "Spyware must be destroyed."

FIRST THINGS FIRST...

Before we get into the anti-spyware software that is available, your computer should have basic protections already installed. Those should consist of, at a minimum:

- Antivirus program – I have Norton Antivirus installed on my home computer, and Trend Micro's PC-cillin loaded at work. For those on tight budgets, there is a free antivirus program, AVG, that does the job as well. I have AVG loaded on another of my home computers (there are three), and have been impressed with it. Find it at http://www.grisoft.com/us/us_index.php They have a new version of the free program that was just released. If you already have this installed, you must get the new version before December 31, 2004.
- Microsoft Windows Service Pack 2 – The latest security patch for the porous Windows operating system and its poor stepchild, the Internet Explorer browser. Installing this will beef up the Windows XP Internet Connection Firewall.
- Firewall – If you use broadband at home with 24/7 access, a firewall is a must and the Windows version may not be enough. There is a free one, of course, called Zone Alarm. Get it at <http://www.zonelabs.com>

- Mozilla's Firefox Browser – This one isn't really necessary, but should become a part of everyone's security arsenal. Mozilla just released version 1.0 of this great browser. It can be found at <http://www.mozilla.org> Don't forget to explore the update pages and the *extensions* that can be installed to help beef up this already robust browser.

NOW ON TO THE SHOW...



The above are the tools I have been using to combat this latest scourge. Some of these you may be familiar with, others perhaps not. If you've taken all of the other security precautions mentioned in the last section, you are ready to join the battle. However, I must digress first to a story that relates my first pitched battle with spyware...



About 11:30 p.m. one night I was having a few popup problems that the myriad of popup blockers I used couldn't handle. That is usually the first clue that spyware or Trojan horse-type viruses are involved. I was already running the anti-spyware software Ad-aware (<http://www.lavasoftusa.com/software/adaware/>), Spybot Search & Destroy (<http://www.safer-networking.org/en/index.html>), and Spyware Blaster (<http://www.javacoolsoftware.com/spywareblaster.html>).

Although they had heretofore performed admirably, it just didn't seem like they were doing enough to protect my computer. I decided to download and install WinPatrol (<http://www.winpatrol.com>), another free piece of software that includes the electronic canine Scotty. Scotty will bark when he wants to alert you to anything that tries to install itself on your computer, especially where your registry is concerned. Needless to say, installing WinPatrol opened the floodgates. Scotty was barking like a maniac and I couldn't delete any of the spyware he was warning me about. I keyed in [ctrl][alt][delete] to check and see what processes were running. I found a few going by the name of **WinTools**. These are very persistent pieces of spyware. I would stop their process, but they would return immediately.

I then turned to Google and searched for "WinTools." I was rewarded with results from the web sites PC Hell (<http://www.pchell.com>), and AumHa Forums (<http://forum.aumha.org/>). It seems other people had the same problems as I with this type of malware. Especially helpful was the Security forum on AumHa entitled Parasite Fighting Recipes. I received a two-page list of instructions on how to eradicate WinTools and all of its progeny. The instructions included restarting the computer in safe mode, editing the registry, deleting files, restarting in regular mode, checking again for the programs, and so on. I was also alerted to another anti-spyware helper called "Hijack This." It helps with spyware that hijacks your browser's home page, but is equally effective at fighting other types.

Hijack This (<http://www.spywareinfo.com/downloads.php?cat=sp#det>) is a small program that scans your registry and gives you a list with checkboxes next to the items. Simply check the items you want to delete, and voila, they're gone. ***WARNING*** It is advised to make a copy of

your registry before doing any editing. You can then restore the backup copy if you manage to mess up your registry beyond repair. If you want to be even more careful, you can post a copy of your Hijack This report to one of the aforementioned forums and some kind soul will tell you which items to delete. In fact, the latter is the recommended way to deal with your registry if you are at all uncertain of your editing skills.

After fighting the spyware for the better part of three hours, I was still not finished. There were still other small pieces of the detritus that would not take no for an answer. Those little suckers go by the name of CoolWebSearch (CWS), Ezula, and some generic Trojan horse viruses known as “peper viruses.”

The CoolWebSearch spyware will normally have CWS within the filename. One good way to get rid of this stuff is by using the CWShredder (http://www.intermute.com/spysubtract/cwshredder_download.html). It is a simple program that runs fast and will check for all known variants of CoolWebSearch. The Peper Trojans can be eliminated with this little gem: <http://downloads.subratam.org/PeperFix.exe> The latter is an executable file. Simply grant it access and it performs a scan similar to the one performed by CWShredder.

Ezula is the latest spyware variant to feel the wrath of anti-spyware proponents. One web site offers information and a free Ezula scan (http://www.easyaccessclub.com/zr_internet_tools_0307_evil_ezula.htm), while the other, Scumware.com (<http://www.scumware.com/>) offers links to spyware-killer products, news stories, and FAQs.

Using all of the above resources finally cured my computer (about 3:30 a.m.), but I needed to take the next step: real-time protection. All of the products I used above are free, but they must be started by me manually and do not offer the real-time protection that my virus protection software does. I started using a demo version of Spy Sweeper (<http://www.webroot.com/products/spysweeper/>), which has been very impressive. The full-blown version is priced at \$29.95 per year, but may be worth it. Another product recommended by WinXP News (must reading for XP users) is CounterSpy. Go to <http://www.winxpnews.com/index.cfm?id=150> for the review and to <http://www.sunbelt-software.com/product.cfm?id=410> for the software (15-day free trial, \$19.95 initial cost with \$9.95 annual cost for subscription). I then read a review today (November 17, 2004) concerning the value of a more robust version of Ad-aware at a cost of \$27 (<http://www.pcworld.com/reviews/article/0,aid,118380,tk,prx,00.asp>). The moral of the anti-spyware story? Free is good, but paying about \$2.50 per month for proactive protection is probably worth it.

Finally, the following two sites will also serve you well in this endeavor:

Spyware Warrior Anti-Spyware Test Guide
<http://spywarewarrior.com/asw-test-guide.htm>

Check out how your favorite anti-spyware program fares against other like programs. Also check the main page for this site for access to other anti-spyware tools, including a forum specifically dedicated to posting Hijack This logs. Also, check out their Rogue Anti-Spyware page

(http://www.spywarewarrior.com/rogue_anti-spyware.htm). Here you can find out if the program you're loading to stop spyware is in actuality a piece of spyware itself. Good stuff.

c|net's Spyware Center

http://www.download.com/Spyware-Center/2001-2023_4-0.html

Offers news, reviews, and the basics of fighting spyware. Kind of like basic training.

To wrap this up (again), I fought my battle with spyware and won, but it is an ongoing conflict. Help is on the way in the form of laws that are starting to be passed to deal with scumware purveyors.

Federal laws being considered right now are known as SPYBLOCK (S. 2145), SPY ACT (H.R. 2929), and I-SPY (H.R. 4661). The Federal Trade Commission is also getting in the "act." They recently filed their first case against a company accused of infecting computers with spyware and then attempting to sell people a "solution" to the problem. The FTC has filed requests for relief in U.S. District Court for the District of New Hampshire against Sanford Wallace, Seismic Entertainment Productions Inc. and Smartbot.Net Inc. (1:04-cv-00377-JD). Some states are also going after these people. A Utah bill (H.B. 323, session law chapter 363) was passed but is now on hold pending state court review of its constitutionality. Fittingly, Governor Terminator recently signed California's anti-spyware bill (S.B. 1436, chapter 843 of the statutes of 2004). The latter bans unauthorized installation of deceptive software that hides in personal computers and secretly monitors user activity. One of the goals of the legislation is to clear the way for consumers to sue responsible parties for actual damages. However, critics of the bill have castigated it for lacking teeth.

SPYWARE DELENDA EST



* * *

I NEED HELP

**BY DIANE KIER, ASSISTANT LAW LIBRARIAN/
HEAD OF PUBLIC SERVICES,
SUPREME COURT OF OHIO LAW LIBRARY**

“I am an inmate at a correctional institution working on my appeal. The library here does not have what I need. Can you send me...?”

These are words I read, on average, ten times a week. A prisoner wanting help, asking for cases, articles, etc. to help his appeal. This statement is usually followed by the statement that the inmate is innocent and his attorney was incompetent. Not trusting attorneys, where does the inmate go to get his information?

The Supreme Court Law Library provides a service to inmates to send the requested information. Since I started with the Court fourteen years ago the public services staff have answered over 2,000 inmate letters. Most come from institutions within Ohio, but some come from other states (Texas leading the pack). The majority of requests are from male inmates, with only six women inmates writing in fourteen years. I don't know what that implies, but I find it interesting that the women don't ask for help. Some inmates are virtually illiterate while others are very well spoken. Crimes run the gamut from repeat dui to aggravated murder. Two have been on Death Row. At least one has been proven innocent of the crime on appeal.

Most inmates have a specific idea of what is needed, sending case citations, article information, etc. Others have seen something in the paper or on television and ask for that case – providing no case name, court, date, etc. Sometimes I get lucky and find what they are asking for, other times there is no luck. All letters are answered, usually within three days, stating whether the information can be provided or not. If none of the information is retrievable a letter is sent explaining why the information could not be supplied.

Due to the volume of letters received (we once received 30 letters in one week), we do ask that the inmates limit their requests to ten items per request. The information is located and photocopied. Inmates are charged \$.05 per page for the photocopies. All charges must be paid in full before further materials are sent. Most inmates pay their bills promptly, some pay with a little reminder, and others never pay. Most of the inmates are appreciative of the efforts made on their behalf. I have received many notes of thanks. One inmate came to the library when he was paroled to thank us in person for all of the help he'd been given.

Serving the inmates keeps you on your toes. You never know what you'll be looking for next. It makes our days more interesting, so we'll keep on answering “can you send me...”

* * *

ORALL Annual Meeting Review

DIGITAL VIDEO PROGRAM

Summary by Beth Langton, Buckingham, Doolittle & Burroughs

Eric Young, who currently serves as a law clerk for the United States District Court for the Southern District of Ohio, presented the program, *Digital Video: As Easy as 1-2-3... and Maybe 4, and 5*, at the ORALL Annual Meeting on October 14, 2004 in Covington, Kentucky. Through the use of a PowerPoint presentation and, of course, digital video, Eric introduced ways in which digital video could be used in academic and law firm settings.

Eric covered various uses in the academic setting, including preservation of institutional history, distance education program, and opportunities for students to “attend” extra-curricular activities despite busy schedules. Eric indicated students especially like having course study materials available on the web through the use of digital video. As a plug for the law library, Eric indicated that if the library promotes and manages the technology for digital video, it increases the visibility of not only the department, but also the library staff who often must provide instruction on its use.

While there may be many uses for digital video in the law firm environment, Eric commented only on using it for litigation purposes, specifically to record deposition proceedings for use in trial when witnesses are not able to attend, and to record testator intent. He also mentioned that it is an inexpensive medium for storage and quick retrieval of information.

Eric covered costs associated with system requirements and specifications for the five main components to get started: (1) computer hardware, (2) digital camcorder, (3) software, (4) miniDV tapes, and (5) DVDs or CDs for distribution. Eric cited a start-up cost ranging from \$700 to \$3,000. One must also consider audience needs. Those viewing the recorded sessions will need a broadband connection, a drive installed for the medium used (DVD, CD, etc.) and a Windows Media Player.

When a digital program is being considered, one must not forget to have a written policy on how the program will be handled. Details to cover include: What will be the storage policy (length of storage, accessibility, medium for storage)? Since it is a form of information, what will be the catalog procedures? Who will actually do the videotaping and who decides what will be recorded? Will there be equipment check-out procedures? Who will pay for the costs of recording (personnel, tapes, etc.) – library, administration, IT Group, students?

As for how to do it, well Eric said it is as easy as 1, 2, 3 – (1) shoot, (2) import, (3) save, and if you need or want to do it you can (4) edit, and (5) preview (although it was not recommended that a great deal of time be spent editing and previewing, unless it was necessary). Toward the end of the program, Eric showed the audience how to use digital video. I doubt he was aware of it, but “Tank,” Eric’s cute little pooch, was the subject of his demonstration of how digital video is used, at least at home and play, and he (Eric, that is) made it look as easy as 1, 2, 3.

* * *

ORALL Annual Meeting Review

A RIVER RUNS THROUGH IT: A RAFT RIDE THROUGH THE LEGAL HISTORY OF THE ORALL STATES

Summary by Teddy Artz, University of Dayton School of Law

Kurt Metzmeier, Associate Director of the University of Louisville Law Library, emphasized some themes of shared legal history in the ORALL region.

Land hunger brought European-American settlers into the ORALL states starting in the late 1700's. Wars broke out as Native Americans realized that white expansion was encroaching on their traditional hunting and farming grounds. Lord Dunsmore's war ended with the Virginians' victory over Native Americans in the Battle of Point Pleasant. Later, during the Revolutionary War, many Native American tribes sided with the British, remaining British allies in the War of 1812. After critical losses in the Battle of Raisin River and at Tippecanoe, the British signed treaties and abandoned their Native American allies. Some Ohio tribes moved west of the Mississippi River in order to maintain their culture while others stayed in Ohio and were assimilated. As a result of treaties ending these wars, land became available for purchase.

As a result of a proposal by Thomas Jefferson after the American Revolution, the Northwest Ordinance was adopted to attempt to bring order to land claims and sales in the territory that included Ohio and Indiana. Systematic surveys laid out townships in six-mile squares with sections further dividing the land. Every sixteenth section was set aside for schools or it could be sold to fund the building of schools elsewhere.

Kentucky's early land history was quite different. Kentucky was settled under Virginia law and quickly became a mess. Warrants were issued to stake land claims and often had irregular or uncertain boundaries. Descriptions might be like this: from the south bank of a stream to a tall oak tree to a line of maples. Even land surveys were confusing and conflicts over warrants kept Kentucky lawyers busy for years.

Slavery was forbidden by the Northwest Ordinance of 1787 within the territory and the Ohio River became the boundary between slave and free states. Kentucky was a slave state. The Underground Railroad was active in escorting slaves across the Ohio River into free territory. The Fugitive Slave Act of 1850 required people in the free states to help slave-catchers. This federal law had the unintentional result of challenging states' rights because it highjacked local police and court systems in the northern states. Cincinnati political bosses were pro-slavery while citizens in nearby communities continued to help the Underground Railroad.

The United State Supreme Court has included a number of Supreme Court Justices from the ORALL states. Mr. Metzmeier concluded his remarks with a discussion of the best and worst. Among the best were Justices Louis D. Brandeis and John Marshall Harlan from Kentucky, and William Howard Taft from Ohio. Less successful Justices from the region include Willis Van Devanter and Sherman Minton from Indiana and James McReynolds and Frederick Vinson from Kentucky.

* * *

ORALL Annual Meeting Review

LIBRARIES AND THE USA PATRIOT ACT: AN UPDATE

**Summary by Maureen H. Anderson, Assistant Professor and Reference Librarian,
University of Dayton School of Law**

At the 2004 ORALL Meeting in Covington, Kentucky, Rebecca Trammel, Law Library Director and Assistant Professor of Law from the University Of Kentucky College Of Law gave a fascinating presentation on the USA Patriot Act.

On October 26, 2001, just 45 days after the September 11 attacks and with virtually no debate, Congress passed the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" (the USA Patriot Act). The stated purpose of the law is to "deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes." The USA Patriot Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House. However, many members of Congress later admitted that they did not even read the bill. There was no agency review of the legislation and it has little or no legislative history. Attorney General John Ashcroft capitalized on the anthrax scare and the threat of terrorism when pushing this legislation through so hastily. In the name of the "war on terror," this extremely complex legislation amended more than 15 different statutes, including the Wiretap Statute (Title III), the Electronic Communications Privacy Act (ECPA), the Computer Fraud and Abuse Act, the Foreign Intelligence Surveillance Act (FISA), and the Family Education Rights & Privacy Act (FERPA). Few amendments were made to Ashcroft's initial proposal to Congress. The bill became law without any hearings or markup by a Congressional committee.

This sweeping legislation undermines the Bill of Rights and threatens freedom. The enhanced surveillance procedures outlined in the Act pose the greatest threat to libraries. For example, under the USA Patriot Act, the Federal Bureau of Investigation (FBI) now has the power to access private medical records, library records, financial records, and, student records . . . all without and individual's knowledge.

Section 206 of the USA Patriot Act amended FISA to include roving wiretaps, giving law enforcement the authority to intercept communications without specifying the particular facility to be monitored. This raises several privacy concerns because it allows for generic court orders that can be applied to public facilities that a target might be using, thereby invading the privacy of innocent people. Roving wiretaps can now be used on library computers, in cyber-cafes, and on university computers.

Section 214 extends the FBI's telephone monitoring authority in FISA investigations ("pen register," "trap and trace") to include routing and addressing information for all Internet traffic, including e-mail addresses, IP addresses, and URLs of Web pages. With little or no hard evidence, an agent only needs to claim that he "believes" that the records he wants "may" be related to an ongoing investigation related to terrorism or intelligence activities. Libraries that provide access to the Internet and e-mail service to patrons are obligated to cooperate in the monitoring of a user's electronic communications sent through the library's computers or network.

One of the biggest attacks on privacy rights in the Act is the "sneak and peek" warrant. A sneak and peek warrant authorizes law enforcement officers to enter private premises without the person's permission or knowledge and without informing the person that such a search was conducted. Under the USA Patriot Act, these warrants can be issued in connection with any federal crime, including misdemeanors. As Rebecca Trammel stated, "what ever happened to the Fourth Amendment right to be secure in our home?"

Under the USA Patriot Act, control and oversight of Carnivore software use has weakened. Any US Attorney or State's Attorney can order the installation of Carnivore software without a court order. Additionally, any law enforcement agency can get blank warrants that allow surveillance at any ISP in the United States. The fundamental problem with this kind of authority is that while the physical installation of Carnivore devices can be monitored, it is difficult if not impossible to control which data is actually collected. Carnivore software is capable of harvesting all of an ISP's traffic, and nobody outside the FBI has the source code to the Carnivore software or knows the actual configuration of Carnivore's filters.

As recently as January 2004, the FBI was given even more authority in the name of national security. The Intelligence Authorization Act grants the FBI unprecedented power to obtain records from financial institutions without requiring permission from a judge. Previously, under § 215 of the USA Patriot Act, the FBI had to submit subpoena requests to a federal judge. Under the new law, the FBI can acquire these records through an administrative procedure whereby an FBI field agent simply drafts a so-called national security letter stating the information is relevant to a national security investigation. The law also prohibits subpoenaed libraries from revealing to anyone, including patrons who may be under investigation, that the government has requested their library records.

It is time to pull out our Bill of Rights and take a look. The First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *or abridging the freedom of speech*, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances" [emphasis added]. The Fourth Amendment provides that "the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, *but upon probable cause*, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized" [emphasis added]. The USA Patriot Act is a violation of these rights on many levels. Professor Trammel emphasized that history has consistently shown that legislation passed in haste has devastating consequences -- the Alien and Sedition Acts, the Espionage Act of 1917, Japanese-American Internment, and McCarthy and the Cold War are but a few examples.

Professor Trammel urged that policies and procedures must be put in place to combat privacy and confidentiality violations in libraries. Are you ready if the FBI comes knocking? In Vermont, libraries have posted signs: "The FBI has not been here. Watch for removal of the sign." If you or your library are confronted with a warrant under the USA Patriot Act, be prepared, and don't be afraid to consult with an attorney."

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AALL Annual Meeting Review

PROMISE, PURPOSE AND POTENTIAL: *BROWN V. BOARD OF EDUCATION* Review by Billie J. Grey, U.S. Dept. of Veterans Affairs, Research Center

The AALL Committee on Diversity sponsors a seminar each Annual Meeting on Saturday afternoon before the Annual Meeting really gets started. Whether you planned specifically to include this program, or went only because it fit nicely into your schedule, this year's seminar was a gem.

While it seems that everyone is commemorating the 50th anniversary of *Brown v. Board of Education*, this seminar was excellent and thought provoking. Lu Nguyen from the Orange County Public Law Library was moderator and introduced the speakers. Several members of the Committee on Diversity assisted with the program and the arrangements for it. LexisNexis supported the program.

Reading the program in advance it looked like a miscellany. Judge Sylvia Cooks, Third Circuit Court of Appeals in Louisiana, Michal Kurlaender & Chungmei Lee of Harvard University's Civil Rights Project and Professor Guy Stuart of the Kennedy School of Government were the scheduled speakers. The summary did not give a clear idea of any thread, tying these presentations together.

Judge Sylvia Cooks is from Louisiana's 3rd Circuit Court of Appeals. Judge Cooks reviewed her life considering how she was affected by *Brown* and how her life would have been different without that decision. She was invited to speak by Madeline Hebert, State Law Librarian of Louisiana. Judge Cooks and Ms. Hebert were randomly assigned roommates in law school. According to the Judge, they have been dear friends for 30 years and were in each other's weddings. But when Judge Cooks was born in a segregated hospital it would have been illegal for them to attend the same school, and unthinkable that they would share living accommodations.

Judge Cooks wove her experience and quotes from Civil Rights leaders, literature, music and politicians into a compelling story of a life begun in segregation, shaped by education and her daring to dream. Early in the talk she mentioned Frederick Douglass' master's warning, "As to Fred, learning will do him no good, but a great deal of harm, making him disconsolate and unhappy. If you teach him how to read, he will want to know how to write, and this accomplished he will be running away with himself."

Judge Cooks, like Frederick Douglass, ran away with herself because she dared to dream. She mentioned specifically the impact that reading *Plessey v. Ferguson* had on her. She knew how different her life would have been if that were still good law. Reading *Brown v. Board of Education* caused her to remember the first time that she saw dolls with brown skin like hers. She remembers thinking that her Chatty Cathy © was prettier than the brown skinned dolls.

Judge Cooks attended schools integrated by Freedom of Choice. When she chose to attend the formerly all white school, she was questioned by the School Board. Similarly when she chose to

attend the formerly white law school, rather than the formerly black law school, certain professors made it clear that she should be going to the other school. She may have dared to dream but she stayed to excel and succeed.

Chungmei Lee of the Harvard University Civil Rights Project discussed Changing Dynamics of Segregation in American Public Schools. She looked at school populations over time and in different places. For instance, in 1968 the South had intensely segregated minority schools. From 1968 to 1988 that segregation declined. But since 1998 there has been a slight but significant increase. The South is still less segregated than it was, but it has resegregated.

There were some surprising results. The South was more integrated. The center city schools are most segregated across races. Rural areas are more integrated. Demographic trends explain some of the changes but not all. The study also looked at student outcomes, percentage passing English language, graduation rates, and similar measures. Educational outcomes were worse in majority minority schools. Poorer schools, those with high percentages of students who qualify for the reduced price or free lunch, also have lower graduation rates. The multi-racial aspect is interesting with the white, black and Latino students clustered but Asian students scattered.

Ms. Lee made recommendations. Among others she recommended identifying educational opportunities, diversity training for education professionals and educational choices.

Michal Kurlaender, also of the Harvard University Civil Rights Project but soon to be on the faculty at UC Davis, addressed the question, why are the numbers that Ms. Lee just presented important? Interestingly one of the studies showed that college students who are randomly assigned to a roommate of another race change their thinking as a result. That tied into Judge Cooks discussion of her relationship with Ms. Hebert after being randomly assigned as Law School roommates.

The survey instrument used for this study included 70 items asking about a host of different things. The results were compiled including information about the racial composition of the school. This was not a longitudinal study, only cross section. There was a lack of predominately white schools, due to the school districts involved in the survey. Dr. Kurlaender believes that this type of study can be used to avoid litigation, develop legal and educationally sound policies. Documents supporting Ms. Lee's and Dr. Kurlaender's presentations are available on the Harvard Civil Rights Project website, <
<http://www.civilrightsproject.harvard.edu/>>.

The final presentation was by Professor Guy Stuart of the Kennedy School of Government at the Harvard University . He focused on housing policies and the impact on segregation or integration. He specifically compared the policy from the 1950s of not mixing races in neighborhoods to the current policy of not mixing different income levels. He mentioned Cambridge Massachusetts as a place that has very diverse income level among households, but does not seem to have suffered in livability or value. The Professor flatly stated that Social Science does not support socio-economic segregation. Professor Stuart also mentioned some trends. There has been an overall increase in Latinos but they are in more segregated housing. Minorities are moving to the suburbs, but they are in segregated suburbs with segregated schools.

The tax base differs between suburbs, which also causes the schools to differ. But home ownership rose in the 1990s. There was a massive increase in home ownership for Blacks and doubling for Latinos. There was an increase for whites but not dramatic.

The Professor mentioned specific courses of action: personal, market, judicial, and political. One personal suggestion was to “Think racially to get beyond race.” The audience was obviously engaged by the speaker because as soon as the question time began he was challenged on this point. There seemed to be a sentiment that it would be better phrasing to say “Think interracially to get beyond race.”

This is not the sort of program that one might traditionally associate with a professional meeting of Law Librarians. Nonetheless, it was interesting and challenging. It also reminds us that Law Librarians know interesting people. That is how they find excellent speakers for their programs.

Next year, when you make your plane reservations for San Antonio , consider saving money on airfare by taking a Saturday night stay. But definitely make your flight on Saturday early enough to attend the Diversity Symposium.

Unfortunately the company making audio recordings of presentations did not have recordings for sale. It is a shame. This was a very informative and interesting presentation.

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Errata for 2004-05 ORALL Directory

Most of these listings represent the nine new ORALL members who joined at the meeting in Covington, KY in October after the directory was printed.

On p. 3, add under Washington in the District of Columbia:
Board of Veterans Appeals, Research Center
P.O. Box 34361 (20043)
(202) 565-8901
FAX (202) 565-6372
Billie J. Grey
bjgrey@concentric.net
and
Global Securities Information, Inc.
419 NW 7th St., Suite 300 (20004)
(770) 587-6511
FAX (413) 473-3799

Jessica Vaughn
jvaughn@gsionline.com
Scarlet Davenport
sdavenport@gsionline.com

On p. 8, Replace the listing for Anne Cottongim under Ave Maria School of Law with
Nathan Collins, Access Services &
Reference Librarian
(734) 827-8061
necollins@avemarialaw.edu

On p. 9, add to listing for University of Akron Law Library:
Jill Williams, Assistant Law Librarian for Technical
Services
(330) 972-7330
jw6@uakron.edu

On p. 9, add to listing for Clermont County Law Library in
Batavia:
Kim Crowthers
kcrowthers@cella.org

On p. 10, add a street address before the zip code for Guernsey County Law Library, 801 Wheeling Avenue, Room D301.

On p. 11, add under listing for Keating Muething & Klekamp in Cincinnati:

Bobbie Kyle
(513) 579-6400
bkyle@kmlaw.com

On p. 12, add under listing for University of Cincinnati College of Law:

Donald W. Blair
(513) 556-2954
don.blair@uc.edu

and

Ron Jones
(513) 556-0158
ronald.jones@uc.edu

On p. 15, The listing for Steven M. Bruno under Squire, Sanders and Dempsey is improperly arranged as Bruno, Steven M.

On p. 17, add under the listing for Porter, Wright, Morris & Arthur in Columbus:

Kristin Francois
(614) 227-1948
kfrancois@porterwright.com

and

Ann Mathewson
(614) 227-1927
amathewson@porterwright.com

On p. 18, Kenneth Kozlowski's email address should read kozlowsk@sconet.state.oh.us rather than koslowsk@sconet.state.oh.us

On p. 22, remove entire listing for Gayle Dixon in North Ridgeville.

On p. 24, change email address for Danita Southward of Wyandot County Law Library in Upper Sandusky from lawlibrary@udata.com to lawlibrary@co.wyandot.oh.us

On p. 24 add

Wadsworth
Gayle Dixon
1010 Clark Road (44281)
330-336-2407
gayledixon@neo.rr.com

On p. 38, Insert a listing for Blair, Donald W., University of Cincinnati, Robert S. Marx Law Library Cincinnati, OH 12 between Bitter, Diane S. and Blough, Keith

On p. 39, insert a listing for Collins, Nathan, Ave Maria School of Law, Ann Arbor, MI 8 between the listings for Cloutier, Susan M. and Conner, Traycee.

On p. 39, remove the listing for Anne Cottongim.

On p. 40, insert a listing for Crowthers, Kim, Clermont County Law Library, Batavia, OH 9 between Croston, Kendel and Dansby, Claudia

On p. 40, insert a listing for Davenport, Scarlet, Global Securities Information, Inc, Washington, DC 3 between Dansby, Claudia and Davis, Barbara J.

On p. 40, change the city under Dixon, Gayle from North Ridgeville to Wadsworth, the page from 22 to 24

On p. 41, insert a listing for Francois, Kristin, Porter, Wright, Morris & Arthur, Columbus, OH 17 between Foltz, Sue E. and Fry, Mary, K.

On p. 41, insert a listing for Grey, Billie J., Board of Veterans Appeals, Washington, DC 3 between Gregg, Sherry and Guedel, Theodore E. A.

On p.43, insert a listing for Jones, Ron, University of Cincinnati, Robert S. Marx Law Library, Cincinnati, OH 12 between Jones, D. R. and Jordan, Diane Clinard

On p. 43, correct spelling of middle name for Jordan, Diane from Cllinard to Clinard

On p. 44, insert a listing for Kyle, Bobbie, Keating Muething & Klekamp, Cincinnati, OH 11 between Kruse, Edward and Langton, Beth A.

On p. 44, insert a listing for Mathewson, Ann, Porter, Wright, Morris & Arthur, Columbus, OH 17 between Marks, Steven and Matts, Constance

On p.50, insert a listing for Vaughn, Jessica, Global Securities Information, Inc., Washington, DC 3 between Vanzant-Salyer, Michelle and Wagner, Mary Lynn

On p. 50, insert a listing for Williams, Jill, University of Akron Law Library, Akron, OH 9 between Wild, Susan L. and Wilson, Lara C.

On p. 52, insert a listing for Board of Veterans Appeals, Washington, DC 3 between BNA, Inc. and Bose McKinney & Evans

On p. 53, insert a listing for Global Securities Information, Inc., Washington, DC 3 between Global Securities Information, Inc., Frederick, MD and Graydon, Head & Ritchey

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